



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 18 June 2001

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### General Notice

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#### MUNICIPALITY OF WALVIS BAY

No. 146

2001

#### ADVERTISING REGULATIONS

The Council of the Municipality of Walvis Bay has, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), as amended, made the regulations as set out in the Schedule.

**BY ORDER OF THE COUNCIL**

**THERESIA SAMARIA  
CHAIRPERSON OF THE COUNCIL**

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**1. DEFINITIONS:**

In these regulations, unless the context otherwise indicates:-

**“advertisement”** means any advertising sign or device of any kind which is visible from any street or any public place;

**“advertising hoarding”** means any screen, fence, wall or other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement and includes a signboard;

**“animated sign”** means any sign on which the representation is changed intermittently by any alteration in colour, by the appearance or disappearance of the whole representation or any part thereof, or by any other intermittent alteration of the representation or its illumination;

**“approved”** means approved by the Council of Walvis Bay;

**“arcade”** means a pedestrian thoroughfare whether or not located at ground level passing wholly or partly through a building or buildings and to which the public normally has regular and unrestricted access;

**“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;

**“charge determined by the council”** means the appropriate charge either fixed as set forth in these regulations or reviewed and determined annually by the Council;

**“council”** means the Council of the Municipality of Walvis Bay;

**“directional sign”** means a sign indicating the way to any place, undertaking or activity for the purpose of advertising or attracting public attention as contemplated in the definition of “Advertisement”;

**“erf”** means any piece of land registered in a deed registry, an erf, lot, plot or agricultural holding;

**“flashing sign”** means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or is illuminated with light of varying colour or intensity;

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

**“moveable 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;

**“poster”** means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, the local government or similar body or to a referendum;

**“public place”** means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council;

**“pylon sign”** means any sign whether stationary or actuated, displayed on or forming an integral part of a pylon, mast, tower or similar structure other than a building or an advertising hoarding;

**“projected sign”** means a sign projected by 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 a sign, whether stationary or actuated, attached to and protruding from the façade of a building;

**“residential purposes”** means the use of a building, as a dwelling house, two or more dwelling units, a hostel, a hotel, a boarding house and a residential club;

**“road traffic sign”** means any road sign as defined in Section 1 of the Road Traffic Ordinance, 1967 (Ordinance 30 of 1967);

**“rotating sign”** means a sign which rotates about any axis;

“**sign**” means any advertisement and any object, structure or device which is in itself an advertisement, in, or in view of any street, or which is used to display an advertisement, but does not include an advertising hoarding or a poster, or any motor vehicle, or animal drawn vehicle with an advertisement thereon;

“**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 rotating sign referred to in Section 14, or a sign painted on a roof of a building;

“**storey**” means that 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 storey shall be taken as 4,0m;

“**street**” means any street, road or thoroughfare shown on a 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 vest in Council; and includes a foot-way, sidewalks and drive way.

“**veranda**” means a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

## **2. APPLICATION FOR APPROVAL FOR SIGNS AND ADVERTISING HOARDINGS:**

- 2.1 No person shall display or erect any sign or advertising hoarding or use any structure or device as a sign or advertising without prior written approval from the Council: Provided that this section shall not apply to signs contemplated in sections 4, 19, 22 and 24.
- 2.2 No sign displayed with the approval of the Council shall in any way be altered, moved, re-erected, nor shall any alteration be made to the electric wiring system of such sign except for the purpose of renovation or maintenance, without the further approval of the Council in terms of subsection 2.1.
- 2.3 An application on the prescribed form as Annexure A shall be made to the General Manager: Roads and Building Control and be signed by the owner of the proposed sign or advertising hoarding and by the 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 authorised in writing by such owner and shall be accompanied by-
  - (i) A block plan of the site on which the sign or advertising hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the dimensioned position of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets abutting the site;
  - (ii) Drawings, drawn to a scale of not less than 1:20, showing the full extent, lettering detail, colour, dimensions, material, construction and method of display, erection or placing of the sign or advertising hoarding;
  - (iii) Elevations to a scale of not less than 1:100 showing the position of the proposed sign or advertising hoarding and its relationship to any architectural and natural features as well as to any existing signs or advertising hoarding and/or a photograph of not less than 200 mm x 250 mm with the proposed sign or advertising hoarding superimposed thereon to scale;
  - (iv) The Council may require the submission of an engineer's certificate signed by an Engineer registered in terms of the Professional Engineers Act, (Act 81 of 1968) to take responsibility for the structure as a whole;
  - (v) The Council may require the submission of an electrician's certificate signed by a licensed electrical engineer if relevant to the application;

