

*THE PROVINCE OF  
GAUTENG*

*DIE PROVINSIE  
GAUTENG*

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

**Vol. 13**

**PRETORIA, 4 APRIL 2007**

**No. 98**

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## **LOCAL AUTHORITY NOTICE**

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### **LOCAL AUTHORITY NOTICE 866**

### **CITY OF JOHANNESBURG**

### **OUTDOOR ADVERTISING BY-LAWS**

This notice serves to confirm the City of Johannesburg's intention to amend its Outdoor Advertising By-laws as approved by its Council in terms of Section 13(a) of the Municipal Systems Act, 32 of 2000 read with both Section 7 (6) of the Rationalization of Local Government Affairs Act, 1998 and Section 162 of the Constitution of the Republic of South Africa, 1996(Act 108 of 1996), as set out hereunder:

### **CITY OF JOHANNESBURG**

### **OUTDOOR ADVERTISING BY-LAWS**

WHEREAS the community of the City of Johannesburg has legitimate interests in ensuring: -

1. That signs or advertisements do not constitute a danger or nuisance to members of the general public whether by way of obstruction, interference with traffic signals or with the visibility of such signals, light nuisance or otherwise;
2. That signage or advertising displayed in its living environment is aesthetically pleasing, appropriate and placed at appropriate sites with an uncluttered effect;
3. That its environment for tourism is characterized by a high standard of user-friendly signage and advertising satisfactorily integrated into the environment;

AND WHEREAS individual businesses have legitimate interests in the proper advertising of their businesses, wares and products;

AND WHEREAS it is the duty of the Council of the City of Johannesburg to balance the competing interests in a fair, equitable, flexible and responsible way;

NOW THEREFORE the following By-laws are adopted as the Outdoor Advertising By-laws, for the City of Johannesburg.

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## 1. DEFINITIONS

In these By-laws, unless the context indicates otherwise:

**Advertisement** means any representation of a word, name, letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol; or any light, which is not intended solely for illumination or, as a warning against any danger, which is visible from any street or public place.

**Advertising Sign** means a screen, fence, wall or any other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement or object, structure or device, which is in itself, an advertisement or which is used to display an advertisement, in view of any street or public place and any physical structure built to display advertising. Advertising hoarding/Billboard/Structure has a corresponding meaning.

**Advertiser** means and refers to the person or organization whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement.

**Advertising** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and Outdoor Advertising has a corresponding meaning.

**Advertising structure** means any physical structure erected to display a sign

**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.

**Affix** means to firmly secure, which includes painting onto and "affixed" shall have a corresponding meaning.

**Animation** means moving units or pictures, flashing lights, and other non-stationery devices, which are used to gain added attention and awareness.

**Approved** means approved in writing by the Council and "approval" has a corresponding meaning.

**Application in terms of these By-laws** means:

- a. An application referred to in Clause 3, or
- b. A deviation or amendment in terms of Clause 5 and /or
- c. An exemption in terms of Clause 6.

**Applicant** means a person who has submitted or intends to submit an application in terms of these By-laws.

**Arcade** means a covered pedestrian thoroughfare not vested in the Council, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access.

**Area of control** means the degree of advertising control to be applied in a specific area, i.e. maximum, partial or minimum control, in accordance with the visual sensitivity of the area and traffic safety conditions. Area of control is also used to express the degree of landscape sensitivity of specific areas.

**Art** means a creative painting or drawing, resulting in a visual representation, which is visible from any street or public place.

**Arterial road** means a road which, in the opinion of the roads authority, functions as main (high volume traffic) carrier of traffic in an urban area

**Authorized Agent** means any individual, contractor, firm or entity appointed by the Council to act on its behalf in the application or administration of these By-laws

**Backlight Unit (backlit)** means an advertising structure which houses illumination in a box to throw light through translucent advertising printed on plastic or heavy-duty paper for a higher visibility and extended night viewing.

**Banner** means a piece of cloth (or similar 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 flagpole shall for the purposes of this By-Law, be deemed to be a banner.

**Balcony, veranda, canopy and under awning sign** means a sign:

- (a) Affixed flat onto or painted on a parapet wall, balustrade or railing;
- (b) Affixed flat onto or painted on a fascia;
- (c) Affixed flat onto or painted on the fascia of a roof structure without walls;
- (d) Affixed to or painted on a pillar, column or post supporting a roof structure without walls;
- (e) Painted or printed on the fabric of a blind.

**Billboard** means a sign with a sign area equal to or larger than 8 square metres supported by a freestanding structure which may be paper posted sign written, pasted with vinyl or covered, pasted or written upon by a combination of such methods and may feature special effects such as internal illumination, special character cutouts or three dimensional representations;

**Bit** means the basic unit for measuring the length of advertising messages and shall consist of letters, digits, symbols, logos, graphics, illustrations or abbreviations.

**Blimp** means helium inflated deific either fixed or anchored to the ground.

**Boundary wall sign** means a sign painted onto a boundary wall, and it may only be allowed in industrial areas

**Building** means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress there under, covering an area in excess of 4.6m<sup>2</sup> and having an internal height of more than 1.650m.

**Building Schedule** under this By-law means the development programme for construction or renovation specifying the different phases of the development and the type of construction, such as earthworks, piling and foundation pouring, needed to be completed before the superstructure can be formed and clad.

**Building Wrap Sign** means a sign of vinyl mesh or similar material attached to a building or structure under construction, renovation or maintenance for the duration of such construction, renovation or maintenance, or to an unsightly building or structure

**Candela** means a unit of luminance as determined from time to time by the International Commission on Illumination;

**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 than by columns or posts.

**Centre of Economic Activity** means an enterprise or a group of enterprises outside urban areas and which shall include farm stalls, service facilities, accommodation facilities, food services, industries and cottage industries, as well as shops and other commercial facilities;

**Clear height** means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below such sign.

**Combination sign** means a sign comprising a number of smaller, individual signs, usually displaying different products or services, placed adjacent to each other on a single structure specially designed to accommodate more than one sign

**Commercial Advertising** means any words, letters, logos, figures, symbols, pictures relating to the name of a business, a trade, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered.

**Composite sign** means a sign linked to a standardized background of a specific size similar to a poster board on which logos or other tourist-related information can be attached.

**Consent** means the Council's written approval to erect or display or distribute a sign in a particular area and is dependent on the relevant area of control in which the sign is situated or displayed or distributed. Such consent shall either be "deemed consent" where no application and formal approval is required or "specific consent". The latter may require an Environmental Impact Assessment before consideration for approval;

**Constitution** means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)

**Construction premises sign** means a sign affixed flat against, or on top of, a fence or wall forming the boundary of a construction premises, or on a building, to conceal construction and/or an unsightly condition arising out of the use to which the premises is lawfully being put

**Construction Site** means a property or erf, or portion of property or erf, under development for the purpose of building new or renovation/redevelopment of existing structure/s. These structures may include residential apartment blocks (flats), office towers / complexes, commercial centres or civil structures, such as bridges.

**Continuing offence** means an offence in terms of this By-Law, which continues to exist, after the expiry of the notice period referred to in a notice served in terms of this By-Law.

**Council** means the City of Johannesburg or its successor(s) in-law or any officer employed by the Council or any committee of officials designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with these by-laws.

**Copy Message (Artwork)** means the complete message/text of an advertisement to be displayed.

**Cut-outs / embellishments / add-ons** means letters, packages, figures or mechanical devices attached to the face of an outdoor sign which extend beyond the rectangular area for greater attention value. (Can provide a three dimensional effect.)

**Depth of a sign** means the vertical distance between the uppermost and lowest edges of the sign.

**Development sign** means a sign describing the type of development to be carried out or being carried out on a construction premises and may include a pictorial representation of the proposed development;

**Directional sign** means a sign indicating the way to a place, undertaking or activity for the purpose of advertising or directing public attention as contemplated in the definition of "Advertisement".

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

**Display period** means the exposure time during which the individual advertising message is on display.

**Election** means National, Provincial or Local Government elections and by-elections held from time to time.

**Electronic Advertising Sign** means an advertising sign, which has an electronically controlled, illuminated display surface, which allows all or a portion of the sign to be changed, animated or illuminated in different ways.

**Engineer** means an engineer registered in terms of relevant legislation/s

**Entertainment Precinct** means locations with a high concentration of day and night time entertainment activities. These areas contain a concentration of land uses such as restaurants, bars, cinema venues, nightclubs, Internet café's, hotel and other holiday accommodation and similar uses. These precincts include elements such as concentrated light sources, intense lighting, use of vibrant and alternative building materials, innovative design elements within shop fronts, balconies canopies, and architectural detailing.

**Environment (amenity)** means the surroundings within which humans exist and that are made up of—

- i. the land, water and atmosphere of the earth;
- ii. microorganisms, man-made, plant and animal life;
- iii. any part or combination of (i) and (ii) and the interrelationships among and between them; and
- iv. the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well being;

**Environmental Impact Assessment (in terms of NEMA)**, in relation to an application for an outdoor advertising sign to which scoping must be applied, means the structured public participation process of collecting, organizing, analyzing, interpreting and communicating information and assessing anticipated impact of the proposed sign on the environment.

**Erf** means any piece of land registered in a deeds registry as an Erf, lot, plot, stand or agricultural holding.

**Estate Agent Board** means a sign that is temporarily displayed to advertise the fact that the land, premises, development or other forms of fixed property are for sale or to let.

**Event** means an organized occasion for the general public;

**Fee** means the fee levied by Council as per the approved tariff of charges.

**Freestanding signs at educational facilities and at institutions** means a sign that may indicate the name and nature of the institution and the name of a sponsor and may display merchandise as directed by Council

**Freeway** means a road that has been designated as a freeway by an appropriate road traffic sign in terms of the National Road Traffic Act as amended from time to time

**Flashing sign** means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or illuminated with varying colour or intensity.

**Flat sign** means any sign, which is affixed to or painted directly on a main wall and which at no point projects more than 250mm in front of the surface of such wall.

**Fly poster** means any poster, which is pasted by means of an adhesive directly onto a surface.

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

**Guidelines** means any national, provincial and Council guidelines issued in terms of any provisions of this by laws and any other legislation/s having implications for outdoor advertising in the City;

**Ground sign** means any sign detached from a building, other than an aerial sign, hoarding, billboard or advertising structure.

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

**Illegal sign** means any sign or poster, painted, affixed, displayed, exhibited, posted or erected without the express written approval by Council.

**Illumination** means the installation of electrical equipment on an outdoor structure for illumination of the copy message at night.

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

**Inflatable sign** means any hoarding erected and maintained by means of air or gas used for the purpose of posting or displaying any advertisement.

**Interested and affected Party** means any person, group of persons or organization/s or body that in accordance with these by-laws and within any time period prescribed has submitted an application, commented or made representations in respect of any matter in these by-laws providing for applications, comments or representations.

**Intersection** means the area embraced within the prolongation of the lateral boundary lines of two or more public roads, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other.

**Institutions** means places of worships, education, social (public libraries, public clinics, hospitals and other institutions that may be classified as a social institution) cultural, memorial and historical

**Junction** means that portion of an intersection contained within the prolongation of the lateral limits of the intersecting roadways and including any portion of the roadway between such lateral limits, and any stop or yield line marking which is painted at such intersection.

**Land Owner** means the legally registered owner of a property where a sign is proposed to be erected or attached

**Lower order road** means a road with lower traffic volumes than an arterial road

**Main wall of a building** means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a verandas or a balcony.

**Mixed Use Property** shall for the purposes of this by laws refer to a multi storey building situated in the Inner City, which has a commercial, or business zoning, permitting residential use as a primary right or *virsa versa*, but which has a mix of uses including residential

**National Department** means a department of State within the national sphere of government;

**National Environmental Management Act (NEMA)** means the National Environmental Management Act no. 107 of 1998 and any of its Regulations and/or Guidelines that may be from time to time promulgated by National and Provincial spheres of Government and as may be amended from time to time

**National Road Traffic Act** means the National Road Traffic Act, 1996 (Act 93 of 1996) and any of its regulations and as may be amended from time to time

**Natural area** means an area which is in an unspoilt natural state or is of high scenic value, and includes, but is not limited to, national parks, game reserves, nature reserves, marine reserves, wilderness areas, areas of extensive agriculture and scenic areas

**Municipal Systems Act** means the Local Government: Municipal Systems Act 32 of 2000 and as may be amended from time to time.

**Newspaper** means a registered publication issued daily or weekly, usually consisting of folded unstapled sheets and containing news, articles and advertisements

**Newspaper headline poster** means a placard announcing or attracting public attention to newspaper headlines of the day of a specific daily or weekly newspaper, excluding promotional posters for events, competitions and commercial advertisements

**Non-profit body** means a body established to promote a social goal without the personal financial gain of any individual or profit making commercial organization involved and which submits adequate proof to the satisfaction of the Council of its non-profit status.

**On-Premises Business Advertisement (or Locality bound sign)** means an advertisement located inside the property concerned and aimed at identifying and locating business enterprises and industries situated on the said property, and excludes a residential or community advertisement.

