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Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu

(Registered as a newspaper) • (As 'n nuusblad geregistreer)
(Yi rhijistariwile tanihi Nyuziphepha)
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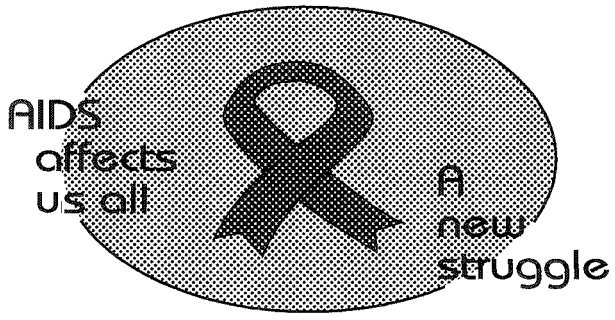
POLOKWANE,

Vol. 14
Extraordinary
Ku katsa na Tigazete to *Hlawuleka* hinkwato

16 MARCH 2007
16 MAART 2007
16 NYENYANKULU 2007
16 MATŠHE 2007
16 ṬHAFAMUHWE 2007

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 48

MUSINA LOCAL MUNICIPALITY
LIMPOPO PROVINCE

LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000

Notice is hereby published in terms of section 13(b) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and Section 162(1) of the Constitution of Republic of South Africa, 1996 (Act 108 of 1996).

These By-Laws comes into operation on date of publication in this Gazette.

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MUSINA LOCAL MUNICIPALITY

ADVERTISING, BILLBOARD AND THE DISPLAY OF ADVERTISEMENT BY-LAWS

PREAMBLE

Whereas section 156 of the Constitution of the Republic of South Africa Act, No 108 of 1996 determines that a municipality has executive authority in respect of, and has the right to administer matters regarding billboards and the display of advertisements in public places, and

Whereas section 156 (2) determines that a municipality may make and administer by-laws for the effective administration of the matters, which it has the right to administer;

The **MUSINA LOCAL MUNICIPALITY** now adopts the following as the "Bylaw on Advertising, Billboards and the Display of Advertisements in Public Places.

PART A
1. DEFINITIONS and SCOPE OF THIS BY-LAW

"Advertisement" means any temporary poster, advertising material or sign, which is visible from a street or public place in any way whatsoever, and the purpose of which is to advertise any *promotional event, roadshow,* event, function or matter, *but* excluding an election advertisement;

"Area of Control" means prohibited area or defined advertising area.

"Areal sign" means any sign exhibited or displayed or performed in the air by the use of balloons, searchlights, aeroplanes or similar means.

"Banner" means a large rectangular sign bearing a slogan or design and usually carried on two side-poles or a crossbar, or a long strip of cloth or similar material hung across a street or along the front of a building and bearing a slogan or slogans.

"Council" means the Musina Local Municipality established by way of proclamation in accordance with the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998) and any official to whom the Council has delegated the powers, functions and duties related to these By-laws, and

"Municipality" shall have the same meaning;

"Encroachment" means to intrude on any municipal land designated as public open spaces, streets or pavements or undeveloped land zoned as "agricultural".

"Flag" means a piece of cloth, usually oblong or square, attachable by one edge to a pole or rope,

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"Hoarding" means any screen or fence which is used or capable of being used for the posting, exhibition or display of any advertisement or advertising device on or near or in view of any street, and includes a screen or fence enclosing a building or materials while builders are at work, or enclosing an excavation.

"Posters" mean a placard containing writing and/or picture(s) displayed for advertising purposes and could include any advertising device;

"Promotional Event" – means an event, performance or display to promote a product, or service for commercial, non-commercial or any other purpose, by means of any advertising device, before, or for the duration of the event;

"Roadshow" – means a performance or exhibition given by a company, organisation, institution, an artist or group of artists or individual or groups of individuals with the purpose of dissemination of information to the public, the promotion of product s or services for commercial purposes or otherwise, or artistic performances;

"SANRA"L: - means South African Roads Agency Limited established under The South African National Roads Agency Limited and National Roads Act, 1998.

"Sign" means any advertisement or advertising device of any kind, which is visible from any street but does not include an advertisement placed inside a building, or any advertisement of an ecclesiastical, amateur sport, educational, political or charitable meeting, event or function or of the candidature of any person nominated for election to Parliament, the Provincial Council or the Council, and "advertising sign" has the same meaning.

"Sky-sign" means a sign erected on or above the eaves or parapet of a roof or erected or placed on or extending from the roof of a building but shall not include a sign painted on the roof of a building;

2. POSTERS, BANNERS AND FLAGS

(1) Prohibited areas.

