PROVINCIAL NOTICE 28 OF 2016

UBUHLEBEZWE MUNICIPALITY



ADVERTISING BYLAWS

1 ST DRAFT DATE	30 th June 2014
ADOPTION BY COUNCIL	4 th December 2014
PROMULGATION DATE	9 th February 2016

The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on the 4th December 2014 in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

UBUHLEBEZWE MUNICIPALITY

ADVERTISING BYLAWS

1. **DEFINITIONS**

In these bylaws:-

- 1,1 "Advertisement" means :-
 - 1.1.1 any visible representation of a word, name, letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol, or
 - 1.1.2 any light which is not intended solely for illumination or as a warning against any danger;
- 1.2 "Aerial sign" means any sign attached to a kite, balloon, or similar device whereby it is suspended in the air:
- 1.3 "Alter" in relation to a sign means to materially alter, modify, adjust or move any sign but does not include the substitution of one sign for another (of exact kind i.e. replacement) or the complete change of an advertisement;
- 1.4 "Building" means any structure whatsoever with or without walls, having a roof or canopy and a means of ingress and egress thereunder, covering an area in excess of 4.6m and having an internal height of more than 1.65m;
- 1.5 **"billboard**" means a sign which directs attention to a business, commodity, service, or entertainment not necessarily sold upon the premises where such a sign is located or to which it is affixed:
- 1.6 "Municipal Manager" means the person duly appointed by the Council or the person temporarily acting as such or his duly authorised representative;
- 1.7 "Clear height" means the vertical distance between the lowest edge of a sign and the level of the ground, footway or side walk or surface immediately below such sign;
- 1.8 "Combustible" means will burn or ignite at or below a temperature of 750 C when tested for combustibility in accordance with SABS Standard Specification Definitions of Fire-Resistance Incombustibility and Non-Inflammability of building materials and structures [including Methods of tests]
- 1.9 "Council" means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated

to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;

- 1.10 "Depth" means the vertical distance between the uppermost and lowest edges of a sign;
- 1.11 "Display" means to erect and/or expose a sign to the public view by any method whatsoever;
- 1.12 "driveway entry sign" means a sign or a pair of signs located at the road right-of-way line, not exceeding the height of 90cm, providing direction for vehicular circulation into and out of a drive-in business;
- 1.13 "Encroaching sign" means a sign which extends beyond the street line;
- 1.14 "Entertainment sign" means any sign: -
 - 1.12.1 relating solely to current or forthcoming programmes displayed on or within any premises used for public entertainment
 - of a poster or bill type temporarily displayed solely for or in connection with a particular occasion, function or event to which it relates;
- 1.15 **Flag sign**" means any sign on a durable non-rigid material displayed on a flagpole secured to a building, canopy, wall or the ground;
- 1.16 "Flat sign" means any sign which is affixed to the main wall of a building and which at no point projects more than 230mm from the surface of such wall;
- 1.17 "Ground sign" means any sign, other than an aerial sign, detached from a building and displayed on:
 - 1.15.1 poles, standards or pylons, the bases of which are firmly embedded and fixed in the ground and are entirely self-supporting, rigid and inflexible, or
 - 1.15.2 any fence or wall not being the wall of a building:
- 1.16 "Interchangeable poster" means a poster displayed in a poster-type sign;
- 1.17 "Main wall" means any external wall of a building excluding any parapet wall, balustrade or railing of a verandah or balcony forming part of a building;
- 1.18 "Owner" in respect of a sign means the owner of the sign or of the premises on which it is displayed or the person in possession of or having control over the sign or the premises;
- 1.19. "Poster type sign" means a sign designed to accommodate interchangeable posters;
- 1.19 "Portable sign" means a sign which: does not exceed 0,5sq m in area, and may be moved from place to place by one person;
- 1.21 "**Projecting sign**" means any sign which is affixed to a main wall of a building and which at any point projects 230mm or more from the surface of such wall:

- 1.22 **"Public street"** means a public street as defined in Section 1 of the Local Authorities Ordinance,1974(Act No 25 of 1974);
- 1.23 "Rotating sign" means a sign which rotates on any axis;
- 1.24 **"Show sign"** means any sign displayed on any public street advertising the sale or lease of movable property or that such property has been sold or let provided that such signs:
 - 1.24.1 give directions to a show house or building, being a house, building or property that is for sale and is open for viewing by the public on a specific day or days;
 - 1.24.2 are displayed on Saturdays, Sundays or public holidays for the duration of such days or for not more than 2 succeeding days;
 - 1.24.3 do not exceed 0.5sgm in area;
 - 1.24.4 do not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians;
 - 1.24.5 are not supported on any stake, post or like support which is driven into or buried in the ground.
- 1.25. **"Sign"** means any signboard, structure or device whatsoever, used or intended or adapted for the display of an advertisement, and includes:
 - 1.25.1 any advertisement painted, written, printed or otherwise affixed onto any surface, and
 - 1.25.2 supports, braces and all other structures and/or equipment used to display the sign;
- 1.26 "Sky sign" means: -
 - 1.26.1 any sign displayed on the roof of a building, not being that portion of a roof which is the roof of a verandah or balcony;
 - 1.26.2 any sign displayed on the top of a parapet of a roof not being the parapet of a roof of a verandah or balcony, but does not include and advertisement painted on the roof of a building:
- 1.27 "Street line" means the boundary of a public street;
- 1.28 "Temporary sign" means a sign which: -
 - 1.28.1 relates to an election or referendum held in terms of any law;
 - 1.28.2 relates to the sale of current newspapers and the like within a public street;
 - 1.28.3 is displayed upon any premises during the course of building operations referring to architects, engineers, plumbing, electrical, wiring, painting and renovations and the like, carried out on such premises, and which are commonly referred to as "builders' boards" or "contractors' boards" which shall be displayed and removed in accordance with bylaw 10.2:
 - 1.28.4 relates to the sale of goods usually at reduced prices, commonly referred to as a "sale";

- 1.28.5 is carried by any person on a public street;
- 1.28.6 relates to any event or occasion not classified or construed as an :"Entertainment sign" as defined in bylaw 1.12 above (e.g. blood transfusion services);
- 1.28.7 pamphlets placed in post boxes;
- 1.29 "Window sign" means a sign painted on or attached to the window glass;

2. APPLICATION OF THESE BYLAWS

- 2.1 The provisions of bylaws 4 and 5 shall not apply to the signs listed in Schedule 1.
- 2.2 The provisions of these bylaws shall not relieve any person from complying with the provisions of the Advertising on Roads and Ribbon Development Act, 1940 (Act no 21of 1940) or any other law, regulation or act.

3. APPROVAL REQUIRED FOR DISPLAY OF SIGNS

Save as otherwise provided for in Schedule 1 hereto, no person shall display or permit the display of any sign which:—

- 3.1 has not been approved in writing by the Council in terms of bylaw 4, or bylaw 5, or
- 3.2 does not comply with conditions of approval granted by the Council mail.

4. APPLICATION TO DISPLAY SIGNS

- 4.1 Application to display any sign (other than those signs exempted in terms of Schedule 1) shall be made in the manner prescribed in Schedule 2.
- 4.2 The Council may approve the display of any sign which does not comply with these bylaws if it is of the opinion that such sign
 - 4.2.1 will be integrated with the building or premises on which it is intended to be displayed, and
 - 4.2.2 will not detract from or disfigure the appearance thereof or the integrity of the environment,
 - 4.2.3 and in arriving at such opinion the Council shall take into account, the special nature, design, proposed arrangement, position and size of the sign, and
 - 4.2.4 the layout of the building and premises on which the sign is intended to be displayed,
- 4.3 but may refuse to approve any sign which, in its opinion
 - 4.2.5 will, or is likely to detract from or disfigure, the appearance of any building or premises on which the sign is intended to be displayed;
 - 4.2.6 will be unsightly;

- 4.2.7 is of an obscene, indecent, repulsive, revolting or objectionable character;
- 4.2.8 will, or is likely to constitute, a danger to traffic or the public in general, or
- 4.2.9 will, or is likely to be, so intrusive as to disturb the residents or occupants of adjacent or nearby buildings.
- 4.3 Notwithstanding any approval granted in terms of these bylaws, the Council may at any time require the owner of any sign to alter, partially screen, reduce the intensity of illumination on or remove such sign, if it is subsequently of the opinion that such sign is a danger or potential danger to traffic or the public in general or disturbs the residents or occupants of adjacent or nearby buildings.