**Organ Of State** means any organ of state as defined in the South African Constitution

**Outdoor advertising** means the act or process of notifying, warning, informing or making known or any other act of transferring information in a visual manner, primarily to attract the attention of road users;

**Owner of the Advertisement** means the person who owns the advertisement, which is displayed on the advertising sign, or any person who has a right to or share in the ownership of the advertisement.

**Owner of the Advertising Sign** means the person, who owns the advertising sign/structure or hoarding, or will own the sign/structure or hoarding once it has been erected, or any person who has a right to or share in the ownership of the advertising sign/structure or hoarding.

**Owner of the Land/Property** means the person who owns the land/property on which the advertising sign is, or will be erected, or any person who has a right to or share in the ownership of the land/property.

**Person** includes both natural and juristic persons.

**Pointer Board/Show House/Directional Signs** means a sign directing the public to a house being shown as show house by estate agents and relating to the letting or selling of the said property.

**Poster and Notices** means any placard announcing or attracting public attention to any meeting, event, function, news headlines, activity or undertaking or to the candidature of any person nominated for election to National, Provincial or Local Government or similar body or to a referendum displayed on an electrical light standard pole inside the road reserve. For the purposes of these by-laws, news headline posters and voter registration and/or voter education posters by the IEC or its successor in title shall be regarded and dealt with as a poster

**Premises** means an erf, stand, land, lot, plot, agricultural holding, farm portion or similar land entity registered in a deeds registry, or traditional land allotment

**Product replica or three-dimensional sign** means a replica or device used for advertising that may be freestanding or attached to a structure, and includes an inflatable object that is not an aerial sign

**Project Board** means an advertisement displaying the involvement of a contractor or consultant in a construction project.

**Projected Sign** means any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience's side of a drive-in cinema screen during a performance.

**Projecting Sign** means any sign, whether stationary or actuated, attached to and protruding from a building, which is used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface of the main wall and is affixed at a right angle to the street line.

**Provincial Department** means a department within the provincial sphere of government.

**Public participation process** means a process in which potential interested and affected parties are given an opportunity to comment on, make representation or raise issues relevant to, specific matters in relation to any application submitted in terms of this By-laws;

**Public Place** means any road, servitude, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park transit facilities, sport stadia, sports and recreational facilities such as nature trails and golf courses or enclosed space vested in the Council and also premises accessible to the general public on a more continuous basis such as large suburban shopping centres

**Pylon Sign** means any sign whether stationary or actuated, displayed on or forming an integral part of a pylon or mast or similar structure other than a building or advertising hoarding.

**Real estate agents' sign** means a sign advertising the fact that land, premises, a development or other forms of fixed premises are for sale or to let

**Regulation** means any regulation made under any Act of Parliament both at National and Provincial Spheres of Government including any procedures in terms of this by laws

**Residential Use/Purposes** means the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house, a guesthouse, a hotel and a residential club which is considered to be sensitive (visually) and incompatible to encroachment by third party outdoor advertising signs.

**Road** means any open public way for the passage of vehicles and people and includes a street or pedestrian mall

**Road Island** means an area demarcated on a roadway by means of painted lines, kerbstones or by other means with the intention of prohibiting vehicles from using the area;

**Road median** means the area separating opposing traffic lanes on a roadway

**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 reserve boundary** means the proclaimed boundary forming the outer edge of the road reserve

**Road traffic sign** means a road traffic sign as defined in the National Road Traffic Act as amended from time to time

**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 No 93 of 1996 or any of its amendments.

**Road traffic sign** means any road traffic sign as defined in 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 South African Road Traffic Signs Manual

**Rotating sign** means a sign, which rotates about any axis.

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

**Rural area** means an area of relatively low population density forming a transition between urban areas and natural areas and includes intensive agriculture, subsistence agriculture and smallholdings of a predominantly rural nature

**Scaffolding** means a system of interlocking poles and bars used to provide support and / or access to a site for construction purposes. Regulated by SABS 085.

**Security Advertisement** means an outdoor advertisement for neighborhood watch, farm watch, security schemes and other similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisement is displayed.

**Service Facility Advertisement** means an advertisement at a filling station or roadside rest and service area referring to the types of services provided at such a facility.

**Shelter Display** means a poster positioned as an integral part of a freestanding covered structure next to or at the shelter.

**Significant impact** means an impact that by its magnitude, duration, intensity or probability of occurrence may have a notable effect on one or more aspects of the environment and the amenity of the area on which it will occur

**Sky Sign** means any sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include a sign painted on a roof of a building.

**Street Furniture Advertisement** means an advertisement on public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road traffic signs, traffic lights, street lights or any other road related structures.

**Suburban Advertisement** means a pole mounted advertisement at the entrance to a town or suburb that carries an advertising sign beneath the road traffic sign bearing the name of the town or suburb.

**Storey** means the space within a building, which is situated between one floor level and the next floor level next above, or if there are no clearly defined storeys, the height of a story shall be taken as 4,5m.

**Street** means any street, road or thoroughfare shown on the general plan of a township, agriculture holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the Council.

**Street furniture sign** means a sign on public facilities and structures (which are not intended primarily for advertising) including seating, planters, sidewalk litter bins, pole mounted litterbins, bus shelters, sidewalk clocks, drinking fountains and street lamp poles, but excluding road traffic signs, traffic lights, or any other traffic related structures

**Street name sign** means a pole mounted advertising sign which may be illuminated, that is displayed in combination with a street name sign

**Streetscape** means the visual product of all the features within and adjacent to a street such as street furniture, signage, landscaping and road traffic signs

**Suburb name sign advertisement** means a pole mounted location sign at the entrance to a town or suburb that carries an advertising sign beneath the road traffic sign bearing the name of the town or suburb

**Temporary Event Advertisement** means signs and advertisements, which are usually displayed to publicize a forthcoming event or to advertise a short-term use of the advertisement site and it includes for-sale and to-let signs. Temporary Event Advertising has a corresponding meaning as a poster.

**Temporary Scaffolding Wrap** means a vinyl mesh substrate flighted over a scaffolding façade (either over a partial section or over the entire façade) for the purpose of displaying an image, graphic or advertising matter.

**Temporary Sign** means a sign not permanently fixed and not intended to remain fixed in one position.

**Third-party advertising** means any advertising displayed which is not comparable to the type of activity/use on the Erf or site to which it pertains. Such advertising shall be deemed not compatible with certain land uses categorised under Maximum Control in this By-laws.

**Tourism sign** means a road traffic sign having a trapezoidal shape with white lettering on brown background, the main purpose of which is to inform and guide tourists in the final stages of their journeys

**Transit advertising** means all advertising on normally moving vehicles including taxis, buses, trailers, trams, vessels, and bicycles.

**Movable temporary sign** means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign.

**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 advertising sign may have on vehicle/pedestrian/cyclist safety and traffic operation. The study should recommend any mitigating measures that may be required as a result of that impact.

**Tri-vision (also Scrolling Sign/Scroller)** means a display embellishment, which, through use of a triangular (or more) louver construction, permits the display of three (or more) different copy messages in a predetermined sequence.

**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.

**Window Sign** means a sign, which is permanently painted on, or attached to, the window-glass on a window.

**2. APPLICATION OF BY-LAWS**

- (1) **These by-laws shall be applicable to all Outdoor Advertising in the jurisdiction of the City of Johannesburg.**
- (2) **Outdoor Advertising shall for purposes of these by-laws not be regarded as a land use and all applications relating to Outdoor Advertising shall be assessed and considered in terms of these by-laws.**
- (3) **These By laws shall be applied alongside and in conjunction with other Council Policies, including, but not limited to the Johannesburg Property Company's Policy on the Release of Council owned land for Outdoor Advertising, Supplementary Policy on the Promotion of Outdoor Advertising within the Johannesburg Inner City and any other approved Council Policies that may have both an indirect and direct impact on outdoor advertising.**
- (4) **The approval of an outdoor advertising sign in terms of any other Act, Ordinance, By-law or Regulation must not be construed as approval in terms of these by-laws.**
- (5) **The Council shall at all times be entitled to all information that reasonably has or may have the potential of influencing any decision with regard to any application.**

**3. APPLICATION FOR COUNCIL APPROVAL FOR AN OUTDOOR ADVERTISING SIGN AND ADVERTISING HOARDING**

- (1) **No person shall display or erect, any advertising sign or hoarding or use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained the written approval of the Council; provided that the provisions of this Clause shall not apply to signs contemplated in Clause 6.**
- (2) **No advertising sign erected and displayed with the approval of the Council shall in any way be altered, removed, moved, re-erected or upgraded, nor shall any alteration be made to the sign nor the electrical wiring system of such sign, without the **written consent of the Council** in terms of sub clause 1 above.**
- (3) **An application for alteration (upgrading or downgrading), movement, removal and re-erection of an approved advertising sign shall be regarded and be dealt with in terms of sub clause 1 above. Council shall determine application procedure and tariff of charges to be used for the assessment of this type of applications.**
- (4) **An application per structure and or per advertising display in terms of sub-clause 1 and 3 above, shall be accompanied by the required Council official application form and fee, as specified in the tariff of charges, as determined by Council, shall be signed by the owner of the proposed advertising sign or hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorized in writing by such owner.**

- (5) On submission of an application in terms of sub-clause (1) above, the following shall accompany an application for an outdoor advertising proposal:
- (i) A Locality Plan, in colour, indicating the anticipated position of the sign within the area of the City of Johannesburg;
  - (ii) A block plan of the site on which the advertising sign or hoarding is to be erected or displayed, drawn to scale acceptable by Council showing every erected and approved building, building lines and servitudes on the site and the position with dimensions of the sign in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site;
  - (iii) A colour drawing sufficient to enable the Council to consider the appearance of the advertising sign or hoarding with all relevant construction detail and elevations, artwork and artist impression. Such drawing shall show all details of the sign and shall be drawn to a scale of not less than 1:20 or other scale acceptable by Council;
  - (iv) A drawing showing the advertising sign or hoarding and distance in relation to all other type of signage and hoardings in the area in which it will be erected in a radius of 400m or as may be determined by Council;
  - (v) For purposes of signs proposed at intersections and at on- and off ramps, a diagram showing the proposed position of the sign in terms of Figure 1 and 2 to these by-laws;
  - (vi) Title Deed, Zoning Certificate and a colour coded Zoning map of the area to indicate different land uses of adjacent properties to the site under consideration;
  - (vii) A newly drawn and approved Land Surveyor's diagram of the property indicating the sign with measurements to at least two boundaries of the property, that is, one being nearest the site boundary and front (street) boundary. The locality of the proposed outdoor advertising sign/s shall be indicated and described by an accurate G.P.S. reading or an acceptable alternative;
  - (x) Written comments and/or prior fulfillment of any requirements as may be determined by the relevant Roads Authority in terms any applicable Road Traffic legislation;
  - (xi) Information relating to the land on which the sign is to be erected, its use and the anticipated impact of the proposed sign including any proposed mitigatory measures;
  - (xii) An impact analysis and proposed mitigation of the sign on surrounding land uses, its amenity as a result of the size proposed and in relation to any additional approved existing sign/s and/or buildings;
  - (xiii) A clearance certificate issued by the Council's Revenue Department: Rates and Taxes, to indicate that the payment of the applicable rates and taxes due to Council on the property, site or building where the sign is proposed are up to date and not in arrears;

**(xiv) Proof of approval by the pertinent authority in terms of applicable NEMA Regulations;**

**(xv) Proof of approval of a building line relaxation by the pertinent authority;**

**(xvi) Any other information that may be deemed necessary by Council**

- (6) Every such plan and drawing required in terms of sub-clause (5) above shall be clearly reproduced on an approved material in sheet form not less than A4 size (210mm x 297mm).
- (7) If a sign is to be attached to or displayed on the facade of a building, the Council may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale acceptable to Council (of not less than 1: 100,) or the Council may require a collared print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and draw as nearly as is practicable to the same scale as that of the graphic.
- (8) The Council shall require the submission of additional drawings, calculations and other information and a certificate by a person defined in Clause 1 of the Engineering Profession of South Africa 1990 (Act No. 114 of, 1990 or any of its amendment/s) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each case giving details to the Council's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen referred to in Clause 15, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of the National Building Regulations as amended from time to time.
- (9) **The Council shall refuse to accept an application where:**
- (i) **The relevant official Council application form has not been completed properly;**
  - (ii) **The relevant fee/s have not been paid as determined in the tariff of charges by Council;**
  - (iii) **The application is for the approval of a sign that is prohibited under Clause 8 of these By-laws;**
  - (iv) **There is no land/property owner's written consent in terms of sub-clause 4 above;**
  - (v) **A pending rezoning of the subject site/property has not been duly promulgated by the pertinent authority;**
  - (vi) **The proposed advertising sign is within a building line restriction of any pertinent authority;**
  - (vii) **The property or building on which the proposed advertising sign is to be erected or attached, has got arrear amounts not duly paid to Council in respect of rates and taxes;**

(viii) **There is an unlawful land use on the said property and/ or any pending litigation by Council pertaining to the property concerned;**

(ix) **The applicant, at the time of submission of the application, has an advertising sign(s) without Council's approval existing in the jurisdiction of the City of Johannesburg.**