The Council may define an area or areas where posters, banners and/or flags for advertising purposes may not be erected and/or displayed in, or in view of any street, or public place.

(2) Defined advertising areas.

2.1 The Council may define an area, or areas where posters, banners and/or flags may be displayed to advertise any meetings, function, promotional event, road show or event of a sporting, educational, charitable or political or any other nature, (including posters for elections purposes); provided that the poster, banner or flag shall not have reference to any commercial undertaking or activity of a commercial nature.

2.2 The Council may define an area, or areas where any poster, banner and/or flags, which relates to a sport, the arts, or a cultural event may be erected or displayed by a person for a commercial advantage.

(3) Posters for parliamentary, provincial or municipal elections.

(a) Poster relating to parliamentary, provincial or municipal elections must comply with the requirements as in 4(2) (a) – (h), excepting the following:

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i) Election posters located entirely inside fixed premises, but not on an exterior wall or on the outside of any fence forming the apparent boundary of the premises;
ii) Posters displayed in or on a private motor vehicle parked or being driven in a street or other public place in the course of the normal use of such vehicle;
iii) Posters displayed in the committee rooms, clearly marked as such, of a candidate in an election; or,
iv) Posters that are affixed to a hoarding licensed for the display of advertisements.

(b) Each candidate may exhibit 100 posters at one time in a municipal ward and 200 posters in a parliamentary constituency.

(c) Posters or other advertisements shall be removed within three days after the date of the election to which the poster refers.

(d) A banner shall not exceed 1m or 4 m in size or three in number in each municipal ward and five in each parliamentary constituency.

(4) Application for approval to display posters, banners and/or flags. (Reference to posters shall be deemed to include banners and/or flags, where applicable.)

(a) Any person wishing to display or erect a poster must submit an application to council, containing a statement, in writing, mentioning the street, or intersection, in view of which the posters will be displayed, for approval.

(b) Once permission has been granted in terms of subsection (1), the following requirements must be complied with:

(i) The poster must be attached securely to a neat and strong board made of wood or other suitable material approved by the engineer so that it will not become wholly or partially dislodged by wind or rain.

(ii) The poster, board or other material constituting the advertisement shall not measure more than 900 mm by 600 mm.

(iii) Posters are to be attached to Municipal electricity poles where, available, to a maximum of 3 per pole and pasted posters may only be affixed to designated structures which are approved by the Municipality for the express purpose of pasting posters. Posters shall not be placed on or against or attached to any transformer box, electricity or telegraph pole, traffic light or sign or other structure or object erected by the council the provincial or national government.

(iv) Posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic fastening unless a permanent frame has been approved for this purpose. (No securing material with a metal content is permitted.)

(v) Only one poster per function or event per body may be displayed on any on pole.

(c) A poster may only be attached to a tree growing in a street, park or other public place if it is attached to the tree by means of cord or strong string.

(d) Posters must be placed in such a manner and place that it will not, in the opinion of the Technical Manager of traffic officer constitute a danger to traffic or pedestrians in any street or public place.

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(e) Posters or other advertisements relating to a meeting, function or event, excluding an election, may be displayed for a period not exceeding 14 days before the day on which the meeting, function or event begins, and three days after the day on which it ends.

(5) Deposits and fees prescribed in the Tariff of Charges

(a) A poster or advertisement may only be displayed in a street or other public place, once the required permission has been given in terms of subsection 4 (a) and the appropriate sum prescribed in the Tariff of Charges of the municipality has been paid by way of a deposit and relevant fees.

(b) Any deposit paid shall be refunded when and not before all the posters to which the deposit relates, have been removed to the satisfaction of the Council, within three days after the event ends.

(6) Penalties

a) Any person who, after having displayed any posters fails to remove such posters within the 3 (three) days after the event, will forfeit the deposit paid in terms of Sub-section (5)(a) or such proportionate part of the deposit as assessed by Council in respect of the number of posters or advertisements not removed.

b) Any person who displays any poster or other advertisement in or in view of any street or other public place without the required permission in terms of Sub- section 4(a) or who has obtained the required permission but fails to comply with any provisions of this By-law, or contravenes any provision thereof, is guilty of an offence and liable, on conviction, to a penalty not exceeding R500.00.

c) When any person is charged with an offence relating to any poster or advertisement, in terms of this By-law, written notice of the charge, setting out the detail of the offence, will be delivered to such person, and he will be given 30 days to respond, in writing, to the charge, with the opportunity to prove that he neither displayed the poster, nor caused, or permitted or suffered it to be displayed.

