

## BY-LAW

To provide for the control of advertising signs and the prohibition of disfigurement of the fronts or frontages of streets in the *Emthanjeni* municipality; and for matters connected therewith.

**BE IT ENACTED** by the **Emthanjeni** municipality, as follows:-

### Definitions

1. In this By-law, unless the context otherwise indicates –

“**aerial sign**” means any sign attached to a kite, balloon, aircraft or any other device whereby it is suspended in the air over any part of the area under the jurisdiction of the Municipality;

“**authorised employee**” means any employee authorised thereto by the Municipality;

“**clear height**” of a sign means the vertical distance between the lowest edge of such sign and the level of the ground, footway or roadway immediately below such sign;

“**depth**” of a sign means the vertical distance between the uppermost and lowest edges of such sign;

“**display of a sign**” includes the erection of any structure if such structure is intended solely or primarily for the support of such sign and the expression “**to display a sign**” shall have a corresponding meaning;

“**flashing sign**” means any illuminated sign, the light emitted from which does not remain constant in all respects;

“**flat sign**” means any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250 mm in front of the surface of such wall, but does not include a poster: Provided, however, that a poster affixed to a main wall shall be deemed to be a flat sign if such poster is –

- (a) not less than 0,80 m<sup>2</sup> in area;
- (b) bordered by a permanent frame fixed to such main wall; and
- (c) maintained at all times in an unmutilated and clean condition;

“**main wall**” of a building means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a verandah or a balcony;

“**Municipality**” means the Emthanjeni municipality;

“**new sign**” means any sign first displayed after the promulgation of this By-law;

“**overall height**” of a sign means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign;

“**person**” in relation to the display or alteration of or the addition to a sign, or in relation to the intended or attempted display or alteration of, or addition to a sign, includes the person at whose instance such sign is displayed, altered or added to, or at whose instance such sign is intended or attempted to be displayed, altered or added to, as the case may be and the person who or whose goods, products, services, activities, property or premises, is or are referred to in such sign shall be deemed to be such person, unless he or she proves the contrary;

“**poster**” means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed;

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

“**public road**” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes –

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk; and
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge;

“**running light**” means a portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip;

“**sign**” means any sign, signboard, screen, private lamp, blind or other device by means whereof any advertisement or notice is publicly displayed;

“**sky sign**” means any sign that is fixed above the roof of a building other than a roof of a verandah or a balcony and shall include any such sign consisting of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems; and

“**thickness**” of a projecting sign means the horizontal dimension of such sign measured parallel to the plane of the main wall to which such sign is affixed.

### **Affixing of posters and signs prohibited**

2. Subject to the provisions of this By-law, no person shall affix a poster or any other sign on the front or frontage of any public road, wall, fence, land, rock, tree or other natural feature, or to the front, frontage or roof of any building.

### **Submission and approval of application to display sign**

3. (1) Save as in section 22(2) is provided, every person intending to display a new sign or to alter or to add to an existing sign (hereinafter referred to as the “applicant”) shall make written application to the Municipality in the form prescribed in the Schedule to this By-law, submitting therewith plans drawn in accordance with the following requirements:
  - (i) (aa) The plans shall be drawn in black ink on tracing linen or stout durable drawing paper or shall be linen prints with black lines on a white background.
  - (bb) Such form and plans shall be in duplicate (one set of which shall become the property of the Municipality) and shall be dated and signed in ink by the applicant or by a person authorised by such a person in writing to sign on his or her behalf, and all alterations and corrections to such form and plans shall be similarly dated and signed.
  - (ii) (aa) Where the sign is to be affixed to a building, the plans shall include an elevation and a section of the façade and, where necessary, of the roof of the building, drawn to a scale of 1:100 upon which shall be depicted the sign, any other signs affixed to such façade or roof and enough of the main architectural features of such façade or roof to show the position of the sign in relation to such other signs and features.