(10) **An application referred to in sub-clause (9)(ix) above shall only be accepted once the unlawful advertising sign(s) has been removed by the applicant/contravener or once the advertising sign has been legalised.**

4. **CRITERIA TO BE TAKEN INTO ACCOUNT WHEN CONSIDERING AN APPLICATION FOR AN OUTDOOR ADVERTISING SIGN**

(1) In considering an application submitted in terms of sub-clause (1), the Council shall, in addition to any other relevant factors, have due regard to the following:

(i) That the advertising sign or hoarding is not so designed and/or to be erected that:

(a) It will be **unsightly**, detrimental and not compatible to the environment or to the amenity of the neighbourhood by reason of its existence, size, intensity of illumination, quality of design or materials or for any other reason;

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

(c) It will obliterate any other existing **signs including on-premises and locality bound business advertisements and signs on the same or adjoining properties;**

(d) It will in the opinion of the Council be unsightly or detrimentally impact upon a sound architectural design;

(e) It will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians;

(f) **It will have a visual impact on any properties zoned or being used for residential abutting the site;**

(g) **It does not comply with the minimum distances prescribed in terms of these by-laws and as may be determined from time to time in the Spatial Development Framework of the area or by the pertinent statutory authority or legislation concerned and may thus constitute a clutter;**

(ii) The size and location of a proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or Erf and its compatibility with the visual character of the area surrounding it;

- (iii) **The number of signs displayed or to be displayed on the Erf concerned and in abutting properties and its legibility in the circumstances in which it is seen and to comply with the minimum distance as stipulated in these by-laws;**
  - (iv) **Any approved Council policies relevant to outdoor advertising;**
  - (v) **Any restrictive or any other conditions and/or any existence of building lines and servitude/s registered in a Title Deed, Town Planning Scheme and or Conditions of Establishment and as may be indicated by a professional and registered Land Surveyor;**
  - (vi) **The area of control applicable to the site or erf and the immediate surrounding area where the proposed sign is to be erected as set out in Annexure A to these by-laws;**
  - (vii) **Record of consultation and written comments of the relevant Ward Councilor of the area concerned;**
  - (viii) **Any comments and conditions from the designated Roads Authority in terms of any applicable road traffic legislation;**
  - (ix) **Any comments and conditions as may be determined by any statutory authority in terms of any prevailing legislation that may be applicable to outdoor advertising;**
  - (x) **Written representations, objections and comments from any interested party.**
- (2) **The Council, subject to Clause 41, may refuse any application submitted in terms of sub-clause (1) or grant its approval subject to any amendment and/or condition which it may deem necessary, including but not limited to the following:**
- (i) **That such approval shall only be valid for a period as determined by Council and not exceeding 5 years; where after a new application shall be submitted to Council for consideration in terms of clause 1 and 3.**
  - (ii) **That, on private property, and at the discretion of the Council, the period not exceed 10 years provided that such sign shall be of an aesthetically pleasing design approved by Council and be subject to the payment of additional fees as determined by Council in the tariff of charges from time to time.**
  - (iii) **That any sign approved in terms of sub-clause 2(ii) above shall have written consent of the land or property owner.**
  - (iv) **That the owner of any advertising sign or hoarding or the owner of the land or building on which such advertising sign or hoarding is to be erected and displayed, or both such owners, indemnify the Council against any consequences whatsoever flowing from the erection, display or mere presence of such advertising sign or hoarding.**

- (v) **That on completion, the Applicant must supply to Council a Completion Certificate issued by a Registered Structural Engineer to certify the safety of the structure and compliance with the standards as encapsulated in the National Building Regulations and Building Standards Act 103 of 1977 and any Regulations made in terms thereof.**
  - (vi) **That any such approved sign or hoarding shall be erected in accordance with any plan, drawing or other document approved by the Council.**
  - (vii) **That any deviation from the approval granted shall be approved by Council in writing and be subject to the payment of applicable fees as determined by Council from time to time in the tariff of charges.**
  - (viii) **That the Council shall be notified of the date when any approved advertising sign or hoarding has been erected including a commitment to compliance with any conditions of approval.**
- (3) **The Council shall without delay and in writing notify all the interested parties of its decision.**
  - (4) **The Council for its records shall retain every application, plans, drawings and other documentation submitted in terms of these by-laws.**
  - (5) **No approval, consent or permission granted in terms of these by-laws shall have the affect that-**
    - (i) **Any person is exempted from the provisions of any other applicable law, legislation, policies, regulations and other by-laws applicable in the area of jurisdiction of the City of Johannesburg.**
    - (ii) **The registered owner of the Erf on which an advertising sign is to be erected be exempted from the duty to take care and to ensure that such sign is so designed, erected, completed and displayed in accordance with the provisions of these by-laws and any other applicable law.**
  - (6) **No application will be considered for a period of two (2) years on any property where an application was refused from date of refusal unless proper motivation is made for change of circumstances prior to an application being lodged in terms of Clause 3 of these By-laws.**
  - (7) **Should any such further information requested by the Council in terms of sub-clause (5)(xvi) above not be provided within a three-month period from the date of the first written request, the application shall be regarded withdrawn without further notice and no extension of time would be granted. A complete new application in terms of the by-laws will have to be submitted for consideration including payment of the required fee/s.**
  - (8) **Should an approved advertising sign or hoarding not be erected within six (6) months, or any such further period the Council may allow on good cause shown, from the date of notification of approval or within a time specified in the approval granted, the approval shall lapse where after a new application shall be submitted to Council for consideration in terms of Clause 3.**

- (9) **Specific signs cannot be applied for, but may, at the discretion of Council, be put out on tender in terms of prevailing policies, on Council specifications, namely:**
- (i) **Large posters and advertisements on street furniture eg. pavement litter-bins, pole mounted bins and public transport shelters.**
  - (ii) **Suburban signs eg. township name boards, street name signs.**
  - (iii) **Street name advertisements eg. Illuminated street name boards.**
  - (iv) **Semi-permanent pavement posters (on street light poles/street pole advertising).**
  - (v) **Signs attached to or murals painted on any Council Property.**
  - (vi) **Any other sign which may be deemed appropriate and approvable in terms of this by-laws.**
  - (vii) **Sponsored road traffic signs and campaigns by any organ of state or department in terms of applicable legislation/s.**
- (10) **Council shall determine a restriction of certain advertising displays and or artwork which may be considered objectionable, indecent or insensitive to any of the public or to any religious or cultural groupings or the like and controversial in its content on all signs approved on its assets in the interest of the public**

## **5. COMPLIANCE**

- (1) **All approved outdoor advertising signs shall be designed so as not to:**
- (i) **Be detrimental to the nature or the environment in which it is located by reason of abnormal size, intensity of illumination or design;**
  - (ii) **Be in its content objectionable, indecent or insensitive to any of the public or to any religious or cultural groupings or the like;**
  - (iii) **Unreasonably obscure partially or wholly any sign previously erected and legally displayed;**
  - (iv) **Constitute a danger to any person or property;**
  - (v) **Project outside the boundaries of the property on which Council has approved it;**
  - (vi) **Result in the removal of trees without prior written authorisation by the pertinent Council's Department or any other similar steps taken to improve its visibility. Council may require the replacement of trees removed at the cost of the applicant and subject to a proper landscape plan;**
  - (vii) **Obliterate other approved and existing advertising signs, natural features, architectural features or visual lines of civic or historical interest;**

- (viii) **Be unsightly and constitute a clutter and not comply with minimum distances as prescribed in these by-laws in relation to other approved and existing advertising signs;**
  - (ix) **Have a visual impact on (or be seen from) residential properties abutting and forming the general ambience of the site concerned. Council shall require the 50m radius to apply as per Annexure A to this by laws;**
  - (x) **Obstruct fire escapes or the means of egress to fire escapes;**
  - (xi) **Be placed closer than the minimum clearance with regard to overhead power lines as prescribed by any law.**
- (2) **Any sign on the road reserve of and or facing any road under the jurisdiction of the Council shall comply with the following specified distances:**
- (i) **A minimum distance of 200m shall be maintained for signs on the same side of the road and at least 100m away from an existing sign on the opposite side of the road having regard to safety, aesthetics, environmental, spatial development frameworks and other considerations.**
  - (ii) **Inside a municipal road reserve all signs shall at least be 100m away from an intersection of an arterial road and 50m from any other road controlled by traffic signals and or as may be determined by the Roads Authority.**
  - (iii) **The Council may increase the minimum spacing between advertising signs, or place further restrictions on the position, size and content of any advertisement if it considers necessary in specific areas of the Municipality and in the interest of road safety in consultation with the pertinent Roads Authority.**
  - (iv) **Prohibited areas on Municipal Motorways –All Advertising signs shall only be permitted outside of the specified and prohibited distances at on- and off-ramps of Motorways and in relation to overhead traffic directional signs and to comply with Figure 2 to these by-laws and as may be determined by Council in the interest of road traffic safety and/or any other reason.**
  - (v) **All advertising signs on or facing Municipal Motorways shall comply with a minimum distance of 250m from each other on the same side of the road and at least be 150m away on the other side of the road.**
  - (vi) **The spacing of advertising signs proposed on the road reserve of or facing any provincial or national road shall be determined in consultation with the pertinent roads authority. The applicant shall be responsible for obtaining such comments from the pertinent authority before further consideration of such an application by Council.**

- (3) Advertising signs shall be erected and serviced to comply with the following conditions at or facing signalised intersections:
- (i) They shall not have as main colour, red, amber, green and the advertising sign to be well clear of the signal heads;
  - (ii) They shall not obscure or interfere with any road traffic light or sign;
  - (iii) A maximum of two (2) single sided advertising signs on private properties shall be permitted at and or facing and on only on either sides of the road at the intersection and to comply with sub-clause 3(d) below. Council may also consider scrolling signs on merit and subject to proper consultation with the pertinent roads authority and payment of applicable fees;
  - (vi) The prohibited area of 30 meters in the case of non-illuminated signs and 80 meters in the case of illuminated signs shall be applied in the case of signs erected inside private properties to comply with Figure 1 to these by-laws.
- (4) Council shall approve illumination of any sign in writing.
- (5) The following maximum luminance levels per square meter are the maximum permitted for advertisements:
- | <u>(i) Illuminated area</u>               | <u>Maximum luminance</u>     |
|---|------------------------------|
| (a) Less than 0,5 m <sup>2</sup>          | 1 000 candela/m <sup>2</sup> |
| (b) 0,5 m <sup>2</sup> < 2 m <sup>2</sup> | 800 candela/m <sup>2</sup>   |
| (c) 2 m <sup>2</sup> < 10 m <sup>2</sup>  | 600 candela/m <sup>2</sup>   |
| (d) 10 m <sup>2</sup> or more             | 400 candela/m <sup>2</sup>   |
- (ii) The light source emanating from floodlights shall not be visible to traffic traveling in either direction.
  - (iii) Floodlighting shall be positioned to ensure effective distribution and minimize light wastage of "spill".
  - (iv) Illumination is permitted on an advertisement only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited.
- (6) When erecting and servicing advertising sign/s on public roads, the traffic flow should not be impeded unless prior permission has been obtained and the necessary precautions arranged.
- (7) Sign owner's name or logo and Council's reference number must be clearly displayed on the sign/hoarding. All signs on Council properties shall bear Council insignia.
- (8) The applicant must conduct regular site inspections to ensure the good and proper maintenance of its advertising sign(s).