d) Any person who is authorised by the person responsible for the display of the poster or advertisement, to remove it, shall be deemed to be the displayer thereof for so long as it is displayed, except if such a person is a police officer or a person charged with the enforcement of this By-law.

e) Any person who, alone or jointly with any other person, is responsible for the organising or is in control of any meeting, function, promotional event, event or road show so advertised by way of a poster, shall be deemed to have displayed or to have allowed the posters or advertisements in question to be displayed, until the contrary is proved.

f) If an advertisement or poster is displayed in contravention of this By-law, the owner and occupier of the land or premises where the poster or advertisement is displayed shall be deemed to be guilty of an offence unless he proves that he did not know, or could not have known of or prevented such display.

g) The Council shall be entitled, subject to reasonable notice being given to affected parties, if possible, to remove any poster or advertisement which is displayed:

i) without permission having been obtained or granted, or in contravention of any provisions of this By-law, or

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ii) not removed within the period determined in accordance with this By-law and specified in the application, and further,

The Council shall be entitled to deduct from any deposit paid, the cost, as assessed by Council, for the removal and destruction of any such posters or advertisement.

(3) BILLBOARDS, SIGNS AND HOARDINGS

(1) Prohibited Areas.

(a) The Council may define an area or areas where signs and hoardings for advertising purposes may not be erected and/or displayed in, or in view of any street, or public place.

(b) The Council may refuse to permit the erection of hoardings for bill posting or other purposes in localities where it deems them likely to be prejudicial to the surrounding neighbourhood or to be a disfigurement to a residential or other street.

(2) Defined advertising areas.

(a) The Council may define an area , or areas where signs and hoardings may be displayed to advertise any business, commercial activity, event, promotional event, road show , meeting or function.

(b) The Council may demarcate areas for the display of signs, billboards, loose portable signs, and/or other advertising devices and may lease such demarcated areas to an applicant at a rate to be set by the Council and published in accordance with the Schedule of Tariffs.

(c) No person shall advertise, exhibit or display a sign, hoarding or any advertising device, unless:

(i) the consent of Council has been given, under the hand of the responsible official;

(ii) the required deposit, as prescribed in the Council Schedule of Tariffs has been paid and a receipt has been obtained; except,

(iii) in cases where a person advertises his own business by means of an advertising sign other than a sky-sign, on any premises or part of a premises used for the applicant's business.

(d) The Council shall have jurisdiction to approve applications for signs on the N1 within a radius from Musina to be agreed upon between the Council and SANRAL subject to the following:

a. Any signs smaller than 6 m² on the N routes within the boundaries of the municipality.
b. Any signs larger within the boundaries of the municipality on the "N" routes, approval will be done by the municipality in consultation with SANRAL.
c. The jurisdiction of SANRAL within the municipal areas is up to the curb of the road and not in the road reserve.
d. The application and encroachment fee for such signs will be determined by Council from time to time and included in the Schedule of Tariffs promulgated by the municipality annually."

ii)

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iii) .

(3) Application for signs.

(a) Before a sign or hoarding may be painted, posted or erected,

(i) application must be made in writing to the municipality, on a form as prescribed by the Council;
(ii) accompanied by detailed drawings of the intended sign to a scale of not less than 1:20 and a block plan indicating the position of the sign on the site, to a scale of not less than 1:500; and,
(iii) the written consent is given by the responsible officer.

(b) Application must be made and the prescribed fees paid, before any alteration is made to the electrical wiring or system of a sign or hoarding as a result of which the message conveyed is changed.

(4) Fixing of signs and hoardings

(a) All signs and hoardings shall be properly constructed of the requisite strength and shall be fixed satisfactorily to the approval of the responsible officer.

(b) The person who erects the signs and hoardings, and the owner of the fixture on which or to which they are attached shall assume all responsibility and be liable for the signs and hoardings so fixed, including maintenance.

(c) The person who erects the signs and hoardings, and the owner of the fixture on which or to which they are attached shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof, and submit a certificate to that effect, in writing, to the responsible officer.

(d) All glass used in signs other than glass tubing used in Neon or similar signs shall be wired glass at least 6 mm thick or approved safety glass at least 3 mm thick.

(e) Every sign for which electric current is used shall, if necessary, be provided with suitable condensers which shall give a power factor of not less than 0.90 lagging and not more than 0.98 lagging.

(f) Every sign and hoarding shall be repainted and cleaned regularly in order to prevent them from becoming unsightly.

