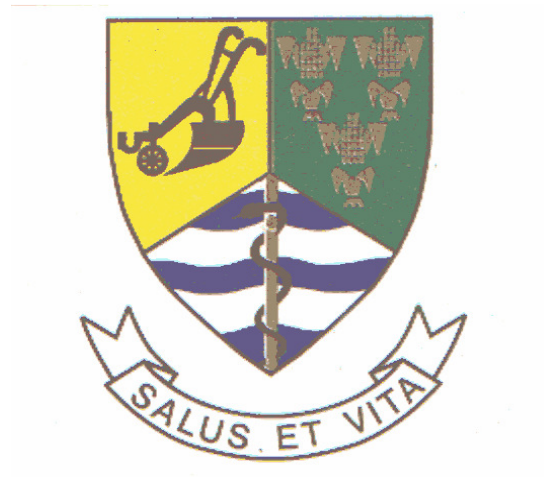


BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

BELA-BELA MUNICIPALITY



DRAFT BY-LAWS IN RESPECT OF THE ERECTION OF SIGNS AND HOARDINGS (OUTDOOR ADVERTISING)

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

CONTENTS

1. PURPOSE	3
2. DEFINITIONS	3
3. SCOPE OF THE POLICY	5
4. ROAD SAFETY AND TRAFFIC CONSIDERATIONS	5
5. AMENITY AND DECENCY	6
6. DESIGN AND CONSTRUCTION	6
7. MAINTENANCE.....	7
8. ESTATE AGENTS' SIGNS	7
9. PROJECT AND CONSTRUCTION SITE SIGNS.....	7
10. RESIDENTIAL OR COMMUNITY SIGNS	8
11. PRODUCT REPLICAS AND THREE DIMENSIONAL SIGNS AND HOARDINGS.....	8
12. ON-PREMISES BUSINESS SIGNS AND HOARDINGS	9
13. SERVICE FACILITY SIGNS AND HOARDINGS.....	10
14. BANNERS.....	10
15. AERIAL SIGN	10
16. APPLICATION FOR APPROVAL	11
17. SHORT TITLE	12

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

1. PURPOSE

- 1) The purpose of this policy is to control and regulate the erection of signs and hoardings on properties other than municipal land within the area of Bela Bela Municipality.

2. DEFINITIONS

The definitions in section 15 of the By-laws are applicable to this policy and must also be read with the following definitions which do not appear in the By-laws:

“aerial sign” means a sign painted on, attached to or produced by an aircraft, including a captive balloon, kite, unmanned free balloon, moored airship, parasailing craft, hang glider, model or radio controlled aircraft, an aircraft towed behind a vehicle or sailing vessel for the purpose of flight, and an aircraft towing banners or producing smoke signals;

“Animated” means that the visibility or message of a sign or hoarding is enhanced by means of moving units, flashing lights or similar devices, or that a sign or hoarding contains a variable message;

“banner” means a piece of cloth (or similar material) upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or to special structures, but excludes banners carried as part of a procession;

“by-laws” means Erections of Signs and Heading (Outdoor Advertising) By-law of Bela Bela Municipality;

“combination sign or hoarding” means a sign or hoarding comprising a number of smaller, individual signs, usually displaying different products or services, placed next to each other on a single structure specially designed to accommodate more than one sign or hoarding;

“Construction site sign” means a sign displaying the involvement of a contractor or consultant in a construction project;

“erf” means an erf, stand, lot, plot, agricultural holding or similar land entity;

“estate agents’ sign” means a sign that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let;

“Illuminated” in relation to signs or hoardings means that it has been installed with electrical or other power for the purpose of illuminating it, either continuously or intermittently;

2.