**(9) Permissible sizes per copy: Up to a maximum of and at the discretion of Council:**

- (i) Areas of Partial Control: 40m<sup>2</sup> on a Private/Council Property**
- (ii) Areas of Partial Control: 20m<sup>2</sup> on Council Road Reserve**
- (iii) Areas of Minimum Control: 100m<sup>2</sup> on a Private/Council Property**
- (iv) Areas of Minimum Control: 64m<sup>2</sup> on Council Road Reserve**

**(10) All applications for outdoor advertising signs shall be as defined, classified and listed in accordance with the Annexure for the control areas to these By-laws.**

**(11) The height of an advertising sign shall not exceed 12m unless otherwise approved by Council and only on good course shown and subject to prior payment of applicable fees.**

**(12) No advertising sign shall be in conflict with these by-laws and/or any other applicable law and/or approved Council policies relevant to outdoor advertising.**

## **6. WITHDRAWALS OR AMENDMENT OF COUNCIL APPROVAL AND OR CONDITIONS OF APPROVAL**

**(1) The Council may, at any time, withdraw an approval granted in terms of Clause 4(2) or any other consent granted by Council, where the advertising sign does not comply with these by-laws, or amend any condition or impose a further condition in respect of such approval, if in the opinion of the Council an advertising sign or hoarding:**

- (i) is or has become detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;**
- (ii) is constituting or has become a danger to any person or property;**
- (iii) is obliterating other signs, natural features, architectural features or visual lines of civic or historical interest;**
- (iv) is erected on a property where the main use has become residential and thus constitute an area of maximum control;**
- (v) is an existing sign which is or became prohibited in terms of these by laws or any other legislation.**

**(2) The Council may at any time serve a notice on an owner of an advertising sign or an owner of property when:**

- (i) the sign does not comply with these by-laws or does not conform to the initial approved application;**
- (ii) the sign was erected on the wrong site / erf according to the information as provided to the Council in the application;**

**and such notice shall state a period within which the contravention must be terminated.**

- (3) **An approval shall lapse without any notice should an approved outdoor advertising sign be removed, altered and or upgraded without written approval as contemplated in Clause 3 of these By-laws.**

## **7. APPLICATION FOR EXEMPTION FROM COMPLIANCE WITH CLAUSE 3 OF THESE BY LAWS**

- (1) The following signs shall be exempt in writing by Council from compliance with the provisions of Clause 3 but shall comply with all other provisions and requirements of these By-laws or any other legislation/s save for signs contemplated in (a), (b), (c), (e), (g), (i), (j) below and sub clause (3), (4), (5), (6) and (7) which need not comply and thus deemed to have been consented:
- (i) **Any sign displayed in an arcade;**
  - (ii) **Any sign displayed inside a building/property and not visible to any public road or place;**
  - (iii) **Any acceptable advertising display on an approved advertising hoarding;**
  - (iv) **Any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display;**
  - (v) Any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the Erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signages for ongoing maintenance contracts are not permitted;
    - (a) Project boards of up to 8m<sup>2</sup> in extent and with a maximum erected height of 6m, giving the names of Architects, Consultants and Contractors;
    - (b) Individual Contractors and Sub-Contractor's Board up to 2m<sup>2</sup> in extent. ;
  - (vi) **Any flag hoisted on a suitable flagpole, which displays only a company name and motif. A maximum of 5(five) flagpoles of up to maximum of 7m in height are permitted unless specific permission has been applied for as contemplated in terms of Clause 1 and or 3 of this by laws for more than 5 flagpoles;**
  - (vii) Any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;

- (viii) One sign not exceeding 600mm x 450mm in size on each street boundary of an Erf or portion of an Erf which sign indicates the existence of a commercial security service, burglar alarm system etc.
- (ix) **A sign not exceeding 2m<sup>2</sup>, indicating the existence of a Security Company and or Protection Services within the enclosed area, displayed on a boundary wall or fence of such area.**
- (x) **Elections, referendums and IEC posters displayed in terms of Clause 27 of this by laws**
- (xi) **Any poster advising on Government events and activities provided that such shall comply with clause 27 of this by laws**
- (xii) **A sign as provided /permitted in terms of Clause 13, 16 and 17 of this By-laws**
- (2) Road traffic signs erected in terms of any Act of Parliament, Provincial Ordinance or By-law are exempt from the provisions of these By-laws.
- (3) Any sign erected as a specific requirement in terms of any By-law, Provincial Ordinance or Act of Parliament is exempt from these By-laws.
- (4) Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act, is exempt from these By-laws.
- (5) **A sign containing only the name of a hotel, shop or restaurant may be exempted if displayed on an awning of approved material.**
- (6) **Tourism Signs are exempted from these by-laws.**
- (7) **On Premises Business Signs are exempted from these by-laws:**
  - a) **These include any non- illuminated sign not projecting over a public road and not exceeding 8m<sup>2</sup> in total area notifying only the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign per occupant may be displayed.**
  - b) **Signs incorporated in the face of a building - Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that such sign shall not exceed 8m<sup>2</sup> in total area.**
- (8) **All applications for exemption for specific signs shall be consented to in writing by Council in terms of a procedure so determined and be accompanied by applicable administrative fees.**

## 8. PROHIBITED SIGNS

- (1) **No person shall erect, maintain or display or allow any other person to erect, maintain or display any of the following signs:**
- (i) Any sign painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a veranda.
  - (ii) Any sign which projects above or below any fascia, bearer, beam or balustrade of a street veranda or balcony.
  - (iii) Any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street veranda or balcony.
  - (iv) Any sign on calico, paper machete, plastic, woven or similar material or of any kind whatsoever, except those provided for in terms of Clause 18 or unless consisting of flex face within an approved advertising sign.
  - (v) Any swinging sign, which is a sign not rigidly and permanently fixed.
  - (vi) Any sign, which may either, obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.
  - (vii) Any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.
  - (viii) **Any advertising display/artwork, which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable and does not comply with any legislation/s applicable.**
  - (ix) Any **advertising** sign, which will obstruct any window or opening, provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
  - (x) Any animated or flashing **advertising** sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety.
  - (xi) Any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public.
  - (xii) Any movable temporary or permanent **advertising** sign other than those specifically provided for in these By-laws.
  - (xiii) Any form of advertisement or **advertising** sign other than an exempted sign, for which neither a permit nor approval or consent of the Council has been obtained.
  - (xiv) Any poster other than exempted posters and those on a hoarding legally erected for the purpose of accommodating such poster.

- (xv) Any **advertising** sign/s, the total area of which exceeds 30m<sup>2</sup>, painted or fixed on a wall of a building not being a front wall of such building, unless approved in terms of the policy for the promotion of Outdoor Advertising in the Johannesburg Inner City.
- (xvi) Any **advertising** sign painted on any fence or boundary wall, not being an approved sign or hoarding.
- (xvii) Any **advertising** sign which does not comply with the requirements of or which is not permitted by these By-laws.
- (xviii) Any **advertising** sign, which may obstruct pedestrian or vehicular traffic.
- (xix) Any form of fly postering on private or Council, property or assets.
- (xx) Any transit advertising sign that is strategically parked and visible to the public irrespective of whether it is attached to a vehicle or not.
- (xxi) Any poster or sign attached to a tree.
- (xxii) Any poster attached or pasted to a bridge.
- (xxiii) The display of posters on any bridge or in sensitive areas identified by the Council is prohibited.
- (xxiv) Any temporary sign for commercial or third party advertising sign erected on Council land and assets or land/assets vesting in the Council, unless by prior signed encroachment agreement or contract with the Council.
- (xxv) Any advertising sign attached to a bridge or any other Council asset, unless by prior signed agreement or contract with the Council.
- (xxvi) Any advertising sign or poster attached to a Road Traffic Sign.**
- (xxvii) Any advertising sign or poster or frame in a road traffic island.**
- (xxviii) Any third party advertising sign in an area of maximum control.**
- (xxix) Any advertising sign/s fixed to street veranda posts or columns.**
- (xxx) Signs or posters attached to a boom structure, erected for security access control.**
- (xxxi) Any third party advertising sign or hoarding on any premises where the main use is residential.**
- (xxxii) Any flag on a property zoned "Residential" for the purpose of third party advertising.**
- (xxxii) Any sign or hoarding on a property zoned "Agricultural" or "Undetermined", which is still vacant/ undeveloped.**
- (xxxiii) Any type of poster, sign or frame at on and off- ramps of Motorways.**

**(xxxiv) Any artwork (copy) displayed on an advertising sign and/or advertising hoarding that does not have written approval from Council nor exempted in terms of Clause 7 of this by-laws.**

**(xxxv) Any artwork (copy) displayed for the purpose of third party advertising for which neither a permit nor approval has been obtained from Council.**

**(xxxvi) Any form of graffiti on any wall visible to the public.**

**(xxxvii) Any sign suspended across a street/road (Gantry).**

## **9. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES**

Every sign, which is suspended from a veranda or a canopy, shall comply with the following requirements:

- (1) Unless the Council otherwise permits, having regard to the design of the veranda or canopy and its associated building and to the position of the building in relation to the street boundary of the Erf, the sign shall be fixed with its faces at right angles to such boundary.
- (2) No part of the sign shall project beyond the outer edge of the veranda or canopy from which it is suspended.
- (3) No part of the sign shall be less than 2.4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1 m below the canopy or veranda from which it is not suspended nor shall any sign exceed 1m in depth.
- (4) Unless the Council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.

## **10. SIGNS ON VERANDAHS AND CANOPIES OVER STREET**

- (1) Save, as herein before provided with regard to hanging signs, every sign affixed to or onto a veranda over a street shall be set parallel to the building line.
- (2) Such signs shall not exceed 600mm in depth and shall be fixed immediately above the eaves of the veranda roof in such manner as not to project beyond the rear of the roof gutter or shall be fixed against but not above or below the veranda parapet or balustrade in such manner as not to project more than 230mm from the outside face of such parapet or balustrade: Provided that
  - (i) A sign on a public building fixed to or on a veranda over a street and which displays only the features or programme of an entertainment to be given in such public building shall:
    - (a) Have a maximum area of 1m in the aggregate for every 1.5m or part thereof of the frontage of such building to the street over which the sign is erected;
    - (b) Not exceed 1.2m in height.

- (ii) Nothing in this Clause contained shall be taken to prohibit the painting of signs not exceed 600mm in depth on beams over veranda columns, or on parapets of verandas;
- (iii) No illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a veranda or canopy at a street intersection.

## 11. PROJECTING SIGNS

- (1) All projecting signs shall be set at right angles to the building line and shall be fixed at a height of not less than 2,75m above the pavement.
- (2) Save as is provided in sub-clause (3), no projecting signs shall exceed 600mm in height, nor project more than 900mm from the building to which they are attached.
- (3) Notwithstanding the provisions of sub-clause (2), larger projecting signs may be erected provided:
  - (i) The owner of the building or the person for whom the sign is being erected shall make application for and assume all responsibility in connection with such sign, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;
  - (ii) The design thereof shall be to the satisfaction of the Council, and it shall comply in all respects with these By-laws;
  - (iii) Such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;
  - (iv) Such sign shall be constructed of metal framing and covered with metal sheeting and shall not exceed 300mm in depth from face to face;
  - (v) Such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;
  - (vi) Such sign shall not exceed 9m in height or 1.5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building; Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;
  - (vii) The sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be satisfactorily braced and stayed;
  - (viii) Upon receipt of a notification by the Council under the hand of the Building Control Officer that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever;
  - (ix) The owner of such sign shall sign a form declaring he to accept, and be bound by, the above conditions.

## 12. PYLON SIGNS

- (1) For the purposes of this Clause the word "pylon" includes any pylon, mast, tower or similar structure to which a sign is attached, supported, displayed or which is constructed as a sign or a combination of signs.
- (2) Every pylon shall be independently supported and for that purpose is properly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or other restraining devices.
- (3) The dimensions of a pylon and its associated pylon sign shall be such that the entire assembly, whether stationary or actuated, can be contained wholly within a notional vertical cylindrical figure having a diameter of 9m and a height of 12m or such dimensions as the Council may require.
- (4) No activated or protruding part of a pylon or of a pylon sign shall be less than 2.4m above the highest point of the existing ground level immediately below such pylon or sign or such other height as the Council may require.
- (5) The Council may consider on merit a request by the owner of a property, which adjoins Council road reserve to erect a pylon solely for the display of the name of the business/as, conducted at that particular property. An encroachment agreement shall be signed with the Council setting out the period and fee payable. The Council shall be indemnified against any claims whatsoever arising from the erection of such a sign.

## 13. SIGNS FLAT ON BUILDINGS

- (1) The total area of any sign placed flat on a wall of a building shall not exceed 200m<sup>2</sup>.
- (2) Notwithstanding the provisions of sub-clause (1), the Council may where it considers it desirable and in the interests of the aesthetic appearance of the building/wall on which the sign is placed or of the neighbourhood of such building/wall, permit or require the dimensions of any such sign to be greater than those prescribed.

## 14. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP OR PROPERTY

- (1) A sign, complying with the following requirements, may be displayed without the approval of the Council:
  - (i) A sign referring to the laying out or development of any land as a township or for the disposal of any Erven in a township or a property development but shall not be erected prior to the land-use rights being promulgated.
  - (ii) A sign referring to the laying out or development of any land as a township or for the disposal of any erven in a township or a property development shall not exceed 18 m<sup>2</sup>, with a maximum erected height of 8m.
  - (iii) The sign shall be located on the site of the proposed township or property development.

(iv) All signs shall be removed within three months of a development being completed or fully occupied.

- (2) For a larger sign or hoarding which does not comply with sub-clause 1 above, an application must be submitted for considered in terms of clause 3 of the by-laws. Council shall determine application procedures and tariff of charges that shall be applied to such advertising signs or hoardings.
- (3) Council shall encourage integrated signs at all cost should the Developer wish to also apply for third party advertising signs of a temporary nature

**15. REQUIREMENTS FOR SKY SIGNS**

- (1) Two or more sky signs placed one above the other, whether or not in the same vertical plane shall, for the purposes of, this Clause, be deemed to be one sign.
- (2) In areas of minimum or partial control (as defined in Annexure A of these by-laws) every sky sign shall be set against a screen complying with the requirement of Clause 15.
- (3) No part of a sky sign shall protrude beyond, above or below the edge of the screen required in terms of sub-clause (2).
- (4) If the number of story's contained in that part of a building which is directly below a sky sign as set out in column 1 of the following table, the maximum vertical dimension of such is recommended not to exceed the dimension specified opposite such number in column 2 of that table:
- (5) The maximum size of a sky sign shall not exceed 300m<sup>2</sup>.

Number of Storeys Below Sign	Maximum Vertical Dimension
One to five storeys	3.0 m
Six to nine or more storeys	5.0 m

- (6) Council may consider a sky sign with larger dimensions other than the above table on its merits.