5. ALTERATIONS AND ADDITIONS TO SIGNS

- 5.1 The total area of a flat sign or flat signs may not exceed one quarter of the area of a main wall of a building, to which it or they are affixed.
- 5.2 A projecting sign shall not be displayed within 2m of any other projecting sign displayed on the same building;
- 5.3 A sky sign shall not be displayed within 10m of any other sky sign displayed on the same building;
- 5.4 Not more than one ground sign may be displayed on any subdivision, provided that in respect of any subdivision with a street frontage in excess of 30m one ground sign may be displayed on such subdivision for every 15m of frontage thereof.

6. GENERAL PROHIBITIONS

Notwithstanding Schedule 1 hereto, no person shall display any sign which: -

- 6.1 will obstruct any fire escape or the means of egress to a fire escape;
- 6.2 will obstruct or interfere with any window or opening required for ventilation purposes;
- 6.3 will or is likely to obscure, obstruct or otherwise interfere with any road traffic sign or will or is likely to create confusion in the minds of users of the public street insofar as the regulation of traffic is concerned.
- 6.4 is illuminated and contains any one or more of the colours red, green, or amber, unless such sign has a clear height of 6m or unless such sign is more than 15m (measured horizontally) from the vertical line of the street line at the corner of a public street or streets;
- 6.5 is of such intense illumination that it disturbs the residents or occupants of adjacent or nearby buildings, or
- 6.6 is erected or supported by the use of nails or staples;

- 6.7 is specifically otherwise regulated in terms of any Town Planning Schemes applicable within the uBuhlebezwe Municipality;
- 6.8 excluding a sign, is an advertisement, upon the column of a street, verandah or balcony;
- 6.9 is fixed between the columns of a street verandah or balcony, except a sign not exceeding 800mm in height fixed to a beam over verandah columns or to a parapet of a verandah to which sub-bylaw 6.10 does not apply;
- 6.10 projects below any facia, bearer, beam, or balustrade of any splayed or rounded corner or return of a verandah over a street;
- 6.11 is a swinging sign, not being a sunblind;
- 6.12 which flashes and which is substantially illuminated for intervals of more than 2 seconds;
- 6.13 is to be painted onto or attached in any manner to a tree or plant or to any road traffic sign.
- 6.14 the erection of billboards when they significantly affect the use of the adjoining property.

7. METHODS OF CONSTRUCTION OF SIGNS

- 7.1 Every sign, including these provided for in Schedule 1 hereto, shall be neatly and properly constructed and erected and finished to the satisfaction of the Council.
- 7.2 Every sign attached to or on a building, fence or wall shall be securely and safely attached thereto in such a manner that the method of attachment is capable of securing and supporting not less than twice the weight of the sign as well as any other force to which the sign may be subjected, to the satisfaction of the Council.
- 7.3 All signs and supports thereof which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by:
 - 7.3.1 means of bolts, of a size and strength acceptable to the Council, securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side, or
 - 7.3.2 any other method acceptable to the Council.
- 7.4 All exposed metalwork or timber in a sign or its supports shall be suitably painted or otherwise treated to prevent corrosion or decay.
- 7.5 No sign shall be constructed in whole or in part of cloth, canvas, cardboard, paper or like material unless such sign is an entertainment, flag sign or is displayed on a sunblind or is a poster sign.
- 7.6 Unless the Council otherwise approves, all projecting or suspended signs shall have not less than four attachment points: -
 - 7.6.1 which shall be of metal;

