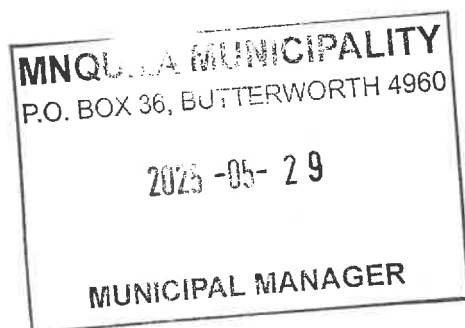


MNQUMA LOCAL MUNICIPALITY



POLICY FOR OUTDOOR ADVERTISING



Infrastructural Development Directorate

61 Blyth Street

Butterworth, 4960

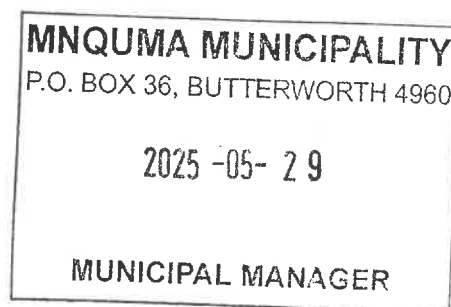
Telephone (047) 401 2460

Facsimile (047) 491 0195

Website: www.mnquma.gov.za

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1. DEFINITIONS

"Outdoor advertising refers to any sign, model, placard, board, notice, billboard, poster, flag, banner, bunting, light display, device.

"Advance sign" means a sign indicating the direction or distance to a facility, locality, activity, service or enterprise.

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

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

"Advertising device" means any physical device, which is used to display an advertisement or which is in itself an advertisement.

"Advertising hoarding" means a 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.

"Advertising structure" means any physical structure built to display advertising.

"Aerial sign" means any sign which is affixed to or produced by any form of aircraft (including kites and balloons) and which is displayed in the air.

"Affix" includes painting onto and "affixed" shall have a corresponding meaning.

"Animation" means a process whereby an advertisement's visibility or message is enhanced by means of moving units, flashing lights or similar devices.

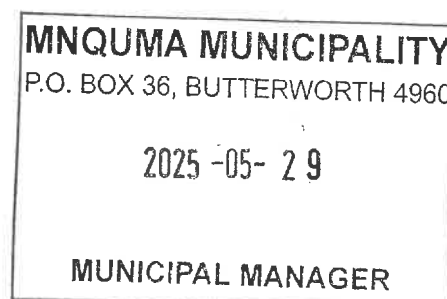
"Approved" means approved by the Council and "approval" has a corresponding meaning.

"Arcade" means a covered pedestrian thoroughfare not vested in the Council, whether or not

"Billboard" means any screen or board supported by a free-standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is also commonly known as an advertising hoarding.

"MLM" means Mquma Local Municipality

Policy on Outdoor Advertising



2. PREAMBLE

WHEREAS, the municipality seeks to facilitate a fair, equitable, transparent and inclusive management and control of the outdoor advertising process. To be undertaken through Code of conduct of The Advertising Authority and National Road Act, 1998.

NOW THEREFORE, be it enacted by Council as the Outdoor Advertising Policy.

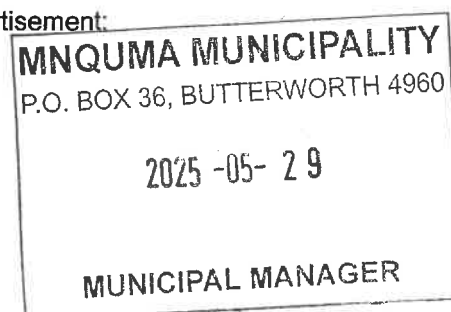
3. LEGISLATIVE FRAMEWORK

- The South African National Roads Agency Limited (SANRAL) promulgated their "Regulations on Advertising on or visible from National Roads 2000" ("Regulations") on 13 July 2000 to regulate advertising signs along national roads.
- The Constitution, Section 156 and Part B of Section 5, gave Local Authorities the control over the "erection of billboards and the display of advertisements in public places".
- Road traffic Act, 1989 (Act No 29 of 1989) Road safety and traffic considerations: no advertisement may— be so placed as to distract, or contain an element which distracts, the attention of drivers of vehicles in a manner likely to lead to unsafe driving conditions;
- Amendment to chapter 5 of the National Environment Management Act of 1998 (Act No. 107 of 1998) as promulgated in April 2006. The principles of environmental management must be integrated into all decisions which may have an significant effect on the environment.
- Code of conduct of The Advertising Authority, The Code applies to all advertisements for the promotion of any form of goods and services. It should be read in conjunction with the other ICC Codes of Marketing Practice
- National Building Regulations and Building Standard Act, 1997 (Act 103 of 1977). Maintenance of advertisements, Every licensee shall ensure that any advertisement, animated billboard, balloon sign, directional sign, signboard or skysign to which his licence relates is at all times maintained to the satisfaction of the Commissioner.