**16. SCREENS FOR SKY SIGNS**

- (1) Every screen for sky sign shall comply with the following requirements:
  - (i) Subject to the provisions of sub-clause (b), every screen shall be so arranged and constructed as to form a continuous enclosure effectively concealing the frame and the structural components of the sky sign and the screen from view and, if the Council so requires, from adjacent or neighbouring properties;
  - (ii) If, in the opinion of the Council, the walls of any contiguous buildings are of such height and construction that they will effectively conceal and do not contain openings overlooking the frame and structural components referred to in sub-clause (i), the Council may, subject to any condition is deems expedient, relax the requirement of that subparagraph requiring the provision of a continuous enclosure;

- (2) Unless the Council allows otherwise, no part of the screen shall protrude beyond the perimeter of the building on which it is constructed;
- (3) The gap between the bottom of the screen and that part of the building immediately below it shall not exceed 100mm.
- (4) The vertical dimension of every such screen shall not exceed one-and-one-half times the vertical dimension of the sky sign as contemplated in Clause 14(5): Provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building, the vertical dimension of the screen may be increased to the same height as such room, tank or structure;
- (5) If the material of which the screen is made has an open mesh or grid formation, the openings in such mesh or grid shall be uniform, the aggregate area of the openings shall not exceed 25% of the area of the screen and no dimension of any such opening shall exceed 100mm: Provided that the Council may allow the erection of a screen of lower design if it will ensure the effective concealment as required in terms of sub-clause (a).

## **17. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES**

Sign, complying with the following requirements, may be displayed without the approval of the Council:

- (1) A single sign containing the name only of any building used for residential purposes other than a dwelling house, and a sign consisting of a 600mm x 450mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.
- (2) A sign contemplated in sub-clause (1) shall:
  - (i) Be fixed to or built into one or more walls of the building or a freestanding wall or boundary wall or a freestanding pole within the boundary of the property;
  - (ii) Not be internally illuminated;
  - (iii) Be limited to one each of the signs referred to in that sub-clause per street frontage of the property concerned.
- (3) A sign consisting of a 600mm x 450mm metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, or the entrance door of a dwelling house or dwelling unit, or to a wall in the entrance hall of a building used for residential purposes.
- (4) Where a business or profession is conducted from a property in a predominantly residential area by consent of the Council, or in terms of an Amendment Scheme (rezoning) a sign not exceeding 4m<sup>2</sup>, advising the public as to the nature of the business or profession conducted on the premises, may be erected without Council's approval as an element of a street-facing boundary wall. Any sign so erected shall form an aesthetically integral portion of the architecture of either the street-facing boundary wall or a substantial architecture element designed to the satisfaction of the Council on the boundary of the property in question. The sign so erected shall not, in the opinion of the Council, detract from the residential character of the neighbourhood or have a negative impact on the market value of adjacent residential properties.

The owner of such an establishment or business in a residential shall consult with the Ward Councillors or Residents association before proceeding to erect this type of a sign

- (5) Council may require the submission of an application for any sign which deviates from the provisions of sub-clause 4 above

## **18. SUN-BLINDS**

**Sign-blinds, complying with the following requirements, may be displayed without the approval of the Council:**

- (i) **All sunblinds shall be so made and fixed as to be incapable of being lowered to within 2m of the footway or pavement.**
- (ii) **Except at street intersections, sunblinds shall only be placed parallel to the building line.**
- (iii) **At street intersections, sunblinds, both new and existing, shall be so placed that they shall not cause any interference with vehicular or pedestrian traffic, traffic lights, street nameplates or other notices for the guidance of the public.**

## **19. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS**

- (1) Subject to the provisions of Clause 6(1 and 8) and sub-clause (2) below, no advertisement shall be displayed on any banner, streamer, flag, paper, paper machete, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.
- (2) Permission in terms of sub-clause (1) shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, entertainment, civic or cultural purposes or to a function or event relating to a Local Government, Provincial or National elections or referendums.
- (3) Every application for permission in terms of sub-clause (1) shall be subject to the payment of applicable fee/s in terms of the tariff of charges as determined by Council in respect of each advertisement to which the application relates.
- (4) The Council or its authorized agent may, without notice, remove and destroy any advertisement contemplated in sub-clause (1), which is displayed in contravention of this Clause.
- (5) Every person to whom permission has been granted in terms of sub-clause (1) shall ensure that the following requirements are complied with:
  - (i) Not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;
  - (ii) Every advertisement shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held;
  - (iii) Every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic and properly authorised by the relevant roads authority;

- (iv) No advertisement shall be displayed for more than one week before the date of the function or event nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event.

## **20. ADVERTISEMENTS ON BALLOONS AND BLIMPS**

- (1) The Council may, for the purpose of considering an application for approval in terms of Clause 3 of a sign to be displayed on a tethered balloon or passenger aerostat for a period not exceeding four days and being airborne only during daylight hours, have regard to:
  - (i) The period for which the balloon will so be used;
  - (ii) The size of the balloon;
  - (iii) The strength of the anchorage and of the anchoring cable;
  - (iv) The provision of a device by means of which the balloon will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the anchorage or anchoring cable;
  - (v) The possibility of interference with traffic, pedestrian or vehicular;
  - (vi) Any requirement or condition prescribes by the Department of Civil Aviation, including the maximum permissible height to which the balloon must be restricted;
  - (vii) The location of the balloon.
- (2) The Council may, on merit and subject to proper participation of the Residents Association and the relevant Ward Councillor of the area concerned, approve an advertisement on a balloon or blimp or passenger aerostat for a period longer than as mentioned above but not exceeding 24 months and subject to the payment of applicable fees as may be determined in the tariff of charges from time to time and any condition as may be determined in terms of the approval by the South African Civil Aviation Authority.

## **21. PAINTED ADVERTISEMENTS**

- (1) Subject to the provisions of sub-clause (2), no sign shall be painted directly on to any building, canopy, column, boundary wall, post or structure, other than on the external or internal surface of a window.
- (2) Subject to the approval and consent of the Council in terms of Clause 3, the name of any person or company carrying on business in a building may be painted directly on any approved wall of such building.
- (3) Subject to the approval of the Council in terms of Clause 3, murals with advertising painted directly onto any approved surface may be considered on merit.

## 22. TEMPORARY SIGNS AND ADVERTISING

- (1) Signs relating to the letting or selling of property, complying with the following requirements may be displayed without the approval of Council:
- (i) Any sign not exceeding 600mm x 450mm in size containing the words "for sale" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the Erf on which the building is situated or is otherwise displayed within the boundaries of such Erf. Such signs shall be limited to one sign per agent with a maximum of, three signs per Erf;
  - (ii) Any one sign per street frontage not exceeding 600mm x 450mm in size, which contains only the word "Sold" in respect of any dwelling house, or residential building, and which:
    - (a) Is displayed only after all signs referred to in sub-clause (a) have been removed;
    - (b) Is placed on or fixed to the building concerned, or is attached to a boundary fence of the Erf on which the building is situated or is otherwise displayed within the boundaries of such Erf;
  - (iii) Any sign not exceeding 6m<sup>2</sup> fixed flat on the facade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" with a maximum of one sign per building for a period not exceeding three months.
  - (iv) Any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential Erf and which displays only the words "For Sale" and the name, address and telephone number of the owner or his agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of three agencies per Erf for a maximum period of two months;
  - (v) Any sign not exceeding 6m<sup>2</sup> in size on a vacant non-residential Erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold" and no other wording whatsoever with a only one sign per Erf for a maximum period of three months.
  - (vi) Any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising a particular event.
- (2) Direction signs indicating the position of the property may be permitted subject to the following:
- (i) **Directional signs to show houses may be displayed over weekends only from Friday evening 17h00 until Monday morning 07h00 and in the case of public holidays, from 17h00 on the day before such public holiday until 07h00 the day immediately following the public holiday: should the public holiday/show day be on a Monday, from 17h00 on the previous Friday; should the public holiday be on a Friday, till 17h00 on the following Monday.**

- (ii) Each face of a sign shall not be larger than 600 mm x 460 mm.
  - (iii) The selling or letting agent/s shall not display more than eight signs per show house or property, irrespective of the number of routes to the show house or property of which such signs may be double-sided.
  - (iv) Not more than eight signs per intersection are allowed.
  - (v) Not more than six signs are allowed at T-Junctions.
  - (vi) Each selling or letting agent shall erect only one sign per show house per intersection.
  - (vii) The selling or letting agent shall not display more than one sign between consecutive intersections.
  - (viii) Stakes or poles to which signs are affixed shall not be driven deeper than 120 mm into the ground.
  - (ix) Only one sign per stake is allowed.
  - (x) Signs shall not be erected on tarred or paved surfaces.
  - (xi) Signs shall not be higher than 1m and shall not obstruct or be a danger to pedestrian or other traffic.
  - (xii) Signs shall use only an arrow to indicate the direction of the show premises.
  - (xiii) Only the estate agent's name and the words "show house/skouhuis" shall appear on the signs.
  - (xiv) The selling or letting agent shall register with Council or the appointed agent of the Council before being allowed to erect such signs in the Municipal area.
  - (xv) A registration fee as determined from time to time by Council is payable annually per estate agent.
  - (xvi) The selling or letting agent who disregards any of the restrictions forfeits the registration deposit and the agent; his/her principal and/ or agency will be considered unregistered.
  - (xvii) No signs shall be placed on traffic circles, traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structures.
- (3) Any sign not exceeding 4m<sup>2</sup> and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site: provided that such sign or banner shall not be displayed for more than one week before the function or event, the date of which must be

**displayed on the sign or banner, nor remain in such a position for more than three days after the conclusion of the function or event.**

- (4) Any selling or letting board(s) requiring the approval of the Council in terms of Clause 3 must conform to the design regulations currently in force as per these By-laws.
- (5) At the Council's discretion, temporary advertising on Council land or land vested in or controlled by the Council for a period not exceeding 30 days for special event signs.
- (6) **The Council may in the interest of the public, approve bigger dimensions than those prescribed in sub clause 3 above. A tariff of charges shall be determined by Council for such signs or banners.**

### **23. SIGNS ON AND OVER STREETS**

- (1) Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, or is placed on any street shall, on being instructed by notice in writing by the Council to do so, remove it within twenty four hours from the date of such instruction or within such longer period specified in such notice without payment of any compensation.
- (2) In the event of non-compliance with an instruction in terms of sub-clause (1), the Council may itself remove the sign concerned and may recover the cost thereof from the person or persons, jointly and severally, to whom a notice in terms of sub-clause (1) was addressed and such persons shall not be entitled to any compensation.

### **24. TEMPORARY ADVERTISEMENTS ON CONSTRUCTION SITE BOUNDARY WALLS, FENCES AND SCAFFOLDINGS**

- (1) **The Council may, for the purpose of considering an application in terms of Clause 3 for a sign to be displayed on a construction site boundary walls/fences/scaffoldings/approved hoardings for a period not exceeding 24 months, (or the construction period) have regard to:**
  - (i) **The zoning of the erf/site and general ambience of the area where the proposed sign is to be displayed**
  - (ii) **The aesthetic appeal of the sign on the amenity of the area and its surroundings**
  - (iii) **The area of control applicable to the site and its surroundings**
  - (iv) **The distance of the proposed sign to any other approved and existing signs in the vicinity**
  - (v) **Any approved Council Policy or Precinct Development Plan of the area concerned.**
  - (vi) **This class will only be allowed in urban areas of partial and minimum control including mix land use buildings. If along a national road and the sign is**

proposed to be smaller than 6 m<sup>2</sup>, approval shall only be sought from the Council and not from the South African National Road Agency.

- (vii) These signs may not be animated.
- (viii) The class consists of signs fixed flat against or on top of any fence or wall or scaffoldings and or approved hoardings and specifically where such fence, approved hoardings or wall forms the boundary of a site where construction work is being legally carried out.
- (ix) These signs can be erected on condition that such signs will conceal an unsightly condition arising out of the use to which the property is lawfully being put, and on condition that such signs shall be making a positive contribution to the visual environment.
- (x) The sign shall not be placed on the top of a fence or wall if it is not positioned to rest directly thereon.
- (xi) Signs and fence or wall shall be treated as a visual unity. The project boards must also be incorporated into this as a unified design.
- (xii) Construction site signs should always make a positive contribution to a particular streetscape.
- (xiii) This class of advertisement is subject to the approval of the Council and the relevant roads authority.

## **25. TRANSIT SIGNS**

- (1) Transit advertising signs shall only, be permitted to be displayed if mobile at all times and comply with all requirements of any applicable Road Traffic legislation/s.
- (2) The parking of a transit advertising sign on Council or private property positioned strategically for the purposes of third-party advertising and visible to the public is prohibited.
- (3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (4) Notwithstanding the provisions of sub-clauses (1), (2) and (3) or otherwise in contravention of these By-laws, the Council or its authorized agent may, without prior notice, carry out the removal and impoundment of such transit advertising sign.
- (5) Any transit advertising sign impounded by the Council shall without any notification to the offender, be disposed of by Council to defray any fines and removal costs incurred.

## **26. FREE-STANDING SIGNS AT EDUCATIONAL FACILITIES AND AT INSTITUTIONS**

- (1) Free-standing signs at educational facilities and at institutions require the specific consent of Council.