“locality-bound” means a sign or hoarding displayed on a specific erf or premises and referring to an activity, product, service or attraction located, rendered or provided on that erf or those premises or inside that building;

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

“mm” means millimeter;

“Municipality” means the Bela Bela Municipality, a local municipality established in terms of section 12 of the Local Government: Structures Act, 1998 (Act 107 of 1998);

“on-premises business sign or hoarding” means a sign or hoarding aimed at identifying and locating business enterprises and industries, and excludes a residential or community sign or hoarding;

“owner” in relation to a sign or hoarding means the person who owns the structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the sign or hoarding;

“Product replica or three-dimensional sign or hoarding” is a replica or device used for advertising that may be free-standing or attached to a structure, and includes an inflatable object that is not an aerial advertisement;

“Project sign” means a sign displaying the involvement of a contractor or consultant in a construction project;

“Residential or community sign” means signs displayed on premises used for residential-orientated purposes and for community services, but are limited to-

- a) signs showing the name of the business, practice, enterprise or the name of the owners where a consent use in terms of the Bela Bela Land Use Scheme, 2008 (or similar scheme) has been granted;
- b) signs showing the name and nature of the institution, the names of practitioners and nature and extent of services on community services and institutions, such as religious, cultural, educational and recreational institutions and medical institutions related to those purposes;

“Road reserve” means the full width of a municipal road, and includes roadways, shoulders and sidewalks and the air space above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;

“Road traffic sign” means a road traffic sign as defined in the National Road Traffic Act;

“Service facility sign or hoarding” means a sign or hoarding at a filling station or roadside rest and service area;

“tourism sign” means a road traffic sign having a trapezoidal shape and white on brown colour, the main objective of which is to inform and guide tourists in the final stages of their journeys;

“Traffic sign” means a road traffic sign or signal contemplated in the National Traffic Act or a rail traffic sign or signal;

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

3. SCOPE OF THE POLICY

- 1) This policy is designed to regulate advertising on signs and hoardings visible from any municipal road.

4. ROAD SAFETY AND TRAFFIC CONSIDERATIONS

- 1) Despite the other provisions of this policy, no sign or hoarding may-
 - a) constitute a danger to persons or property;
 - b) be so placed as to distract, or contain an element which distracts the attention of drivers of vehicles in a manner likely to lead to unsafe driving conditions;
 - c) be attached to traffic signs, combined with traffic signs, obscure traffic signs, create confusion with traffic signs, interfere with the functioning of traffic signs or create road safety hazards;
 - d) obscure the view of pedestrians or drivers, or obscure road or rail vehicles and road, railway or sidewalk features such as junctions, bends and changes in width;
 - e) obstruct fire escapes or the means of egress to fire escapes;
 - f) have light sources that are visible to vehicles traveling in either direction;
 - g) be placed closer than the minimum clearance with regard to overhead power lines as prescribed by any law;
 - h) be erected without approval as required by the said By-laws.
- 2) In considering applications for approval for hoardings and signs that will face any municipal road, the municipality must evaluate whether, according to road traffic sign standards published under applicable road traffic legislation, prevailing traffic conditions and the roadside environment -
 - a) the size of the sign or hoarding, together with other signs and hoardings in the area, if any, will affect the conspicuousness of road traffic signs by virtue of potential visual clutter;
 - b) the size of the sign or hoarding, or any portion thereof by way of its colour, letter size, symbol, logo, graphics or illumination, will result in the signs or hoarding having a distracting effect on the attention of drivers of vehicles to the task of driving and lead to unsafe driving conditions;

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

- c) the number of road traffic signs and other signs and hoardings in any area constitute a driving hazard, due to the attention of drivers of vehicles being deviated from the task of driving and leading to unsafe driving conditions;
 - d) the amount of information contained in the sign or hoarding, measured in bits, is within the prescribed limits;
 - e) the sign or hoarding is suitably positioned and orientated;
 - f) the position of the sign or hoarding will negatively affect the visibility of, sight distance to or efficiency of any road traffic sign, or series of such signs;
- 3) The municipality may increase the minimum spacing between signs or hoardings, or place further restrictions on the position, size and content of any sign or hoarding it considers necessary, in the interest of road safety.
- 4) No sign or hoarding will be allowed that emits a noise, sound, smoke, smell or odours.