- (vi) The Council shall register every sign or advertising hoarding approved by it and allocate to it a registration number which shall be displayed on the sign in a suitable, clearly visible position by the owner thereof and if necessary in the opinion of the Council, in another place and in a manner to the satisfaction of the Council;
- (vii) All relevant documentation regarding the application and approval of a sign or advertising hoarding shall be retained by the owner of the property on which such sign or advertising hoarding is displayed and shall present such documentation to the Council upon request thereof.
- (viii) Every owner of land including a building on land on which a sign was erected before the coming into operation of these regulations shall register such a sign with the Council and obtain a registration number as contemplated in subsection 2(vi) within a period of twelve (12) months from the date of promulgation of these regulation: Provided that such registration number need not be displayed by the owner on the sign itself but may be displayed at a place and in a manner to the satisfaction of the Council.

### **3. REFUSAL, WITHDRAWAL OR AMENDMENT OF APPROVAL AND APPEAL PROCEDURE:**

3.1 The Council may refuse, withdraw or amend at any time an approval if in the opinion of the Council:-

- (i) It will be or becomes 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) It will constitute or becomes a danger to any person or property;
- (iii) It will display or displays any material which is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
- (iv) It will obliterate or obliterates other signs, natural features, architectural features or visual lines of civic or historical interest.

3.2 Appeal Procedures

- (i) Any person may appeal to the Council against any decision in terms of these regulations, given by an official of the Council under delegated powers, within thirty (30) days of receipt of notice of such decision;
- (ii) Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the period contemplated in subsection 3.2(i) with the Chief Executive Officer of the Council;
- (iii) The Council shall hear the appeal including any oral or written submission from either party, and inform the applicant and the reason thereof of its decision, which shall be final.

### **4. EXEMPT SIGNS:**

4.1 The following signs shall be exempt from the provisions of section 2, but shall comply with all other provisions of these regulations save for signs contemplated in (a) and (b) which need not so comply:-

- (a) any sign displayed in an arcade;
- (b) any sign displayed inside a building;
- (c) any sign displayed on an approved advertising hoarding;
- (d) any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture on a building especially made for such display;
- (e) any sign not exceeding the sizes specified on the table 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 contractors or consultants concerned in such work or activity and identifies the branches of the industry of the professions represented by them during the course of such construction, erection, carrying out or alteration, as the case may be: Provided that only one such sign, or set of signs, shall be permitted per street frontage of a site:

Project boards giving the names of Architects, Consultants and Contractors:  
3.0m wide x 3.0m high

Individual Contractors or Sub-contractors: 1.2m wide x 1.0m high.