- (2) **Free-standing signs at educational facilities and at institutions may indicate the name and nature of the facility or institution and the name of a sponsor which shall not be more than 75% of the total area of the sign.**
- (3) **The overall height of freestanding signs at educational facilities and at institutions shall not be higher than 10 m.**
- (6) **A maximum total sign area of up to 40 m<sup>2</sup> is allowed, provided that this area is divided into signs of equal size, form and construction.**
- (7) **Council may approve a sign of greater dimensions and size in appropriate locations of minimum control as contained in this by laws.**
- (5) **Free-standing signs at educational facilities and at institutions shall only be displayed on property boundaries adjacent to public roads.**
- (6) **No freestanding signs at educational facilities and at institutions shall be placed on or next to property boundaries adjacent to parks, Municipal-landscaped areas, traffic circles and/or other areas as determined by the Council.**
- (7) **Free-standing signs at educational facilities and institutions and supporting structures must either form an aesthetic and integral part of a substantive architectural element or must harmonise with buildings, boundary walls or nearby and other structures on the premises as far as materials, colour, texture, form, style and character are concerned and be placed on the street frontage boundary to the satisfaction of Council.**
- (8) **Free-standing signs at educational facilities and at institutions shall not, in the discretion of the Council, in any way detrimentally affect the residential character and amenity of the neighbourhood or any other sensitive amenities of the area and/or the surroundings.**

## **27. POSTERS**

- (1) **No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless he has first obtained the written permission of the Council;**
- (2) **Permission given for the display of posters shall have the details of the event, the commencement and final date of the event, name and contact details or person displaying the poster and the venue with address where the event is to be held.**
- (3) **Headline news posters shall bear the name and contact details of the newspaper headlines being advertised.**
- (4) **No permission shall be given for the display of any poster concerning any commercial undertaking or activity or concerning any activity, which, in the opinion of the Council, is primarily, or mainly of a commercial character.**
- (5) **Every application for permission required in terms of sub-clause (1) shall be accompanied by an application fee as determined by Council, and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates**

- (i) Every poster for which permission is granted in terms of sub-clause (1) shall be provided with a Council sticker and only posters with City of Johannesburg stickers, **logo or marking** affixed or approved City of Johannesburg markings shall be displayed,
  - (ii) The Council shall be entitled to retain one such poster for identification purposes.
- (6) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of sub-clause (1), shall ensure that the following requirements are complied with:
- (i) No poster shall be so displayed that any part of it is lower than 2.1m or higher than 3m above the sidewalk or ground level immediately below it;
  - (ii) No poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
  - (iii) No poster shall be displayed on motorways including at on and off-ramps;
  - (iv) Every poster other than a parliamentary, provincial or municipal election or referendum posters and IEC posters shall be displayed in a permanent frame, of a design and in a predetermined location approved by the Council. The maximum size for frames shall not exceed:
    - (a) Advertising posters: 900mm high x 600mm wide. (A1 size)
    - (b) Press/Newspaper Headline posters: 600mm high x 450mm wide. (A2 size)
  - (v) The 'frame' referred to in sub-clause (d) shall not be placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such frame is secured to such light standard in such a manner (to the approval of the Council) that it will not become or wholly or partially dislodged by wind or an other means, and positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number or impair the safety of motorists or pedestrians,
  - (vi) A maximum of **2 (two) back-to-back** frames (including permanent commercial advertising frames) per pole shall be permissible.
  - (vii) **No poster and any commercial advertising frame shall be erected within 20m(or on the first electrical pole) of a traffic signal**
  - (viii) No poster relating to a meeting, function or event, other than a National, Provincial, Municipal election or referendum and IEC posters shall be displayed for longer than (10) ten days before the date on which such meeting, function or event begins or longer than (4) four days after the date on which it ends;
  - (ix) All posters relating to headline news shall be removed on a daily basis
  - (x) Subject to the discretion of the Council, not more than **5000 posters within the**

**City of Johannesburg** shall be displayed at any one time in relation to any meeting, function or event.

- (xi) The name and contact details of the person displaying the poster, details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in letters not less than 50mm in height and 10mm in thickness, with all other information pertinent to the event in letters not less than 30mm in height and 5mm in thickness;
  - (xii) The commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
  - (xiii) The posters may not have a display period of more than 28 consecutive days for any event advertised **including the days as per sub-clause (3)(h)**.
  - (xiv) The display of auction posters shall only be within the area of jurisdiction of the City of Johannesburg, duly authorized by the Sheriff of the Court, to a maximum of **80**. The Case Number or Masters Reference Number must be displayed on the poster. A writ is to be produced on submission.
- (7) **The Council shall be entitled, without giving notice to anyone, itself or any of its agents, to remove and destroy any poster displayed without permission having been obtained or in contravention of any provision of this by laws.**
  - (8) **The person who displayed, any posters or advertisement or caused or permitted or assisted it to be displayed shall be liable either to refund to the Council the cost to be assessed and deducted by the Council from the deposit made (for authorized posters only) or the charge to be determined for all costs incurred of the said removal, storage and destruction and in addition shall be guilty of an offence and may be liable to a penalty or fine as determined by Council in its schedule in case where a deposit has not been paid.**
  - (9) **Council shall be entitled to charge the storage cost of any poster removed.**

**28. NATIONAL/PROVINCIAL AND MUNICIPAL ELECTIONS, VOTER REGISTRATION (IEC POSTERS) AND ALL GOVERNMENT AND/OR PUBLIC ENTITIES POSTERS**

- (1) **Posters relating to the above, complying with the following requirements may only be displayed with a special written consent/permission of the Council:**
  - (i) **Every parliamentary, provincial or municipal election or referendum, Voter Registration (IEC) and any government and public entity poster shall be attached to a board made of wood, hardboard, correx or other approved weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the board nor poster shall exceed 900mm high x 600mm wide or be less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the Council or the State in a street or public place: Provided that such board is secured to such light standard by means of stout string or plastic ties only (no**

- securing material with a metal content is permitted);
- (ii) No poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum or IEC poster shall be displayed for longer than the period extending from the beginning of either the date, of nomination or the date of proclamation in the Government Gazette declaring that a referendum/elections are to be held or as the case may be, to the end of the fourteenth day after the date of such elections or referendum, provided that posters not relating to a specific candidate may also be displayed for a period not longer than that extending from a date fourteen days prior to either nomination day or the date of proclamation in the Government Gazette declaring elections or referendum are to be held, as the case may be, to the end of the fifth day after the date of such elections or referendum;
  - (iii) No poster shall be erected within 20m from any traffic signal.
  - (iv) No poster shall be displayed on motorways including at on and off-ramps;
  - (v) No poster shall be so displayed that any part of it is lower than 2.1m or higher than 3m above the sidewalk or ground level immediately below it;
  - (vi) The poster shall not be placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such poster is secured to such light standard in such a manner (to the approval of the Council) that it will not become or wholly or partially dislodged by wind or an other means, and positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number or impair the safety of motorists or pedestrians.
- (2) Every application for permission required in terms of sub-clause (1) shall be considered for approval only if accompanied by the following by the Applicant:
- (i) Contact person/responsible person and contact details of the applicant;
  - (ii) Details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates;
  - (iii) Number of posters to be displayed as per the above;
  - (iv) A signed affidavit and undertaking that the applicant shall comply with all provisions of the by laws and/or any Council directive at all times for the duration of the event and to remove the posters as directed in terms of sub clause 1.
- (3) The Council reserves the right to remove and destroy any poster in terms of Clause 26(4) above which in the opinion of Council does not comply with the provisions of sub clause 1 and 2 above and in case where the applicant or relevant party concerned has not complied with their undertaking.

## 29. FIXING OF SIGNS AND HOARDINGS

- (1) All signs and hoardings shall be properly constructed and be of the requisite strength and shall, be securely fixed to the satisfaction of the Council.
- (2) The person by whom such signs and hoardings are erected and the owner of the fixture on which or to which they are attached shall assume all liability and responsibility in connection therewith, including maintenance, and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.
- (3) Every sign or hoarding shall be repainted and cleaned regularly in order to prevent them from becoming unsightly.
- (4) **The Council shall require certification by a person as defined in Clause 3(6) of this by laws that the installation is structurally safe.**

## 30. DESIGN REQUIREMENTS FOR SIGNS

- (1) Design requirements relevant to clause 3(13):
  - (i) No information sign may contain more than 10 items of information: Provided that in the case of establishments with long names, such names should not be counted as more than 4 items of information provided that they appear only once per street frontage and the lettering is of the same size, style, colour and typeface.
  - (ii) Lettering 70mm in height or less will not be counted as an item of information.
  - (iii) Architectural letters less than 500mm in height and carved into the material of a building or attached securely to it are not counted as items of information: Provided that:
    - (a) The letters are not specially illuminated;
    - (b) The letters are not constructed of a shiny material;
  - (iv) The colour of the letters does not contrast sharply with that of the building's surface;
  - (v) The letters do not exceed 50mm in thickness.
- (2) Sign formats:

Any sign requiring approval in terms of Clause 21 and which is required to conform to Clause 21(4) may be exempt from submitting further individual applications in instances where the Council approved a prototype sign format.

### **31. MATERIALS FOR ADVERTISING SIGNS, HOARDINGS, SCREENS AND SUPPORTING STRUCTURES**

- (1) All iron or steel used in any advertising sign, hoarding or screen referred to in Clause 14 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
- (2) No water soluble adhesive tape or other similar material shall be used to display or secure any advertising sign elsewhere than on a hoarding or within an approved frame.

### **32. POWER CABLES AND CONDUITS TO SIGNS**

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- (2) No advertising sign or hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.

### **33. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS AND HOARDINGS**

- (1) If, in the opinion of the Council, any advertising sign or hoarding is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Council may serve a notice on an owner requiring him at his own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.
- (2) The Council may, if in its opinion an emergency exists, instead of serving notice in terms of sub-clause (1) or if such notice has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner referred to in sub-clause (1).
- (3) **The Council shall, should an approved advertising hoarding not display any advertisement at any given time, serve a notice on the owner requiring him, at his own cost, to display an advertisement within a period so specified. Council may also as an alternative requirement, at its discretion and at the cost of the owner of such an advertising sign, order for the display of a community message during such period when an advertiser has not been obtained.**
- (4) **The approval for a sign shall automatically lapse should the owner upon who a notice has been served in terms of sub-clause (3) above, fail to abide by the requirements of the notice and within the period so specified.**
- (5) **The owner of any land or building or his/her legal agent or representative on which a sign is displayed or erected, or to which a sign is attached, and the owner of any such sign shall be jointly and severally responsible for maintaining the advertising sign and the surrounding area in a safe and proper condition and must undertake at least one annual inspection of the advertisement with a view to satisfying himself or herself of the safety thereof.**

- (6) **The owner of the land or building or his/her legal agent or representative, on which a sign is erected or to which a sign is attached or displayed in terms of an approval obtained, must retain certified copies of all documentations relating to the application and the approval issued by the Council (and/or any further approval or consent by Council) thereof for as long as the sign is erected or displayed, and must present it to any person authorized by the Council on request. The owner of the sign, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documentation/s relating to such sign on the property.**

### **34. PENALTIES**

- (1) The fines and penalties for offences in terms of Clause 37 are set out below:
- (i) **Upon conviction of an offence, the guilty party shall be liable to a fine not exceeding R10 000-00 or to imprisonment for a period not exceeding 12 months and or as may be determined by the Chief Magistrate from time to time.**
  - (ii) **In the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R 1 000-.00 for every day during the continuance of such offence;**
  - (iii) **Upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine or to imprisonment not exceeding 24 months and or as may be determined by the Chief Magistrate from time to time.**
- (2) **The cost incurred for the removal and storage of unauthorized posters and any other sign by Council, shall be recovered from the owner of such unauthorized poster(s)/advertising sign or any other person who's name/products appear on such a poster/advertising sign. Council shall determine such cost from time to time in consultation with the Chief Magistrate.**
- (3) Any advertising signs or hoardings which have been removed and impounded but not destroyed by the Council as a result of them not complying with these By-laws may be released to the original owner at the following rates:
- (a) Transit advertising signs may be released at the cost of removal with a minimum fee of **R2 500.00 plus R1000.00** per square meter of advertising display or part thereof;
  - (a) For temporary advertising signs (estate agents boards) and project boards the charge will be the cost of removal which shall be a minimum fee of **R 1 000.00 per board plus R500.00** per square meter of advertising display or part thereof;
  - (b) Spot fines for unauthorised posters shall not exceed **R 250.00 per poster and R1 500.00** for each fly poster removed.
  - (iv) Any sign, mobile and poster removed and not claimed within one (1) month shall be disposed of in any manner determined and deemed necessary by the Council.

**35. DAMAGE TO COUNCIL PROPERTY**

- (1) No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other Council installation or property.
- (2) The costs for any repairs necessary incurred by Council to any tree, electric standard or service shall be for the account of the persons responsible for the damage as contemplated in sub clause 1 above.

**36. ENTRIES AND INSPECTION**

The Council shall be entitled, through its duly authorized peace officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of these By-laws including, *inter alia*, but not limited to servicing of notices and issuing of spot fines.