5. AMENITY AND DECENCY

- 1) Despite the other provisions of this policy, no sign or hoarding may-
- a) be detrimental to the environment or to the amenity of a human living environment by reason of size, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
 - b) be in its content objectionable, indecent, offensive or suggestive of indecency or prejudicial to public morals or be in conflict with the guidelines or standards laid down from time to time by the South African Outdoor Advertising Association;
 - c) Obscure, partially or wholly, a sign or hoarding owned by another person that has been erected previously and legally displayed.

6. DESIGN AND CONSTRUCTION

- 1) Any sign or hoarding must –
- a) be neatly and properly constructed according to generally accepted design and construction standards;
 - b) not be detrimental to or have a negative aesthetic impact on the streetscape or character of the surrounding area by way of the design of the structure or device;
 - c) have a neat appearance and consist of durable materials suited to the function, nature and permanence of the sign or hoarding, and materials such as cloth, canvas, cardboard, paper or synthetic cardboard may be used only when essential to the nature and function of a particular sign or hoarding;
 - d) have a neat appearance in terms of sign or hoarding content and sign writing, and may not contain untidy handwritten messages;
 - e) not deface building facades with electrical services provisions and other accessories;
 - f) be rigidly and securely attached, supported or anchored in a safe manner so that unwanted movement in any direction is prevented;

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

- g) be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the sign or hoarding may be subjected, including wind pressure;

7. MAINTENANCE

- 1) A sign or hoarding must –
 - a) be located at a height that discourages vandalism;
 - b) be serviced on a regular basis;
 - c) be maintained in good repair and in a safe condition.
- 2) Any person who displays a sign or hoarding or permits it to be displayed shall be responsible for the maintenance in a safe and proper condition sign or hoarding and the repainting thereof, and be liable for the consequences of not doing so, and must undertake at least one annual inspection of the sign or hoarding with a view to satisfying himself or herself of the safety thereof.

8. ESTATE AGENTS' SIGNS

- 1) An estate agents' sign may not contain information other than the words "for sale", "to let" or "sold" and the name, logo, and telephone number of the selling or letting agent.
- 2) An estate agent's sign is permissible in any area, but not more than one such sign per estate agent may be erected on any Erf and not more than three agents may display their signs simultaneously on the same Erf.
- 3) The tariff for estate agents' signs is for ten (10) signs and may be erected on ten different erven.
- 4) The maximum size of an estate agents' sign may only be 0,5 square meters.
- 5) An estate agents' sign must be attached to the boundary fence of the property concerned or displayed within the boundaries of premises. Estate agents' signs may not be displayed on the road reserve.
- 6) An estate agents' sign must be removed not later than 14 days after conclusion of sale or lease for the property in question.

9. PROJECT AND CONSTRUCTION SITE SIGNS

- 1) A project or construction sign must be approved by the municipality and may display only-
 - a) a description of the building or structure being erected or other work or activity being carried out;
 - b) the names and the company symbols or logos of the contractors or consultants;
 - c) the branches of their industry or profession;
 - d) a description of the development being carried out;

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

- e) Where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
- 2) Only one combined project sign listing contractors and consultants shall be allowed per street front of a site.
- 3) A project or construction sign shall not exceed 1,5 square meters in area of advertisement per consultant or contractor, and may not exceed a total area of 9 square meters.
- 4) A project or construction sign may only be erected within the boundaries of the development site.
- 5) A project or construction sign may not be illuminated or animated.
- 6) A project or construction sign may be displayed only while the relevant works are actually taking place on the site.

10. RESIDENTIAL OR COMMUNITY SIGNS

- 1) A residential or community sign may be affixed flat or painted on a gate or wall.
- 2) In the case of a sign showing the name and nature of an enterprise or place of residence or the name of a proprietor or practitioner, one brass plate per premises is allowed, which may not exceed 600 mm by 450 mm, but where there is more than one entrance to the same premises on different road frontages, two brass plates of the size as mentioned may be displayed.
- 3) Where more than one enterprise or property is involved, a combination sign must be provided with not more than double the size of 600 mm by 450 mm per premises or per property.
- 4) A community sign may be displayed only on the premises to which it refers, and may not exceed 1,5 square meters in area.

