

Knysna, South Africa

## Regulation of Outdoor Advertising

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# Regulation of Outdoor Advertising

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# Knysna South Africa

## Regulation of Outdoor Advertising By-law, 2021

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**Commenced on 17 September 2021**

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and includes any amendments published up to 12 April 2024.]*

In terms of section 156 of the Constitution of the Republic of South Africa, 1996 the Knysna Municipality, enacts as follows:

### Chapter 1 General

#### 1. Definitions

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

**"advertisement"** means any visible representation of a word, name, letter, figure, object, mark or symbol or of an abbreviation of a word or name, or of any combination of such elements with the object of transferring information;

**"advertiser"** means the person, or the proprietor of an enterprise, placing an advertisement, alternatively the supplier of a product which is being advertised, alternatively the owner of the property on which an advertisement is placed;

**"advertising"** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner;

**"advertising structure"** means any physical structure built to display an advertisement, whether or not such advertisement is actually displayed on it;

**"animated"** sign means an electronic sign in which a representation of one or more than one figure or illustration is given the appearance of movement by the successive switching on and off of lights or illuminated lines, or a sign which makes use of artificially propelled or compressed air to achieve movement;

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

**"Architectural Profession Act"** means the Architectural Profession Act, 2000 (Act 44 of 2000) as amended and any succeeding legislation, and includes any regulations made in terms of the Act.

**"area of maximum control"** means an area deemed sensitive to visual disturbance and include, but are not limited to natural open spaces in urban areas, urban conservation area, interface of natural landscape with built-up areas, gateways, residential areas, bodies of water and rivers, ridges, forests, open recreational area, architectural and historical sites, characteristic vistas, heritage sites, special tourist areas and skylines;

**"area of minimum control"** include, but are not limited to areas seen as centres, areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services, such as areas of concentrated economic activity, commercial districts, shopping centres, office precincts, commercial enclaves and shopping centres in industrial areas and industrial parks, entertainment districts, and prominent transport nodes;

**"area of partial control"** means areas that can be characterised by a greater degree of integration and complexity of land use, includes but are not limited to a 50m strip between an area of minimum control and an area of maximum control, which will be measured from the edge of the area of maximum control into the area of minimum control, commercial enclaves in residential areas, suburban shopping centres and office parks, ribbon development, educational institutions, institutional premises, sports fields or stadiums, commercialized squares, government enclaves, smallholdings of an urban nature;

**"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, which amendments and modifications will be graphically depicted by way of maps as prepared by the municipality;

**"area of sensitivity"** means an area referred to in [Section 37](#) of this by-law.;

**"Aesthetics Committee"** means a committee established by the Knysna Municipality for dealing with matters relating to building aesthetics;

**"balcony"** means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper-floor door or window;

**"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 flag staffs 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 larger than 4,5m<sup>2</sup>, supported by a free-standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is also commonly known as an advertising hoarding. The main function of a billboard is to advertise non-locality bound products, activities or services;

**"bit"** means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos or abbreviations;

**"building"** means any structure whatever with or without walls and with or without a roof or canopy;

**"Building Act"** means the National Building Regulations and Building Standards Act ([Act 103 of 1977](#)) as amended and any succeeding legislation and includes all regulations promulgated in terms of such legislation;

**"building control officer"** means any person appointed or deemed to be appointed as building control officer by the Municipality in terms of the National Building Regulations and Standards Act, 1977 ([Act 103 of 1977](#));

**"canopy"** means a structure in the nature of a roof projecting from the facade of a building and cantilevered from that building or anchored otherwise by columns or posts;

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

**"combination sign"** means a single free-standing advertising structure for displaying information on various enterprises and services at locations such as road-side service areas, urban shopping centres and other urban complexes;

**"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 recognized 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;

**"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;

**"corporate signage"** means trademark, brand-name, franchise and similar signage where only a specified range of signage is available to the proprietor of an enterprise;

**"Council"** means the Municipal Council of the Knysna Municipality;

**"designated official"** means an official of the municipality authorised to implement the provisions of this by-law;

**"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 Building Standards Act, 1977 ([Act 103 of 1977](#));

**"direction sign"** means a guidance sign provided under the South African Traffic Sign System and used to indicate to the road user the direction to be taken in order that they may reach their intended destination;

**"display of a sign"** includes the erection of any structure if such structure is intended solely or primarily for the support of such sign;

**"display period"** means the period which a specific sign, sign type or advertising structure is allowed on a specific site, at a specific location or against a specific building, structure or vehicle irrespective of any changes in advertising contents;

**"electronic sign"** means a sign in which electric current is used;

**"enterprise"** means a business undertaking;

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

**"estate agency/agent"** means a person or group of persons, natural or legal, who renders any service referred to in subsections (i) to (iv) of paragraph (a) of the definition of "Estate Agent" in section 1 of the Estate Agents Act, 1976 ([Act 112 of 1976](#)), as amended, or an estate agent as defined in sub-section (vi) of section 1 of that Act;

**"façade"** means the principal front or fronts of a building;

**"flag"** means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes:

- (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff;
- (b) a flag carried as part of a procession; and
- (c) a flag which is not displayed on a flagstaff.

**"flashing sign"** means a sign in which the visibility of the contents is enhanced by their intermittently appearing and disappearing or being illuminated with varying intensity or colours;

**"flat sign"** means any sign which is affixed to any external wall of a building used for commercial, office, industrial or entertainment purposes, but excluding a parapet wall, balustrade or railing of a veranda or balcony of any such building, which sign at no point projects more than 300mm from the surface of such a wall and which may consist of a panel or sheet or of individual numbers, letters or symbols;

**"free-standing sign"** means any immobile sign which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

**"freeway"** means a road designated as a freeway by means of a road traffic sign;

**"ground level"** means the level immediately below any portion of a sign and means natural ground level where the natural ground level is uncovered and where such ground level is covered, the top surface level of the covering on the natural ground;

**"height (of a sign)"** means the vertical distance between the ground level and the uppermost edge of a sign;

**"illuminated"** means an advertising structure which has been installed with electrical or other power for the purpose of illumination of the message of such sign;

**"illuminated sign"** means a sign, the continuous or intermittent functioning of which depends upon it being illuminated;

**"locality-bound sign"** means a sign displayed on a specific site, premises or building and which refers to an activity, product, service or attraction located, rendered or provided on that premises or site or inside that building;

**"location sign"** means a guidance sign provided under the SA Road Traffic Sign System and used to identify places or locations which either provide reassurance during a journey or identify destinations such as towns, suburbs or streets near the end of a journey;

**"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;

**"main roof-line of a building"** means the gutter-line or wall plate level of any roof of a building other than the roof of a veranda or balcony;

**"main wall of a building"** means any external wall of a building, but does not include a parapet wall, balustrade or railing of a veranda or a balcony;

**"maximum area (of a sign)"** means the measured area of a signboard, or where there is no backing board to the sign, the area of an imaginary rectangle drawn around the outer extremities of the contents of a sign;

**"media owner"** means the owner of an outdoor advertising structure from which an income is derived by placing advertisements and by selling outdoor advertising space. Media owners make mostly, but not exclusively, use of non-locality-bound advertising structures and are mostly, but not exclusively, involved in commercial advertising.