**37. ENFORCEMENT AND REMOVAL OF ADVERTISING SIGNS OR HOARDINGS**

- (1) If any advertising sign, poster or hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighborhood, or otherwise in contravention of these By-laws and without Council's approval/consent, the Council shall serve notices simultaneously on the owner of the advertising sign, poster or hoarding, the land owner on whose property the sign, poster or hoarding is displayed and the advertiser whose message or products are displayed on the sign, poster or hoarding to remove such advertising sign, poster or hoarding or carry out such alterations thereto or do such work as may be specified in such request or notice within a time so specified and not exceeding fourteen (14) days,
- (2) Should the Council's demands as set out in any notice, not be carried out within the time frame specified therein, Council shall without further notice remove or alter the sign, poster or hoarding or do such work as may be specified in the notice at the cost of the relevant party(s), provided no court order shall be required if the unlawful sign, hoarding or poster is erected or displayed on property belonging to Council, prior to removal or alteration thereof.
- (3) The Council may issue or send a spot fine as contemplated in Clause 34 simultaneously with the notice as set out in sub clause 2 above;
- (4) The Council shall in removing a transit sign, advertising sign or hoarding contemplated in sub-clause (1) not be required to compensate any person in respect of such transit sign, advertising sign or hoarding, in any way of loss or damage or any claim whatsoever resulting from its removal.
- (5) Any costs incurred by the Council in removing a transit sign, advertising sign or hoarding, in terms of sub-clause (2) or in doing alterations or other works in terms of this Clause shall be recovered from the person/s on whom the notices contemplated in sub-clause (1) were served jointly and severally.

**(6) Notwithstanding the provisions of sub-clauses (1), (2), (3) and (4) if an outdoor advertising sign, poster, mobile or hoarding:**

- (i) Constitutes a danger to life, road users or property;**
- (ii) Is obscene;**
- (iii) Is in contravention of these by-laws, and**
- (iv) is erected on, attached to or displayed on any property of, or under the control of the Council;**

**Council may, without serving any notice, remove any such advertising sign, mobile, poster or hoarding or cause it to be removed.**

### **38. OFFENCES**

**Any person who:**

- (i) Contravenes or fails to comply with any provisions of these By-laws;**
- (ii) Contravenes or fails to comply with any requirement set out in a notice issued and served to him in terms of these By-laws;**
- (iii) Contravenes or fails to comply with any condition imposed in terms of these by-laws;**

**Shall be guilty of an offence and shall on conviction be liable to a fine or imprisonment as set out in clause 34 above.**

### **39. PRESUMPTIONS**

**(1) If any person is charged with an offence referred to in Clause 38 above relating to any sign, advertising hoarding, mobile and or poster:**

- (i) It shall be deemed that (s)he either displayed such advertising sign, hoarding, mobile or poster or caused or allowed it to be displayed;**
- (ii) The owner of any land or building on which any advertising sign, hoarding, mobile or poster was displayed, shall be deemed to having displayed such advertising sign, hoarding, mobile or poster or caused or allowed it to be displayed;**
- (iii) Any person who was either alone or jointly, with any other person responsible for organizing, or was in control of, any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed;**
- (iv) Any person whose name appears on an advertising sign, hoarding or poster shall be deemed to, have displayed such advertising sign, hoarding or poster or to have caused or allowed it to be displayed unless the contrary is proved.**

- (v) Any advertiser whose message or products appears on the sign or hoarding, mobile or poster shall, on failure to comply to a notice issued for the removal of such message or product, be deemed to have displayed such advertising sign, hoarding or poster or to have caused or allowed it to be displayed and shall as a result be equally liable to a fine/penalty applicable for the offence and be prosecuted under the provisions of this By laws.

#### **40. SERVING OF NOTICES**

- (1) Where any notice or other document is required by these By laws to be served on any person, it shall be deemed to have been properly served if served personally on him or any member of his household apparently over the age of sixteen years at his place of residence or on any person employed by him at his place of business, or if sent by registered post, facsimile or e-mail to such person's residential or business address or such facsimile or e-mail address as it appears in the records of the Council, or if such person is a company or closed corporation or a trust, if served on any person employed by that company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office or sent by registered post, facsimile or email to such office.
- (2) If sent by registered post, the notice shall be, deemed to have been received within 4 days from the date of posting unless the addressee proves the contrary.
- (3) Any verbal request for action to be taken in terms of these By-laws shall be confirmed in writing within seven (7) working days.

#### **41. PUBLIC PARTICIPATION PROCESS FOR ALL APPLICATIONS FOR OUTDOOR ADVERTISING**

- (1) Simultaneously with the lodging of an application for outdoor advertising, the applicant shall cause a notice, containing the details of the application as prescribed in Schedule 1 to these by-laws, to be published once a week and at least 7 days apart for two consecutive weeks in an English language – and one other official language newspaper circulating in the area of the Erf or site to which the application relates. The advertisements in both the English language and the other official language newspapers shall appear on the same day.
- (2) The applicant shall post a notice in English and one other official language in such form as prescribed in Schedule 2 to these by-laws in a conspicuous place visible to the public on the erf/in front of the erf on which the proposed sign/hoarding will be erected or in such other place, form and manner as may be determined by the Council. The applicant shall maintain such notice for a period of at least 14 days from the date of the first publication of the notice contemplated in sub-clause (1) above.
- (3) The notice referred to in sub-clause (1) and (2) shall, in addition to containing details as prescribed in the relevant schedules, state that the application documents relating to the application will be open for inspection, from the date of the first publication as contemplated in sub-clause (1) above and at specified times and a specified place at the Council's offices.

- (4) **The notice referred to in sub-clauses (1) and (2) shall further state that any comments and/or representations and/or objections in respect of the application shall be submitted in writing to both the Council and Applicant under cover of registered or certified post or by hand or facsimile within a period of 14 days from the date of the publication of the first notice as contemplated in sub-clause (1).**
- (5) **In conjunction with the above, the applicant shall furthermore notify the adjoining landowners and the pertinent Ward Councillor to obtain their written comments on the proposed outdoor advertising sign or hoarding.**
- (6) **The applicant shall submit the original newspaper cuttings showing the date and name of the newspaper/s and a photograph bearing the first and last date of the site notices in terms of sub-clause 2 above and be accompanied by a duly signed affidavit by a Commissioner of Oath. The applicant shall also provide proof to the satisfaction of the local authority that he has complied with the provisions of sub-clause (1) – (5).**
- (7) **Any publication of notices and advertisements of applications in the newspapers shall not be done on the starting dates between the 12<sup>th</sup> of December to the 03<sup>rd</sup> January of the following year to ensure transparency.**

#### **42. CONSIDERATION OF APPLICATIONS**

- (1) **Where comments, objections and/or written representations have been received in respect of an application from any interested party, the Council shall consider such comments, representations and objections before taking a decision on the application.**
- (2) **The applicant may within 7 days of receiving any comments or objections to an application, forward a reply to Council for consideration.**
- (3) **Should the information in terms of sub clause 2 above not be received within the stipulated period, Council will make a final decision on the application without any further notification to the applicant.**

#### **43. APPEALS**

- (1) **Any interested party who is aggrieved by the Council's decision may appeal against that decision and shall give written notice of the appeal including the grounds of the appeal to the City Manager within 21 working days of the date of the notification of the decision in terms of Clause 4(3).**
- (2) **The City Manager or his/her nominee/s shall consider and decide such appeal within a reasonable time.**
- (3) **Such a decision by the City Manager or his/her nominee/s shall be deemed to have been made in terms of the corresponding provisions of the Municipal Systems Act and /or any of its amendments and no further internal appeal mechanism will be entertained by Council.**
- (4) **Each application for appeal must be accompanied by an administration fee as determined by Council in the tariffs of charges from time to time.**

- (5) Any appeals pending before the Council on the date of commencement of these by-laws shall be dealt with in terms of these by-laws.

#### **44. TARIFF OF CHARGES**

The Council shall determine and prescribe tariff of charges in respect of-

- (i) Any act, matter or application in terms of these by-laws;
- (ii) Anything required or authorised to be done in terms of these by-laws.

#### **45. GENERAL AND TRANSITIONAL PROVISIONS**

- (1) For the purpose of good administration of advertising signs in the Jurisdiction of the City of Johannesburg, the Council may instruct an owner of an advertising sign to submit an application under the provisions of these by-laws if the approval for such advertising sign was granted under legislation other than these by-laws.
- (2) Such instruction referred to in sub clause (1) above shall be done by way of notification and it shall include a time period within which such application must be made.
- (3) Should the person so instructed fail to submit such application within the period prescribed, such an advertising sign shall be regarded as unauthorised.

#### **46. REPEAL OF BY-LAWS**

- (1) Subject to the provisions of sub-clause (2) below: the City of Johannesburg Advertising Signs and Hoarding By-laws published under Local Authority Notice 7170 in Provincial Gazette No. 234 dated 28 November 2001, are hereby repealed.
- (2) Anything done under or in terms of any provision of the by-laws repealed by sub-clause (1) shall be deemed to have been done under the corresponding provisions of these by-laws and such repeal shall not affect the validity of anything done under the By-laws so repealed.
- (4) Any application pending before the Council at the commencement of these By-laws shall be dealt with in terms of these By-laws.

**SCHEDULE 1**

NOTICE OF APPLICATION FOR THE ERECTION OF ADVERTISING SIGNS/ HOARDINGS IN TERMS OF CLAUSE 40(1) OF THE ADVERTISING SIGNS AND HOARDINGS BY-LAWS OF THE CITY OF JOHANNESBURG

APPLICATION REFERENCE NUMBER: .....

NAME OF APPLICANT: .....

POSTAL ADDRESS OF APPLICANT: .....

PHYSICAL ADDRESS: .....

Tel: .....

Fax: .....

E-Mail: .....

NAME AND ADDRESS OF OWNER UPON WHICH SIGN IS TO BE SITED: .....

POSTAL ADDRESS OF OWNER UPON WHICH SIGN IS TO BE SITED: .....

DESCRIPTION OF PROPERTY ON WHICH SIGN IS TO BE SITED **[REFER NUMBER AND TOWNSHIP]** .....

PHYSICAL ADDRESS OF THE PROPOSED SIGN: .....

DIMENSIONS OF ADVERTISING SIGN: .....

Particulars of the application will lie open for inspection from 8:00 till 13:00 and 13:30 till 15:30 with the Council at the office of **Outdoor Advertising & Floor**. (Address & room number) for a period of 14 days from ..... (The date of the first publication of the notice contemplated in clause 45(1) of the by-laws).

Comments and representations in respect of the application must be lodged in writing to BOTH the Council AND THE Applicant (REFER TO ADDRESS ABOVE). The postal address of the Council is: **156 Loveday Street Braamfontein**/FAX: **011 339 1244**, within a period of 14 days from ..... (Date of first publication). Such comments and representations MUST INCLUDE THE POSTAL ADDRESS AND FAX NUMBER OF THE PERSON MAKING THE COMMENT OR REPRESENTATION, however, it shall not determine the validity of such comment or representation.

I ..... Being the applicant in this matter hereby certify that the application shall be submitted to the Council and open for inspection from the prescribed period.

DATE: ..... SIGNED: ..... Note: Size of advertisement shall be the standard size for legal notices contained in the majority of newspapers.

**SCHEDULE 2**

NOTICE OF APPLICATION FOR THE ERECTION OF ADVERTISING SIGNS/ HOARDINGS IN TERMS OF CLAUSE 40(2) OF THE ADVERTISING SIGNS AND HOARDINGS BY-LAWS OF THE CITY OF JOHANNESBURG

APPLICATION REFERENCE NUMBER:...../...../.....

NAME OF APPLICANT: .....

POSTAL ADDRESS OF APPLICANT: .....

Tel :

Fax:

E-mail:

NAME OF OWNER UPON WHICH SIGN IS TO BE SITED:

POSTAL ADDRESS OF OWNER UPON WHICH SIGN IS TO BE SITED:

DESCRIPTION OF PROPERTY ON WHICH SIGN IS TO BE SITED (REFER NUMBER AND TOWNSHIP):

PHYSICAL ADDRESS OF THE PROPOSED SIGN:

DIMENSIONS OF ADVERTISING SIGN:

Particulars of the application will lie open for inspection from 8:00 till 13:00 and 13:30 till 15:30 with the Council at the office of **Outdoor Advertising 15<sup>th</sup> Floor** (Address & room number) for a period of 14 days from ..... (The date of the first publication of the notice contemplated in clause 45(1) of the by-laws).

Comments and representations in respect of the application must be lodged in writing to the BOTH the Council and the Applicant(REFER TO ADDRESS ABOVE). The postal address of the Council is: **58 Loveday Street Braamfontein**/FAX 011 339 1244 within a period of 14 days from ..... (Date of first publication). Such objection MUST INCLUDE THE POSTAL ADDRESS and FAX NUMBER OF THE PERSON MAKING THE COMMENT OR REPRESENTATION, however, it shall not determine the validity of such comment or representation.

I ..... Being the applicant in this matter hereby certify that the application shall be submitted to the Council and open for inspection from the prescribed period.