(5) *Temporary* direction signs

Subject to the approval in terms of this By-law, the Council may permit temporary direction signs for the purpose of exceptional gatherings, *promotional events, road shows* and functions, of public, sport or cultural interest, at places and for periods, and terms to be agreed upon, and the application shall indicate: -

(a) The length of time and location of such signs;
(b) The number of signs to be displayed;
(c) The gathering, event, function to be advertised.

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(6) Loose, portable signs

(a) Subject to approval in terms of Subsection 3 (a) of this By-law, the erection and/or display of loose portable signs in defined advertising areas is permitted, as follows:

(i) Loose portable signs placed in the road reserve or in public open spaces without the written permission of the Council are not permitted in terms of the By-law.

(ii) The municipality may remove and impound those loose portable signs placed without the Council's permission in the road reserve or municipal - owned property. Owners can recover their property on payment of R100.00 to the municipality, which will be used to defray the cost of removal, storage and transportation.

(iii) The Council will consider applications to permit the placement within the road reserve or municipal - owned property of certain loose portable signs which comply with the following requirements, provided that:

(aa) The loose portable sign does not pose a hazard in terms of safety to the public and is, in this regard of appropriate structure and size.

(bb) The loose portable sign/s do not obstruct or inconvenience the public either by its physical size or location.

(cc) The loose portable sign/s do not unfairly prejudice other traders.

(dd) The loose portable sign/s, do not detract from the amenity of the local street or local environment.

(ee) The loose portable sign/s are solely to advertise the name of the business, goods and/or services for sale from the advertiser's premises.

(ff) The maximum dimensions of the proposed loose portable sign/s shall be 1,20 m (height) x 0,5 m (width).

(gg) The loose portable sign shall be placed directly in front of the advertisers premises, provided that the above criteria are met.

(hh) A minimum clear footway width of 1,2 m adjacent to the sign must remain clear.

(b) Approved loose portable signs will be allocated to a demarcated area within the road reserve or on municipal property where, during the normal trading hours, the applicant may then place the approved sign. The said sign must be removed outside normal trading hours, and stored away from public view.

(c) The demarcated area for displaying the loose portable signs will be leased to an applicant at a rate set by the Council and published in accordance with the Schedule of Tariffs and charges.

(d) Applicants will be required to indemnify the Municipaliy against any claims for third parties that may arise, due to the placement of loose portable signs with the road reserve or on municipal property and shall take out third party insurance.

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(e) Notwithstanding the above the Municipality may cause the removal or impoundment of any loose portable sign/signs should the applicant contravene any of the above conditions.

(7) Hanging signs under verandas over streets

(a) Every sign hanging under a veranda over a street shall-

(i) Be fixed at right angles to the building line;
(ii) Have a clearance of not less than 2.5 m between the surface of the pavement and the lowest portion of the sign;
(iii) Not exceed 600 mm in depth, and 2.5 m in length and 230mm thickness between the outside faces thereof.

(b) A boxed sign shall be constructed entirely of metal or metal and wired glass which shall be at least 6 mm thick or other approved safety glass at least 3 mm thick.

(8) Signs on a veranda, balcony, canopy, supporting columns, pillars and posts.

(a) The erection and/or display of signs on a veranda, balcony, canopy, supporting columns, pillars and posts may be permitted in defined advertising areas, on conditions that they comply with the following conditions:

(i) No advertising signs will be allowed on or over architectural features of buildings.

(ii) Signs may be affixed flat onto or painted onto a parapet wall, balustrade or railing of a veranda or balcony and beam or fascia of a veranda or balcony. Such signs may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250 mm in from the surfaces to which it is affixed or project over a roadway or within 0,6 m of the edge of a roadway.

(iii) Such signs may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard, no sign may project more than 55 mm in front of the surface to which it is affixed and shall not extend beyond any of the extremities of such column, pillar or post.

iv) Signs suspended below the roof of a veranda, canopy or the floor of a balcony shall not exceed 1,8 m in length or 600 mm in height. Every such sign shall be at right angles to the building line. No signs suspended under a canopy shall extend beyond the external ledge of the canopy or veranda to which it is attached.

v) Signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, shall be composed of a single line of freestanding, individual, cut-out silhouette letters without visible bracing or other visible means of support and shall not be erected along more than two edges of such roof of a veranda or balcony.

(9) Projecting signs

(a) All projecting signs shall be set at right angles to the building line and fixed at a height of not less than 2,75 m above the pavement.

(b) No projecting sign shall exceed 600 mm in height, nor project more than 900 mm from the building to which it is attached.