- 7.6.2 any two of which shall be capable of carrying the weight of a sign;
- 7.6.3 the design strength of which acting together shall be calculated on a mass equal to twice the mass of the sign, as well as any other force to which the sign may be subjected, to the satisfaction of the Council;
- 7.6.4 which shall be neatly constructed as an integral part of the design of the sign or otherwise concealed from view:
- 7.7 All glass used in signs, other than glass tubing used in neon and similar signs, shall be safety glass with a thickness of at least 3mm.
- 7.8 Glass panels in signs shall not exceed 1m2 in area and each panel shall be securely fixed in the body of the sign independently of all other panels.
- 7.9 Every illuminated sign and every sign in which electricity is used shall be
 - 7.9.1 constructed of material which is not combustible;
 - 7.9.2 provided with an external switch in an accessible position approved by the Supplier of Electricity whereby the electricity supply to such sign may be disconnected, and
 - 7.9.3 Wired and constructed in accordance with and subject to the provisions of the applicable SABS Code of Practice.
- 7.10 Billboards must maintain the minimum space from any road as may be determined by the Municipality from time to time.

8. ENCROACHING SIGNS

- 8.1 Notwithstanding any provision of these bylaws, including Schedule 1, any person intending to display any encroaching sign shall make application in the manner described in Schedule 2 and shall pay the application fee set out in the tariff of charges.
- 8.2 Any approval granted by the Council in terms of this bylaw shall be conditional upon the owner: -
 - 8.2.1 entering into a written agreement of encroachment with the Council;
 - 8.2.2 indemnifying the Council in respect of the sign, and
 - 8.2.3 paying the prescribed fee relating to such encroachment.
- 8.3 The Council may at any time revoke its approval for the display of an encroachment sign, cancel the encroachment agreement and shall forthwith give notice in writing to the owner of such decision.
- 8.4 Whenever the owner of an encroachment sign intends transferring ownership, he shall inform the Council thereof in writing giving details of the name and address of the new owner.

9. MAINTENANCE OF SIGNS

The owner of any sign, including those provided for in Schedule 1 hereto, shall at all times maintain such sign in good repair and safe condition.

10. REMOVAL OF SIGNS

- 10.1 Any sign which: -
 - 10.1.1 is displayed in contravention of these bylaws;
 - 10.1.2 notwithstanding the provisions of Schedule 1 hereto, by virtue of a change in use, ownership or occupancy of the premises of which it relates or for any other reason, ceases to be relevant to the premises on which it is displayed,

shall forthwith be removed by the owner.

- 10.2 No sign or advertisement: -
 - 10.1.3 advertising a particular occasion, function, sale or event other than an election or referendum or signs relating to the sale or letting of immovable property as provided for in Schedule 1, paragraph 11, or show signs as provided for in bylaw 1.24 shall be displayed for longer than 14 days before the day on which such event begins or longer than three days after the day on which it ends;
 - 10.1.4 advertising an election or referendum shall be displayed for longer than the period:
 - i. in respect of an election, from the date following the official acceptance of nominations of parties or candidates; and
 - ii. in respect of a referendum, from the date following official notification in the Gazette / Press of the date on which such referendum is to take place;

Until the end of the tenth day after the final date set aside for the casting of votes for such election or referendum.

- 10.3 If any person:
 - 10.3.1 fails to remove a sign referred to in this bylaw, or
 - 10.3.2 is in the course of displaying or altering a sign in contravention of these bylaws;

the Council shall by notice in writing, served upon the owner at the time of issue of such notice and within a period of time specified, which shall be not less than 14 days, in such notice, order him:-

- to remove such sign;
- □ to alter such sign so that it complies with these bylaws;
- or may order the owner to forthwith cease all work in connection with such display or alteration.
- 10.4 If any person fails to comply with the terms of an order referred to in this bylaw the Council may either institute legal action or may itself remove, conceal or obliterate the sign and recover from the owner the costs incurred in doing so.