- (f) any sign, other than a sign provided for in paragraph (e), not exceeding 3.0m in width x 2.0m high which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, address, telephone number of the developer or his agent, erected during construction work or the carrying out or alterations or additions as the case may be and remaining for a period not exceeding three (3) months after the completion of such work;
  - (g) a sign on a street frontage occupied by shops, showrooms or other business uses as defined in the Walvis Bay Town Planning Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or veranda roof;
  - (h) a sign consisting of a 600mm x 400mm of a durable material permitted in terms of section 17 and 18;
  - (i) any flag hoisted on a suitable pole which displays only a company name and motif;
  - (j) a sign of durable material not exceeding 600mm x 400mm 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 dwelling, boundary wall, fence or gates on the street frontage;
  - (k) one sign not exceeding 300mm long and 210mm high 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 or Block of Neighbourhood Watch System; and
  - (l) a sign not exceeding 600mm x 400mm, indicating the existence of a Block or Neighbourhood Watch System, displayed on a boundary wall or fence or in a position approved by the Council.
- 4.2 The owner of the building or property on which a sign contemplated in subsection 4.1(g) is displayed, shall indemnify the Council against any consequences flowing from the erection, display or mere presence of the sign.
- 4.3 Any sign which does not comply with the provisions of these regulations should these signs not comply with these regulations within a fixed period of time and which was lawfully displayed on the day immediately preceding the date of commencement of these regulations if the sign in the opinion of the Council is properly maintained and is not altered, moved or re-erected as contemplated in section 2.2., shall be exempted from compliance to these regulations for a period of twelve (12) months from date of promulgation of these regulations.

#### 5. **PROHIBITED SIGNS:**

No person shall erect or display any of the following signs or cause or allow any such sign to be erected or displayed:-

- (a) any sign to be painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a veranda;
- (b) any sign to be suspended across a street except with Council's approval;

- (c) any sign which will obscure a road traffic sign or which may be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign;
- (d) any sign which in the opinion of the General Manager Roads and Building Control is indecent or suggestive of indecency, prejudicial to public morals or is objectionable;
- (e) any 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;
- (f) any animated or flashing sign the frequency of the animations or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
- (g) any illuminated sign the illumination of which disturbs the residents or occupants of any building or is a source of nuisance to the public;
- (h) any swinging sign which is a sign not rigidly and permanently fixed, excluding banners from lighting masts;
- (i) any moveable temporary sign other than those specifically provided for in this regulations;
- (j) any sign referring to a price or change in price of merchandise except in a shop window or on the article itself;
- (k) any advertisement or sign other than an exempted sign for which neither a permit nor approval has been obtained;

6. **ADVERTISING HOARDING:**

- (a) The highest point of any advertising hoarding shall not be more than 6m above the lowest point of the existing ground level immediately below such hoarding nor shall the area of the advertising face exceed 36.0m<sup>2</sup>.
- (b) The clear height of an advertising hoarding shall not be less than 2.4m if not cladded with an approved material to ground level;

7. **SIGNS SUSPENDED UNDER VERANDAS AND CANOPIES:**

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

- (a) 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;
- (b) No part of the sign shall project beyond the outer edge of the veranda or canopy from which it is suspended;
- (c) 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 1.0m below the canopy or veranda from which it is suspended, nor shall any sign exceed 1.0m in height;
- (d) 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;
- (e) No sign shall be located in the vicinity of a pavement hatchway giving access to a basement chamber containing equipment for a high voltage service connection without the prior written permission of the General Manager: Energy.

**8. SIGNS ON VERANDAS AND CANOPIES:**

8.1 Any sign on the face of a veranda or canopy shall be subject to the following requirements:-

(a) No sign shall:-

- (i) protrude above or below any part of the face, facia or parapet of a veranda or canopy;
- (ii) exceed 600mm in height;
- (iii) protrude horizontally by more than 230mm or such lesser distance as the Council may specify, from such face, facia or parapet;

(b) individual letters, either flat or three dimensional, shall not exceed 2/3 of the height of the canopy edge and all canopies carrying signs shall be painted for their full length or such lesser extent as required by the Council, with a background colour also to the satisfaction of the Council, unless if it is part of the advert;

(c) if the canopy edge, face, facia or parapet is in excess of 1000mm in height and is in accordance with an approved building plan it shall be regarded as part of the face of the building to which it relates and the provisions of section 9 shall apply;

(d) 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, unless the bottom of such sign is a minimum of 6m (=2x storeys) above the street immediately below.