11. PRODUCT REPLICAS AND THREE DIMENSIONAL SIGNS AND HOARDINGS

- 1) A product replica or three-dimensional sign or hoarding is allowed only in a shopping centre or other similar commercial area or in an industrial area and only after the prior written approval of the municipality has been obtained.
- 2) A product replica or three-dimensional sign or hoarding may only be erected within the boundaries of the property.
- 3) The highest point of a free-standing product replica or three-dimensional sign or hoarding above ground level shall not exceed three meters.

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

12.ON-PREMISES BUSINESS SIGNS AND HOARDINGS

- 1) An on-premises business sign or hoarding must be locality bound and may provide information only of the name and nature of the enterprise, the nature of goods sold or services provided on the premises and the name of the proprietor(s) or practitioner(s) and may be erected as a free standing advertisement.
- 2) An on-premises business sign or hoarding may not be displayed unless-
 - a) the building housing the enterprise is situated in relation to the road which it faces such that passing pedestrians or motorists may have difficulty noticing advertisements affixed to the building;
 - b) it is structurally possible or visually feasible to affix appropriate signs to a building;
 - c) the sign or hoarding is needed to locate the entrance to business premises or the private access road to a business;
 - d) there are no tourism road traffic signs reducing the need for such sign or hoarding.
- 3) No one may erect or display an on-premises business sign or hoarding facing a municipal road without first obtaining the written approval of the municipality in terms of section 14 of the By-laws. In deciding whether to grant or refuse such approval, the municipality must have regard to the manner and type of illumination of the sign or hoarding, if applicable, and the consideration that-
 - a) a proliferation of signs and hoardings must be prevented and combination signs or hoardings must be promoted.
 - b) The design of combination signs or hoardings must harmonise with the architecture of shopping centres or other buildings or structures;
 - c) Messages on individual panels of combination signs or hoardings must be concise and legible;
 - d) Combination signs or hoardings must be harmonious in terms of form, letter types and colour.
- 4) Only one on-premises business sign or hoarding shall be allowed per enterprise, unless there is more than one entrance on different road frontages, where two will be allowed, one per frontage and must be erected within the boundaries of the premises.
- 5) An on-premises business sign or hoarding shall be limited to a size not exceeding 6 square meters and a height of 7 meters.
- 6) In the case of an on-premises business sign or hoarding, the name or logo of the sponsor of the sign or hoarding may be displayed, but may not occupy more than one third of the total area of the advertisement.
- 7) An on-premises business sign or hoarding must be within the boundaries of the premises and may not be closer than five meters from the road reserve boundary.

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

- 8) An on-premises business sign or hoarding may refer only to the name and nature of the business on the premises, the brand name and nature of goods for sale or produced or the nature of the service provided and the name of the person(s) or firm(s) who own the business or provide the goods or services.

13.SERVICE FACILITY SIGNS AND HOARDINGS

- 1) A service facility sign or hoarding may refer only to the name or logo of a business providing a service, and the type of service provided.
- 2) A service facility signs or hoarding must be locality-bound and may be erected or displayed only in service facilities adjacent to and directly accessible from a provincial road at which the sign or hoarding is directed. Only one such sign or hoarding per direction of traffic flow will be allowed.
- 3) No one may erect or display a service facility sign or hoarding without first obtaining the written approval of the municipality. An applicant for such approval must submit with the application a location plan, detailed drawings of the sign or hoarding and a certificate issued by an engineer verifying that it was designed by such engineer.
- 4) No service facility sign or hoarding may exceed 10 meter in height and 3 meter in width.
- 5) The municipality may, in the approval referred to in sub-paragraph 3, stipulate requirements for the positioning of the sign or hoarding.
- 6) Service facility signs and hoardings must be erected within the boundaries of the property and no person may erect a service facility sign or hoarding in a road reserve.
- 7) No person may erect a service facility sign or hoarding in the road median or on an island.

14.BANNERS

- 1) A banner may be used only for locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda.
- 2) A banner must be attached to or supported between poles or other supports within the boundaries of the site or against the building where the function or event is to be held.
- 3) A banner may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.