11. EXISTING SIGNS

- 11.1 Any existing sign lawfully displayed on the date of promulgation of these bylaws which complies with the provisions of these bylaws may continue to be displayed and shall be deemed to have been approved in terms of these bylaws.
- 11.2 Any existing sign lawfully displayed on the date of promulgation of these bylaws which does not comply with the provisions of these bylaws may continue to be displayed, provided that :-
 - 11.2.1 no such sign shall be repainted, renovated or reconstructed unless it is first made to comply with the provisions of these bylaws and the approval of the Council thereto has been obtained in terms of bylaw 4 hereto;
 - in respect of any sign other than an encroaching sign, the Council may at any time after the expiration of a period of 5 years from the date of promulgation of these bylaws by notice in writing order the alteration, modification, adjustment or removal of such sign within a period of 30 days from the date of issue of such notice or such longer periods as the Council may specify.
- 11.3 Any existing sign not lawfully displayed at the date of promulgation of these bylaws and in contravention of these bylaws shall be subject to the provisions of Bylaw 10 and 12.

12. OFFENCES, PENALTIES AND APPEALS

12.1 The provisions of the council's Offences, Penalties and Appeals Bylaws apply mutatis mutandis to these bylaws

13. REPEAL OF BYLAWS / REGULATIONS

- 13.1 Chapter 1 (Buildings) of the Regulations published on 9 March 1961 under Provincial Notice No 119, 1961 by the former Ixopo Health Committee, together with any amendment thereto, are hereby repealed;
- 13.2 Part RX 1, Advertising Regulations, of the Development and Services Board as they applied to the under-mentioned areas, will no longer apply as from the date of publication of these bylaws:-

SCHEDULE 1

NOTE: This schedule relates to signs erected on any privately owned property/premises only. It does not address signs erected or to be erected on public streets, public places or on any property owned or under the control of the council, which do require the consent of the council

Subject to the provisions of bylaws 5,6,7,8,9,10,11 and 12 and to the payment of the prescribed fee as set out in the Council's tariff of charges, where applicable, no approval of the Council is required to display the following signs on any privately owned immovable premises or property in all parts of the area which are controlled by a town planning scheme unless specifically stated otherwise:-

- 1. Entertainment signs which do not exceed 0,5sqm in area, provided that no such signs shall be erected on any property used or zoned for residential purposes;
- 2. All temporary signs, provided that any sign as referred to in bylaw 1.28.3. shall be restricted to one main contractors board of a maximum size of 1,5sqm and two sub-contractors boards each not exceeding 0,5sqm; provided further that no signs referred to in bylaw 1. 28.1, 1.28.5 and 1.28.6 shall be erected on any property used or zoned for residential purposes.
- 3. Signs required to be displayed by law.
- 4. Signs displayed upon a vehicle ordinarily in use as such.
- 5. Signs displayed in a book, newspaper, magazine or similar publication.
- 6. Signs displayed flat on any part of a building, not being that part of a building which exists beyond the street line, advertising only the name, address and telephone number of the occupier thereof, with or without a concise description of the type of business lawfully conducted on such premises and the hours of attendance, provided that any such sign does not exceed 0,3sqm in area and does not project more than 75mm from the surface on which it is displayed.
- 7. Signs not exceeding 0.5 sqm in area advertising only the name and telephone number of the occupier of any dwelling house and the address thereof, provided that such signs are displayed upon the premises to which they relate.
- 8. Signs displayed from the interior of any building being that part of a building enclosed by walls, windows and doors.
- 9. Rotating signs, except in any property used or zoned for residential purposes, or to be situated on any public street.
- 10. Window signs, except in any property used or zoned for residential purposes.
- 11. Signs, not exceeding 0.5sqm in area, restricted to one per property, per agent, displayed on private immovable premises or property or erected parallel to the evident street boundary of the property and encroaching not more than 200mm beyond such boundary to advertise that property for sale or lease or that it has been sold or let, provided that in the case of a sign advertising that immovable property has been let or sold, such sign shall cease to be exempt from the provisions of these bylaws upon the expiry of a period of 30 days calculated from the date on which such sign was erected.

