

NOTICE 126 OF 2017

ADVERTISING SIGNS; 2012

By-Law 1, 2012

BY-LAW**As Amended by the Advertising Signs Amendment By-Law 2017**

To provide for the control of advertising signs and the prohibition of disfigurement of the fronts or frontages of streets in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control advertising signs in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

DEFINITIONS

1. In this By-Law, unless the context indicates otherwise, the following words and expressions have the meanings hereby assigned to them:

"Council" means the Municipal Council of Dawid Kruiper Municipality;

"facade" means the gable at the main entrance to a building;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000;

"person" also includes corporate body and ant reference to the male gender includes the female gender and vice versa;

"prescribed form" means an application form to erect advertisements obtainable from the Town Planning Section;

"prescribed fees" means the fees as from time to time determined by the Council;

"Schedule" means the document South African Manual for Outdoor Advertising Control

(SAMOAC) as amended.

INTERPRETING OF UNSPECIFIED REFERENCES

2. Reference in this By-Law to sections, tables or schedule shall, unless otherwise stated, be deemed to be references to the sections, tables and schedules in this By-Law.

APPLICATION & CONFLICT OF LAWS

- 3.1 This By-Law applies to all advertising signs and signage structures in/or visible from a public place within the area of jurisdiction of the Municipality.
- 3.2. if there is a conflict between this By-Law and any other By-Law or policy of the Dawid Kruiper Municipality this By-Law prevails in respect of any outdoor advertising and signage matter.

ADMINISTRATION AND GENERAL EXEMPTIONS

4. This By-Law shall not apply to signs as defined in paragraph 1.1.1 on page 4 of the schedule (SAMOAC) as amended.

APPLICATION FOR AUTHORISATION

5. (1) Unless the content indicates otherwise, no person shall. Without the prior written permission of the Council and on payment of the prescribed fees, erect or display an outdoor sign or permit it to be erected or displayed.
- (2) Council *may* if any sign is being displayed, for which no permission has been granted by the Council, or for which the permission has expired, or which does not comply with the specifications supplied as required by subsection 5(1), serve a written notice under the hand of the Municipal Manager or his delegate upon the applicant in which he is ordered, within a specified period, to remove, repair or alter such sign, or alter the manner or place or circumstances in which it is displayed or act in the manner as prescribed in the notice.
- (3) If a person to whom a notice has been served in terms of subsection 5(1) fails to comply with any direction contained in such notice within the specified period therein, the Council may at any time, thereafter, give effect thereto and evoke any permission it may have given in respect of such sign and recover the costs of such action from the person upon whom the notice in question was served unless such person proves that he did not display the sign.
- (4) No prescribed fees are payable in respect of an outdoor sign-
- (i) which merely discloses the name of a building and the name and nature of any professional, business or other undertaking carried on therein or the name of the owner or manager of such professional, business or other undertaking;

- (ii) which merely contains directions regarding the location of the entrance of a building, or of the box office (if any) in a building, or information regarding the programme of any performance or entertainment being given or to be given in such building, or any other information of a similar nature.
- (5) No compensation shall be payable by the Council to any person due to any action Instituted in terms of subsection 5(3).

APPLICATION FOR LICENCE OR OTHER WRITTEN PERMISSION

6. (1) (a) An application for the permission of the Council, as envisaged in section 5 (1), must be submitted on the prescribed form.
- (b) The prior written consent of the owner of the site where the proposed advertisement is to be erected, altered or displayed must be obtained.
- (2) The following information must accompany an application as envisaged in section 5 (1):
- (a) (i) the dimensions and mass of such sign;
 - (ii) its location or proposed location on a building or other supporting structure;
 - (iii) the materials of construction;
 - (iv) the name and address of the contractor erecting the sign;
 - (v) the name and address of the manufacturer; and
 - (vi) if applicable, the number of electric lights and electrical details in regard thereto.
- (b) (i) A block plan indicating the position of such sign on the site, drawn to a scale of 1:500;
- (ii) full detail drawings on one of the following scales: 1:25, 1:20, 1:10, 1:5 or 1: 1; and
- (iii) an elevation showing such sign in relation to the facade.
- (3) The Council may refuse or grant such application subject to condition that are not inconsistent with the provisions of this By-Law, the schedule or any other applicable legislation.

EXISTING SIGNS

7. This By-Law shall not be applicable to existing contracts regarding the erecting of advertising signs, entered into prior to the adoption of this By-Law.

CONSTRUCTION OF SIGNS

8. The applicant when erecting the sign, must ensure that the requirements, as set out in the schedule, are met.

MAINTENANCE SIGNS

9. The owner of premises upon which a sign is erected or displayed and the applicant, shall be jointly and separately responsible for the maintenance of such sign as provided for in paragraph 2.4.1 and 2.4.2 of the Schedule

PROHIBITION OR RESTRICTION IN AREAS UNDER SPECIAL CONTROL

10. The Council must take into consideration the areas of special control, as envisaged in paragraph 2.3 of the Schedule, when dealing with applications in terms of section 6 (3).

PROHIBITED TOKENS

11. Signs, contrary to the provisions, as set out in paragraph 2.4.1.3 of the Schedule, shall under no circumstances be displayed.

PENALTIES

12. (1) Any person contravening any provisions of this By-Law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R1 000 (one thousand) rands or imprisonment for a period not exceeding 6 (six) months or a subsequent conviction to an additional fine not exceeding R50 (fifty) rands or additional imprisonment for a period not exceeding 10 (ten) days or to both such additional fine and imprisonment.

SHORT TITLE

13. This By-Law is called the Advertising Signs By-Law, 2012.

DAWID KRUIPER MUNICIPALITY

ADVERTISING SIGNS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
 _____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Advertising Signs By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012:

1. The Dawid Kruiper Municipality: Advertising Signs By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control advertising signs in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the substitution for the definition of "council" of the following definition:

"Council" means the Municipal Council of Dawid Kruiper Municipality;
 - (b) by the insertion before the definition of "person" of the following definition:

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000"

Amendment of section 3 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012.

3. Section 3 of the principal By-Law is hereby amended by the substituting of the following sections:

"APPLICATION AND CONFLICT OF LAWS

- 3.1** [This By-Law is subject to the provisions of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940), and any regulations promulgated in terms of the said Act.] This By-Law applies to all advertising signs and signage structures in/or visible from a public place within the area of jurisdiction of the Municipality.
- 3.2.** if there is a conflict between this By-Law and any other By-Law or policy of the Dawid Kruiper Municipality this By-Law prevails in respect of any outdoor advertising and signage matter."

Amendment of section 4 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012.

4. Section 4 of the principal By-Law is hereby amended by the substitution for the number "6" of the following number: "[6]4"

Amendment of section 5 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012.

5. Section 5 of the principal By-Law is hereby amended:
- (a) by the substitution for words in subsection 4 of the following words:
"(4) No Prescribed fees are payable in respect of an outdoor [sing] sign – "

Amendment of section 13 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012:

6. The following section is hereby substituted for section 13 of the principal By-Law:
"13. This By-Law is called Dawid Kruiper Municipality: Advertising Signs Amendment By-Law, [2012] 2017 "