**"municipal property"** means immovable assets in the registered ownership of the municipality, or vested in the municipality and includes land, improvements, road reserves and infrastructure;

**"municipality"** means the Municipality of Knysna established in terms of Section 12 of the Municipal Structures [Act, 117 of 1998](#), Provincial Notice 409 dated 28 August 2000, and includes any political structure, political office bearer, or 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, agent or employee;

**"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;

**"National Building Regulations"** means the regulations promulgated from time to time under the National Building Standards and Regulations Act, 1977 ([Act 103 of 1977](#)), as amended;

**"outdoor advertising"** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors;



**"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;

**"person"** means a natural or legal person;

**"poster"** means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, local government or any similar body or to a referendum, or any placard advertising any product or service or announcing the sale of any goods, livestock or property;

**"projecting sign"** means any sign which is affixed to a main wall of a building which is used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface to the main wall and is affixed at a right angle to the street line;

**"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;

**"road traffic sign"** means any road traffic sign as defined in the Road Traffic Act, 1989 ([Act No. 29 of 1989](#)), and/or the National Road Traffic Act ([Act 93 of 1996](#)), the detailed dimensions and applications of which are controlled by the regulations to this Act and the SA Road Traffic Signs Manual;

**"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 ([Act 93 of 1996](#));

**"roof sign"** means a sign attached to or painted on the roof of a building;

**"SAMOAC"** means the South African Manual for Outdoor Advertising Control (April 1998) published by the national Department of Environment Affairs and Tourism;

**"SANRAL"** means the South African National Roads Agency established in terms of the South African Roads Agency Limited and national Roads Act ([Act 7 of 1998](#));

**"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;

**"sign/signage"** is a more comprehensive term than 'advertisement' and refers to any advertisement or object, structure or device which is in itself an advertisement or which is used to display an advertisement;

**"signage master plan"** means a set of design guidelines, not in conflict with this by-law, which will govern the type and style of signage to be utilised on a building or erf containing more than one enterprise or undertaking;

**"streetscape"** means a street or a portion of a street in an urban area or any part of an urban area;

**"street furniture"** means public facilities and structures which are not intended primarily for advertising but which are provided for pedestrians and commuters and may include seating benches, planters, pavement litter-bins, bus shelters, pavement clocks and drinking fountains;

**"strobe light"** means an electronic tube that can emit extremely rapid, brief and brilliant flashes of light;

**"temporary signs"** means signs which are displayed for a maximum period as may be approved by the municipality;

**"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;

**"urban conservation area"** means an area of the built environment demarcated as such on the zoning map within which the Conservation Area Provisions as set out in the Knysna Zoning Scheme Regulations shall apply;

**"veranda"** means a structure in the nature of a roof attached to or projecting from the facade of a building and supported along its free edge by columns or posts; the window-glass of a building;

**"zone"** means a land use zone as set out in the relevant zoning scheme 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. Purpose of by-law

This by-law aims to provide a set of regulations governing the use of land and buildings for outdoor advertising and signage and for matters incidental thereto, within the jurisdiction of the Knysna Municipality. It is intended to achieve this aim by establishing a balance between outdoor advertising opportunities to enable economic development and the conservation of the visual character of the town and its tourism and environmental resources, as well as traffic and public safety.

## 3. Application of the by-law

The by-law shall be applicable throughout the area of jurisdiction of the Knysna Municipality, irrespective of the ownership or control of the land, and shall apply to land owned by the National Government or under the management of any National Government Department, Provincial Government Department, State Owned Enterprise, or Local Authority, as well as all other land.

## 4.

Nothing contained in this by-law shall be construed as being in derogation of any law enacted by any national or provincial authority relating to advertisements within their legislated mandate.

## Chapter 2 Institutional framework

### Municipal outdoor advertising decision-making designations

## 5.

Applications are decided by:

- (a) an authorised official;
- (b) the Building Control Officer (BCO); where such authorised official is not the BCO; or
- (c) an Appeal Authority where an appeal has been lodged against any decision of the authorized official or Building Control Officer.

6.

The Municipal Manager shall appoint an authorised official to make decisions on applications pertaining to:

- (a) signage as contemplated in sections [18](#), [55](#), [56](#) and [57](#);
- (b) signage pertaining to events, as contemplated in Chapter 9 of this by-law.

7.

The Building Control Officer shall be authorised to decisions pertaining the approval of all other signage types.

8.

The Director responsible for the Building Control function shall be the appeal authority.

9.

The appeal authority has the discretion to obtain advice from technical and or other experts.

### **Chapter 3**

#### **Application procedures**

#### **10. Applications requiring approval**

No person may commence, continue, or cause the commencement or continuation of displaying an advertising structure on a building or site without the consideration by, or approval of the municipality.

#### **11. Procedures for applications**

An applicant must comply with the procedures in this chapter of this by-law for applications.

#### **12. Administrative documentation required**

An application must include the following information and documents:

- (a) an application form provided by the municipality, completed and signed by the applicant;
- (b) if the applicant is an agent or a tenant, a power of attorney authorizing the applicant to make the application;
- (c) if the owner of the land is a company, closed corporation, trust, body corporate or owners' association, proof that the person is authorized to act on behalf of the company, closed corporation, trust, body corporate or owners' association and a resolution authorizing the agent or tenant to bring the application;
- (d) proof of registered ownership in private land concerned; and
- (e) proof of payment of application fees.

#### **13. Application fees**

An applicant must pay the application fees determined by the municipality before submitting an application in terms of this by-law.

## Application information required

### 14.

An application for approval of a sign requiring municipal approval must, in all cases include the following:

- (a) a plan, photograph or drawing showing exactly where it is proposed that the sign should be positioned (in most cases this should be a copy of the relevant building plan or site development plan);
- (b) if it is intended that the sign should be affixed to a building, an elevation of the building showing the proposed position and dimensions of the sign;
- (c) a locality plan and site development plan, if required, or a plan showing any proposed advertising structure;
- (d) details of the proposed dimensions of the sign and the height at which it is proposed that the sign is to be fixed;
- (e) an impression of the sign, including colours, wording, font sizes etc.;
- (f) details of the materials out of which the sign will be manufactured;
- (g) details of the mechanism for hanging or erecting the sign;
- (h) details of illumination if any;
- (i) photographic images of the site or buildings or streetscape; and/or
- (j) any other documents or information that the municipality may require.

### 15.

An application for approval of a Signage Master Plan must, in all cases, include the following:

- (a) a site plan of the property;
- (b) a plan or plans of all buildings on the property showing the proposed positions of all signs;
- (c) elevations of all aspects of the buildings to which it is proposed to affix signs, showing the exact proposed positions of the signs and the maximum dimensions to be permitted;
- (d) details of the parameters within which it is proposed that tenants are to be permitted to erect signs in the identified positions; such parameters to include:
  - (i) dimensions of signs;
  - (ii) colours;
  - (iii) materials;
  - (iv) fonts
  - (v) methods of illumination if any
  - (vi) methods of fixing; and

*[Please note: numbering as in original.]*

- (c) written comment from affected persons either within a development location or immediately adjacent thereto, where the municipality determines that such comment would be required.

**16.**

An application for directional signage or an application for Tourism Signage, where such application is for signage on a road reserve controlled by the municipality and not by provincial government or SANRAL, must be made to the designated official on the prescribed form and accompanied by the prescribed fee. Such application must include:

- (a) location of the facility;
- (b) details of the sign requested, including the main symbol, any alternative symbols and the name of the facility;
- (c) evidence that the facility complies to acceptable industry standards, which evidence could be a grading certificate, an inspection or registration certificate, a brochure; and
- (d) a zoning certificate indicating that the facility complies with the zoning scheme regulations;
- (e) where deemed necessary the municipality may require other supporting documentation such as a liquor license, health certificate and/or any other statutory documentation to certify the legal operation of the facility; and
- (f) written comment from the municipal department responsible for roads.

