Drakenstein, South Africa

# Outdoor Advertising and Signage By-law, 2008

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Outdoor Advertising and Signage By-law, 2008
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# Drakenstein
# South Africa

# Outdoor Advertising and Signage By-law, 2008

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*[Amended by Outdoor Advertising and Signage By-law: Amendment on 7 July 2017]*

Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution, of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-Law set out in the schedule below:

## 1. Definitions

In this by-law, unless the context otherwise indicates—

"**advertising structure**" means any physical structure built to display a sign;

"**advertisement**" means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol, or any light which is not intended solely for illumination or as a warning against any dangers and "advertising" has a similar meaning;

"**aerial sign**" means a sign that is displayed or performed in the air, including but not limited to balloons and blimps that can be viewed from within the municipality's area of jurisdiction;

"**approval**" means approval by the municipality and "approve" has a corresponding meaning;

"**areas of control**" means those areas set out in Schedule 1 of the by-law; and which may be modified or amended from time to time, hich amendments and modifications will be graphically depicted by way of maps as prepared by the municipality.

"**banner**" means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on an approved flag pole shall for the purposes of this by-law be deemed to be a banner;

"**billboard**" means any screen or board which stands free and is larger than 4,5 $m^2$ in total area; which is supported by, or consists of, a structure used, for the purpose of posting, displaying or exhibiting a sign;

"**class 2 roads**" means the roads which form the primary network for the urban areas as a whole and which are characterised by high volumes, restricted access and fairly high speeds;

"**class 3 roads**" means roads that distribute traffic between the principal residential, industrial and business districts of the town and which form the link between the primary network (class 2 roads) and the roads within residential areas;

"**clear height**", in relation to a sign, means the vertical distance between the lowest edge of the sign and the natural level of the surrounding ground, footway or roadway immediately below the sign;

"**commercial advertising**" means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation in respect of any particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events;

"**commercially sponsored sign**" means a sign which advertises goods or services, but the erection of which has a secondary purpose, which is to promote or contribute to some recognised public or community goal or function;

"**common boundary façade**" means any façade of a building which is built abutting a rear or side boundary of an erf and which façade is blank, that is, having no architectural features, which includes windows;

"**composite sign**" means a single freestanding advertising structure for the display of more than one sign;

"**consultant**" means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign in terms of this by-law;

"**continuing offence**" means an offence in terms of this by-law, which offence continues to exist after the expiry of the notice period referred to in a notice served in terms of this by-law;

"**custom made design**" means the design of any sign, which features special effects such as specialist character cut outs or shapes or three dimensional presentations or moving parts or a combination thereof, and which is uniquely designed or constructed for erection in a particular location;

"**development board**" means a sign displayed at premises upon which building operations are currently in progress and relating to any services being provided, work being done or goods being supplied in connection with such building operations, but excludes contract boards for building and civil engineering projects as required in terms of the National Building Regulations and Control Act, 1977 (Act 103 of 1977);

"**display**" means the display of a sign and includes the erection of any billboard, sign or structure intended solely or primarily for the support of a sign or billboard, and includes the display of a sign of a business, trade partnership or individual connected with the contents of the sign or sign, and "displayed" has a corresponding meaning;

"**electronic sign**" means a sign which has an electronically controlled, illuminated display surface which allows all, or a portion, of the sign to be changed or illuminated in different ways;

"**Environmental Impact Assessment**" (EIA) means an assessment carried out in accordance with the municipality's guidelines for outdoor advertising;

"**estate agency**" means a person who markets or sells properties with or without buildings erected thereon and "estate agent" has a corresponding meaning;

"**existing sign**" means any sign previously approved by the municipality;

"**flat sign**" means a sign which is affixed to, or painted directly onto a wall of a building but not onto or over windows or doors or architectural articulations and which at no point projects more than 250 mm in front of the surface of such wall;

"**freestanding sign**" means any sign or group of signs contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

"**gateway route**" means a prominent route with an entrance to or exit from a specific part of the municipality's jurisdiction, consisting of man-made or natural features and creating a strong sense of arrival or departure and which is consistent with city planning or development framework plans or policy, and which may be geographically depicted by way of maps or listed by the municipality.

"**graphic**" includes but is not limited to any component which contributes to the visual appearance or aesthetics of a sign, including its background;

"**headline poster**" means a temporary poster advertising the contents of a daily or weekly newspaper;

"**height of a sign**" is calculated by measuring the vertical distance between the uppermost and lowest parts of the advertising panel;

"**Heritage Impact Assessment**" (HIA) means a visual and contextual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognised at the locality where the proposed sign will be displayed;

"**internally illuminated sign**" means an advertisement or structure used to display an advertisement which has been installed with electrical or other power and an artificial light source which is fully or partially enclosed within the structure or sign and which light is intended to illuminate the advertisement or a portion thereof;

"**law**" means any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law;

"**locality bound advertising**" means any sign displayed on a specific erf, premises or building and may include such a sign on municipal owned land, adjacent to, abutting on or within 5 metres of the aforementioned erf, premises or building, which sign refers to an activity, product, service or attraction, located, rendered or provided on or from that erf or those premises;

"**loose portable sign**" means a freestanding locality bound notice or advertising board placed or erected in the road reserve or in a public open space;

"**movable sign**" means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent sign;

"**municipality**" means the municipality of Drakenstein established in terms of Section 12 of the Municipal StructuresAct, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"**new sign**" means any sign first displayed after the promulgation of this by-law;

"**non-profit body**" means a body established primarily to promote a community goal or benefit without direct or personal financial gain, and may include educational, sporting, medical, municipal departments, bodies as well as charities or community organizations;

"**organ of state**" means:

(a) any department of state or administration in the national, provincial or local sphere of government;

(b) any other functionary or institution—

(i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any other Legislation;

"**overall height**", in relation to a sign, means the vertical distance between the uppermost edge of the sign and the finished level of the ground, footway or roadway immediately below the centre point of the sign;

"**perimeter of an intersection**" means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other;

"**person**" includes:

(a) any organ of state;

(b) any company incorporated or registered as such under any law; and

(c) any body of persons, whether incorporated or not, functioning as a single entity for whatever purpose;

"**poster**" means temporary signs capable of being attached to the Municipal electrical light standards or pasted to fixed structures to advertise events or campaigns, including elections or referenda of limited duration and excluding signs advertising markets, exhibitions or events which are held on a regular basis;

"**projected sign**" means any sign projected by a laser projector, video projector, or other apparatus;

"**projecting sign**" means a sign which is affixed to a wall of a building and which at some point projects more than 250 mm in front of the surface of such wall;

"**public façade**" means any façade of a building that has architectural articulations and which is visible to the public

"**public place**" means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a road reserve), lane, square, open space, garden, park or enclosed place vested in the municipality, or other state authority or indicated as such on the Surveyor General's records, or utilized by the public or zoned as such in terms of the applicable zoning scheme;

"**public road**" means public road as defined in the National Road Traffic Act, 1996 (Act 93 of 1996);

"**road reserve**" means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;

"**roadway**" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act, 1996;

"**roof sign**" means a sign affixed to a roof of a building where the top edge of any point of that sign does not exceed the height of the roof plane to which it is affixed;

"**scenic drive**" means a road designated as such on an approved zoning scheme or from which landscapes or features of aesthetic or cultural significance can be seen or viewed as designated by the municipality;

"**security sign**" means an outdoor sign for neighborhood watch and similar schemes, and a sign containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the sign is displayed;

"**service station facility sign**" means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs;

"**shop**" means a building used for retail trade or services;

"**sign**" means any object, product, replica, advertising structure, mural, device or board which is used to publicly display a sign or which is in itself a sign and includes a poster, billboard and an advertisement which is included in the architectural design of a building or structure;

"**signalized traffic intersection**" means an intersection controlled by traffic signals;

"**sky sign**" means a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed;

"**sponsored sign**" means a sign, the primary purpose of which is not to advertise goods or services but which displays a graphic or content which promotes community or public awareness of a recognised public or community goal;

"**street name signs**" means pole-mounted, double-sided, internally illuminated or unilluminated signs displayed in combination with names of streets, not exceeding 1 $m^2$;

"**street furniture**" means public facilities and structures which are not intended primarily for advertising and includes but is not limited to seating benches, planters, bins, pole mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, electricity boxes, post boxes and telephone booths, but excludes road traffic signs, traffic signals, street lights or any other road-related structures;

"**temporary signs**" means signs which are displayed for a maximum period of 14 days, or such other period as may be approved by the municipality;

"**thickness**", in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed;

"**third-party advertising**" means the advertising of goods or services that are not made, procured, sold or delivered from the property on which the sign or sign advertising those goods or services is fixed or placed, and includes advertising which is not locality bound.