- 12. Except on any property used or zoned for residential purposes, Verandah signs, being signs which are placed on top of the roof of a verandah only where such roof does not have a parapet wall, balustrade or railing and :-
 - 12.1 are constructed in a straight line;
 - 12.2. do not exceed 1m in depth;
 - do not extend beyond the extremities of the verandah roof nor project beyond the rear of any verandah roof gutter;
 - are set parallel to that end of the verandah which faces the street and are as near thereto as the design of the verandah roof allows; and
 - 12.5 are displayed in such a manner that the bottom of the sign rests directly on the verandah roof; or
- 13. Signs painted on the roof of a building not being the roof of a building other than one in which an industry or manufacturing process is conducted, provided that such signs advertise only the name of the person, firm, company, society or association occupying the building.
- 14. Except on any property used or zoned for residential purposes, ground signs on poles, standards or pylons, the base of which are firmly embedded and fixed in the ground and are entirely self-supporting, rigid and inflexible that:-
 - 14.1 do not exceed 2 sqm in area;
 - 14.2 if displayed flat against a wall, do not:
 - 14.2.1 project at any point more than 100mm from the surface of the fence or wall, and 14.2.2 extend above the top or beyond either end of the fence or wall, or
 - 14.3 if placed onto the top of a fence or wall, rest directly thereon and are displayed in the same vertical plane as the fence or wall.
- except on any property used or zoned for residential purposes, flag signs not exceeding 4sqm in area and maintained to the satisfaction of the Council.
- 16 Except on any property used or zoned for residential purposes, portable signs which are displayed upon premises to which the sign relates.

SCHEDULE 2

Application to display any sign, other than those exempt in terms of Schedule 1, shall :-

- 1.1 be made on a form obtainable from the Municipal Manager
- 1.2 be addressed to the Municipal Manager

be accompanied by :-

2.1 the prescribed fee as set out in the tariff of charges;

- 2.2 a drawing, on durable paper, to a scale of not less than 1:50 showing the full text, colour, material, construction, overall dimensions and method of attachment, suspension and support of the sign;
- 2.3 a scale drawing on durable paper, showing clearly the proposed position of the sign and its clear height;

provided that the Council may at any time prior to considering the application call upon the applicant to provide it with any other information which it deems necessary or relevant.

UBUHLEBEZWE MUNICIPALITY

I, the undersigned _____ hereby apply for permission to erect and display a sign

APPLICATION TO ERECT A SIGN IN TERMS OF THE COUNCIL'S SIGNS BYLAWS

THE	MUN	NICIP	AL	MAN.	AGER	
UBU	HLE	BEZV	۷E	MUNI	CIPAL	LITY

drawin		of the	accordance with the specification hereinafter set forth and the attached Council's bylaws relating to advertising, and tender herewithee.		
	e event of there being ngs to be submitted or		cient space provided hereunder, relevant details can be supplied on the eparate annexure.		
1. 2. 3. 4.	The sign is SINGLE	DOUB	LE / - faced (delete incorrect) LL / PROJECTING / VERANDAH / SKY (a) Total height above ground level		
5.	Projecting from build	ing	mm		
6.	Colour of Colour & Size of	(a) (b)	Background Lettering		
7.	•	`	ribe)		
8.	Sky signs	(a) (b)	Number of storeys Total height of building		
9.	State how sign is to	be seci	ured, type of supports, anchorage, bolts etc		
NOTE: Drawings of the proposed signs as required in terms of clauses 2.2 and 2.3 of schedule 2 are to be attached to this form					
hereby		il harml	e sign, fittings and supports in a safe condition and in proper repair and ess from any and all claims whatsoever that may arise as a result of, or in r display of the sign.		
DATE	D AT		THIS DAY OF20		
SIGNA	ATURE OF APPLICAN	ĪT			

WITNE	SSES:			
4				
1.				
2.				
I, the u above, above.	ndersigned do hereby consent to the erec	ction of the abovemen	owner of the premises	s referred to rms and conditions set forth
DATE	O AT	_THIS	DAY OF	_ 20
SIGNA	TURE OF OWNER OF PREMI	SES		
	ndersigned vledge that I have read the fore company.	ogoing conditions and	wner of the sign ref agree to abide by the	erred to above do hereby m in so far as they effect me
DATE	O AT	THIS	DAY OF	_ 20

No. 1602

SIGNATURE OF OWNER OF SIGN

PROVINCIAL GAZETTE, EXTRAORDINARY, 9 FEBRUARY 2016