**17.**

An application for other signage on municipal property must be made to the designated official on the prescribed form and accompanied by the prescribed fee. Such application must include:

- (a) a detailed motivation as to why the signage should be approved on municipal property, including an explanation as to why approval would not set a precedent that would undermine the implementation of this by-law;
- (b) all details of the proposed sign, including size, contents, colours and fonts;
- (c) the proposed materials out of which the sign would be made and the method of construction;
- (d) all necessary information regarding movement and sight lines in respect of vehicles and pedestrians to facilitate an informed decision;
- (e) written comment from affected persons either within a development location or immediately adjacent thereto, where the municipality determines that such comment would be required; and
- (f) written confirmation from the municipal department responsible for municipal properties that permission had been given in terms of any policy or regulation pertaining to the utilisation of Council Property.

### **Temporary signs**

**18.**

An application for approval of a temporary sign on municipal property must be submitted to the designated official at least ten days before it is intended that the banner should be displayed. The application must be submitted on the prescribed form and must include the following information:

- (a) the name, address and contact details of the organisation wishing to display the temporary signage;
- (b) the nature of the event to which the temporary signage relates;
- (c) the duration of the event;
- (d) the target audience for the event, including the numbers of people expected to be interested in it;

- (e) the dates during which the applicants wish to display the signage.

**19.**

When an application for temporary signage is approved the approval must indicate the duration of the approval and the date on which the temporary signage is to be removed.

**20.**

Any approval for the erection of temporary signage shall be subject to the deposit, as determined by Council in its annual tariffs, which deposit is to be paid before erection of the sign.

**21.**

In the event that any temporary sign is not removed by the date recorded in the approval the authorised official must arrange for the removal of the sign and the deposit shall be forfeited. the sign must be kept for a period of 5 working days during which it can be reclaimed by the owner, after which it may be disposed of and the owner shall not be entitled to any claim against Council in respect thereof.

### **Decision-making period**

**22.**

The following timeframes are applicable to the assessment of applications:

- (a) following the receipt of all the application information required, the municipality must refer the application within 14 days to the committee for consideration.
- (b) the decision maker may request additional information or documents and notify the applicant in writing of any information or documents it requires.
- (c) the applicant must provide the committee with the additional information or documents contemplated in subsection (b) within 14 days of the date of notification or within the further period agreed to between the applicant and the municipality.
- (d) the applicant may, before the expiry of the 14-day period referred to in subsection (c), apply to the municipality for an extension of the period to submit the outstanding information and documents, to an additional period not exceeding 14 days.
- (e) the committee may refuse to consider the application if the applicant fails to provide the information or documents within the period contemplated in subsection (c) and (d).
- (f) the decision maker must make a decision within 7 days.

**23.**

The decision-maker may in respect of an application:

- (a) approve, in whole or in part, or refuse that application;
- (b) upon the approval of that application, impose conditions.

## Chapter 4

### Criteria for decision-making and conditions of approval

#### 24. General criteria for consideration of applications

No advertisement or advertising structure shall:

- (a) in the opinion of the municipality constitute a danger to any person or property;
- (b) be erected without approval where such approval is required by any Act or Regulations or any other law;
- (c) be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials, or for any other reason; or
- (d) be allowed that emits noise, smoke, sound, smell or odor.

### General conditions of approval

#### 25.

All signs and advertising structures must be properly constructed of the requisite strength and must be secure and must comply with the requirements pertaining to of the National Building Regulations and Standards Act, 1977 ([Act 103 of 1977](#)) and the following shall be applicable:

- (a) all signs and their support structures must be constructed of safe, durable materials suited to the function, nature and permanence of the sign.
- (b) every sign and its support structure must be kept in a state of good repair.
- (c) 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 and safety thereof and must undertake at least one inspection per year thereof with a view to satisfying themselves as to the safety thereof.
- (d) 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.
- (e) all glass used in a sign, other than glass used in illumination, must be safety glass.
- (f) glass panels used in a sign must not exceed 0,9 m<sup>2</sup> in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- (g) 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.
- (h) no advertising structure may be closer to overhead electrical equipment than the minimum distance as prescribed.
- (i) no signage shall cover or interfere with the heritage features of a listed building such as unique plasterwork, gable design and plaster scrolling.

26.

The municipality may impose further conditions regarding the position, size and content of any advertisement it considers necessary, in the interest of road safety or environmental impact.

27.

Should an advertising structure or advertisement be displayed in contravention of conditions imposed by the municipality, the municipality shall act as contemplated in terms of [section 67](#).

## **Chapter 4 Appeals**

*[Please note: numbering as in original.]*

### **Procedures for appeals**

28.

The following persons may, within 14 days of notification of a decision made in terms of the by-law, appeal in writing to the appeal authority against the decision:

- (a) the applicant; or
- (b) where an affected person has submitted comment on the application, such person.

29.

An appeal must set out the following:

- (a) the grounds for the appeal;
- (b) whether the appeal is lodged against the whole decision or a part of the decision;
- (c) if the appeal is lodged against a part of the decision, a description of the part;
- (d) the factual or legal findings that the appellant relies on; and
- (e) the relief sought by the appellant.

30.

An application for an appeal will only be validly submitted upon the submission of the proof of payment of appeal fees as may be determined by the approved tariff structure of council.

### **Timeframes for appeals**

31.

If a person other than the applicant lodges an appeal, the designated official must give written notice of the appeal to the applicant within 7 days of receipt thereof.

32.

If the applicant lodges an appeal, an affected person who has submitted comment on the application must be notified of the appeal, within 7 days of receipt of the appeal.



**33.**

An applicant who has received notice of an appeal from an affected person or an affected party who has submitted comment on the application of the applicant, may submit comment on the appeal to the municipality within 14 days of being notified.

**34.**

A designated employee, where the decision was made by the building control officer or the Building Control Officer, where the decision was made by another authorised employee, must draft a report assessing an appeal and must submit it to the Appeal Authority within 14 days of receipt of the appeal or any applicable closing date for comment.

**35.**

The appeal authority must within 21 days of receiving the report contemplated in [section 34](#), decide an appeal.

**36. Withdrawal of an appeal**

An appellant may, at any time before the appeal authority makes a decision, withdraw the appeal, by notifying the designated official thereof in writing.

## **Chapter 5**

### **General guidelines and parameters for signage**

**37.**

The municipality may determine areas of visual, environmental or cultural sensitivity within which standards of control will be applicable for advertising signage.

**38.**

The following regulations are applicable in respect of signage in the municipal area:

- (a) corporate signage, whether relating to a national or international company or a franchise group must comply with the provisions of this by-law.
- (b) signs must be in keeping with the general architectural design and aesthetics of the premises to which they relate, and must be in keeping with the character of their immediate surroundings.
- (c) signs on a property may only relate to the business operated thereon and the products processed or produced thereon or sold therefrom.
- (d) no property may be used for the primary purpose of erecting advertising signage.
- (e) illumination of signage shall generally be permitted only during the hours of business of the specific undertaking, and may not be a source of visual nuisance or interference.
- (f) illuminated signs in residential areas are prohibited.
- (g) backing illumination shall be limited to the face of the sign and where illumination is by external means or spotlight, such illumination will be directed downwards onto the face of the sign and may not cause nuisance to passing traffic or to other properties.
- (h) a sign or a portion thereof may not protrude above the main roof-line or parapet wall of a building, or beyond the edges of the particular portion of the building to which it is attached, nor conceal architectural detail of facades on buildings.