"**three dimensional sign**" means a sign containing more than 2 dimensions, including product replicas;

"**Traffic Impact Assessment**" (TIA) means a study carried out by a registered professional engineer with demonstrable experience in the field of traffic engineering that investigates the impact a proposed sign may have on vehicle, pedestrian, or cyclist safety and traffic operation, which study should recommend any mitigating measures that may be required as a result of that impact;

"**traffic sign**" means a road traffic sign as prescribed in the National Road Traffic Act, 1996;

"**traffic signal**" means a road traffic signal as prescribed in the National Road Traffic Act, 1996;

"**transit advertising**" means advertising by means of a movable sign which is capable of being transported by road either on or in conjunction with a motorized vehicle, including trailers primarily used for advertising;

"**transportation terminals**" means any area designated by the municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designated railway stations, official taxi terminals and bus terminals;

"**urban edge line**" means a predetermined point to point boundary line as determined by the municipality, which has as its purpose, the containment of urban development;

"**verandah**" includes a cantilevered canopy and sunblind;

"**window signs**" means signs which are temporarily or permanently painted on, or attached to the window-glass of a building;

"**zone**" means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and "zoning" has a corresponding meaning.

## 2. Principles and objectives

The object of this by-law is to regulate outdoor advertising in the jurisdiction of the Drakenstein municipality in a manner that is sensitive to the environmental quality of different parts of Drakenstein municipality. It seeks to strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual-, tourist-, environmental- and heritage characteristics and traffic safety on the other hand. It further needs to ensure that outdoor advertising respects the integrity of any site on which it is displayed, and complements the character of the locality in which it is displayed; the by-law thus aims to provide a set of regulations governing the use of land and buildings for outdoor advertising and signage and for matters incidental thereto.

# Chapter 1
# Submission of applications, charges and general factors in considering approval, amendments and conditions to approval, factors relating to specific signs, areas of control and commercial sponsored signs

## 3. Submission of applications

(1) Other than those signs referred to in section 13(3) to 13(10), no person may display any advertisement or erect or use any sign for advertising purposes without the municipality's approval in terms of this by-law and any other applicable legislation.

(2) Every person intending to display a new sign or to alter or to add to an existing approved sign or submitting a signage plan in terms of a Site Development Plan proposal, must apply in writing to the municipality which application must be accompanied by the following information in duplicate:

(a) a site plan, drawn to a scale of not less than 1:200, showing the following—

(i) the site on which it is proposed that the sign is to be erected or displayed;

(ii) the position of the sign and the building, if any, to which it is to be attached;

(iii) every building and the existing signs on the site;

(iv) existing and proposed landscaping, traffic signals and road traffic signs; and

(v) the positions, with dimensions, of the sign in relation to the boundaries of the site and the location of the streets abutting the site, together with its existing approved zoning conditions;

(b) a drawing, which complies with the requirements of the National Building and Regulations Standards Act, 1977. (Act 103 of 1977), and is in sufficient detail to enable the municipality to consider the appearance of the sign and all relevant construction detail, including a description of the materials of which the sign is to be constructed, the colours to be used, and whether or not the sign is to be illuminated; in the latter event, the plan must indicate whether or not the sign is an electronic sign and, if so, full details must be furnished;

(3) The drawing referred to in subsection (2)(b) must have detailed drawings of such sign to a scale of not less than 1:20 and a site plan indicating the position of the sign on the site to a scale of not less than 1:50;

(4) If a sign is to be attached to or displayed on the wall or façade of a building, the municipality may require the submission of an additional drawing, drawn to a scale of not less than 1:100, showing—

(i) an elevation of the building in colour;

(ii) the details and position of the proposed sign; and

(iii) the details and the position of every existing sign on the building; alternatively the municipality may require a colored print of or an artist's photographic- or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic;

(5) If the applicant is not the registered owner of the property on which the sign will be erected, he or she must obtain the signature of the registered owner of the land or building on which the sign is erected, indicating that person's knowledge of and consent to the application.

(6) The municipality may require the submission of any or all of the following studies or assessments—

(a) an Environmental Impact Assessment (either the 1st stage thereof; being the completion of an Environmental Checklist or in its entirety),

(b) a Heritage Impact Assessment; and

(c) a Traffic Impact Assessment.

(7) If a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval, which public participation process must comply with the municipality's policy on public participation.

(8) The municipality may require a signage master plan in respect of any development where the erection of numerous signs is proposed or the rationalisation of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.

(9) The municipality must notify the applicant of any additional requirements it has within 21 working days of the date of submission of the original application and payment of the application fee.

(10) The municipality must retain a copy of every document supplied to it as part of an application.

(11) The municipality may require written notification, by the applicant or person who erects an approved sign that such sign has been erected.

## 4. Charges and general factors in considering approval, amendments, conditions to approval

(1) Every person who applies to the municipality for approval in terms of this by-law must, on making application, pay to the municipality an application fee as determined by the municipality and no sign may be erected until such time as the application fees have been paid in full.

(2) In considering an application for the display of an advertisement or the erection of a sign in terms of this by-law, or an amendment or condition attaching or to be attached to an approval, the municipality must have regard to the following factors:

(a) The area of control in which the proposed sign is to be erected or displayed as set out in Schedule 1; provided that if a sign falls into more than one area of control or if a proposed site in one area of control may impact on an adjacent area of control, the municipality shall be entitled to determine the area of control pertaining to that application;

(b) the locality or landscape and the advertising opportunities pertaining to that area of control;

(c) the number of signs already displayed or proposed to be displayed on the erf and in the area surrounding the erf concerned;

(d) the findings of any Traffic Impact Assessment, Environmental or Heritage Impact Assessment and public participation processes where applicable.

(e) locality bound signs must relate to the lawful use of a property provided that no such sign must be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses; and

(f) that no sign or advertisement may be designed or displayed that—

(i) will constitute a danger to any person or property;

(ii) will display any material or graphic which, does not comply with the requirements of the Advertising Standards Authority of South Africa.

(iii) will be detrimental to the environment or amenity of the neighborhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic or locality.

(iv) will obscure any other signs approved in terms of this by-law or its predecessor; and

(v) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.

(3) Subject to any conditions in Schedule 16, all new signs or advertising structures approved under this by-law and any successive by-law, may remain on display uninterrupted until such time as they do not comply with the provisions of this by-law or any other applicable legislation.