- (bb) The location of the sign relative to the ground level and, where necessary, the kerb line shall also be shown on such elevation and section.
  - (iii) Where the sign is not to be affixed to a building, the location of the sign relative to the ground level and, where necessary, the kerb line shall be shown on an elevation, plan and section drawn to a scale of 1:100.
  - (iv) Elevations, including full particulars of the subject matter as defined in section 6, plans and sections of the sign itself as may be necessary to show whether it complies with this By-law, accurately drawn to a large enough scale (but in no event less than 1:50) shall also be included.
  - (v) The plans shall depict full details of the structural supports of the sign, drawn to a scale of 1:20.
  - (vi) The plans shall also include a site plan, drawn to a scale of 1:200, showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached, in relation to such of the boundaries of the erf as may be affected by such position, and giving the name of the abutting street and the distance to and the name of the nearest named cross-street, and showing the direction of true north.
  - (vii) The plans shall indicate the materials of which the sign is to be constructed, the manner in which the lettering thereon is to be executed, the colours to be used, and whether or not the sign is to be illuminated, and in the latter event the plans shall indicate whether or not the sign is a flashing sign, and if the sign is a flashing sign, full details of its periodicity and variations or changes in appearance shall be furnished.
- (2) (a) Notwithstanding the provisions of subsection (1), it shall be lawful, subject to the provisions of section 6(1), to display any poster and to replace any poster by another poster of the same size without the consent of the Municipality, if any such poster as aforesaid is displayed at a cinema or theatre, or other place of public amusement, or on a hoarding, the erection and use of which for this purpose have been authorised by the Municipality, or is a poster which in terms of section 1 is deemed to be a flat sign.

- (b) The Municipality may, subject to such conditions as it may deem fit, grant permission for the display of posters on special occasions such as elections, festivities, university rag processions, etc.
- (3) The Municipality shall, within 21 days after receiving the form and plans referred to in subsection (1), specify to the applicant the provisions, if any, of this By-law, or of any other law that the Municipality is required or empowered to administer, with which such form or plans do not comply and the Municipality may, if it deems it necessary, return the form and plans to the applicant.
- (4) Where the form and plans comply with this By-law and any other law as aforesaid, the Municipality shall approve them and shall forward one set thereof to the applicant.
- (5) Approval granted in terms of subsection (4) shall become null and void if the sign has not been completed in accordance with the approved form and plans within 12 months of the date of such approval.

#### **Existing signs to comply with By-law**

- 4. (1) (a) Every sign existing at the date of the promulgation of this By-law shall be made to comply therewith in all respects within a period of 1 year from the date of such promulgation.
- (b) Where any sign does not so comply after the said period of 1 year, it shall forthwith be removed.
- (2) Where any sign not complying with the provisions of this By-law has not been made to comply therewith within the aforementioned period of 1 year, or where any sign has been erected which is not in conformity therewith, the Municipality may order the owner thereof to remove such sign.
- (3) Whenever, through change of ownership or occupancy or change in the nature of the business, industry, trade or profession conducted on any premises or through the erection of new traffic signal lights or through an alteration in the level or position of any street, footway or kerb, or through any other cause whatsoever, a new sign ceases to comply with this By-law, such sign shall be forthwith removed, obliterated or altered by the person displaying such sign so as to comply with this By-law.

**Enforcement**

5. (1) Any person who displays or attempts to display a new sign or who alters or adds to, or attempts to alter or add to, an existing sign without the prior approval of the Municipality given in terms of section 3, where such approval is required by the said section 3, shall be guilty of an offence.
- (2) Any such person shall forthwith, after service on him or her of an order in writing to that effect under the hand of the authorised employee of the Municipality, cease or cause to cease all work on the display of such new sign, or shall cease or cause to cease any alteration or addition to such existing sign, as the case may be, and any such person who fails to comply with such order shall be guilty of an offence.
- (3) Any person who, having obtained such approval, does anything in relation to any sign which is a departure from any form or plan approved by the Municipality shall be guilty of an offence.
- (4) Any such person shall forthwith, after the service upon such a person, of an order in writing to that effect under the hand of the authorised employee of the Municipality, discontinue or cause to be discontinued such departure, and any person who fails to comply with such order shall be guilty of an offence.
- (5) Whether or not any such order as is referred to in subsections (2) and (4) has been served on any such person, the Municipality may serve upon such person an order in writing requiring such person forthwith to begin to remove or obliterate such sign or anything referred to in subsection (3) and to complete such removal or obliteration by a date to be specified in such order, which date may be extended by the Municipality as it may deem fit.
- (6) If before the date for completion of the removal or obliteration required by such order such person satisfies the Municipality that such a person has complied with this By-law, the Municipality may withdraw such order.
- (7) Where any person displaying a sign contravenes any of the provisions of this By-law other than those relating to the matters referred to in subsections (1) and (3), the authorised employee of the Municipality may serve a notice in writing under his or her hand upon such person, and in such notice shall cite the provisions contravened and shall specify the things to be done in order that such provisions may be complied with.