15.AERIAL SIGN

1. No person may display an aerial sign in a visual zone without the written approval of the municipality.

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

2. An aerial sign may not be illuminated or animated and may only be displayed in daylight hours.

16.APPLICATION FOR APPROVAL

- 1) All applications for the erection of signs or hoardings shall in terms of section 14 of the By-laws be made in writing to the municipality on a form supplied by the engineer and which is attached in Annexure A hereto.
- 2) The municipality may refuse to consider an application where the relevant form has not been properly completed or the relevant fee has not been paid or the detailed drawings have not been attached.
- 3) The application form must be signed by the applicant for the sign or hoarding but also by the land owner.
- 4) The municipality must register every sign or hoarding approved by it and allocate to it a registration number, which must be displayed on the sign or hoarding in a clearly visible position by the owner of the sign or hoarding, and, if so directed by the municipality, in more than one place on the sign or hoarding, in a manner so directed and in a manner which will ensure that the number is not removed or obscured. The name and address of the advertiser must also appear on the sign or hoarding in the manner directed by the municipality, in letters that conform to the sizes stipulated by the municipality.
- 5) Approvals granted in terms of the By-laws and this policy will only be valid for a maximum period of five (5) years from the date of approval and may be renewed after expiry of the period by-
 - a) making application for such renewal to the municipality on the form provided by the municipality, and
 - b) Lodging the completed form with the application fee as determined by the municipality from time to time.
- 6) The owner of the land on which a sign or hoarding is erected or displayed in terms of an approval obtained under the By-laws or this policy, must retain certified copies of all documentation relating to the application and the approval issued by the municipality and any renewal thereof for as long as the sign or hoarding is erected or displayed, and must present it to any person authorized by the municipality on request. The owner of the sign or hoarding, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documentation.
- 7) Approvals granted by the municipality in terms of the By-laws or this policy shall be additional to, and not in substitution of, consent or approval required by any other laws or regulations.
- 8) The municipality may withdraw any approval given under the By-laws and this policy where the relevant sign or hoarding does not or ceases to comply with the By-law or this policy, or a condition imposed in such approval has not been complied with.

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

17. SHORT TITLE

- 1) The Short Title for the By-Laws shall be Outdoor Advertising and Hoarding By-Laws

BBLM OUTDOOR ADVERTISING AND HOARDING BY-LAWS

ANNEXURE A

BELA-BELA MUNICIPALITY

APPLICATION FOR A SIGN OR HOARDING

Name of Applicant: _____

Erf no: _____ Street name and no: _____

Type of sign or hoarding: (Delete where not applicable)

- | | |
|-----------------------------------|--|
| a) Sign under verandah | b) Sign on verandah |
| c) Sky sign | d) Projection sign |
| e) Estate Agents' Signs | f) Project & Construction Boards |
| g) Residential or Community Signs | h) Product Replicas or 3 Dimensional Signs |
| i) On-Premises Business Signs | j) Service Facility Signs |
| k) Banners | l) Aerial Signs |

Wording on sign or hoarding: _____

Height: _____ Length : _____ Thickness : _____ Weight : _____

Minimum height above pavement: _____

If a sky sign, state number of storeys of building : _____

Will condensers be used which have been approved by the municipality? _____

Distance from nearest traffic sign: _____ If flashing, state number of flashes per minute: _____

Will precautions be taken to prevent radio interference? _____

This form must be accompanied by a block plan indicating the position of the sign on site, drawn to scale of 1:500 and full detail drawings drawn to a scale of 1:20 in ink or on prints including an elevation of the sign, the size of all members supporting frameworks and anchorage's and any necessary calculations.

I/We also undertake to remove such sign within 14 days on receipt of a written notice by the Municipality without any compensation either or direct of consequential damages.

It is acknowledged that if consent is granted for the erection of the above-mentioned sign/hoarding, such consent is only for a period of five years commencing on the date of approval, after which a fresh application must be lodged.

I/We are fully acquainted with the provisions of the municipal By-laws governing the erection of signs and hoardings as well as the policy that have been adopted by the municipality in this regard and undertake to abide by it.

Signed this _____ day of _____ 200_____ at _____

OWNER

ERECTOR

FIRST WITNESS:

SECOND WITNESS