4. PURPOSE

The purpose of this policy is to regulate outdoor advertisement:

Policy on Outdoor Advertising

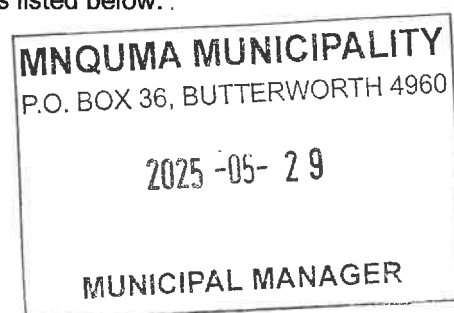


Page 4

- (1) By providing for the uniform assessment of all applications which are forwarded to the Municipality for permission to proceed with various forms of outdoor advertising;
- (2) By providing for the management of all forms of outdoor advertising which fall under the jurisdiction of the Municipality.
- (3) To provide appropriate opportunities for outdoor advertising in the area of Mnquma Municipality to promote economic development.

5. POLICY STATEMENT

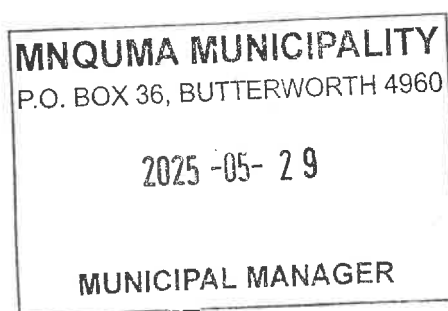
In order to lessen the complexity of outdoor advertisements and signs and in order to determine the potential impact of signs on the environment, they should be classified into classes based on visual character, function and necessity. The municipality has to identify dominant signs that exist within the municipal area of jurisdiction which are the classes listed below: .



- Class 1 - Billboards and other high impact free-standing signs, principally
- Class 2 - Super billboards;
- Class 3 - Custom-made billboards;
- Class 4 - Large billboards;
- Class 5 - Small billboards and tower structures
- Class 6 - Posters and general signs, principally large posters and advertisements on street
- Class 7 - Furniture
- Class 8 - Banners and flags
- Class 9 - Suburban advertisements
- Class 10 - Temporary advertisements, being
- Class 11 - Estate agents boards
- Class 12 - Sale of goods or livestock (auction sales)
- Class 13 - Pavement posters and notices
- Class 14 - Project board
- Class 15 - Temporary window signs
- Class 16 - Street name advertisements
- Class 17 - Neighborhood watch and similar schemes
- Class 18 - Signs on buildings, structures and premises, principally
- Class 19 - Sky signs
- Class 20 - Roof signs
- Class 21 - Flat signs
- Class 22 - Projecting signs
- Class 23 - Veranda, balcony, canopy and under awning signs
- Class 24 - Signs painted on walls and roofs
- Class 25 - Window signs
- Class 26 - Signs incorporated in the fabric of a building
- Class 27 - Advertisements on forecourts of business premises;
- Class 28 - Miscellaneous signs for residential oriented land use and community services;
- Class 29 - On-premises business signs;
- Class 30 - Advertisements on construction site, boundary walls and fences.

6. APPLICATION OF THE POLICY

This policy shall be applicable to all areas under the jurisdiction of Mquma Municipality, and any company or community member who wants to erect any sign or form of outdoor advertising within Mquma Municipality should adhere to the requirements set out in the policy as per Section 7 of this policy.



7. OBJECTIVES OF THE POLICY

The main objective is to manage and control the outdoor advertising by installing mechanisms that will provide proper systems and procedures in relation to the outdoor advertising.

7.1 To obtain a sense of pride within our community.

7.2 To obtain an excellent brand identity within our municipality.

7.3 To obtain a sustainable community in relation to environmental, social and Environment.

8. CLASSIFICATION

8.1 Areas of control Bill Boards must be controlled for erection in certain areas and those areas might be categorized as maximum, partial and minimum control. It should be emphasized the all areas of control should take cognizance of the road traffic for safety purposes. Boards must be evaluated when erected to establish actual advertising opportunities and constraints.