## 5. Factors relating to specific signs, areas of control, and commercial sponsored signs

(1) The municipality must, in addition to the factors set out hereinabove, apply certain minimum standards to certain specific sign types and proposed localities when an application for approval is made in respect thereof and will apply certain specific criteria to applications for the erection of signs by non-profit bodies. These specific standards and criteria are set out as Schedules to this by-law. Schedule 1 to this by-law indicates the areas of control in which certain specific sign types may be permitted, subject always to approval in terms of this by-law and furthermore subject to any additional requirement pertaining to a specific sign type as set out in the following Schedules:

(a) Schedule 1: Areas of control;

(b) Schedule 2: Billboards;

(c) Schedule 3: Locality bound freestanding and composite signs;

(d) Schedule 4: Signs attached to walls of buildings (flat and projecting signs);

(e) Schedule 5: Sky signs;

(f) Schedule 6: Roof signs;

(g) Schedule 7: Signs on a verandah, balcony, canopy, supporting columns, pillars and posts;

(h) Schedule 8: Signs on boundary walls, fences and construction sites;

(i) Schedule 9: Newspaper headline posters;

(j) Schedule 10: Banners, flags and balloons;

(k) Schedule 11: Posters;

(l) Schedule 12: Estate agent signs;

(m) Schedule 13: Loose portable signs;

(n) Schedule 14: Aerial signs;

(o) Schedule 15: Transit advertising;

(p) Schedule 16: Signs on municipal land or buildings; and

(q) Schedule 17: Signs by or for non-profit bodies.

(2) The description of areas or routes in the said Schedule 1 should be read with the definitions as contained in the municipality's Zoning Scheme Regulations.

(3) The municipality may grant an exemption from the terms of this by-law in respect of the sign types or areas of control set out in Schedules 10, 11 and 12 hereto having regard to—

(a) the area of control where it is proposed to display the signs;

(b) nature of the event;

(c) duration of the erection or display of the sign;

(d) size of the proposed sign;

(e) any traffic, safety, environmental or heritage impact assessment; and

(f) the outcome of any public participation process.

## Chapter 2
## Standard conditions for approval, requirements, and approval

### 6. Standard conditions for approval

(1) All signs and advertising structures must be properly constructed of the requisite strength and must be secure and must comply with the requirements pertaining thereto of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977).

(2) The applicant to whom approval has been granted and the owner of the property or building to which it is attached shall be jointly and severally liable for the maintenance thereof and must undertake at least one inspection per year thereof with a view to satisfying themselves as to the safety thereof.

(3) Where any sign or advertising structure is vandalised or becomes torn or damaged or otherwise falls into a state of disrepair, the applicant to whom the approval has been granted and the owner of the fixture or property which or to which a sign is attached must within 7 working days of a notice in writing to do so, repair it.

(4) All signs and their support structures must be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.

(5) All glass used in a sign, other than glass used in illumination, must be safety glass of at least 3 mm thick.

(6) Glass panels used in a sign must not exceed 0,9 $m^2$ in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.

(7) Every sign and its support structure must be kept in a state of good repair.

(8) No sign may obstruct the opening and closing of any window or opening provided for ventilation of a building or obstruct any stairway or doorway or other means of exit from the building or prevent movement of people from one part of a roof to another.

(9) No advertising structure may be closer to overhead electrical equipment than the minimum distance as prescribed.

### 7. Electrical requirements

(1) All signs needing an electrical connection must preferably be supplied from the existing electrical supply on the erf where it is to be erected. If this is not possible, application for a metered electricity supply must be made to the relevant authority.

(2) Every sign in connection with which electricity is used, must be provided with suitable capacitors to prevent interference with radio and television reception.

(3) Each power cable and conduit containing electrical conductors in respect of a sign must be so positioned and fixed so that it is safe, unseen, inaccessible and child tamper proof and animal proof.

(4) Each interior high-voltage installation that runs unattended (such as a window display) and each exterior high-voltage installation must have an acceptable type of fireman's switch in accordance with the requirements as stipulated in sections 6.7.2 and 7.5 of SANS 0142 1993 promulgated in terms of the Occupational Health and Safety Act.

## 8. Illumination requirements

(1) The municipality may approve an illuminated sign, provided that the provisions of this by-law are complied with and that such illumination does not constitute a road safety hazard or cause undue light spillage.

(2) Signs may not be illuminated if no sign content is displayed.

(3) Requirement for internal illumination or electronic signs:

(a) Internally illuminated and electronic signs may only be displayed in areas of partial and minimum control and must be less than 2,1 $m^2$. This size condition may be waived, up to a maximum size of 4,5 $m^2$ in any such area upon receipt of an Environmental and Heritage Impact Assessment showing no detrimental impact will be caused by the proposed display, or to any larger size specified by the municipality in an area designated by the municipality as a district in which illuminated or electronic signs are to be encouraged;

(b) electronic signs may not have subliminal flashes; and

(c) prior to erection, the municipality may require a Traffic Impact Assessment, Environmental and Heritage Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged. In addition the municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.

(4) Requirements for external illumination:

(a) the light source emanating from floodlights must not be visible to traffic travelling in either direction;

(b) floodlights must not be positioned so as to create any undue light spillage beyond the surface area of the sign; and

(c) approved way leaves must be obtained from the electricity department prior to any excavations for the installation of signs. This also applies for signs to be erected in the vicinity of overhead power lines.

## 9. Road traffic safety requirements

(1) Signs may not be erected in an area where they are an unacceptable distraction for drivers, which acceptability may be determined in terms of the guidelines laid down in the S.A. Road Traffic Signs Manual.

(2) Electronic signs may not be permitted if they are visible from class 2 or 3 roads, gateway route or a scenic drive unless expressly approved in writing by the municipality.

(3) Advertising on bridges, towers, telecommunication masts, pylons or street poles shall not be permitted.

(4) The graphic content of signs must not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:

(a) any stylised or pictorial presentation of a road traffic sign or traffic signal;

(b) any word, symbol, logo or other device used on a road traffic sign;

(c) use of combinations of colours specified for road traffic signs, in a manner likely to lead to confusion; and

(d) any reflectorised paint or material.

(5) Signs may not be erected in an area where the traffic volume, the average following headway, or accident history requires a higher degree of awareness from drivers.

(6) Signs may not be attached to or obscure a road traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual or the South African Development Community Road Traffic Signs Manual.

(7) Signs may not be erected within the road reserve of any public road unless expressly approved by the municipality.

(8) When located at signalized traffic intersections, signs may not have the colours red or yellow or green as main colours and may not obscure or interfere with any road traffic sign or traffic signal.

(9) Electronic signs shall not be permitted within 80 metres of the perimeter of a signalised traffic intersection.

(10) Flashing or running messages or variable transition messages that have a message change interval of greater than 0,3 seconds or have transition effects between message changes shall not be permitted if viewable from a public road.

(11) Static display, simple transition signs must display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.

(12) All signs larger than 4,5 $m^2$ erected adjacent to a public road or in a railway reserve intended to advertise to persons using class 2 and 3 roads must be spaced a minimum specified distance from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with the measurements set out in Table 1 below:

***Table 1***

***Linear spacing between signs***

| Case | Spacing required when visible for traffic on a road with a speed of | | |
|---|---|---|---|
| | ⩽ 60 km/h | 61–80 km/h | 81–120 km/h |
| Where a sign follows a road sign | 120m | 200m | 300m |
| Where a sign follows a sign | 250m | 250m | 300m |
| Where a sign precedes a road sign | 40m | 70m | 100m |

(13) The abovementioned minimum distances specified in Table 1 above may be decreased by the municipality if the sign falls within an area of minimum control, or in other areas of control on submission of a Traffic Impact Assessment motivating a reduction of this spacing to the satisfaction of the municipality. The municipality may prepare a list or map of designated areas in which the abovementioned spacing requirements shall not be applicable.

## 10. Legal requirements

All signs to be erected or displayed within the area of jurisdiction of the municipality must, in addition to complying with this by-law, comply with all other applicable legislation, including any applicable Zoning Scheme Regulations or condition of approval of any departure from the applicable Zoning Scheme Regulations.

### 11. Approval

(1) The municipality may refuse any application or grant its approval subject to conditions relating to the erection or use of the sign and including a condition that the owner of any sign or billboard or the land or building on which it is erected or displayed, or both such owners or the person whose product or services are advertised, indemnify the municipality against any consequences flowing from the erection, display or mere presence of such sign.