- (i) a sign that is affixed to a building, except a projecting sign, may not contain obtrusive visible struts or anchors and the electricity supply to illuminated signs must be concealed a minimum clear height of 2.1m must be adhered to for all signs over public walkways and accesses, except for road traffic signs.
- (j) a sign or a portion thereof may not be placed within 500mm (five hundred millimetres) of the vertical line formed by the roadside edge of a kerbed-stone.
- (k) signs on balconies and balustrades must not be displayed above the lower edge of any visible window of a floor directly above such balcony or balustrade;
- (l) canopy advertisements must form an integral part of the canopy or blind without dominating the canopy structure or blind;
- (m) environmental authorisation may be required for any sign larger than 18m<sup>2</sup> in area, prior to consideration for approval. Such EIA must, in addition to environmental considerations, also address visual, social and traffic safety aspects.
- (n) no advertising pamphlet may be pasted on any wall or structure, or placed under the windscreen wiper of any vehicle without the express permission of the owner thereof, in addition to the approval of the municipality.
- (o) The municipality shall hold the advertiser liable for any costs involved in removing such advertisements, including where littering has occurred as a result of unauthorized placing of such pamphlets/posters.
- (p) an information 'i' sign may only be displayed by an enterprise accredited as an information bureau by the Destination Marketing Organisation in terms of the Western Cape Tourism Act, 2004 ([Act 1 of 2004](#)).
- (q) all signs on main roads must comply with the provisions of the Advertising on Roads and Ribbon Development Act, 1940 ([Act 21 of 1940](#)), as amended.
- (r) all signage in road reserves must comply with the prescripts of the Urban Transport Guidelines (UTG).
- (s) any person who erects any sign that is in contravention of this section shall be guilty of an offense.

### 39. Religious or cultural symbols and texts

The municipality recognises and respects the rights of all citizens to freedom of conscience, religion, thought and belief. However, in order to avoid visual intrusion that might be caused by competing signs and symbols and to maintain the uncluttered and natural appearance of the area, the following regulations shall apply to the display of religious or cultural symbols or signage:

- (a) There is no restriction on the display of symbols or signage inside a building or in a position in which they can be seen from inside the boundaries of a property only;
- (b) On any property except a property zoned Institutional Zone or the equivalent zone that is intended to provide for a "Place of Worship":
  - (i) no symbol or signage that is bigger than 1,8 metres in height and / or 1 metre in width may be placed in such a position that it is visible from outside the property;
  - (ii) no symbol or signage that is visible from outside the property may be illuminated and no illumination of any symbol may be visible from outside a property;
  - (iii) any symbol or signage that is visible from outside a property must be in natural material and muted colours;
- (c) No person may erect any religious or cultural symbol or display any religious or cultural signage on municipal property, without consent, as contemplated in [section 17](#).

- (d) Any person who wishes to display a religious or cultural symbol or signage that does not comply with sub-section (b) or who wishes to obtain Council consent as required in sub-section (c) must apply to the designated official on the form prescribed for this purpose, clearly stating the nature, size and all relevant details of the proposed object, and must pay the fee determined in Council's tariffs for an application in terms of this section.
- (e) Any person who displays a religious or cultural symbol or sign that does not comply with sub-sections (b) or (c) without approval shall be guilty of an offense.

#### 40. Illumination

In any part of the municipal area that is visible from another property, from a public road or public place:

- (a) external lighting shall only be permitted if it is indicated on an approved site development plan.
- (b) all external lighting is to be directed downward unless specifically approved otherwise and may not create undue light spillage beyond the surface of the sign.
- (c) where floodlights may be permitted by the municipality, upon an application made to the Electro-Technical Department, they may not be visible to traffic travelling in either direction.
- (d) signs may not be illuminated if no sign content is displayed.
- (e) the use of strobe lights or flashing lights will not be permitted.
- (f) any person who acts in contravention of sub-sections (a) to (e) shall be guilty of an offense.

### Chapter 6 Technical requirements relating to signage

#### 41.

The following regulations shall be applicable in respect of the safety and construction of signs:

- (a) No advertisement or advertising structure, as permitted by this by-law, may:
  - (i) be displayed or placed so as to constitute a danger to any person or property;
  - (ii) be so placed or contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
  - (iii) be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
  - (iv) be attached to a road traffic sign or signal, combined with a road traffic sign or signal [unless specifically provided for in the South African Road Traffic Signs Manual (SARTSM)], obscure a road traffic sign or signal, create confusion with a road traffic sign or signal, interfere with the functioning of a road traffic sign or signal or create a road safety hazard in the opinion of the roads authority;
  - (v) obscure the view of a pedestrian or that of a driver of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
  - (vi) exceed the minimum clearance with regard to overhead power lines as prescribed in regulation 15 of the Electrical Machinery Regulations (No R1593 in GG. 11458 of 12 August 1988);
  - (vii) be erected in a power line servitude without the permission of the relevant authority and a copy of such permission must be made available to the municipality;

- (b) Signs or advertisements positioned along roads and specifically targeting the road user must be concise and legible and must comply with the following requirements:
  - (i) be displayed or placed so as to constitute a danger to any person or property No sign displaying a single advertisement or message shall exceed 15 "bits" of information.
  - (ii) no combination sign or any other sign displaying more than one advertisement or message shall contain more than 6 "bits" of information per enterprise, service or property or per individual advertisement or message displayed on a combination sign.
  - (iii) "Bit" values must be calculated as follows:
    - (a) Words of up to 8 letters, inclusive: 1 "bit"
    - (b) Numbers of up to 4 digits, inclusive: 0,5 "bit"
    - (c) Numbers of 5-8 digits: 1 "bit"
    - (d) Symbol, logo or abbreviation: 0,5 "bit"
  - (iv) No message shall be spread across more than one sign or sign panel.
- (c) Any sign permitted by this by-law must:
  - (i) be neatly and properly constructed and executed and finished in a workmanlike manner;
  - (ii) not be detrimental to, or have a negative aesthetic impact on, the urban design streetscape or the character of the surrounding area by way of the design of the structure or device;
  - (iii) must consist of durable materials in accordance with the function, nature and permanence of the advertisement, sign or structure and materials such as cloth, canvas, cardboard, paper or synthetic cardboard should be used only when essential to the nature and function of a particular sign;
  - (iv) have a neat appearance in terms of advertisement content and sign writing;
  - (v) be rigidly and securely attached, supported or anchored in a safe manner and so that unwanted movement in any direction is prevented;
  - (vi) be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected, including wind pressure;
  - (vii) wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side;
  - (viii) when attached to conservation-worthy buildings, be attached with the necessary expert advice in order to prevent damage to such buildings.
- (d) Any advertiser or contractor:
  - (i) may not use water-soluble adhesive, adhesive tape or similar material to display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
  - (ii) must have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber treated to prevent decay; and
  - (iii) must take measures to prevent the entry of water into and the accumulation of water or moisture on or in any part of its supporting framework, brackets or other members.
- (e) Glass used in signs (other than glass tubing used in neon and similar signs) must be safety glass at least 3mm thick and glass panels used in signs may not exceed 0,900m<sup>2</sup> in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.

- (f) Every illuminated sign and every sign in which electricity is used must in accordance with the requirements of the municipality or other electricity regulator:
- (i) have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly;
  - (ii) be constructed of material which is not combustible;
  - (iii) be provided with an external switch in an accessible position whereby the electricity supply to the sign may be switched off;
  - (iv) be properly wired and constructed.

**42.**

All signs must comply with the relevant provisions of the national building regulations.

### **Maintenance of signs**

**43.**

The owner of the property on which any sign is erected or displayed and the advertiser shall be jointly and severally responsible for the maintenance of such a sign (together with all its supports, braces, guys and anchors; and to keep it in a state of good repair and preservation both structurally and aesthetically.

**44.**

Whenever any alteration is made to the ground level adjacent to any sign, such owner and advertiser shall be jointly and severally responsible for the alteration of the height of such sign so as to comply with the requirements of this by-law.

**45.**

Any sign permitted by this by-law:

- (a) must, where appropriate, to be located at a height that discourages vandalism;
- (b) shall be serviced on a regular basis; and
- (c) shall be maintained in good repair and in a safe condition and according to the highest standards as regards quality of structures, posting and sign writing.