Areas of Control will be distinguished as follows:

1. Permitted Signs in the Municipal Jurisdiction
2. Only signs that are conveying an essential message are permitted.

Class 1 - which are regarded as big billboards (40m²) to the signs are permitted on urban freeways where the Roads Agency demonstrates that it has been satisfied that the effect on traffic safety is within acceptable norms; and EIA where applicable,

Class 2 - which are regarded as advertisements on street furniture; temporary advertisements; street name advertisements; estate agent boards; project boards.

8.2 Standard guide for erection of boards

8.2.1 Free Standing Advertising Signs

- a) Free standing signs, by virtue of their size, can have a powerful impact upon the environment.

- b) It is also specifically proposed that the size of free standing board alongside N2 should be determined in accordance with the distance from the N2, and the distance between signs permitted alongside N2 be determined in accordance with the applicable speed restriction.
- c) The permissible sizes, and spacing, of freestanding boards should therefore be predetermined.

8.2.2 Pavement Posters

Pavement posters are regarded as follows:

- First, posters which advertise a specific event which is broadly cultural, of public interest (Including entertainment events, exhibitions, trade fairs), sporting or religious in nature;
- Second, posters which display selected news headlines for a specific edition of a newspaper;
- Third, posters for parliamentary or municipal elections.
- All posters on lampposts should be 1.5 m above ground and should be limited to 3/4 posters per pole.
- The number, and display format, of posters in the, for parliamentary or municipal elections, is to be determined by putting up an application for approval by the Municipal Manager or his Delegate.
- The total number of posters that may be displayed for any single event is limited to 2000.
- Posters may only be erected if the billboard is approved and the prescribed deposit and fees have been paid.
- Deviation from (7) above will be subject to approval by the Municipal Manager

- Posters for elections may only be displayed for a period of 30 days prior to the event in question and must be removed 5 days after the event in question.

8.2.3 Posters Prohibited by the Municipality

The following posters are prohibited by the Municipality:

- Exclusively commercial advertising is prohibited. No poster/pamphlets/ marketing related products may be distributed at street corners.
- Estate Agents' Boards — only those boards advertising the sale or letting of the property itself, situated on the Erf in question and the pavement extending along its particular street frontage, will be permitted. They are deemed to be approved by the Municipal Manager or his Delegate in compliance with the applicable by-laws and in cases where payment is required, proof of payment of such application should be provided.

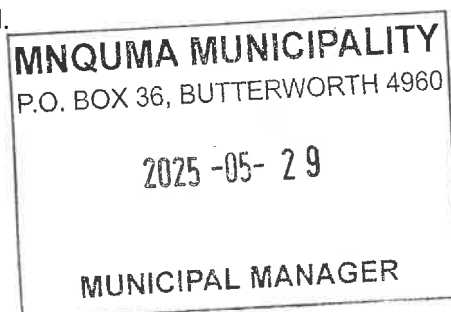
8.2.4 Advertising on Cellular Masts

A cellular mast is a freestanding structure, which varies in height from 20 metres to 50 meters. Applications for advertising on cellular masts should therefore be treated individually on their own merits, applying the following: -

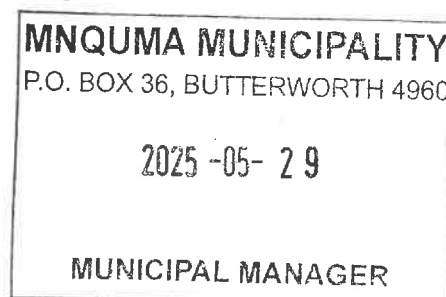
1. The locality of the cellular mast, the land-use zoning of the eff. on which it is positioned and its visual impact;
2. Preference should be given to advertising on cellular masts in shopping canters, in areas of concentrated commercial or industrial activity and on suitable portions of Council-owned land where the municipality can derive an income from the advertising installation;
3. Full details of the name boards, wording, logo, materials to be used, the exact size and location of the boards on the tower and details of any illumination or special effects are to be provided when applying for permission to place advertisements on cellular masts.

9. ADMINISTRATION AND REGULATION

- The Policy and Code of Practice, as well as the By-laws for Outdoor Advertising, are to be effectively and consistently administered, scheduled inspections of signage are to be held and offenders are to be fined or prosecuted.