8.2 No sign shall be erected on the top of a veranda or canopy, except a sign or series of signs of uniform height, not exceeding 600mm in height, which shall be-

- (a) set parallel to and flush with the front edge of such veranda or canopy;
- (b) fixed to the veranda or canopy so as to be self supporting without the aid of guys, stays or other similar devices;
- (c) mounted not more than 100mm above the top of the veranda or canopy.

**9. SIGNS FLAT ON BUILDINGS:**

9.1 The total of any sign placed on the front wall of a building facing a street shall not exceed 20.0m- for every 15.0m of building frontage to the street, which such sign faces with a maximum area of 200.0 m-.

9.2 The maximum projection of a sign referred to in subsection 9.1 over the foot-way or ground level shall be 75mm where such sign is less than 2.4m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2.4m above such footway or ground level.

9.3 Signs placed flat on a wall of a building not being a wall contemplated in subsection 9.1 shall not exceed 36.0m- in total area.

9.4 Notwithstanding the provisions of subsection 9.1 and 9.3, the Council may where it considers it desirable in the interest of aesthetic appearance of the building on which the sign is placed or of the neighbourhood of such building, permit or require the dimensions of any such sign to be greater than those prescribed.



**10. PROJECTING SIGNS:**

- 10.1 For the purposes of subsection 10.2, 10.3, 10.4, 10.6 and 10.7, the word "sign" shall include every means of support for a projecting sign.
- 10.2 Any means of support for a projecting sign shall, subject to any other relevant provision of these regulations, nor be visible angle supports or stays.
- 10.3 The vertical dimensions of every projecting sign, which shall be measured vertically between the highest point and the lowest point of the sign, shall not be greater than 14m whether such sign is designed as a single unit or a series of units one above the other.
- 10.4 No part of a projecting sign shall project more than 1.5m from the face of the wall or building to which it is attached, or more than one half of the width of the sidewalk immediately below such sign, whichever is the lesser dimension.
- 10.5 The width of any projecting sign measured at right angles to the face of the wall or building from which it is designed to project shall not exceed 1.2m, such sign shall be so fixed as to leave a continuous gap of uniform width between the face of the wall or building and the sign, of not less than 100mm, and not more than one quarter (0.25%) of the width of the sign so measured.
- 10.6 No part of a projecting sign shall extend above the level of the top of any parapet wall from which it projects or above the level of the underside of the eaves or gutter of the building from which such sign projects.
- 10.7 The vertical distance between the level of the sidewalk immediately below a projecting sign and the lowest part of such sign with a vertical dimension mentioned in column 1 of the following table, shall not be less than the vertical distance specified opposite such dimension in column 2 of that table.

1. Vertical dimension of sign.  Not exceeding 3m	2. Minimum vertical distance between sidewalk and sign.  2.4m
Exceeding 3m, but not Exceeding 6m	3.0 m
Exceeding 6m	4.8m

**11. PYLON SIGNS:**

- 11.1 For the purpose of this section the word "pylon" includes any pylon, mast, pole, tower or similar structure to which a sign is attached, by which a sign is supported, on which a sign is displayed or which is constructed as a sign.
- 11.2 Every pylon shall be independently supported and for that purpose be 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.
- 11.3 The dimensions of a pylon without the 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 6.0m and a height of 12.0m.
- 11.4 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.

**12. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP:**

No sign referring to the layout or development of any land as a township or to the disposal of any erven in a township, shall exceed 3.0m wide by 2.0m high and any approval granted in respect of such sign in terms of section 2, shall lapse after the expiry of one year after the date of such approval.