**46.**

Should any sign become dangerous or a nuisance, the owner or advertiser must immediately remove the source of danger or the nuisance and failure to do so shall constitute an offence.

**47.**

Should an owner or advertiser fail to comply with the terms of a notice issued by the municipality to remove such source of danger or nuisance, the municipality may remove the sign concerned at the expense of the owner or the advertiser and no compensation shall be payable by the municipality to any person in consequence of such removal.

**48.**

Any damage or defacement of any building or site caused by or resulting from the removal of any sign must be repaired to the satisfaction of the municipality at the owner's cost.

## Chapter 7

### Regulation of signage on private property

49.

There are two categories of permitted signage on private property dealt with in this by-law:

- (a) signage that may be erected by right without the submission of any application and without the specific approval of the municipality;
- (b) signage that may be erected only with the approval of the municipality given by the authorised official with the correct delegation.

50.

Having due regard to the regulations stated in [section 38](#) above, and excluding any category of sign listed in [section 52](#) below the following signage may be erected by right without the submission of any application:

- (a) On a business, local business, industrial, or similarly zoned property on which one business only operates, signs relating directly and only to the single business operating on that property and/or to products processed or produced or sold or supplied thereon may be erected provided that they meet the following criteria:
  - (i) a maximum of two signs per street frontage and three signs altogether will be permitted;
  - (ii) no sign may contain more than 3 (three) letter types;
  - (iii) each sign must be less than 0,75m<sup>2</sup> in extent on business, commercial, industrial or community facility zoned properties with premises up to 100m<sup>2</sup> in floor area;
  - (iv) no sign may abut or overlap any architectural feature such as a window, door, the edge of a pillar, etc. There must in all cases be a space between the sign and the edge of the plane on which it is displayed;
  - (v) each sign must be less than 1,5m<sup>2</sup> in extent on business, commercial, industrial or community facility zoned properties with premises greater than 100m<sup>2</sup> in floor area;
  - (vi) each sign must be less than 0,12m<sup>2</sup> on residential zoned premises;
  - (vii) flat and painted wall signs or signs affixed in the same plane as the wall may not exceed 15% of a specific ground floor facade of the enterprise to which they relate;
  - (viii) projecting signs must have a maximum size and dimension of 1,2m<sup>2</sup>, with a maximum horizontal dimension of 1,0m and a maximum vertical dimension of 1,5m and only one such sign shall be allowed per enterprise facade;
  - (ix) no sign which prevents a person outside the building from seeing the interior of the building may be displayed over more than 25% of the area of any window;
- (b) In addition to the signs referred to in sub-section (a), flags and flag-type banners (flag-type banners attached to flag-poles or cross-pieces on flag-poles and hung vertically) on the premises of a business may be used for displaying the name, corporate symbol and nature of enterprises, provided that:
  - (i) torn, broken, or faded banners and flags will not be allowed;
  - (ii) no banner, flag or flag-type banner shall be larger than 5m<sup>2</sup>, and no flagpole shall 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;

- (iii) no more than three flag poles shall be permitted per property.
- (c) On a property that has a consent use for an accommodation establishment or is zoned to permit an accommodation establishment (excluding a property on which an accommodation establishment with two or less rooms is operating as an "occupational practice") a maximum of five (5) flagpoles bearing national flags may be erected. Such flagpoles must not exceed 8m above natural ground level in height.
- (d) Signs describing the type of development being carried out on a site and giving details such as the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or agent, provided that:
  - (i) not more than two signs describing the type of development shall be allowed per premises; signs describing the type of development shall not exceed 3,0m in height, and shall not exceed 4,5m<sup>2</sup> in size;
  - (ii) signs describing the type of development and other relevant information may, subject to approval by the municipality, remain on the site after completion of construction work for a maximum period of six months after date of completion, or until initial sale of all units/ erven, whichever date is the earlier.
- (e) On Residential, Agricultural or Institutional Zoned properties, identification, direction and warning with regard to place of residence, (e.g. street numbers and names of houses, flat complexes, farms and smallholdings), and notices/signs such as 'Beware of the dog' and 'No entrance'. Such signs may not exceed a total area of 0,25m<sup>2</sup> per premises with a maximum letter size of 350mm, provided that if there is more than one entrance to the premises (i.e. one each on different road frontages), a total sign area of 0,5m<sup>2</sup> may be displayed (with not more than 0,25m<sup>2</sup> per frontage). Signs informing the public that a property is protected by a security company are dealt with in sub-section (j) and are not included in this category.
- (f) On Residential, Agricultural or Institutional Zoned properties where small business is operating legally, or where small-scale urban and rural accommodation facilities with a residential and neighbourhood character such as guest houses, B&B establishments, or boarding houses are operating, signs containing the name and nature of the business, practice or enterprise and/or the name(s) of the owner, practitioner or partners are permitted, subject to the following restrictions:
  - (i) one sign with a maximum area of 0,75m<sup>2</sup> per premises is permitted;
  - (ii) if there is more than one entrance to the premises (i.e. one each on different road frontages), two signs with a maximum area of 0,75m<sup>2</sup> each may be displayed (each on a different frontage);
  - (iii) where a more elaborate and solid supporting structure is provided the maximum area per sign, including the supporting structure, may be increased to 1,5m<sup>2</sup> on the condition that the sign panel or lettering shall not occupy more than 50% of the total sign area.
- (g) Community services and institutions such as religious, educational, cultural, recreational and certain medical and similar institutions:
  - (i) such signs may contain the name and nature of the institution, the name(s) of practitioner(s) and the nature and extent of service, opening times, and such other information as may be determined by the municipality;
  - (ii) subject to the volume of information to be displayed, a sign not exceeding 3m<sup>2</sup> in area may be permitted per premises;
  - (iii) if there are more than one entrance to the premises on different road frontages (i.e. one each per road frontage), two signs with a maximum area of 3m<sup>2</sup> each may be displayed, each on a different frontage;

- (iv) where a more elaborate and solid supporting structure forms part of the sign, the total sign area may be enlarged to 6m<sup>2</sup>, on the condition that the actual sign panel or lettering shall not occupy more than 50% of the total sign area;
  - (v) in cases where more than one institution or community facility shares the same premises, a combination sign or collective board must be provided which will allow for not more than 2m<sup>2</sup> per institution or community facility.
- (h) Project boards consisting of signs displaying the involvement of contractors and consultants in construction projects or alterations to existing structures or facilities may be erected on the following conditions:
  - (i) they may only be erected on the site where the project is being developed;
  - (ii) they must describe only the building or structure being erected or other work or activity being carried out, and the names of the contractors or consultants concerned in such work or activity;
  - (iii) they may list the branches of the industry or the professions of the contractors or consultants;
  - (iv) they must not exceed 1,5m<sup>2</sup> per consultant or contractor, whether displayed as part of a combined project board or individually;
  - (v) they must not exceed 9m<sup>2</sup> in total if they are combined project boards;
  - (vi) no individual or single boards shall be displayed if no other consultants or contractors are involved or if a combined project board has already been erected;
  - (vii) only one such sign per contractor or consultant is permitted per street frontage of a site;
  - (viii) they may be displayed only during the period of construction on the site.
- (i) Estate agent signs may be displayed on the property that is for sale on the following conditions:
  - (i) only one sign per estate agency, per erf, road frontage with a maximum of three estate agencies are permitted and the owner of the erf must ensure that there are no more than three signs per erf road frontage including any signs on Municipal property as provided for under section (a) below;
  - (ii) a sign must consist of a single board not exceeding 0,3m<sup>2</sup> in size, including any frame or hanging structure, and measured from the outside perimeter of any such structure shall be permitted for a property either zoned or used for single residential purposes;
  - (iii) for a property zoned for other purposes and not used for single residential purposes a single board not exceeding 1,2m<sup>2</sup> in size, including any frame or hanging structure, and measured from the outside perimeter of any such structure, or two duplicate boards with a total size of 2,4m<sup>2</sup> joined at 120° may be permitted;
  - (iv) signs must be placed at or fixed to the building concerned, or attached to the boundary fence of the premises concerned;
  - (v) a sign conforming to the same size limits as would apply to a for sale sign, indicating that a property has been sold, may be erected, subject to the same restrictions on position as would apply to a for sale sign and may remain in position for no more than two months after the transfer of the property.
- (j) Security Company signs indicating that a premises is protected by apparatus or services provided by a security company may be displayed, subject to the following conditions:
  - (i) on a business, local business, industrial, or similarly zoned property on which one business only operates, one sign per property measuring a maximum of 400mm x 600mm may be displayed.