- Appropriate penalties for undesirable practices are prescribed in terms of the Mngquma tariffs and By-laws on Advertising.
- Where there is insufficient internal staff capacity, Mngquma Municipality will appoint, a service provider at the time to assist with the removal of illegal advertisements.
- On consent being given for an outdoor advertising sign, the sign/s are to be erected within six months of approval, or the approval will be cancelled; an application can be made for an extension of time, which may be granted at the discretion of the Municipal Manager or his Delegate.
- A full description of the materials and finishes to be employed shall be provided on the plan, elevations and sections.
- An artist's impression of the final product in its setting may be requested by municipality if the proposal is located in an area which is architecturally or environmentally sensitive.
- A registered, structural professional engineer shall take full written responsibility for all structural work contemplated by the applicant.
- A written motivation, briefly setting out the benefits of the outdoor advertising fixtures in environmental, social and economic terms is to accompany each application.
- The written approval of the registered owner of the property (together with copies of the applicable Title Deeds, on request) is to be submitted together with the application.
- The applicant shall satisfy the Municipality that cognisance has been taken of the relevant statutory provisions regarding the environmental impact of the proposed form of outdoor advertising.
- The above technical criteria for submissions are essential in order to effectively evaluate the application in question on both environmental and technical grounds. It is also intended to expedite the assessment and approval of applications on the grounds that the provision of comprehensive information is an aid to effective decision-making.



- The criteria does not apply to applications for approval of posters, or any form of advertising described in Class 2 — "Temporary advertisements" — where appropriate criteria for submission of applications can be determined administratively.

10. IMPLEMENTATION OF THE POLICY

10.1 Application to erect advertising signs

- An application form obtained from the Directorate Infrastructural Planning and Development will be completed for approval on all advertising signs within the jurisdiction of the Municipality.
- All signs erected in a private land must apply for permit from the Municipality.
- All advertising signs erected on Municipal land other than those initiated by Mnquma Municipality, in terms of an adjudicated tender and those signs owned by the Municipality.
- All signs excluded from this policy and all signs considered to have Deemed Consent will not require an application to the Municipality.
- An application for Outdoor Advertisement on private land must be signed by the owner of the proposed structure or device upon which the advertisement.
- Will be displayed and by the owner of the land on which it is to be erected or displayed, or by the agent of such persons authorized in writing, and must be accompanied by any additional information or documents requested by the municipality.
- The municipality may grant approval subject to conditions, which must be complied with by the owner of the advertisement and/or the owner of the structure upon which an advertisement is to be displayed, the person or persons who erect or display it, the owner of the land on which it is displayed or erected and/or any occupier or other person in charge of such land.
- The right to erect an Outdoor Advertising signboard or billboard on municipal and private land as well as displaying advertisements on the signboard/billboard and the construction of any device designed to enhance the value of the advertisement or the billboard shall be granted to the lessee for an initial period not exceeding twentyfour (24) months, subject to approval of the application and a signing of a Lease Agreement between the applicant (lessee) and Municipality.

- Any advertising sign erected shall be removed upon expiry of five (5) days after the occurrence of the event of such advertisement.

10. Renewal

For any billboard owners that require a renewal, new applications must be submitted for consideration by the Municipality. The municipality may withdraw any approval given under its by-laws where the relevant advertisement does not or ceases to comply with its policy, or a condition imposed in such approval has not been complied with.

11. Enforcement

11.1 Municipal Bylaws

Where this policy contradicts any existing by-law, the by-law will supersede this policy until such time as the relevant by-law is amended.

11.2 Control of Illegal Signs

11.2.1 Any person who displays or attempts to display a new sign or who alters or adds to, or attempts to alter or add to, an existing sign on private or municipal land without the prior written approval from Mnquma given in terms of this policy, where specific consent is required, shall be guilty of an offence.

11.2.2 Any such person displaying an unauthorized sign on private land shall forthwith after service on him of an order in writing to that effect under the hand of the Municipal Manager or his Delegate, cease or cause to cease all work on the display of such new sign, or shall cease or cause to cease any alteration or addition to such existing sign, as the case may be, and any such person who fails to comply with such order shall be guilty of an offence.

11.2.3 Any person who, after having obtained such approval, does anything in relation to any sign on private or municipal land which is a departure from any form or plan approved by the Municipality shall be guilty of an offence.