**13. REQUIREMENTS FOR SKY SIGNS:**

- 13.1 Two or more sky signs placed one above the other, whether or not in the same vertical plane, shall, for the purpose of this section, be deemed to be one sign.
- 13.2 Every sky sign shall be set against a screen complying with the requirements of section 14.
- 13.3 No part of the sky sign shall protrude beyond, above or below the edge of the screen required in terms of subsection 13.2
- 13.4 If the number of storeys contained in that part of the building which is directly below a sky sign is as set out in column 1 of the following table, the maximum vertical dimensions of such sign shall not exceed the dimension specified opposite such number in column 2 of that table:

NUMBER OF STOREYS BELOW SIGN	MAXIMUM VERTICAL
One or two storeys	1.5m
Three or four storeys	2.0m
Five or six storeys	3.0m

**14. SCREENS FOR SKY SIGNS:**

Every screen for a sky sign required in terms of section 13(2) shall comply with the following requirements-

- (a) (i) Subject to the provisions of subsection (a)(ii), 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 building 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 subsection (a)(i), the Council may, subject to any condition it deems expedient, relax the requirement of that subsection requiring the provision of a continuous enclosure;
- (b) Unless the Council allows otherwise, no part of the screen shall protrude beyond the perimeter of the building on which it is constructed;
- (c) The gap between the bottom of the screen and that part of the building immediately below it shall not exceed 1.0m;
- (d) 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 section 13(4): 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.
- (e) 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 openings shall exceed 100mm: Provided that the Council may allow the erection of a screen of louver design if it will ensure the effective concealment as required in terms of subsection (a)(i) above.

**15. ROTATING SIGNS ON OR ABOVE THE ROOF OF A BUILDING:**

The supporting structure of any rotating sign shall be secured to the building and shall be self supporting without the aid of guys, stays or other similar devices and in accordance with engineers specifications and drawings.

**16. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES OTHER THAN DWELLING HOUSES:**

16.1 A 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 400mm brass or other material approved by the General Manager Roads and Building Control displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.

16.2 Any sign contemplated in subsection 16.1 shall-

- (a) be fixed to or built into one or more walls of the building or a free standing wall or boundary wall of the property;
- (b) not be internally illuminated;
- (c) be limited to one of each of the signs referred to per street frontage of the property concerned;
- (d) not be painted directly onto any walls of the dwelling or the boundary walls.

16.3 A sign consisting of a 600mm x 400mm plate or other material approved by the General Manager Roads and Building Control indicating the name and profession or occupation of the occupant may be fixed to the boundary wall or fence of the entrance door of a dwelling unit, or to a wall in the entrance hall of a building used for residential purposes.

**17. SIGNS ON BUILDINGS USED FOR RESIDENTIAL AND BUSINESS PURPOSES:**

In the case of a building used for residential and business purposes a sign may be displayed anywhere on that part of the building which is used for residential purposes, unless in conflict with section 2(vi).

**18. SIGNS ON AWNINGS:**

A sign containing only the name of an hotel, shop or restaurant may be displayed on an awning of approved material.

**19. ADVERTISEMENT ON BANNERS OR SIMILAR ITEMS:**

19.1 Subject to the provisions of section 4.1(l) and 22.2, no advertisement shall be displayed on any banner, flag paper, paper mache, plastic sheet, flexface/vinyl materials 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.

19.2 Permission in terms of subsection 19.1 shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a municipal or parliamentary election or referendum.

- 19.3 The Council may, without notice, remove any advertisement contemplated in subsection 19.1 if displayed in contravention of this section.
- 19.4 Every person to whom permission has been granted in terms of subsection 19.1 shall ensure that the following requirements are complied with:-
- (a) Not more than five advertisements shall be displayed in respect of one function or event;
  - (b) 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 or on such other site as the Council may allow;
  - (c) Every advertisement shall be so attached as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic;
  - (d) No advertisement shall be displayed for more than three weeks before the date of the function or event advertised, 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. ADVERTISEMENT ON BALLOONS:**

- 20.1 The Council may, for the purpose of considering an application for approval in terms of section 2 of a sign to be displayed on a tethered balloon, have regard to-
- (a) the period for which the balloon will be so used;
  - (b) the size of the balloon;
  - (c) the type of gas with which the balloon is to be filled;
  - (d) the strength of the anchorage and of the anchoring cable;
  - (e) 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;
  - (f) the possibility of interference with traffic;
  - (g) any requirement or condition prescribed by the Directorate of Civil Aviation under the Ministry of Works, Transport and Communication, including the maximum permissible height to which the balloon must be restricted.