- (8) Any person who fails to comply with any order referred to in subsection (5) or with the terms of any notice referred to in subsection (7) shall be guilty of an offence, and in addition the Municipality itself may give effect to such order or notice at the expense of such person.

### **Subject matter of signs**

6. (1) No sign on any premises shall contain any words, letters, figures, symbols, pictures or devices (hereinafter called “subject matters”) unless every part of such subject matter falls into one or more of the following categories:
- (a) The name, address and telephone number of such premises or part thereof.
  - (b) The name of the occupier of such premises or part thereof.
  - (c) A general description of the type of trade, industry, business or profession lawfully conducted on such premises or part thereof by the occupier thereof.
  - (d) Any information, recommendation or exhortation concerning, or any name, description, particulars or other indication of –
    - (i) any goods, not being samples, regularly and lawfully manufactured, kept and sold or kept and offered for sale on such premises; or
    - (ii) any services regularly and lawfully rendered or offered on such premises; or
    - (iii) any catering or any entertainment or amusement or any cultural, educational, recreational, social or similar facilities lawfully provided or made available on such premises, or any meeting, gathering or function lawfully held on such premises:

Provided that this paragraph shall not be construed as permitting any subject matter, which, in the opinion of the Municipality, is an evasion of or not in accordance with the intent of this paragraph.

- (2) Notwithstanding the provisions of subsection (1), in the case of any premises partly or wholly used for residential purposes, no sign other than the name of such premises shall be displayed on the part of such premises used for residential purposes.
- (3) The provisions of this section shall not apply to any sign referred to in paragraphs (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xv) or (xvi) of section 22(2).
- (4) Where a sign is displayed by means of a device whereby a series of consecutive signs is displayed at one place, the provisions of subsection (1) shall, subject to the following conditions, not apply to any such sign so displayed:
  - (a) No sign in such series, other than a sign permitted in terms of subsection (1), shall be displayed on any one occasion for a longer period than 20 seconds.
  - (b) The individual signs consecutively displayed within any particular 10-minute period shall all be completely different from one another in so far as their subject matter is concerned: Provided that this paragraph shall not apply to any sign permitted in terms of subsection (1).
  - (c) Where such device is capable of displaying news or of providing entertainment, it shall not be operated in any position or place where in the opinion of the Municipality such operation may bring about or aggravate congestion of vehicular or pedestrian traffic.
  - (d) No such device whether or not it is capable of displaying news or of providing entertainment shall be operated in any position or place where in the opinion of the Municipality such operation or any gathering of persons brought about thereby may detract from the amenities of the neighbourhood or to depreciate property or to cause a public nuisance.
  - (e) No such sign shall have a clear height of less than 9 m.
  - (f) Notwithstanding the granting of approval by the Municipality for the display of signs referred to in this subsection, the Municipality shall be entitled at any time thereafter to revoke such approval if it is satisfied that the display of such signs is in contravention of paragraph (a), (b) or (e) or is bringing or has brought into existence the conditions referred to in paragraph (c) or (d).



- (5) (a) Where the Municipality, by notice in writing informs any person displaying signs referred to in subsection (4) of the revocation of its approval for such display, such person shall forthwith cease to display such signs and shall remove the device by means whereof such signs are displayed by a date to be specified in such notice, which date may be extended by the Municipality as it may deem fit.
- (b) Any person who fails to comply with any notice referred to in paragraph (a) shall be guilty of an offence, and in addition the Municipality itself may give effect to such notice at the expense of such person.

### **Signs allowed on buildings**

7. The following signs and no others may be affixed to or painted on buildings: Provided that the Municipality may prohibit the erection of certain or all of the undermentioned signs or the use of certain colours therein:
- (a) Flat signs.
- (b) Projecting signs.
- (c) Sky signs.
- (d) Signs affixed to or painted on verandahs or balconies.
- (e) Signs painted on sunblinds affixed to buildings.
- (f) Any sign referred to in paragraphs (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi) of section 22(2), if all the conditions applicable to such sign are complied with.