- (ii) where more than one enterprise is operating on a single property or in a single building, one sign per property measuring a maximum of 300mm x 500mm may be displayed by any company offering a service on the property. In addition, where a company provides services to more than one enterprise, an additional sign measuring a maximum of 300mm x 500mm may be displayed close to the entrance of any additional enterprises (over and above the first one) served. The positions of all such signage must be provided for on the Signage Master Plan.
- (iii) on Single Residential or Agricultural Zoned Properties one sign measuring a maximum of 300mm x 500mm may be displayed. Such signs may be affixed to a fence, a gate post or the wall of a building. They may not be affixed to any free standing structure.
- (iv) on General Residential or Group Housing zoned properties one sign per property measuring a maximum of 400mm x 600mm may be displayed by any company offering a service on the property. In addition, where a company provides services to more than one dwelling unit, an additional sign measuring a maximum of 300mm x 500mm may be displayed close to the entrance of any additional dwelling units.

## 51.

The following signage may be erected on private property only with the approval of council:

- (a) on a property on which one business only operates, signs relating directly and only to the single business operating on that property and/or to products processed or produced thereon which do not comply with [section 50](#) and are not prohibited by [Section 52](#);
- (b) service facility (service station) combination signs may not exceed 7,0m in height and 2,0m in width, and a maximum of 8 advertising panels may be permitted per combination sign, with only one enterprise or service allowed per panel. An advertising panel may not exceed 4,5m<sup>2</sup> in area and only one combination sign may be permitted on the premises of a filling station or roadside service area. Illumination may be permitted only if the business provides a 24-hour service. Facilities with limited after-hours services may be permitted to illuminate advertisements during business hours only;
- (c) where more than one enterprise is operating on a single property or in a single building, a signage master plan shall be required to be submitted by the owner of the property, for the municipality's approval prior to any signage being displayed. Such Signage Master Plan should comply with the following guidelines:
  - (i) a maximum of two signs per enterprise/undertaking per direct street frontage and up to a maximum of three signs per business/undertaking;
  - (ii) each sign must be less than 0,75m<sup>2</sup> in extent on business, commercial, industrial or community facility zoned properties with premises up to 100m<sup>2</sup> in floor area;
  - (iii) each sign must be less than 1,5m<sup>2</sup> in extent on business, commercial, industrial or community facility zoned properties with premises greater than 100m<sup>2</sup> in floor area;
  - (iv) each sign must be less than 0,12m<sup>2</sup> on residential zoned premises;
  - (v) flat and painted wall signs or signs affixed in the same plane as the wall may not exceed 15% of a specific ground floor facade of the enterprise to which they relate;
  - (vi) flat and painted wall signs or signs affixed in the same plane as the wall may not exceed 20% of the facade of a shopping centre (excluding the business component);
  - (vii) projecting signs must have a maximum size and dimension of 1,2m<sup>2</sup>, with a maximum horizontal dimension of 1,0m and a maximum vertical dimension of 1,5m and only one such sign shall be allowed per enterprise facade.

- (d) Free-standing "On-premises business signs" may be permitted where a building, or enterprise is so situated that any such signs affixed to such building are not legible from the road or street onto which it faces, or where it is not structurally possible or visually feasible to affix appropriate signs to such building, or where such a sign is needed to locate the entrance to business premises or the private access road to a business, or where a free-standing combination sign may prevent the proliferation of signs. In such cases the following conditions are applicable:
  - (i) this section is not applicable to small businesses on urban residential sites or in buildings that were originally constructed for residential or community purposes;
  - (ii) only one sign or advertising panel on a combination sign may be permitted per enterprise, provided that if there are more than one entrance to a premises on different road frontages, two signs or advertising panels may be permitted per enterprise, each on a different road frontage;
  - (iii) a maximum sign area of 4,5m<sup>2</sup> is permitted, provided that where a sign is affixed to a nonadvertising structure such as a boundary wall or gate structure it may not occupy more than 50% of the structure to which it is affixed and a maximum height of 4m shall apply;
  - (iv) in the case of elaborate and solid advertising structures, a maximum area per sign, including the supporting structure, of 9m<sup>2</sup> is permitted, provided that the actual sign panel or lettering may not occupy more than 50% of the total sign area and a maximum height of 6m shall apply;
  - (v) where a sign is incorporated in a combination sign a maximum area of 3m<sup>2</sup> per advertising panel shall be allowed.
- (e) Locality-bound banners and flags may be used on a temporary basis and only with approval:
  - (i) for advertising functions, events and enterprises;
  - (ii) be incorporated in a street-scaping project;
  - (iii) be used for advertising sales promotions or commercial products or events.
- (f) Any person who erects any sign on a private property, other than a sign described in [section 50](#) or, without having first obtained Council's approval, a sign described in this section shall be guilty of an offense.
- (g) Any person who wishes to obtain approval in terms of this section must submit an application to the designated official as set out in [section 17](#) and must pay the fee determined in Council's tariffs for an application.

## 52.

The following signage is not permitted and no approval may be given for it by any official or sub-committee of Council:

- (a) any sign which in the opinion of the Aesthetics Committee, is of an indecent, obscene, repulsive, revolting or objectionable character or content or of a nature calculated to produce a pernicious or injurious effect on the public or any person, or is displayed in such a place or in such a manner, or by such means as affects or is likely to affect injuriously the amenities of, or disfigure or is likely to disfigure, any property or neighbourhood;
- (b) animated and flashing signage;
- (c) enlarged product replicas and inflatable signs (except as provided for in chapter 9 or where such a sign has been approved in terms of [section 60](#));
- (d) signs painted, placed or erected on roofs;

- (e) any sign, including the name or number of the premises, on or incorporating natural features such as, but not limited to rock faces, trees or hillsides;
- (f) any sign which is, detrimental or is likely to be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or any other reason provided for in this by-law or any other law;
- (g) any sign which obstructs any fire escape or any window or door or other opening used as a means of egress or for ventilation or for fire-fighting purposes or which prevents the free passage from one part of a roof to another;
- (h) signs on veranda railings, supporting columns, pillars or posts;
- (i) any banner (except as provided for in [section 55\(1\)](#));
- (j) any sign which unreasonably obscures, wholly or partially, any sign owned by another person previously erected and legally displayed;
- (k) any vehicle, trailer or other craft or object as contemplated in [section 70](#);
- (l) "Feather" and similar banners or flags (except as provided for in chapter 12);
- (m) signs animated by mechanically generated airstreams and inflated "blimp" signs;
- (n) with the exception of the three signs mentioned in [section 54\(3\)](#) any billboard type sign.

Any person who erects or displays any sign described in this section shall be guilty of an offense.