(2) The municipality may, at any time, withdraw an approval granted in terms of this by-law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure—

(a) is in a state of disrepair;

(b) remains unused for more than 90 consecutive days;

(c) becomes redundant or obsolete;

(d) no longer complies with any provision of this by-law; or

(e) is substantially altered from the original approved application by way of either structure or graphic content.

(3) Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval shall lapse, unless that period is extended in writing by the municipality prior to such lapse.

(4) In the event that the structure supporting such sign is intentionally demolished before the expiry of the approval period, the approval shall lapse and no further sign or supporting structure may be erected or re-erected without the municipality's approval..

(5) All decisions by the municipality regarding applications made in terms of this by-law must be in writing and will be provided to applicants within 60 calendar days of date of submission of a complete application, alternatively, if so required by the municipality, within 60 calendar days of its receipt of any additional information or assessments provided to the municipality.

(6) In notifying an applicant of its decision in terms of subsection (5), the municipality must inform such applicant and any person who has objected to the granting of an application of their right to appeal in terms of section 12.

## Chapter 3
## General provisions

### 12. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

### 13. Signs for which municipality's approval not required

(1) Should any sign not comply with the conditions relative to each sign type listed below, an application in terms of section 3. will be required.

(2) Subject to compliance with the conditions relative to each sign provided for in subsections (3) to (11), and any other applicable legislation, or condition imposed by the municipality, no application for approval is required in terms of this by-law in respect of the signs provided for in subsections (3) to (11).

(3) Development Boards.

(a) Development boards may be removed forthwith when the building operations are complete or forthwith if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relates has ceased.

(b) The municipality may order the removal of any such sign if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has for all practical purposes ceased, and such signs may thereupon be forthwith removed but no later than 5 days after the date of the order for removal thereof.

(c) If the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board may be displayed and such development board may not exceed 3 $m^2$ in total area.

(d) If the premises are not to be used wholly for residential purposes, no more than two development boards may be displayed and the aggregate area of both development boards may not exceed 5 $m^2$ in total area;

(e) If the signage, whether on freestanding boards, or flexible building covering material, include any other form of third party advertising, such sign must then comply with the provisions of Schedule 8 hereto and municipal approval for the display thereof must first be obtained in terms of this by-law.

(4) To Let/For Sale Signs.

These include any sign not exceeding 400 mm x 500 mm in total area displayed at existing premises or at properties upon which a new building is being erected and relating to accommodation being offered to rent or purchase in the building, on condition that any such sign must be removed within 60 days after the date upon which the accommodation to which it relates is capable of occupation.

(5) On Premises Business Signs.

These include any unilluminated sign not projecting over a public road and not exceeding 0,2 $m^2$ in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.

(6) Window Signs.

These include any locality bound signs which are temporarily or permanently painted on or attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2 metres of any window or external opening through which it can be seen from the outside such a building, on condition that no window sign may exceed 4,5 $m^2$ in an area of maximum control.

(7) Signs incorporated in the face of a building.

Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign may exceed 0,2 $m^2$ in total area.

(8) Signs on Sports Fields.

Except when visible from scenic drives, any sign erected around the perimeter of a sports field, to a maximum size of 2 x 1 metre each, provided further that larger signs which face inwards onto the field and are not visible from any other public place, may also be permitted.

(9) Security Signs.

Any security sign not projecting over a public road and not exceeding 0,2 m² in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that—

(a) only one such sign is displayed on any public road or each street frontage of such premises; and

(b) the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

(10) Sponsored, Commercially sponsored and Non-Profit Body Signs: less than 4,5 m².

(a) Any such sign whether erected by or in connection with a non profit body or not; not exceeding 4,5 m² in total area on condition that no more than 5% of the total surface area of the sign is used for third party advertising; and the sign is not illuminated, and furthermore provided that only one such sign may be permitted per erf.

(b) Signs which comply with provisions of subsection (a) may, when erected on municipal land, only be erected once agreement has been concluded with the municipality, wherein the extent of the community or public benefit as jointly agreed between the municipal department responsible for the premises or land has been agreed and the terms of the erection of the sign agreed, and a copy of the agreement lodged with the municipality.

(c) All other sponsored signs are dealt with in Schedules 16. And 17.

(11) Advertising on Vehicles

Signs painted or affixed directly onto the body of a motorised vehicle.

## 14. Disfigurement

No person may destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure in any manner whatsoever during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person may disfigure any sign legally displayed in terms of this by-law.

## 15. Damage to municipal property

No person may, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other municipal installation or property and street furniture.

## 16. Entry and inspections

The municipality shall be entitled, through its duly authorized officers, and with prior written notification to the owner or occupant of a property, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this by-law.

## 17. Offences

Any person who—

(a) contravenes or fails to comply with any provision of this by-law or any of the standards and requirements contained in Schedule 2 to 17 of this by-law;

(b) contravenes or fails to comply with any requirement set out in a notice served on him in terms of this by-law;

(c) contravenes or fails to comply with any condition imposed in terms of this by-law;

(d) knowingly makes a false statement in respect of any application in terms of this by-law, commits an offence and on conviction shall be liable to—

(i) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,

(ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

(iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

## 18. Presumptions

Any person charged with an offence in terms of this by-law who is—

(a) alone or jointly with any other person responsible for organising, or in control of any meeting, function or event, to which a sign or poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every unlawful sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;

(b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed unless the contrary is proved;

(c) the owner of any land or building on which any unlawful sign was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed.

## 19. Enforcement and removal of signs

(1) If any sign displayed is in contravention of this by-law, the municipality may serve a notice on the owner or lessee of the sign, or the land owner on whose land the sign is erected or displayed, or person whose product or services are advertised, calling upon such person to remove such sign or carry out such alteration thereto or do such work as may be specified in such request or notice, within a time frame specified therein.

(2) A notice served in terms of subsection (1) may be withdrawn or varied by the municipality, by agreement with the person so served, or failing such agreement, by the service of a further notice.

(3) Should the municipality's directives, as set out in the notice, not be carried out within the time period specified therein, the municipality may, without further notice to the person upon whom the notice was served, remove or alter the sign or do such work as may be specified in such notice.

(4) Any costs incurred by the municipality in removing signs, or in doing alterations or other works required in terms of a notice, may be recovered from the person on whom the notice was served.

(5) Notwithstanding any other clause in this by-law, if a sign is, or is reasonably considered to be a danger to life or property, the municipality itself may, without prior notice and without a court order carry out or arrange for the removal of such sign.

(6) Any costs incurred by the municipality in carrying out or arranging for the removal of such sign may be recovered from the owner or lessee of the sign, or the landowner on whose land the sign was erected, or the person whose product or services were advertised, jointly and severally.

(7) Unlawful signs removed by the municipality may be reclaimed from the municipality on payment in full to it of any costs incurred by the municipality in the removal of the said sign, as well as payment of the costs of any charges incurred in the storage of such sign within two months.

(8) Any unlawful signs removed by the municipality and not reclaimed within two months of the date of removal may be disposed of by the municipality to defray its removal or storage costs.

## 20. Service of notices

(1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if an official of the municipality signed it.

(2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served—

(a) when it has been delivered to that person personally;

(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;

(c) when it has been posted by registered or certified mail to that person's known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;

(f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or

(g) when it has been delivered, at the request of that person, to his or her e-mail address.

(3) Service of a copy is deemed to be service of the original.

(4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

## 21. Liaison forums in community

(1) The municipality may establish liaison forums in a community for the purposes of—

(a) encouraging a local community to participate in the implementation, development and enforcement of this by-law; and

(b) promoting local economic development and the conservation of visual, tourist, environmental and heritage characteristics of the Drakenstein municipal area;

(2) The forums contemplated in sub-section (1) may consist of—

(a) a member or members of an interest group or an affected person or community;

(b) a designated official or officials of the municipality; and

(c) a councillor from the relevant council committee.