### **Flat signs**

8. (1) Flat signs shall not exceed, in aggregate area, 40 m<sup>2</sup> or one-quarter of the overall area of the main wall to which they are affixed or on which they are painted, whichever of these figures is the lesser: Provided that the Municipality may fix a lesser aggregate area for any flat sign.
- (2) No flat sign shall extend above the top of such main wall or beyond either end of such main wall.
- (3) (a) Where a building which is adjacent to another building, and which extends over the boundary line of the prospective width of a proclaimed road or public street, is demolished either wholly or partially and is reconstructed in such a manner that it no longer extends over the aforementioned boundary line, no flat sign shall be permitted on the sidewall of such other building facing the building so reconstructed, in so far as the said sidewall extends over the aforementioned boundary line.

- (b) For the purpose of this section –
- (i) “prospective width” in relation to a proclaimed road shall mean the statutory width as contemplated by any enactment promulgated by any legislative body which has legal competency to pass legislation on such a matter and in relation to a public road shall mean the width whereto it is to be widened in accordance with a town planning scheme whether in the course of preparation, awaiting approval or in operation;
- (ii) “adjacent” shall mean a distance of 6 m or less.

### **Projecting signs**

9. (1) No part of any projecting sign shall project in front of the main wall to which such sign is affixed to a greater extent than –
- (i) 1,5 m in the case of a sign which has a clear height of not less than 7,5 m; or
- (ii) 1 m in the case of any other sign:
- Provided, however, that where such a sign has a clear height of less than 7,5 m –
- (a) any portion of such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than 1 m, but not more than 1,5 m: Provided further that there shall be a clear vertical distance of not less than 3,6 m between any two successive portions, if any, so projecting; and
- (b) any such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than 1 m, but not more than 1,5 m: Provided further that there shall be a clear vertical distance of not less than 3,6 m between any two such signs, if any, which are in the same vertical plane.
- (2) No projecting sign shall extend above the top of the main wall to which it is affixed.
- (3) The depth of a projecting sign shall not exceed one-and-a-quarter times the clear height of such sign.
- (4) A projecting sign shall not exceed 600 mm in thickness.

**Sky-signs**

- 10.** (1) The depth of a sky-sign shall not exceed one-sixth of the clear height of such sky-sign.
- (2) No sky-sign shall project in front of a main wall of a building so as to extend, in plan, beyond the roof of such building in any direction.
- (3) The length of a sky-sign shall not exceed –
- (i) 14 m, if the depth of such sky-sign does not exceed 4,5 m; or
  - (ii) 18 m, if the depth of such sky-sign exceeds 4,5 m.
- (4) Subject to the preceding provisions of this section the Municipality may allow a sky-sign in excess of 18 m in length whenever the street frontage of a site exceeds 55 m: Provided that –
- (i) such sky-sign shall consist of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems; and
  - (ii) the length of such sky-sign shall not exceed one-third of the length of the road frontage of such site; and
  - (iii) such sky-sign shall be erected parallel to the road frontage of such site; and
  - (iv) if as a result of the road frontage of such site being reduced such sky-sign ceases to comply with the preceding provisions of this section, the owner of such site shall forthwith remove such sky-sign or alter it so as to comply with such provisions.

**Signs on verandahs and balconies**

- 11.** (1) The following signs and no others may be affixed to or painted on verandahs and balconies:
- (i) Signs affixed flat on to or painted on a parapet wall, balustrade or railing of a verandah or a balcony.
  - (ii) Signs affixed flat on to or painted on a beam or fascia of a verandah or a balcony.
  - (iii) Signs suspended below the roof of a verandah or the floor of a balcony.

- (2) No sign affixed to a parapet wall, balustrade or railing of a verandah or a balcony shall exceed 1 m in depth, or project above or below or beyond either end of such parapet wall, balustrade or railing, or project more than 250 mm in front of such parapet wall, balustrade or railing.
- (3) (a) No sign affixed to a beam or fascia of a verandah or balcony shall exceed 600 mm in depth, or project above or below or beyond either end of such beam or fascia, or project more than 250 mm in front of such beam or fascia.
- (b) Where any such sign is affixed to a beam which is at right angles to the building line and which is below the roof of a verandah or the floor of a balcony, such sign shall not exceed 1,8 m in length.
- (4) No sign suspended below the roof of a verandah or the floor of a balcony shall exceed 1,8 m in length or 600 mm in depth and every such sign shall be at right angles to the building line.
- (5) Notwithstanding the foregoing, it shall be permissible to erect a sign on the roof of a verandah or balcony: Provided that –
  - (i) such sign shall be composed of a single line of free-standing, individual, cut-out silhouette letters;
  - (ii) such sign shall lie in the vertical plane passing through the foremost edge of such roof, being an edge parallel to the kerb line;
  - (iii) the subject matter of such sign shall be limited to that referred to in paragraphs (a), (b) and (c) of section 6(1); and
  - (iv) the depth of such sign shall not exceed 600 mm.
- (6) Notwithstanding the provisions of section 17(1), it shall be permissible for a sign suspended below the roof of a verandah or the floor of a balcony to be bordered by a running light: Provided that such running light border shall be not more than 75 mm in width.