11.2.4 If, in the opinion of the Municipality, any sign is illegal, the Municipality shall serve a notice to the owner requiring him at his own cost, to remove the sign or to amend, move or alter such sign in order to comply with the by-laws within a period so specified.

11.2.5 The Municipality may, if the sign does not comply with said by-laws and without council's consent, itself carry out the removal of a sign or do other work it may deem necessary;

11.2.6 The Municipality shall, in removing a sign, not be required to compensate any person in respect of such a sign in any way for loss or damage resulting from its removal and

- 11.2.7 Any cost incurred in removing a sign may be recovered from the person or business who erected the sign.

12. Offences

Any person who:

12.1.1 Contravenes or fails to comply with any conditions imposed in terms of this policy;

12.1.2 knowingly makes a false statement in respect of any application in terms

of the policy; shall be guilty of an offence and shall on conviction be liable to a fine not exceeding R10 000 or in default of payment, to imprisonment for a period not exceeding 6 months, and in the case of a continuing offence to a fine not exceeding R5 000 for every day during the continuation of such offence, and for a second or subsequent offence shall be liable on conviction to a fine not exceeding R 10 000 per day or in default of payment, to imprisonment for a period not exceeding 12 months.

12.1.3 Penalties for offences will be renewed yearly to ensure that it stays in line with income that can be generated from illegal advertisements.

13. EXEMPTED AND PROHIBITED SIGNS

13.1 Exempted Signs

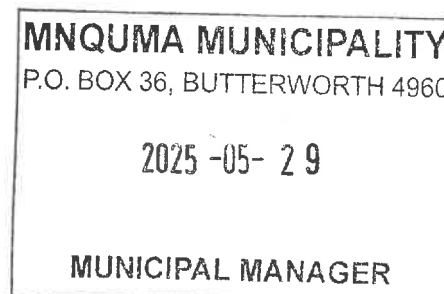
The following signs are exempted from the provisions of this policy:

- Any sign displayed inside a sports stadium, which is not visible from outside the stadium;
 - Any sign which is displayed inside a building at a distance of more than two metres from any window or other external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of the road user:
- a) Any national flag hoisted on a suitable flagpole as long as nothing is added to the design of the flag and no advertising material is added to the flagpole;
- b) A sign which is displayed by the Municipality e.g. Directional signs for police stations, parks, swimming pools etc,

- c) Any sign displayed on an approved advertising hoarding, which complies with other relevant requirements of this policy; and
- d) Any banner or flag carried through the streets as part of a procession.
- e) A price ticket smaller than 0,01sq.m on an item displayed in a shop Window.

13.2 Prohibited Signs

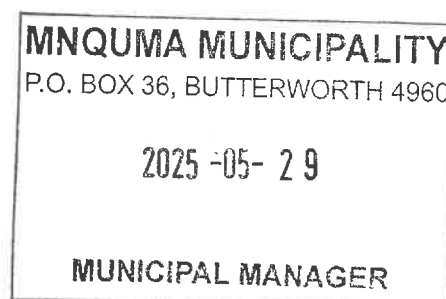
- a) Any sign type not covered by the policy and by-laws shall be regarded as an illegal sign unless a specific consent of the municipality has been obtained.
- b) No person shall erect or display any of the following signs or cause or allow any such sign to be erected or displayed or such action to be carried out:
- c) Any sign painted on, attached to, or fixed between the columns or posts of a veranda.
- d) Any sign, which will obscure a road traffic sign or signal, or which may be mistaken for, or cause confusion with or interfere with the functioning of a road traffic sign or signal.
- 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 or 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.



- i) Any sign displayed on land not in accordance with the relevant zoning or approved consent use as per applicable Town-planning Scheme.
- j) Any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained.
- k) Any sign painted on a boundary wall or fence in a residential and rural area.
- l) Any advertising sign, which, in the opinion of Municipality, is suggestive of anything indecent or may prejudice the public morals.
- m) Any sign, which relates to a business, which is conducted on an erf, or land, which is not zoned for that specific purpose.
- n) Any advertisement, which relates to cigarettes or other tobacco products on Municipality property.
- p) Any poster pasted onto supporting columns, walls, pillars or any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster.
- q) The distribution of pamphlets at road intersections.
- r) Any permanent sign of which the maximum display period has expired.
- s) Advertisements that cannot be classified in full into one of the recognised advertising classes.
- t) Any advertisement inside a road reserve, which contains or does not contain retro-reflective material unless approval has been obtained.