DATE: ..... SIGNED: .....

\*Note: Size of advertisement shall be A1 (600mm x 900mm) for each language as prescribed.

## **ANNEXURE A**

### **CLASSIFICATION OF AREAS OF CONTROL**

- a) The classification of the areas of control for the purpose of outdoor advertising is based on the current and (near) future zoning of the property/erf concerned. The classification of the areas of control shall be determined by Council within the Jurisdiction of the City of Johannesburg, and if needs be, in consultation with the relevant roads authority, such as for the property along the provincial or national roads.**
- b) The classification of the areas of control is dynamic because It is a function of the land use and will be updated and changed according to the changes in the land use for a specific property/site.**
- c) It should be noted that the classification for a single erf / site can be over-ride by the surrounding area of control. This implies that although a specific site can be zoned in such a way as to be classified as a specific area of control, and the surrounding area is predominantly classified as a "higher / more stricter" area of control, Council shall decide that such a site/property be classified according to the predominantly "higher" area of control.**
- d) The determination of areas of control shall also take cognizance of areas that have been designated by any relevant national or provincial legislation or policy as "no go" areas in terms of any development.**

### **1. NATURAL LANDSCAPE – AREA OF MAXIMUM CONTROL**

- a) The "natural" landscape shall refer to the following parts of the rural or non-urban environment:**
  - i) Area in non-urban environment in an unspoilt natural state**
  - ii) Areas of high scenic value**
  - iii) Undeveloped Natural Landscapes**
  - iv) Declared natural areas**
- b) Natural landscapes shall include but shall not be limited to the following:**
  - i) Game reserves**
  - ii) Nature reserves**
  - iii) Marine reserves**
  - iv) Wilderness areas**
  - v) Extensive agriculture**
  - vi) Agricultural Holdings**
  - vii) Scenic corridors**
  - viii) Scenic landscapes**
  - ix) National parks**

## **2. RURAL LANDSCAPE – AREA OF MAXIMUM CONTROL**

- a) Rural areas form a transition between the developed urban areas and the relatively unspoilt natural areas. Typical land use shall include the following:**
  - i) Intensive agriculture area**
  - ii) Subsistence agriculture**
  - iii) Peri-urban smallholdings**
  - iv) Undeveloped/Vacant agricultural land where the surroundings is still vacant and undeveloped**

## **3. URBAN AREAS OF MAXIMUM CONTROL**

- a) Urban areas will be proclaimed township areas. If a site is not part of the proclaimed township scheme, it should be classified as rural or natural area. Urban areas can be classified as maximum control, partial control or minimum control.**
- b) The following precincts are deemed sensitive to visual disturbance and shall be defined as urban areas of maximum control:**
  - i) Natural open spaces in urban areas**
  - ii) Urban conservation areas**
  - iii) Vacant/Undeveloped Urban Space Areas**
  - iv) Interface of natural landscape with built-up areas**
  - v) Gateways as determined by relevant authorities**
  - vi) Residential areas/properties**
  - vii) Bodies of water / Rivers**
  - viii) Ridges**
  - ix) Forests**
  - x) Open recreational areas**
  - xi) Architectural and Historical sites**
  - xii) Characteristic vistas**
  - xiii) Heritage and Protected Areas/Sites**
  - xiv) Skylines**

## **4. URBAN AREAS OF PARTIAL CONTROL**

- a) Urban areas of partial control are, in most cases, characterized by a greater degree of integration and complexity of land use, facilities and activities that allows for greater freedom with regard to size, number and position of advertisements.**
- b) Where urban areas of maximum control and urban areas of minimum control, according to the land use, are adjacent to each other, an urban area of partial control will apply to protect the area of maximum control to be proliferated by advertisements. This will be a 50 m band between an area of minimum control and an area of maximum control. This band will be measured from the edge of the area of maximum control into the area of minimum control.**

**c) Besides this area of 50 m, the following areas will also be defined as urban areas of partial control:**

- i) Commercial enclaves in residential areas**
- ii) Suburban shopping centres & office parks**
- iii) Ribbon development**
- iv) Educational institutions**
- v) Schools in previously disadvantaged areas**
- vi) Institutional premises**
- vii) Sports fields or stadiums**
- viii) Commercialized squares**
- ix) Residential 1 with primary rights for offices in a commercial neighbourhood/precinct**
- x) Government enclaves**
- xi) Smallholdings of an urban nature**

#### **5. URBAN AREAS OF MINIMUM CONTROL**

**a) Urban areas of minimum control can be 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. This calls for the display of advertisements and signs in stronger and more obvious forms.**

**b) The following precincts are included in urban areas of minimum control:**

- i) Concentrated economic activity**
- ii) Commercial districts**
- iii) Industrial areas & Industrial parks**
- iv) Shopping centres**
- v) Office precincts**
- vi) Commercial enclaves & shopping centres in industrial areas & industrial parks**
- vii) Entertainment districts**
- viii) Prominent transport nodes (subject to other applicable Council or any other policies)**
- ix) Residential 1 buildings/mix land-use properties in the Inner City**

FIGURE 1.

Advertising restrictions at traffic signal intersections

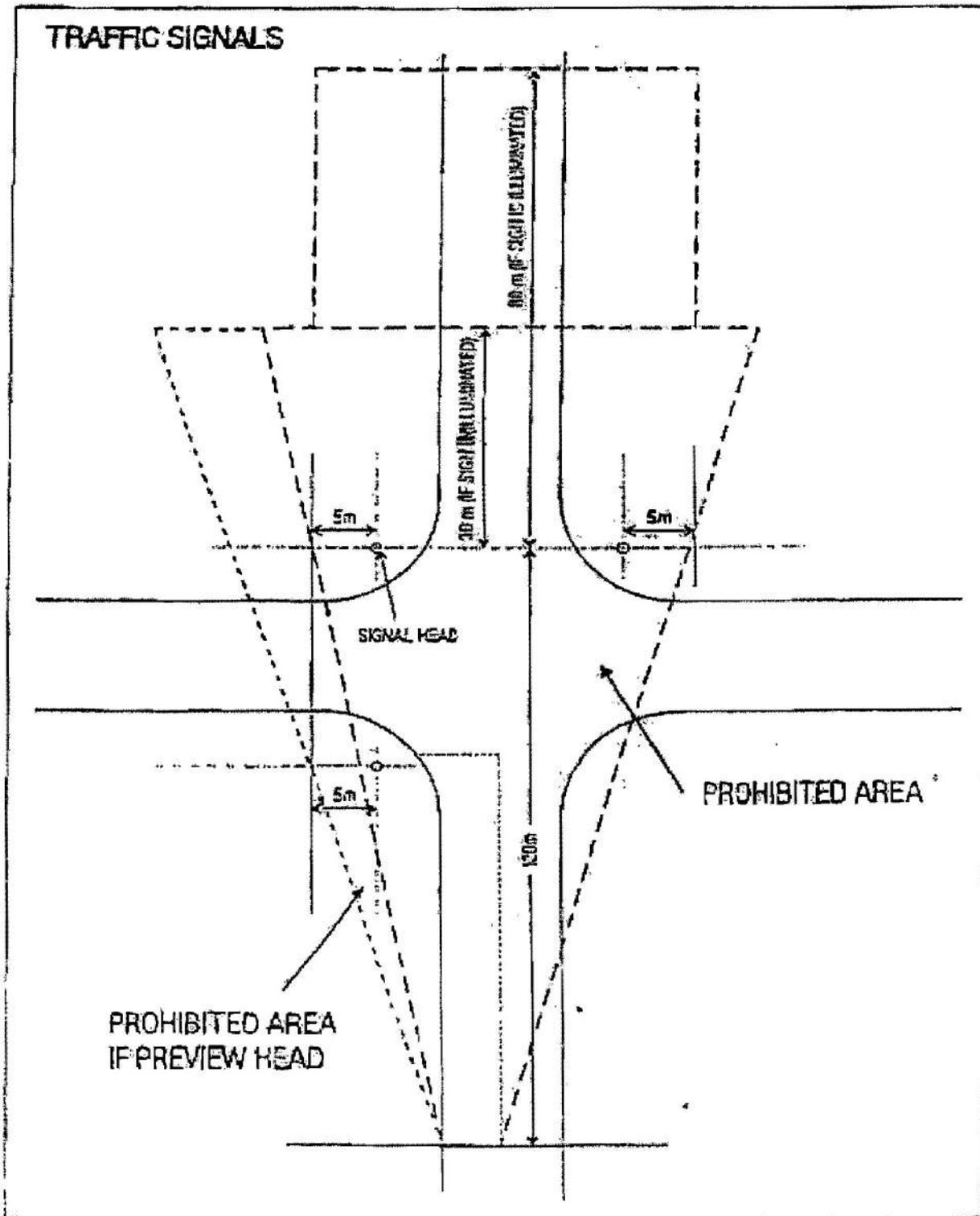
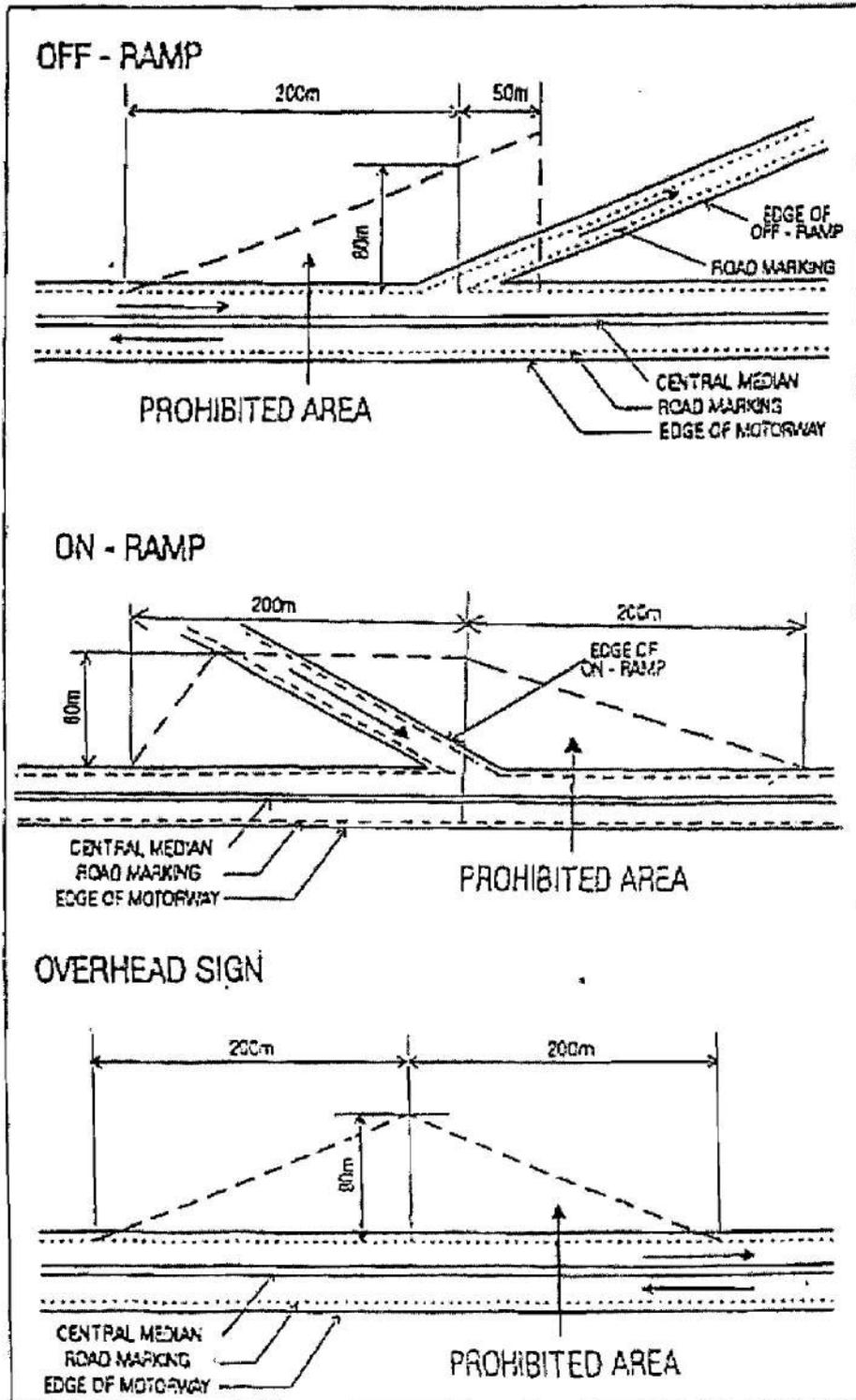


FIGURE 2.

Advertising restrictions on freeways and major highways



Objections/comments/representations in respect of the above draft by-laws must be lodged in writing with the Manager: Outdoor Advertising, 158 Loveday Street, 5<sup>th</sup> Floor, A-Block, Civic Centre, Braamfontein or at PO Box 30733, Braamfontein, 2017, within 30 days of date of publication of this notice.

**M DLAMINI  
CITY MANAGER  
CITY OF JOHANNESBURG**

158 LOVEDAY STREET  
CIVIC CENTRE  
BRAAMFONTEIN

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