### **Signs over footways forming part of public roads and public roads**

- 12. (1) Any sign projecting over a footway forming part of a public road shall be not less than 2,4 m in clear height: Provided that a flat sign in the form of a showcase for the display of goods may project not more than 50 mm over such footway if such footway is not less than 1,5 m wide, irrespective of the clear height of such showcase.

- (2) Any sign projecting more than 150 mm over any place where persons may walk, if such place is not a footway forming part of a public road, shall be not less than 2,1 m in clear height.
- (3) No part of a sign projecting over a footway forming part of a public road shall be nearer than 300 mm to a vertical plane through the kerb line of such footway.
- (4) Where a public road has no footway, signs may project over the carriageway of such public road if such signs are not less than 6 m in clear height.

### **Prohibited signs**

- 13.** (1) Notwithstanding anything in this By-law contained, the following types of signs are prohibited:
- (a) Swinging signs, loose portable signs (other than signs designed for the purpose of being carried through the streets and signs on portable racks or other articles for containing and displaying goods), aerial signs and other signs not rigidly fixed.
  - (b) Posters, except –
    - (i) any poster referred to in section 3(2) of this By-law;
    - (ii) any poster comprising any such sign as is referred to in paragraph (i), (ii), (iii), (iv), (v), (vi), (vii), (x), (xv) or (xvi) of section 22(2) of this By-law.
  - (c) Any sign which is so placed as to obstruct, obscure, interfere with, or otherwise be likely to introduce confusion into the effective working of any traffic sign.
- (2) No person shall exhibit in any place to which the public has access or shall expose to public view, any advertisement, placard, poster, engraving, picture, drawing, print or photograph of an indecent, obscene, repulsive, revolting or objectionable character, or of a nature calculated to produce a pernicious or injurious effect on the public or any particular class of persons.
- (3) Any person contravening the provisions of subsection (2) shall be guilty of an offence.

**Signs on walls, fences and hoardings**

14. (1) Except as in section 22 provided, no sign shall be affixed to or painted on a wall (other than a wall of a building), a fence or a hoarding, unless in the opinion of the Municipality such wall, fence or hoarding serves primarily either to conceal a condition or attribute of the property on which such wall, fence or hoarding is erected, which condition or attribute is unsightly by reason of the use to which such property is lawfully being put, or unless such wall, fence or hoarding is a temporary measure to protect the public in the neighbourhood of building, demolition or similar operations.
- (2) In granting its approval in terms of section 3 for the affixing or painting of any such sign, the Municipality may grant such approval for a limited period only, and the provisions of section 6 shall not apply to such sign.
- (3) Every such sign affixed or painted in terms of this section shall comply with the following requirements:
- (i) No such sign shall exceed 3 m in depth or 4,2 m in overall height.
  - (ii) Poster signs shall be enclosed with definite panels, which shall be uniform in size and level.

**Signs on poles and other structures**

15. (1) Except as in section 22 provided, no sign shall be affixed to or painted on a pole or any other structure which is not a building, wall, fence or hoarding unless –
- (i) such sign is indispensable for the effectual conduct of the activity in connection with which it is displayed; and
  - (ii) either –
    - (aa) it is impracticable to display a sign effectually at the premises concerned except by affixing a sign to or painting a sign on a pole or other structure as aforesaid; or