14. PUBLIC BIDS

- The municipality may, if it so wishes, outsource the monitoring and implementation of the outdoor advertising.



- Advertising activities go through the public bid processes in accordance with the Supply Chain Management Policy of the MI-M.
- a) The duties of the successful bidder will include but not be limited to the following:
 - b) Be responsible for the monitoring of advertising signs in terms of the conditions and stipulations of the policy on Outdoor Advertising control and his/her contract with the Municipality;
 - c) Be responsible to ensure compliance with the outdoor advertising policy and applicable By-Laws;
 - d) Be responsible for ensuring proper maintenance of the advertising signs in accordance with the maintenance clauses as set out in this policy and any other additional conditions stipulated in his contract with MLM;
 - e) Be responsible for issuing of once-off notices for any outdoor advertising sign for which a contract has been entered into between the MI-M and the lessee, which shall be found to be contradictory to this Policy and the By-Laws to enable the lessee to rectify compliance matters and with a 2 months compliance order
 - f) Be responsible for ensuring that once a notice is served, the lessee complies with the requirements of this policy and By-Laws and failure to comply, the Municipality will have the right and/or an option to terminate the contract after which the said lessee will have no rights to the advertising signs already erected.

15. APPEAL PROCEDURE

- Any person may appeal to the Municipal Manager against a disapproval of an application in terms of this policy by an official of the municipality within 30 days of receipt of notice of such decision;
- Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the period contemplated in subsection above with the Municipal Manager.
- The Municipal Manager referred to in subsection above, or his/her delegated official, shall hear the appeal including any oral or written submission from either party, and inform the applicant of his/her decision and the reasons therefore.

- The Municipal Manager or the delegated official's decision shall be final.

16. COMPLAINTS

Any complaints from the public (excluding the applicant who is entitled to the appeal procedure) regarding this policy may be directed to the Municipal Manager, Mnquma Local Municipality at P. O. Box 36, Butterworth, and the Municipality shall furnish a reply in writing to the complainant.

17. REVIEW OF THE POLICY

In terms of section 17 (1) (e) of the MFMA this policy must be reviewed on annual basis and the reviewed policy tabled for approval as part of the budget process.

18. APPROVAL OF POLICY

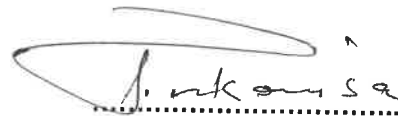
This policy was adopted by Council on the **29th May 2025** as per resolution number **SCM7/25/007.1.3.3.**

19. AUTHENTICATION

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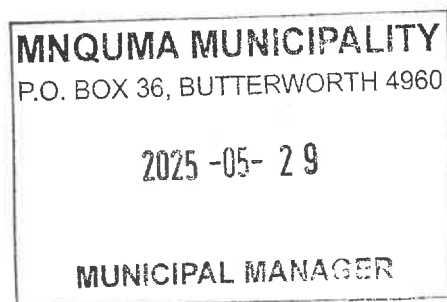

MR. S. MAHLASELE

MUNICIPAL MANAGER

.....


CLLR. T. MANXILA NKAMISA

EXECUTIVE MAYOR



ANNEXURE: SIGNAGE APPLICATION FORM



Mnquma Local Municipality • Corner King and Mthatha Street • Butterworth • 4960
Postal Address: • PO Box 36 • Butterworth • 4960
Tel: (047) 401 2400 • Fax: (047) 491 0195 • www.mnquma.gov.za

Advertising Application Checklist for Applicant

Forms Completed.

Drawing of sign itself to a scale of 1:20 showing text, colours, materials, construction details, and method of support and lettering detail.

A suitable mock-up (artistic impression) of signage/flag in context (showing signage in vicinity).
Copy of lease agreement between owner and advertising company/tenant. (if applicable)

Application fee as prescribed in advertising invoice.

Please note that you are required to provide any other information relevant to the application if asked to do so by the authorized officer signed by Mnquma Local Municipality.

APPLICATION FOR THE ERECTION OF SIGNAGE

I/We hereby make application in accordance with the Outdoor Advertising Bylaws, for Permission to display/erect/alter/maintain signs as follows:

DATE: _____

FILE No: _____ (for official use)

Name of Applicant (Not Sign Company)	
Name of Business	
Postal Address	
Telephone No	
Lot No	
Street Address	

PLEASE NOTE: A minimum clearance from sidewalk level to underside of sign of 2,4m is required in the case of ground sign.