(3) The municipality may, in the implementation and enforcement of this by-law—

(a) request the input of a forum;

(b) employ any skills or capacity that may exist in such a forum.

(4) A forum, or a person or persons contemplated in sub-section (2), may, on own initiative, submit an input to the municipality for consideration.

## 22. Magistrate's court jurisdiction

Notwithstanding anything to the contrary contained in any law relating to Magistrates' Courts, a Magistrate shall have jurisdiction, on the application of the municipality, to make an order for the enforcement of any of the provisions of this by-law or of any approval, refusal or condition granted or applicable in terms hereof.

## 23. Exemptions

Notwithstanding the provisions of this by-law, the municipality may, on written application, exempt any person or class of persons from any or all of the requirements of this by-law and in considering such exemption it may impose any conditions or requirements it deems appropriate.

## 24. Repeal of by-laws

This by-law repeals the by-laws listed below:

(a) Former Paarl municipality: PN 675 of 1961: By-law relating to Advertising Signs;

(b) Former Wellington municipality: PN 336 of 1959: By-law relating to Advertising Signs;

(c) Former Paarl Divisional Council: PN 93 of 1959: By-law relating to Advertising Signs;

## 25. Transitional arrangements

(1) Anything done under or in terms of any provision repealed by this by-law shall be deemed to have been done under the corresponding provisions of this by-law and the repeal in section 24 shall not affect the validity of anything done under the by-law so repealed.

(2) Anything done prior to promulgation of this by-law, which was not done in terms of a provision repealed in this by-law and was unlawful, shall in the event of such act or sign still not complying with the provisions of this by-law, be unlawful and the municipality in such a case may take the necessary action in terms of section 19 hereof.

## 26. Short title and commencement

These by-laws shall be known as the Outdoor Advertising and Signage By-law and commences on the date of publication thereof in the *Provincial Gazette*.

## Annexure 1

## Areas of control

| Maximum | | | Partial | Minimum |
|---|---|---|---|---|
| **Natural area** | **Rural area (outside urban edge)** | **Urban area** | **Urban area (within urban edge)** | **Urban area (within urban edge)** |
| Proclaimed nature reserve | Agricultural areas / zones | (a) Urban conservation areas<br>(b) Within areas of special significance | (a) Central business districts<br>(b) Outside areas of special significance | Industrial zones |
| Protected natural environment | Horticultural areas | Declared Heritage sites (rural and natural) | Mixed use commercial and residential areas | Designated transportation terminals |
| Game reserves | Rural small holdings | Graded buildings and places | Commercial ribbon development and activity corridors | Designated areas within undetermined zones |
| Proclaimed bird parks | Large private open spaces (e.g. golf courses) | Residential zones and adjacent road and rail reserves | Commercial and business districts and adjacent streets and rail reserves | Specific areas or sites designated as minimum control by way of a map prepared by the municipality |
| Forestry areas | Scenic drives | Mobility routes | Entertainment district or complexes with commercial zones | |

| Maximum | | | Partial | Minimum |
|---|---|---|---|---|
| River corridors | Scenic landscapes | Pedestrian malls and pedestrian squares | Sportsfields and stadia | |
| 1:100 Year Flood plains | Scenic features | School sites and institutional zones | Undetermined zones (including railway reserves, transport use zones | |
| Wetlands | Municipal parks | Scenic features | Specific areas or sites designated as partial control by way of a map prepared by the municipality | |
| Scenic Drives | Urban edge zones as defined in the Urban Edge Policy | Scenic drives | | |
| Greening of city network | Agricultural and horticultural areas and adjacent road and rail reserves | Gateways | | |
| Specific areas or sites designated as maximum natural by way of a map prepared by the municipality | Specific areas or sites designated as maximum rural by way of a map prepared by the municipality | Public Open Spaces | | |
| | | Private Open Spaces | | |
| | | Urban small holdings | | |
| | | Intensive urban agriculture areas | | |

| Maximum | | | Partial | Minimum |
|---|---|---|---|---|
| | | Subsistence urban agriculture areas | | |
| | | 1:100 Year flood plains | | |
| | | River corridors | | |
| | | Wetlands | | |
| | | Community facilities (excluding sports facilities and stadia) | | |
| | | Core flora conservation sites as identified by the National Botanical Institute | | |
| | | Special Business zones | | |
| | | Residential components of mixed use buildings | | |

| Maximum | | | Partial | Minimum |
|---|---|---|---|---|
| | | Specific areas or sites designated as maximum urban by way of a map prepared by the municipality | | |

## Schedule 2

## Billboards

1. Subject to approval in terms of this by-law, the erection or display of billboards, whether custom made or of standard design, is permitted only in areas of minimum and partial control. In addition Billboards must:

   (a) if the proposed erf where the billboards are to be erected borders on class 2 and 3 roads the billboard may not be placed less than 5 metres from the property's boundary line. If the proposed site of erection of a billboard has been designated as a gateway then no billboards will be permitted within such gateway.

   (b) comply with the standard conditions of approval set out in this By-law.

   (c) not encroach over the boundary lien of the property on which it is erected, whether such encroachment is aerial or on ground level.

   (d) have a minimum clear height of 2,4m and a sign structure which does not exceed a maximum height of 7,5m above natural ground level.

   (e) not exceed a maximum total size of 6Tm x 3 m ($18m^2$) provided that on any V-shaped structure, two such panels may be permitted.

   (f) be displayed between the angles of 90° and 60° to the direction of oncoming traffic.

   (g) be spaced a minimum distance apart as specified in section 9 of this by-law.

   (h) if located at signalized traffic intersections: may not be erected or displayed within 50 metres of the perimeter of the intersection if unilluminated; and within 80 metres of the perimeter of the intersection if illuminated.

   (i) if erected along the right hand side of a section of road, such that its graphics are visible to a driver travelling on the left hand side of the road, shall be deemed to have replaced the advertising opportunity that existed on the left hand side of the road.

   (j) have a minimum letter or number height of 285mm.

2. The information content of a proposed advertisement will be measured in "bits". in calculating the information content of a proposed advertisement, the bit weights shown in the table below must be used.

3. The total bits in a proposed advertisement may not exceed 15.

4. No tri face signs are allowed.

| Elements of the advertisement | | Bits per element |
|---|---|---|
| Words | up to 4 letters | 0,5 |
| | 5–8 letters | 1,0 |
| | more than 8 letters | 2,0 |
| Numbers | up to 4 digits | 0,5 |
| | 5-8 digits | 1,0 |
| | more than 8 digits | 2,0 |
| Logos, symbols and graphics | smaller than $9m^2$ | 0,5 |
| | between 9 and $18m^2$ | 1,0 |
| | between 18 and $27m^2$ | 1,5 |
| | larger than $27m^2$ | 2,0 |

## Schedule 3

## Locality bound freestanding and composite signs

1. Subject to approval in terms of this by-law, the erection or display of locality bound freestanding and composite signs are permitted only in urban areas of maximum, partial and minimum control. In addition:

   (a) Locality bound freestanding signs may only be permitted in the following instances:

      (i) where business premises are set back 15 metres or more from the boundary of the road reserve; or

      (ii) where it is not reasonably possible to affix appropriate signs to a building; or

      (iii) where such a sign is necessary to allow the public to locate the entrance to business premises; or

      (iv) where the existence of a freestanding composite sign may prevent the proliferation of signs.

2. Locality bound freestanding composite signs may not exceed 4,5 metres in height and in addition may not exceed $4,5m^2$ in total area. This provision may be waived to a maximum height of 7,5 metres and a maximum total area of $10m^2$ per side, having regard to the following factors:

   (a) if such increase reduces the number of individual signs facing any one street boundary of the site, thereby minimising the visual impact on the surrounding environment;

   (b) if more than two significant roads approach the site in question;

(c) the number of businesses which will be advertising on such sign;

(d) the number of approach or exit routes to the site in question;

(e) the applicable zoning of the area surrounding the site in question.