- (bb) in die opinion of the Municipality a particular sign intended to be affixed to or painted on a pole or other structure as aforesaid would not detract from the amenities of the neighbourhood or depreciate neighbouring property to a greater extent than a sign capable of being displayed at the premises in conformity with any other section of this By-law would do.
- (2) Where in the opinion of the Municipality serious difficulty is experienced by the public in finding the way to a factory in an industrial zone the Municipality may permit the erection of a signboard on a pole on a vacant erf in such zone for purposes of indicating the direction to such factory, subject to the following conditions:
    - (i) Not more than one such signboard shall be erected on any one erf, but it shall be permissible to indicate the direction to more than one factory on any such signboard.
    - (ii) The subject matter of the signs on such signboard shall be limited to the names of the factories concerned, the names of their occupiers, and essential directional information and the lettering employed shall not exceed 100 mm in height.
  - (3) Where in its opinion this is reasonably required, the Municipality may permit the erection of a signboard on a pole on a vacant erf in a township for the purposes of displaying thereon a map showing the street names and erf numbers of such township, together with the name and address of the owner of or agent for such township and the name of the township and such signboard shall not exceed 3,6 m<sup>2</sup> in area, and the lettering employed thereon shall not exceed 100 mm in height.
  - (4) In granting its approval in terms of section 3 for the display of any sign referred to in subsection (1), (2) or (3) of this section the Municipality may grant such approval for a limited period only and on the expiry of such period the person displaying such sign shall forthwith remove it.

#### **Signs on vehicles and signs carried through the street**

- 16. (1) No person shall carry or cause to be carried in any public road any sandwich board, lantern, flag, banner, screen or other movable advertising device if such board, lantern, flag, banner, screen or other device hinders or obstructs traffic in such road, or is likely to do so.

- (2) No person shall drive or propel or cause to be driven or propelled in any public road any advertising van or other movable advertising device if such van or device hinders or obstructs traffic in such road, or is likely to do so.
- (3) Any person who contravenes the provisions of subsections (1) or (2) shall be guilty of an offence.

### **Illuminated signs**

- 17. (1) No flashing sign shall be less than 9 m in clear height, and no illuminated sign shall be displayed in such a position that it is or is likely to be a danger to traffic or to cause confusion with traffic signals.
- (2) No sign that is so intensely illuminated as to create a nuisance shall be displayed.

### **Structural requirements**

- 18. (1) (a) Every sign affixed to a building or structure shall be rigidly attached thereto.
- (b) Every sign which is affixed to the ground and every structure supporting a sign, which structure is affixed to the ground, shall be rigidly anchored to the ground.
- (c) Every sign and its supports and anchorages, and the building or structure, if any, to which it is affixed, shall be of adequate strength to resist, with a safety factor of 4, the dead load of the sign and a superimposed horizontal wind pressure of 1,5 kPa.
- (2) All signs and supports thereof which are attached to brickwork or masonry shall be attached thereto by means of expansion bolts or by means of bolts passing through such brickwork or masonry and secured on the opposite side thereof and such bolts shall be not less than 12 mm in diameter.
- (3) Every sign affixed to a building or a wall shall be supported by at least 4 independent supports so designed and disposed that any 2 of such supports will safely support the sign with a safety factor of 2.
- (4) All exposed metalwork in a sign or its supports shall be painted or otherwise treated to prevent corrosion and all timber in a sign or its supports shall be treated with creosote or other preservative to prevent decay.



- (5) Every person displaying a sign shall cause such sign and its supports to be maintained in a safe condition at all times and any person who contravenes the provisions of this subsection shall be guilty of an offence.

### **Use of glass**

19. All glass used in signs (other than glass tubing used in neon and similar signs) shall be plate glass at least 5 mm thick.

### **Fire precautions**

20. (1) Except as in section 22 provided, all illuminated signs and supports thereof shall be of incombustible material: Provided that the Municipality may allow any sign approved in terms of sections 14 and 15 and any support for any such sign to be of combustible material.
- (2) No person shall display a sign in such a way or in such a position that it may, partly or completely, obscure a sign displayed by the Municipality to indicate the location of emergency equipment or a fire hydrant terminal.

### **Electrical requirements**

21. (1) No sign shall be illuminated except by electricity from the Municipality's mains where such supply is available.
- (2) Every sign in connection with which electric current is used shall be provided with an external switch in a position to be determined by the Municipality whereby the electricity supply to such sign may be switched off.