## Chapter 8

### Regulation of signage on municipal property

#### 53.

There are five categories of signage permitted on municipal property:

- (a) certain categories of sign, including estate agent signage, as set out in [section 54](#), are permitted on the conditions stated in that section.
- (b) only after approval by the authorised official in terms of [section 55](#) temporary signs in the form of banners and posters may be displayed at designated points and in terms of any conditions specified.
- (c) only after approval the signs as detailed in Sections [58](#), [59](#) and [60](#) may be erected on municipal property under the conditions specified in the respective sections.
- (d) only after approval directional and/or tourism signage that conforms to the specifications published by the municipality from time to time may be erected under the conditions specified in sections [56](#) and [57](#).
- (e) from time to time the municipality may, in terms of [section 61](#) make available, through private contractors, opportunities for advertising on structures such as rubbish bins or lamp posts, or on custom designed and purpose build structures commissioned by the municipality or on behalf of the municipality for the purpose of providing opportunities for advertising.

**54.**

The following signs may be erected on municipal property without specific permission, subject to the conditions set out in each case:

- (a) Estate agent signs may be displayed on council property on the following conditions:
  - (i) only one sign per estate agency, per erf, road frontage with a maximum of three estate agencies are permitted and the owner of the erf must ensure that there are no more than three signs per erf road frontage, including any signs within the property boundaries;
  - (ii) a sign shall consist of a single board not exceeding 0,3m<sup>2</sup> in size, including any frame or hanging structure, and measured from the outside perimeter of any such structure shall be permitted for a property either zoned or used for single residential purposes;
  - (iii) for a property zoned for other purposes and not used for single residential purposes a single board not exceeding 1,2m<sup>2</sup> in size, including any frame or hanging structure, and measured from the outside perimeter of any such structure, or two duplicate boards with a total size of 2,4m<sup>2</sup> joined at 120° may be permitted;
  - (iv) signs must be placed within a distance of 0,5m of the boundary of the premises concerned;
  - (v) signs must not be displayed on road islands or medians;
  - (vi) agents having houses "on show" may display a board at the nearest primary route intersection and at each intervening intersection during the time that an agent is on duty at the property that is on show, provided that:
    - (a) such boards may not be on permanent display and must, in all cases, including the case of developments, be removed on a daily basis during the times that the show house is not on show or the sales office is not operational;
    - (b) the on show board must not exceed 0,3m<sup>2</sup> in size, including any frame or hanging structure, and measured from the outside perimeter of any such structure;
    - (c) no more than one board may be placed at any intersection pointing in any one direction;
    - (d) a maximum of one (1) board not exceed 0,3m<sup>2</sup> in size, including any frame or hanging structure, and measured from the outside perimeter of any such structure will be permitted outside the show house on show day.
  - (vii) A sign conforming to the same size limits as would apply to a for sale sign, indicating that a property has been sold, may be erected, subject to the same restrictions on position as would apply to a for sale sign and may remain in position for no more than two months after the sale of the property.
- (b) Farm or smallholding name signs may be displayed next to the entrance of the access road to a homestead or must be affixed to the gate at the entrance of such access road; In the case of more than one farm/small holding sharing an unnumbered or private access road, a collective advertisement board or combination sign may be placed at the entrance to the access road or, where appropriate, a smaller sign indicating the property numbers in question only may be displayed; If any official traffic sign bearing a destination or route number is displayed at the entrance to such access road, no farm/smallholding name signs shall be allowed; A standardised name sign for specific smallholdings may be prescribed by the municipality.
- (c) Three only bill-board type advertising signs may be erected by or on behalf of municipality or the organisation responsible for the marketing of tourism in the municipal area; one on each side of the town of Knysna and one in the town of Sedgefield.

- (d) Free-standing advertising boards on "A-Board" structures may be placed on municipal land on the following conditions:
  - (i) only one A-board permitted per business;
  - (ii) a-boards shall only be placed directly in front of the premises on the pavement on the same side of the road as the premises;
  - (iii) a-boards shall not exceed 1,2m high and 0,6m wide;
  - (iv) the boards must be properly constructed so that they are stable in light winds;
  - (v) boards must not be placed on the road edge but behind the pedestrian area, so as not to obstruct pedestrian movement. In no cases may the free passage for pedestrians be less than 2m;
  - (vi) a-boards must not obstruct visibility for traffic;
  - (vii) a-boards that do not comply with this by-law may be removed without warning and returned only on payment of the fee determined by Council in its annual tariffs, provided that they are collected within five days.

**55.**

After approval by the authorised official and after payment of the deposit prescribed by council in its annual list of tariffs, the following temporary signs may be erected on municipal property only in positions indicated to the applicant by the designated official:

- (a) temporary banners or flags used for advertising functions and events conducted for religious, social, welfare, sporting, civic or cultural purposes;
- (b) posters or placards relating to municipal, provincial or parliamentary elections or referenda, or other political events or campaigns;
- (c) signs temporarily affixed to or painted on towers and bridges not used primarily for advertising purposes, including signs on cellular telephone base station towers, water towers, radio towers and similar structures, and signs attached to pylons for advertising of specific events of a civic, cultural, religious, social, sporting or welfare-related nature;
- (d) any sign, including those utilised for advertising of events of a civic, cultural, religious, social, sporting or welfare-related nature may display a sponsor's logo not greater than one-third (1/3) of the area of the advertising sign.

**56.**

Directional signs: members of the public wishing to have their establishments included in such directional signage must submit applications as set out in section 16.

**57.**

Tourism signs which form part of the south african road traffic sign system and which are provided supplementary to directional signs must comply with the provisions of the sa road transport Signage Manual. Owners or managers of tourism establishments who wish to erect such signs must submit an application as set out in Chapter 3. Subject to approval such signs must comply with the following standards:

- (a) the applicant must have the approved sign made to the specifications and instructions of the municipality and at the applicant's expense. The quality of the material and the craftsmanship must meet the prescribed requirements and shall be subject to testing by the municipality;
- (b) the applicant must provide the signs to the municipality to be erected;

- (c) the applicant must fully compensate the municipality for all costs incurred in erecting and installing the sign in addition to a fee to be determined by Council in its annual tariffs;
- (d) the applicant shall provide a sign for replacement as determined by the municipality, where such a sign is damaged or becomes unsightly.

**58.**

Subject to approval, and to the registration of a lease over the council's property, project boards consisting of signs displaying the involvement of contractors and consultants in construction projects or alterations to existing structures or facilities may be erected on municipal property adjacent to the project site if it is impractical to erect them on the site itself, provided that:

- (a) they must describe only the building or structure being erected or other work or activity being carried out, and the names of the contractors or consultants concerned in such work or activity;
- (b) they may list the branches of the industry or the professions of the contractors or consultants;
- (c) they must not exceed 1,5m<sup>2</sup> per consultant or contractor, whether displayed as part of a combined project board or individually;
- (d) they must not exceed 9m<sup>2</sup> in total if they are combined project boards;
- (e) no individual or single boards must be displayed if no other consultants or contractors are involved or if a combined project board has already been erected;
- (f) only one such sign per contractor or consultant is permitted per project;
- (g) they may be displayed only during the period of construction of the project and must be removed after a maximum display period of 2 years;
- (h) such signs may not impede vehicular or pedestrian traffic movement, nor may they obscure the sightlines of any pedestrian or any vehicle driver in any way that could cause a hazard;
- (i) such signs may not cause a distraction in such a way that it may lead to a traffic hazard.