3. Service station freestanding signs must be locality bound and may only be erected or displayed at service stations adjacent to and directly accessible from the public road at which such a sign is directed and only one service station freestanding facility sign per street boundary may be permitted.

4. Service station freestanding signs may not exceed 7,5 metres in height and may not consist of more than eight advertising panels of 4,5m² each in total area. The provisions of this section may be waived to a maximum height of 16 metres and eight advertising panels not exceeding 6m² each in total area having regard to the factors mentioned in item 2 above. In areas of maximum control the maximum height is 4,5 metres and an area of 7,0m² on each side.

## Schedule 4

## Signs attached to walls of buildings: flat and projecting signs

Subject to approval in terms of this By-law, the erection or display of flat and projecting signs are permitted in all areas of maximum, partial or minimum control. In addition, flat and projecting signs may:

1. not be allowed within 0,6 metres of the edge of a roadway nor may it extend to within 0,6 metres of the edge of a roadway.

2. not project in front of a wall more than 1,5 metres in the case of a sign which has a clear height of more than 7,5 metres or more than 1 metre in the case of any lesser clear height.

3. not project more than 250mm over a footway unless such sign has more then 2,4 metres clear height.

4. not obstruct the view from any window or any other external opening of any building and no portion of any such sign may obstruct the opening or closing of any window, door or any other openings.

5. not exceed 54m² in total area and may not exceed one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser. this size restriction may be waived on condition that:

   (a) an Environmental Impact Assessment be submitted to the municipality indicating no detrimental environmental impact is envisaged;

   (b) if it is proposed to erect or projecting sign in a conservation area, a Heritage Impact Assessment be submitted indicating no detrimental impact in respect of Heritage resources is envisaged; and

   (c) only graphics designed and created by a suitably qualified consultant be displayed on such sign;

6. be considered for approval on blank common boundary façades of non-residential buildings.

7. if the sign appears on public facades of any building—

   (a) be so designed as to become an integral part of the building design; and

   (b) when third party, only be permitted if custom-made and subject to the requirements of 5(a) to (c) above.

## Schedule 5

## Sky signs

1. Subject to approval in terms of this by-law, the erection or display of sky signs whether custom made or of standard design, is permitted in areas of minimum control only. in addition, sky signs must:

   (a) be limited to a maximum total size of 4,5m², provided that this size requirement may be waived up to a maximum of 18m² upon receipt of an environmental impact assessment indicating no detrimental environmental impact is envisaged; and

   (b) not obstruct the view from any other building.

2. Sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will only be permitted if they are locality bound, unilluminated and consist of individual cut-out letters or logos.

3. The information content of a proposed advertisement will be measured in "bits". in calculating the information contents of a proposed advertisement, the bit weights shown in the table below should be used.

4. The total bits in a proposed advertisement may not exceed 15.

| **Elements of the advertisement** | | **Bits per element** |
|---|---|---|
| Words | up to 4 letters | 0,5 |
| | 5–8 letters | 1,0 |
| | more than 8 letters | 2,0 |
| Numbers | up to 4 digits | 0,5 |
| | 5-8 digits | 1,0 |
| | more than 8 digits | 2,0 |
| Logos, symbols and graphics | smaller than 9m² | 0,5 |
| | between 9 and 18m² | 1,0 |
| | between 18 and 27m² | 1,5 |
| | larger than 27m² | 2,0 |

## Schedule 6

## Roof signs

1. Subject to approval in terms of this by-law, the erection or display of roof signs is permitted in all urban areas of control except areas zoned for residential purposes in areas of maximum control. in addition:

    (a) The total area of any roof sign affixed flush onto or painted onto a roof of a building may not exceed one-quarter of the overall area of the roof to which it is affixed or painted.

    (b) When attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed 1 metre in height and its total area may not exceed 25% of the roof area to which it is affixed.

2. It shall be permissible to affix a roof sign along the edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3,6m$^2$ in total area (6 x 0,6m); with a maximum height of 1 metre.

## Schedule 7

## Signs on a verandah, balcony, canopy, supporting columns, pillars and posts

Subject to approval in terms of this By-law, the erection or display of signs on a verandah, balcony, canopy, supporting columns, pillars and posts may be permitted in all areas of control on condition that they also comply with the following:

1. No such signs will be allowed on or over architectural features of buildings.
2. Such signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony, and beam or fascia of a verandah or balcony.
3. The sign may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more the 250mm in front of the surface to which it is affixed or project over a roadway or within 0,6 metres of the edge of the roadway.
4. Such signs may be affixed flat onto or painted on supporting columns, pillars and posts. in this regard, no sign may project more than 50mm in front of the surface to which it is affixed and may not extend beyond any of the extremities of such column, pillar or post. Signs affixed flat onto non-rectangular supporting structures must be curved to fit the form of such structure.
5. Only one sign per column, pillar or post will be allowed.
6. Such signs suspended below the roof of a verandah, canopy or the floor of a balcony may not exceed 1,8 metres in length or 600mm in height.
7. Every such sign must be at right angles to the building line.
8. No signs suspended under a canopy may extend beyond the external edge of the canopy or verandah to which it is attached.
9. All suspended signs must have a clear height of at least 2,4 metres.
10. Such signs on the roof of a verandah, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding individual, cut-out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a verandah or balcony.

## Schedule 8

## Signs on boundary walls and fences and on construction site hoardings

Subject to approval in terms of this By-law, the erection or display of signs on boundary walls and fences is permitted only for locality bound signs in urban areas of maximum, minimum or partial control and in addition:

1. In urban areas of maximum and partial control, the municipality may approve an application to affix a locality bound sign against a boundary wall only if the sign is indented into the wall or composed of individual, unilluminated cut-out letters or symbols fixed flat on such wall not projecting more than 50mm from the face of such wall.
2. In areas of minimum control, the municipality may approve—
    (a) an application to affix a locality bound sign flat onto a boundary wall only if it does not project more than 50mm from the face of such wall; and
    (b) an application to affix a locality bound flat sign with a maximum size of 0,5m² onto the permanent fence of an erf.
3. Third party and locality bound advertising on construction site hoardings and fences must comply with the following conditions:
    (a) any one sign may not exceed a vertical dimension of 3 metres and total area of 18m² and in the case of construction site cladding, the graphic must comply with the requirements of the Advertising Standards Association of South Africa.
    (b) any such sign may not project more than 100mm in front of the hoarding or fence to which it is affixed;
    (c) it may not be illuminated in areas of maximum and partial control; and
    (d) advertising will not be allowed on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.

## Schedule 9

## Headline posters

Subject to approval in terms of this By-law, the erection or display of headline posters is permitted in all areas except natural and rural areas of maximum control. In addition:

1. Headline posters may not exceed 0,9m x 0,6m in area.
2. The commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster.
3. The posters may be attached to municipal electrical light poles only where approved by the municipality for the express purposes of these posters.
4. Poster may not be affixed to traffic signal poles, or other poles which carry road traffic signs, or poles erected for any other purpose, or any other street furniture, wall, fences, trees, rocks or other natural features.
5. Headline posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose.
6. Only one headline poster per pole, regardless of which newspaper group it is, will be permitted.

7. The number of posters as well as the designated areas for the display of headline posters as approved by the municipality must be strictly adhered to.
8. All "special events" posters are to comply with the following:
    (a) the name of the newspaper group, the "special event"and the date of the "special event" must appear on the posters in letters not less than 50mm in height;
    (b) the special event posters may not be displayed more than 7 days before the date of the event and they must be removed within 24 hours after the date of the event shown on the poster.
9. Headline posters and fastenings are to be removed on a daily basis failing which the posters will be removed, at the newspaper group's expense, in accordance with the standard charges for removal of posters.
10. The municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the person responsible for the display of such posters or the newspaper group concerned.
11. The municipality may remove any poster displayed in contravention of the abovementioned conditions.
12. Any poster not removed on a daily basis or a poster relating to a "special event" by due date referred to in item 8(b) may be removed by the municipality.
13. The display of unauthorised posters is illegal and the municipality may also remove such posters.
14. The municipality may determine the costs involved for the removal of unauthorised posters..
15. Application must be made on an annual basis by each newspaper group for permission to display such posters subject to an annual fee per newspaper group.
16. A deposit per newspaper group who wishes to display posters must be paid annually against which a charge for the removal of any poster which contravenes the by-law will be levied. in the event of the above deposit being exhausted, permission to display such poster may be withdrawn until a further deposit is submitted to the municipality.