### **Exemptions**

22. (1) The provisions of this By-law shall not apply to any sign inside a building, except illuminated signs in shop windows.
- (2) There shall be exempted from the provisions of sections 3, 14, 15 and 20 any sign that falls into one or other of the following categories:
- (i) Any sign displayed by the Municipality or by any omnibus or tramway company lawfully authorised to conduct a system of transport for use by the public, and any sign affixed to a street pole with the written permission of the Municipality.
  - (ii) Any sign inside a shop window.
  - (iii) Any advertisement appearing in a newspaper or periodical sold on the streets, and any poster in connection therewith.

- (iv) Any sign temporarily displayed on the occasion of –
  - (aa) any public thanksgiving, rejoicing or mourning; or
  - (bb) any other public function or occasion to which the Municipality may apply the provisions of this paragraph.
- (v) Any sign displayed on any vehicle ordinarily in motion upon public roads, and any sign carried by such vehicle.
- (vi) Any unilluminated sign not projecting over a public road and not exceeding 0,60 m<sup>2</sup> in area, notifying only that the premises to which it is attached are to be sold on a date specified in such sign, or that a sale of furniture or household goods is to take place therein on a date specified in such sign (neither of which dates shall be more than 1 month after the date when the sign is first displayed): Provided that only 1 such sign is displayed on any public road frontage of such premises and that it is removed within 7 days after the said specified date.
- (vii) Any unilluminated sign not projecting over a public road and not exceeding 0,20 m<sup>2</sup> in area, notifying only that the premises to which it is attached are for sale or to let or that lodgers and boarders may be received therein: Provided that only 1 such sign is displayed on any public road frontage of such premises.
- (viii) Any unilluminated sign not projecting over a public road and not exceeding 1,2 m<sup>2</sup> in area, comprising only the name, address and telephone number of any building or premises not used for purposes of industry or trade, and attached to such premises: Provided that only 1 such sign is displayed on any public road frontage of such premises.
- (ix) Any unilluminated sign not projecting over a public road and not exceeding 0,20 m<sup>2</sup> in area, notifying only the types of trade, business, industry or profession lawfully conducted by any occupant of the premises to which it is attached, the name of such occupant, the address and telephone number of such premises and the hours of attendance (if any): Provided that only 1 such sign is displayed by any occupant on any public road frontage of such premises.

- (x) Any unilluminated sign not projecting over a public road and not exceeding 0,60 m<sup>2</sup> in area, advertising a function to be conducted on a date specified in such sign on the premises to which it is attached: Provided that such function is not conducted for the private gain of any individual: Provided further that such date is not more than 1 month after the date when such sign is first displayed and: Provided lastly that only 1 such sign is displayed on any public road frontage of such premises and that it is removed within 7 days after the said specified date.
- (xi) Any unilluminated sign not projecting over a public road, which serves only for purposes of warning or indication of direction in relation to the premises to which such sign is attached, and which is no bigger or higher than is reasonably necessary for the effectual performance of its functions.
- (xii) Any sign painted directly on, or forming part of the permanent fabric of, a wall of a building.
- (xiii) Any sign painted or otherwise executed on the glass of any window.
- (xiv) Any sign painted directly on a verandah or balcony if it complies with section 11.
- (xv) Any sign required to be displayed by law.
- (xvi) Any sign displayed at premises upon which building operations are taking place relating to any services being provided, or any work being done, or any goods being supplied in connection with such operations: Provided that any such sign shall be forthwith removed when the provision of such services or the doing of such work or the supply of such goods, as the case may be, has ceased.

### **Savings**

- 23. Nothing in this By-law contained shall be construed as affecting in any way rights belonging to, or duties imposed upon, the Municipality as the body in whom is lawfully vested the ownership of, or the control over, any public road or other place or thing whatsoever within its area of jurisdiction.

### **Waiver of provisions**

24. (1) The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of this By-law: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- (2) In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

### **Penalty clause**

25. In addition to any offence created by a specific provision of this By-law, any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding –
- (i) a fine or imprisonment for a period of 1 year or either such fine or such imprisonment or both such fine and such imprisonment;
- (ii) in the case of a continuing offence, an additional fine of R50.00 or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or 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 a result of such contravention or failure.

### **Repeal of laws and savings**

26. (1) The following laws are hereby repealed:

#### **All previous by-laws with regard to this matter**

- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

**Short title**

27. This By-law shall be called the Advertising Signs and Disfigurement of the Fronts or Frontages of Streets By-law, 2008