**21. PAINTED ADVERTISEMENTS:**

Subject to the approval of the Council in terms of section 2, a sign may be painted directly onto any canopy, column, post or structures, external or internal surface of a window or any approved wall of buildings and sport stadiums.

**22. OCCASIONAL SIGNS:**

- 22.1 Signs relating to the letting or selling of property, complying with the following requirements, may be displayed without the approval of the Council:-
- (a) Any sign not exceeding 760mm x 450mm in size containing the words "For Sale" or "To Let" in respect of any dwelling house, residential building, or which in addition displays only the name, address and telephone number of the selling or letting agent, and which is placed on or fixed to the building concerned, 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.
  - (b) Any sign not exceeding 760mm x 450mm in size, which contains only the word "Sold" in respect of any dwelling house, or residential building, and which-
    - (i) is displayed only after all signs referred to in paragraph (a) have been removed;
    - (ii) is placed on or fixed to the building concerned, or is attached to a boundary wall or fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;

- (c) any sign not exceeding 1,2m in height x 1,8m in width fixed flat on the façade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number of the selling or letting agent, or only the word "Sold";
  - (d) any sign not exceeding 760mm x 450mm in size, displayed on a vacant erf which displays only the word "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold";
  - (e) any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising a particular event;
- 22.2 Any sign, or banner not more than 3.0m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 1.5m 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 three (3) weeks prior to the date of the function or event, nor remain in position for more than three (3) days after the conclusion of the function or event.

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

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 fourteen days from date of such instruction or within such longer period specified in such notice without payment of any compensation.

### **24. POSTERS:**

- 24.1 (a) No person shall display any poster or cause or allow it to be displayed, unless he/she has obtained the written permission of the Council;
- (b) 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;
- 24.2 (a) Every application for permission required in terms of subsection 24.1 shall be accompanied by a deposit of N\$500.00 per poster with a maximum deposit of N\$500.00 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;
- (b) Every deposit shall be refunded after all the posters to which the deposit relates, have been removed to the satisfaction of the Council.
- (c) Every poster for which permission is granted in terms of subsection 24.1(a) shall be stamped with the Council's stamp and only posters so stamped shall be displayed.
- (d) The Council shall be entitled to retain one such poster for identification purposes.
- 24.3 Posters shall only be displayed inside the fixed receptacles provided for such purpose and not tied, nailed or fixed in any other manner to trees, electric light standards, telephone poles or any other structures or elements, including road traffic signs unless permitted by Council.
- 24.4 (a) Not more than 50 posters shall be displayed within Walvis Bay at any one time in relation to a meeting, function or event, other than a presidential, national, regional or municipal election or referendum or a meeting relating to an election or referendum.

- (b) No poster relating to a meeting, function or event other than a presidential, national, regional or municipal election or referendum shall be displayed for longer than fourteen days (14) before the date on which such meeting, function or event begins or longer than three (3) days after the date on which it ends;
- (c) No poster relating to a presidential, national, regional or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date of proclamation in the Government Gazette declaring that an election or a referendum is held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen (14) days prior to either nomination day or the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be;
- 24.5 (a) The provisions of subsection 24.2 shall not apply in respect of a poster relating to a parliamentary or municipal election or referendum, which-
- (i) is placed entirely inside private premises;
  - (ii) is displayed in or on a motor vehicle;
  - (iii) is displayed at the committee room or office clearly marked as such, of a candidate in an election;
  - (iv) is affixed to an advertising hoarding for which approval has been granted in terms of section 2.
- 24.6 Any poster which is displayed without the permission of the Council or in contravention of this section may without notice be removed and destroyed by the Council, at the cost of the person who displayed the poster or caused, or allowed it to be displayed.
- 25. MATERIALS FOR SIGNS, ADVERTISING HOARDINGS, SCREENS AND SUPPORTING STRUCTURES:**
- 25.1 All iron or steel used in any sign, advertising hoarding and screen referred to in section 14 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
- 25.2 No water soluble adhesive, adhesive tape or other similar material shall be used to display or secure any sign elsewhere than on an advertising hoarding or within a fixture referred to in section 4.1(d).
- 26. DRAINAGE OF SIGNS:**
- Measures shall be taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or part of its supporting framework, brackets or other members.
- 27. POWER CABLES AND CONDUITS TO SIGNS:**
- 27.1 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.
- 27.2 All electrical work referred to in these regulations shall comply with the Council's Electricity By-laws, published under Provincial Notice no 535, 18 September 1987, read with section 2 of Act no 1 of 1994, and the regulations relating to the Health and Safety of Employees at Work published under Government Notice no 156 of 1 August 1997.