## Schedule 10

## Posters, banners, flags and balloons

Subject to approval in terms of this By-law, the erection or display of posters, banners and flags other than those referred to in Schedule 11, or balloons is permitted in all areas, except areas of maximum control. In addition:

1. The display of posters, banners, flags and balloons is prohibited on any bridge or across any public road, and along any road designated by the municipality, unless consent has been obtained from the Municipality.
2. Posters, banners, flags and balloons may not be attached so as to interfere with or constitute a danger to passing pedestrians of vehicular traffic.
3. No banner, or flag-type banner may be larger than $5m^2$, and no flag may be larger than $2m^2$; provided further that no flagpole may exceed a relevant height restriction of the zoning of the premises, up to a maximum of 8m above natural ground level, measured directly below the pole;
4. No poster, banner, flag, or balloon may be displayed within 30 metres of any road traffic sign or traffic signal.
5. Posters, banners, flags, or balloons may not be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock, other natural features, street furniture or other Municipal property.

6. Banners, flags, or balloons may not be affixed in such a way that they unfairly prejudice other businesses or organisations or obscure any approved existing signs.

7. Only one banner per premises will be permitted unless the Municipality's written permission is obtained for more than one.

8. (i) A maximum of five flagpoles bearing national flags may be erected on the premises of an accommodation facility on a single residential erf;

   (ii) Subject to the conditions laid down in paragraph 4, a maximum of three flags displaying the name, corporate symbol and nature of the premises on which it is displayed, may be allowed.

9. Posters, banners, flags and balloons not kept in a good condition may not be displayed and must be removed if notified in writing by the municipality.

## Schedule 11

## Temporary posters, banners and flags on public roads and public places

Subject to approval in terms of this By-law, the erection or dispby of temporary posters, banners and flags in public roads or public places, for the purpose of Advertising specific events, is permitted in all areas of control except natural and rural areas of maximum control, subject to the following

1. Approval for third party advertising on posters, banners or flags may only be granted for

   1.1 a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes;

   1.2 a function or event relating to a Municipal, Provincial or Parliamentary project, campaign, election or referendum; or

   1.3 In event which will promote tourism in Drakenstein and which will allow various parties and groups to benefit therefrom.

2. The name of the host organisation, the date and venue must appear on the material in letters not less than 50mm in height.

3. Posters, banners and flags may only be erected to advertise the event and the name or emblem of a sponsor may not cover more than 20% of the surface of the material.

4. The municipality may levy a tariff to cover the cost for the removal of material which have been erected without the approval of the municipality. Posters, banners and flags may be displayed for a maximum period of 14 days prior to the event and must be removed within two days from the date of the event.

5. Posters with a maximum measurement of 80 cm x 50 cm must be mounted on a board and affixed securely without damage caused to the poles. No securing material with a metal content is permitted.

6. Posters, banners and flags, excluding election posters and flags, may only be erected in the roads, or places as indicated by the municipality and may not be erected in residential areas or on bridges.

7. The municipality may determine the maximum number of posters, banners or flags that may be displayed for an approved event.

8. Posters, banners or flags may contain a commercial element provided that it does not exceed 20% of the surface of the poster, banner or flag.

9. No political banners will be allowed.

10. Only one poster or pole flag per organisation may be erected on every second streetlight pole.

11. Posters and flags must be erected at a uniform height of approximately 2 metres.

12. No posters, banners or flags may be affixed to trees, traffic signs, traffic signals, central ridges, existing advertising signs or any municipal property or over hydrant identification signs.
13. No posters, banners and flags may be displayed within 30 metres of any road traffic sign, traffic circle or traffic signal.
14. All materials used to affix the posters must be removed together with the posters.
15. The municipality may remove any indecent or torn posters, banners or flags, or any posters, banners or flags which create a traffic hazard.
16. The municipality is exempted from claims that may be instituted against it as a result of the display of posters, banners and flags.
17. The display of posters, banners and flags purely for commercial advertising is not permitted.
18. Organisations or persons who obtained approval to display posters or flags must pay a deposit as determined by the municipality, which shall entitle that person to display the said poster or flag for a maximum period of 14 days, or such time as stipulated by the municipality. No poster or flag may be displayed without such deposit having been paid.
19. The municipality may remove or request the applicant to remove all posters or flags should any conditions not be complied with.
20. Posters, banners or flags that have not been removed by the due date may be removed by the municipality in which case the deposit paid in terms of item 18 will be forfeited to the municipality.
21. Banners will be erected or removed by the municipality at a rate as approved from time to time provided that the banner complies with the specifications as laid down by the municipality.

*[Schedule 11 substituted by Amendment By-law, 2017]*

## Schedule 12

## Estate agent signs

Subject to approval in terms of this by-law, the erection or display of estate agent signs is permitted in all areas except natural areas of maximum control, subject to the following except natural areas of maximum control. In addition:

1. "Show House" signs may be displayed only from 12h00 on Friday to 20h00 on Sundays,
2. Signs may not be affixed to trees, traffic signals, street poles or other poles which carry road traffic signs, walls, fences, rocks, other natural features or landscaped areas, street furniture, or other municipal property, unless such other display is authorised by the municipality in writing.
3. On each sign, the wording "On Show", "Show House", "Show Flat" or "Show Plot" with the Agency's name and directional arrow must be displayed.
4. Signs may be displayed on stakes or other suitable mechanism such as concrete footings making use of a design approved by the municipality. Estate Agent signs displayed on concrete, premix or paved surfaces, may only use concrete footings or other type of display mechanism which will not cause damage to such surfaces. It is not permissible for stakes to penetrate the ground deeper than 15cm.
5. Signs may not exceed 0,3m² in total area.
6. Not more than six estate agent directional signs will be permitted in total per show house, show plot or block of flats in which a show flat is on display. The definition of one sign will include the display of two signboards only when such boards are sandwiched back to back around an electric light pole.
7. Signs may not be displayed along scenic drives or on any bridge, public park or public open space.

8. Only one directional sign per show houselftatlplot may be displayed along class 2 or 3 roads, excluding roads referred to in item 7 above.
9. No sign may obscure a road traffic sign.
10. No sign may be erected on center islands.
11. No sign may be erected in such a way that any part of it is closer than 1,5m from a road verge.
12. Directional signs may be displayed along main routes only, being the shortest route from a main road to the property.
13. No signs may be erected on any tarred area of pavements.
14. "Sold"/"For Sale"/"To Let" signs may be erected flush against the fence or wall of the property.
15. "Sold" signs may be displayed flush against the fence or wall of the property in the case of a building, or on stakes placed on the boundary in the case of a vacant property for a maximum period of 14 days only, calculated from the date of acceptance of offer to purchase.
16. No signs indicating anything other than property for sale may be erected or displayed by Estate Agents.
17. Estate Agencies must apply annually for permission to display Estate Agent signs and approval may be subject to payment of an annual fee in accordance with the municipality's Tariff Policy.
18. A deposit may be required by the municipality against which a charge for the removal of any sign which contravenes the by-law will be levied. In the event of the above deposit being exhausted, permission to display such sign age may be withdrawn until a further deposit is paid to the municipality.
19. Any sign unlawfully erected, or in contravention of the provisions of this Schedule, will be subject to a charge by the municipality. In the event of the said sign not being removed by the municipality, photographic evidence of the unlawful sign may be obtained by the municipality prior to levying the said charge.