**59.**

Applicants wishing to erect other signage that is not provided for elsewhere in these regulations on municipal property may submit an application to do so in terms of chapter 3. such applicants should note that such signage will only be approved in exceptional cases and that it will be subject to the following conditions:

- (a) a lease must be entered into for the municipal property on which it is located;
- (b) the sign may not impede vehicular or pedestrian traffic movement, nor may it obscure the sightlines of any pedestrian or any vehicle driver in any way that could cause a hazard;
- (c) the sign may not cause a distraction in such a way that it may lead to a traffic hazard;

**60.**

In exceptional cases if the municipality is of the view that a particular sign or group of signs makes a positive contribution to the aesthetics, heritage or identity of the area by virtue of the unique nature of the sign or signs, it's or their particular use of materials, it's or their reference to any aspect of the area, or for any other reason considered significant by the committee, special approval for such sign or signs may be given.

**61.**

The municipality may provide a for contractual opportunities in respect of the following aspects of signage on municipal land:

- (a) the use of street furniture, including, specifically, bus shelters and benches, refuse bins, lamp posts, and street name signs, in respect of their role in the overall conservation of the built environment, in the definition of place, and in the provision of opportunities for signage and for revenue collection.
- (b) the erection of structures specifically for the purpose of giving entrepreneurs the opportunity to advertise their businesses.

**62.**

In respect of [section 61](#), terms of reference for invitations to tender or calls for proposals in respect of the opportunities envisaged therein, must determine:

- (a) numbers, spacing and positioning of elements;
- (b) design parameters such as size, height, material and technology for elements;
- (c) technical and aesthetic specifications for signs to be accommodated as part of the systems;
- (d) procedures for the allocation of space or signage opportunities in terms of the system.

**63.**

In respect of any contract let to any service provider in respect of the system or systems referred to in sections [61](#) and [62](#) the municipality shall retain the right to approve the design and content of any and all signs to be displayed on the structures to be utilised. To this end:

- (a) any new contract must provide for standard parameters for all signs that may be accepted for display;
- (b) a record of all signs accepted for display must be provided to the designated official;
- (c) no sign that does not conform to the standard parameters in the agreement shall be displayed.

## **Chapter 9**

### **Signage at sporting events, festivals and exhibitions**

**64.**

Approval to display temporary signs at sporting events, festivals, exhibitions, or similar events held in locations which are limited to pedestrian environments such as show grounds, exhibition centres and public roads which have been temporarily closed for motorised traffic may be given by the Aesthetics Committee, subject to an application being made by the event organisers on a prescribed form and the payment of a deposit to the municipality. Such application must include:

- (a) a detailed description of the event in terms of which the signage should be approved;
- (b) a site plan indicating the location of signage;
- (c) the type of signage or proposed materials out of which the signage would be made and the method of construction.

65.

Signs at sporting events, festivals, exhibitions, or similar events may include ground-based inflatable signs and replicas, as well as "feather" and other types of banners, under the following conditions:

- (a) signs shall not be aimed at passing motorised traffic, but shall be limited to spectators and visitors to the event, festival or exhibition presented in a pedestrian area;
- (b) the height of these signs shall be of such a nature as to limit its display to spectators and visitors to a specific event, festival or exhibition, and in any event not higher than 8.5 meters from the natural ground level;
- (c) signs shall be anchored directly to the ground, building or other relevant structure in a secure manner;
- (d) these signs shall be allowed only for the duration of a specific event, festival or exhibition. All signs along any public road, where such a road has been closed for presenting a sporting event, festival or exhibition shall be removed before such a road is opened for motorised traffic again.

66.

Any damage or defacement of any building or site caused by or resulting from the removal of any sign must be repaired to the satisfaction of the municipality at the owner's cost.

## Chapter 10 Offences and penalties

### 67. Offences

Any person who contravenes the provisions of this by-law shall be guilty of an offence and liable on conviction to the penalty prescribed in [section 68](#):

- (a) whether or not a prosecution under this section has been instituted, the municipality may, by serving a written notice upon a person causing or permitting a contravention to take place or upon the owner of the site upon which such contravention takes place or upon both such person and such owner, direct such person or owner to, within a time specified in such notice, to desist from the contravening action or to remove, repair or alter the contravening structure or sign or to alter the manner or place or circumstances in which a contravening sign is displayed, or to comply with any other requirements deemed necessary by the municipality, so that contravention may cease.
- (b) if a person or owner fails to comply with any requirement as contemplated in sub-section (a), the municipality may revoke any approval given in terms of this by-law in respect of the same property and may approach a court to obtain an order requiring the property owner to carry out the directive issued in terms of sub-section (a) and for such other remedies as the municipality may deem necessary and appropriate. The municipality may recover the cost of any such legal action from the owner of the property on which the sign was displayed.
- (c) when the municipality has instituted action under sub-section 67 or sub-section (a) or both in respect of any contravention or any alleged contravention no application, except one that is intended specifically to address the contravention or alleged contravention that is the subject of the action instituted, shall be submitted to or considered by the municipality in respect of the property or properties on which the contravention or alleged contravention have taken place or are alleged to have taken place until such time as the outcome of the action has been finalised either by compliance with the directive of the municipality or by compliance with the directive of a court or by the withdrawal of the action by the municipality.



## Penalties

68.

Any person who contravenes any provision of this by-law or who fails to comply with a lawful directive issued by a designated official of the municipality shall be guilty of an offence and liable on conviction to a fine or to imprisonment or to both such fine and such imprisonment, and in the case of a continued offence, to a further fine per day for every day, from the date on which the directive had been given, that the offence is continued.

69.

Any sign or structure that is placed or erected on municipal property that has not been erected or placed in accordance with the provisions of this by-law may be removed without written notice at the advertiser's expense and it will only be returned to the owner on payment of all related costs, which shall be billed against the property rates account of the owner at a rate determined in Council's annual tariffs.

70.

The municipality may, at the expense of the owner, impound or confiscate any vehicle, trailer or other craft or object which is not an authorised signage structure and which in the opinion of the municipality, is being parked, positioned or otherwise used for the primary purpose of advertising, unless otherwise approved by the municipality, and the municipality may prescribe conditions, including a fee, for the release of such unauthorised vehicle, trailer or other craft or object.

### 71. Magistrate's court jurisdiction

A magistrate shall have jurisdiction, on the application of the municipality:

- (a) 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;
- (b) to determine fines that may be issued by any peace officer on behalf of Knysna Municipality.

## Chapter 11 Administrative matters

### Transitional arrangements

72.

Any approval granted in terms of the By-law Relating to Outdoor Advertising, Heritage and Building Aesthetics in the Municipal Area or in terms of any previous by-law relating to outdoor advertising will be deemed to be an approval in terms of this by-law.

73.

Any sign or structure that is compliant with the Knysna Municipality: By-law Relating to Outdoor Advertising, Heritage and Building Aesthetics in the Municipal Area or previous by-laws relating to outdoor advertising, immediately prior to the date on which this by-law comes into operation but which is non-compliant with this by-law shall be deemed to be legal for a period not exceeding 12 months after the date on which this by-law comes into operation or until the sign or structure is replaced or is in a condition that requires maintenance of such a nature that it would normally be replaced, whichever occurs first. No such sign shall be renewed or replaced contrary to the provisions of this by-law.

## Maintenance of records

74.

It is incumbent upon every property owner to ensure that s/he has in safe keeping a record of any approval that has been granted under this by-law or any previous by-law in terms of which a permission has been granted pertaining to any sign or related structure.

75.

A copy of any signage master plan, together with its approval must be kept on the property at all times and must be available to the an official of the municipality for inspection if requested.

## 76. Repeal of by-laws

The Knysna Municipality: By-law Relating to Outdoor Advertising, Heritage and Building Aesthetics in the Municipal Area is hereby repealed.

## 77. Short title and commencement

This by-law shall be known as the Knysna Municipality's Regulation of Outdoor Advertising By-law and shall come into operation on the date of publication thereof in the Western Cape Provincial *Gazette*.