27.3 No sign or advertising hoarding shall be connected to any electricity supply without the prior written permission of the General Manager Energy.

**28. ERECTION AND MAINTENANCE OF SIGNS AND ADVERTISING HOARDINGS:**

28.1 Every sign, advertising hoarding and its supporting structure and any screen referred to in section 14 shall be designed to provide strength, stability, serviceability and durability in accordance with accepted principles of structural design. These requirements shall be deemed to be satisfied if they comply with Part C of section 3 of SABS 0400.

28.2 The owner of any land or building on which a sign is displayed or on which any sign or advertising hoarding is erected or to which a sign is attached and the owner of any such sign or hoarding shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning, repainting and the renovation of any such sign or hoarding.

28.3 If, in the opinion of the Council, any sign or advertising hoarding is-

- (i) in a dangerous or unsafe condition or in a state of disrepair;
- (ii) detrimental to the environment or the amenity of the neighbourhood;
- (iii) obliterates other signs, natural features, architectural features or visual lines of historical interest;

the Council will serve a notice on an owner referred to in subsection (2) 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.

28.4 The Council will, if in its opinion an emergency exists, instead of serving the notice in terms of subsection 28.3 or if such notice has not been complied with within the period specified therein, itself carry out or appoint someone to carry out the removal of the sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner or owners referred to in subsection 28.2, jointly and severally.

**29. MEASUREMENT OF SIGNS:**

29.1 Whenever the maximum permissible area of any sign is specified in these regulations, such area shall be deemed to be the area of the smallest notional rectangle within which such sign can be contained.

29.2 The Council may permit or require the dimensions of a sign to be greater than prescribed in these regulations.

**30. STREET LITTER BINS**

Advertising on street litter bins and refuse containers shall be allowed by a successful tender which was called for in accordance with the Council's Tender Regulations.

**31. CHARGES:**

Every person who applies to the Council for its approval or permission shall on making the application, pay to the Council the charge determined therefor and no application shall be considered until such charge has been paid.

**32. DAMAGE TO PROPERTY:**

No person shall 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.

**33. ENTRY AND INSPECTION:**

The Council shall be entitled, through its duly authorised officers, to enter into and upon any premises, at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of these regulations.

**34. OFFENCES:**

Any person who-

- (a) contravenes or fails to comply with any provision of these regulations;
- (b) contravenes or fails to comply with any requirements set out in a notice issued and served on him in terms of these regulations;
- (c) contravenes or fails to comply with any condition imposed in terms of these regulations;
- (d) knowingly makes a false statement in respect of any application in terms of these regulations;

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding N\$2000.00 or, in default of payment, to imprisonment for a period not exceeding six (6) months, and in the case of a continuing offence to a fine not exceeding N\$100.00 for every day during the continuation of such offence after a written notice has been issued by the Council requiring discontinuation of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine not exceeding N\$4000.00 or, in default of payment, to imprisonment for a period not exceeding nine (9) months.

**35. RESPONSIBLE PERSONS:**

If any person is charged with an offence referred to in section 34 relating to any sign, advertising hoarding or poster-

- (a) it shall be deemed that he either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed;
- (b) the owner of any land or building on which any sign, advertising hoarding or poster was displayed or allowed it to be displayed;
- (c) any person who was either alone or jointly with any other person responsible for organising, 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;
- (d) any person whose name appears on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have caused or allowed it to be displayed, unless the contrary is approved.