*[Schedule 12 substituted by Amendment By-law, 2017]*

## Schedule 13

## Loose portable signs

Subject to approval in terms of this By-law, the erection or display of loose portable signs is permitted in areas of minimum and partial control as well as designated areas within urban areas of maximum control. In addition:

1. Loose portable signs may not be placed in a road reserve or in public open spaces without the written permission of the municipality.
2. The municipality may remove and impound loose portable signs placed without permission in a road reserve or on municipal property. owners can recover their signs on payment of the prescribed fee as determined the municipality which will be used to defray the cost of removal, storage and transportation.
3. The following criteria will apply in respect of an application in terms of item 1:
    (a) that it does not pose a hazard in terms of safety to the public;
    (b) that it does not obstruct or cause inconvenience to the public either by its physical size or location;
    (c) that it does not unfairly prejudice other traders;
    (d) that the loose portable sign or proposed number thereof does not detract from the amenity of the local streetscape or local environment;
    (e) that it is intended solely to advertise the name of the business, goods or services for sale from the advertiser’s premises;

(f) that the maximum dimensions of the proposed loose portable sign must be 1,2m (height) x 0,6m (width).

(g) that it may be placed directly in front of the advertiser's premises, provided that the above criteria are met; and

(h) that a minimum clear footway width of 1,8 metres must remain clear and 2,5 metres in the central business district and sidewalks with high pedestrian volumes.

4. The municipality may demarcate areas within the road reserve or on municipal property where, during normal trading hours, applicants may then place the approved loose portable signs. The said signs must be removed outside normal trading hours and stored away from public view.

5. The municipality may levy tariffs for displaying the loose portable signs, which tariffs shall be payable in advance for a maximum period of six months.

6. Applicants will be required to indemnify the municipality against any claims from third parties that may arise, due to the placement of loose portable signs within the road reserve or on municipal property.

7. Notwithstanding the above, the municipality may cause the removal or impoundment of the sign or signs should the applicant contravene any of the above conditions.

## Schedule 14

## Aerial signs

Subject to approval in terms of this By-law, the erection display of aerial signs is permitted only in urban areas of partial or minimum control. In addition:

1. No aerial signs affixed to any building or structure may be flown at a height of more than 45 metres from the surface measured from ground level.

2. Aerial signs may not be flown above a public road.

## Schedule 15

## Transit advertising

Subject to approval in terms of this By-law, the erection or display of transit signs is permitted only in urban areas of partial or minimum control. In addition:

1. The parking of a transit sign which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this by-law.

2. Transit signs parked on private property for the purpose of storage must be positioned in such a manner as not to be visible from a street or public place.

3. The advertising panel or portion of the vehicle used for transit advertising may not exceed a cumulative total of 18m² in areas of partial control, which size may be increased to a maximum size of 36m² in areas of minimum control.

4. The municipality may designate sites in areas of partial and minimum control for transit advertising and may publish notices indicating such sites.

5. Notwithstanding any provisions of this by-law, the municipality may, without prior notice remove any unauthorised transit signs from municipal property, and, in the case of unauthorised transit advertising on private property, the municipality may serve a notice ordering the removal thereof in terms of this by-law.

6. Transit signs must be fixed to the ground at the parking location.

## Schedule 16

## Signs on municipal land or buildings

1. No sign may be displayed or erected on municipal land or buildings without the written permission of the municipality.

2. The following specific conditions and criteria will apply to the signs mentioned in items (a) to (c) below:

   (a) Commercially sponsored signs other than those in section 13(10)

   Notwithstanding the area of control within which it is proposed to erect a commercially sponsored sign on municipal land or buildings, and subject to compliance with all other provisions of this By-law, the municipality may consider a commercially sponsored sign for approval, subject to the following:

   (i) community needs or goals must be identified or adopted by the municipality and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercially sponsored signs, the municipality may call for public input on such community needs or goals and the related advertising opportunity.

   (ii) in order to identify such community needs or goals, the municipality and other interested authorities must consult prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising.

   (iii) the municipality's Supply Chain Management Policy will apply.

   (iv) that any proposal be evaluated on the following factors:

   (aa) the adherence to the principles of this By-law;

   (bb) the design contribution;

   (cc) the best community benefit offered;

   (dd) the creativity and public safety;

   (ee) the permanence of the contribution to the community goals or needs; and

   (ff) the recovery cost over the period of the erection of the sign as opposed to the largest advertising opportunity or financial gain.

   (v) when contributions in kind are to be recovered by the municipality, a conversion therof to a monetary contribution to the municipality's income base will be assessed.

   (vi) the municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect shall not be regarded as decision by the municipality to proceed with the erection of a sign in respect of a specific site.

   (vii) once accepted, any sign to be erected in terms of this schedule must be the subject matter of a written agreement between the municipality as landowner and the person responsible for the erection of the sign.

   (b) Sponsored signs

   Notwithstanding the area of control within which it is proposed to erect such a sign on Municipal owned land or buildings and subject to compliance with all other provisions of the By-law, the municipality may consider a sponsored sign for approval on condition that:

   (i) written detail which clearly indicates the recognised community goals which will be promoted by the erection or display of the proposed sign;

(ii) signs with a political content will not be permitted;

(iii) no more than 5% of the total surface of the sign is used for third party advertising.

(iv) the maximum size of any such sign will be 6m x 3m; provided in the event of a V-shaped sign where the size may not exceed two panels of 6m x 3m each.

(v) applications for billboards to be erected in terms of this section comply with the requirements as set out in Schedule 2

(vi) no sign erected in terms of this clause be located within 5 metres of a property's boundary line.

(c) Non-profit body signs

Notwithstanding the area of control within which it is proposed to erect a sign, and subject to compliance with all other provisions of this By-law, the municipality may consider the erection of a sign by or for the benefit of a non-profit body subject to compliance with the requirements set out in Schedule 17 hereto.

## Schedule 17

## Signs erected by or for the benefit of non-profit bodies

1. Notwithstanding the area of control within which it is proposed to erect a sign by or for the benefit of a non-profit body, and subject to compliance with all other provisions of this by-law, the municipality may consider such a sign for approval subject to the following:

(a) written details from the host non-profit body regarding the nature and extent of the support to be received from the erection or display of the sign must be delivered to the municipality together with the other information set out in section 3 of this By-law;

(b) the extent of involvement of previously disadvantaged communities, small businesses, job creation and empowerment will be considered in any proposal;

(c) that any proposal be evaluated on the following factors:

(i) the adherence to the principles or provisions of this By-law;

(ii) the design contribution;

(iii) the best community benefit offered;

(iv) the creativity and public safety; and

(v) the permanence of the contribution to the community goals or needs as opposed to the largest advertising opportunity or financial gain.

(d) in the event of it being proposed that the said sign will be erected on municipal property:

(i) the municipality must evaluate the proposal;

(ii) the municipality as landowner reserves the right not to proceed with any proposal prior to final approval thereof; and

(iii) if accepted, a written agreement between the municipality, the person responsible for the erection of the sign and the non-profit body must be entered into.

(e) In addition the following conditions will apply:

(i) signs with a political content will not be permitted;

(ii) the maximum size of any such sign is 6m x 3m; provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 3m each;

(iii) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2;

(iv) no sign erected in terms of this clause may be located within 5 metres of a property's boundary line;

(v) the name of the non-profit body must be displayed on the sign with a maximum 300mm lettering height;

(vi) all parties that may be affected by the erection or display of such sign must be given opportunity for their input;

(vii) the municipality may require submission of impact assessment studies; and

(viii) no more than two individual signs of 6m x 3m each may be permitted, or alternatively one V-shaped sign with a maximum of two panels of 6m x 3m each on any one property. In addition, only one sign per street frontage will be permitted.