**36. REMOVAL OF SIGNS OR ADVERTISING HOARDINGS:**

36.1 If any sign or advertising hoarding is displayed so that in the opinion of the General Manager Roads and Building Control it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these regulations, the General Manager: Roads and Building Control or his/her nominee will serve a notice on the owner of the sign or advertising hoarding to remove such sign or advertising hoarding or carry out such alteration thereto or do such other work as may be specified in such notice within a time specified in the notice.

36.2 If a person fails to comply with a request contained in a notice referred to in subsection 36.1, the General Manager: Roads and Building Control will remove or cause the removal of such a sign or advertising hoarding.



- 36.3 The General Manager: Roads and Building Control shall in removing or causing the removal of a sign or hoarding contemplated in subsection 36.1, not be required to compensate any person in respect of such sign or advertising hoarding, in any way for loss or damage resulting from its removal.
- 36.4 Any costs incurred by the General Manager: Roads and Building Control in removing a sign or advertising hoarding, in terms of subsection 36.2, or in doing alterations or other works in terms of this section, will be recovered from the person on whom the notice contemplated in subsection 36.1 was served, or if a deposit has been paid in respect of such sign or hoarding, the costs may be deducted from the deposit.
- 36.5 Notwithstanding the provisions of subsections 36.1, 36.2, 36.3 and 36.4, if a sign constitutes a danger to life or property or is obscene, the Council itself may, serving any notice, carry out the removal of such sign or advertising hoarding.

**37. SERVING OF NOTICES:**

Where any notice or other document is required by these regulations to be served on any person, it shall be deemed to have been properly served if served personally on him or on any member of his household apparently over the age of sixteen years or at his place of residence or on any person employed by him or his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council or if such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office.

Annexure "A"

**MUNICIPALITY OF WALVIS BAY****APPLICATION: ERECTION OF SIGN-BOARDS AND/OR SIGNS**

(Subject to the Provisions of Standard Building Regulations, Chapter 17)

**ERF NO.:** \_\_\_\_\_ **DATE:** \_\_\_\_\_**OWNER'S NAME AND ADDRESS:** \_\_\_\_\_1. **Measurement of Sign:** Length \_\_\_\_\_ mm; Width \_\_\_\_\_ mm;  
(Attach dimensioned sketch)2. **Placing of Sign:**

(a) Distance from Street Boundary: \_\_\_\_\_ m

(b) Distance from Building: \_\_\_\_\_ m

(Attach sketch showing sign in relation to building(s))

(c) Means of Fixing \_\_\_\_\_ m

(Free-standing, fixed to building; suspended, etc.)

(d) Height from underside of Sign to Pavement: \_\_\_\_\_ m

3. **Special Properties of Sign:**(a) **Illumination:** \_\_\_\_\_  
(State whether illuminated; illuminated at intervals; reflecting; not illuminated)(b) **Colours:** \_\_\_\_\_(c) **Material of Sign:** \_\_\_\_\_4. **Radio Disturbances:** Prevented / Not prevented5. **Posters / Banners:** Total to be erected. \_\_\_\_\_

(Delete which is not applicable) Date of Removal. \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPLICANT**FOR OFFICIAL USE ONLY****Plan Inspection Fee:** N\$2,00 per m<sup>2</sup> surface or portion thereof.**Posters/Banners Fee:** N\$5,00 per Poster/Banner (Refundable)**GENERAL MANAGER COMMUNITY DEVELOPMENT:** No objections, if any:APPROVED/NOT APPROVED **DATE:** \_\_\_\_\_**GENERAL MANAGER ROADS AND BUILDING CONTROL:**

No objections, if any:

APPROVED / NOT APPROVED **DATE:** \_\_\_\_\_

Erection of Sign Boards - Forms

\_\_\_\_\_