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(c) Notwithstanding the provision above, larger projecting signs may be erected provided that:-

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 the sign, including maintenance, and undertake 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 the erection, maintenance or existence of the sign;

ii) The design of the sign shall comply in all respects with this By-law;

iii) The sign is fixed at right angles to the street and the front of the building to which it is erected;

iv) The sign is constructed of metal framing and covered with metal sheeting which does not exceed 300 mm in depth from face to face;

v) The sign does not exceed a mass of 450 kg or 675 kg in the case of a sign consisting only of the name of a central public entertainment building;

vi) The sign does not exceed 9 m in height or 1.5 m total projection from the building.

vii) The sign is supported by at least 4 (four) iron brackets property fixed to the building of which any two shall be capable of supporting the whole mass of the sign, together with wind pressure.

viii) The sign shall be properly braced and stayed against wind pressure.

ix) If a notice is issued by the municipality, under hand of the responsible officer, that the sign is unsafe, the owner of the building or the person for whom the sign is being erected shall remove the sign forthwith without payment by the Council of any compensation whatsoever; and

x) The owner of the sign shall sign a form declaring acceptance and be bound by the above conditions.

10) Signs flat on buildings

(a) The total area of a sign placed flat or painted on a front wall of a building shall not exceed 20 m² or every 15 m of building frontage to the street which the sign faces, with a maximum area of 200 m².

(b) The maximum projection of the sign over the footway shall be 75 mm where the sign is less than 2,5 m above the footway or pavement, and 230 mm where the sign is more than 2,5 me above the footway or pavement.

(c) If the sign consists only of the name of a public entertainment building, the maximum height and length of the sign shall be 10 m by 20 m or alternatively 20 m by 10 m and the maximum projection from the face of the wall shall be 230 mm.

(d) The Council may, notwithstanding the abovementioned conditions, permit or require the dimensions of any such sign to be greater than those prescribed where it

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considers it desirable in the interests of the aesthetic appearance of the building on which the sign is placed or painted.

(11) Sky-sign

(a) For the purpose of this section "sky-signs" means any sign other than a revolving sign erected or placed on or above the top most roof or roof parapet or eaves of a building, but does not include a sign painted on the roof of a building.

(b) The whole sky-sign shall be place against a peripheral screen or other structure fixed on the building, and the screen or structure shall be adequate in respect of the construction, strength, extent and appearance.

(c) A layer of non-combustible material shall be interposed between the sign and the roof; provided that if the sign rests on a concrete slab the interposing material shall be waterproof.

(d) The vertical dimension of any sky-sign, excluding the screen or other structure against which it is placed, shall not exceed the dimensions shown in the following table:

Height of building	Vertical dimension
One or two storeys	1,3 m
Three or four storeys	1,9 m
Five or six storeys	2,6 m
Seven or eight storeys	3,2 m
Over eight storeys	4,8m

(e) The vertical dimensions specified in the table may be exceeded at the discretion of Council, taking into consideration the length and height of the building or to the necessity for screening lift houses, tanks or other structures or objects on the roof.

(f) For the purpose of the dimensions above, sky-signs that are placed one above the other, whether or not in the same vertical plane, shall be deemed to be one sign irrespective of their ownership.

(g) A sky-sign shall not project horizontally beyond the limits of the screen or other structure against which it is placed.

(12) Aerial Signs

(a) Subject to approval in terms of the By-law, the erection and/or display of aerial signs permitted only in urban defined advertising areas, at specified temporary periods, and in addition:

i) No aerial sign affixed to any building or structure or ground surface shall be flown at a height of more than 30 m from the surface measured from ground level.

(ii) Aerial signs must not be flown above a public road.

(13) Signs on boundary walls and fences and on construction site hoardings.

(a) Subject to approval in terms of this By-law, the display of signs on boundary walls and fences is permitted for locality bound signs in defined advertising areas:

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i) If the sign is flat against the boundary wall and does not project more than 50 mm from the face of such wall; or

ii) Composed of individual, un-illuminated cut-out letters or symbols fixed flat on the wall not projecting more than 50 mm from the face of the wall; or

iii) Is a flat sign with a maximum size of 0,5 m² and fixed onto the permanent fence of an erf.

(b) Advertising on construction site hoardings and fences shall comply with the following conditions:

i) Any sign shall not exceed a vertical dimension of 3 m and a total area of 18 m;

ii) Such sign shall not project more than 100 mm in front of the hoarding or fence to which it is affixed;

iii) There will be no illumination thereof.

(c) There will be no advertising on construction site hoardings and fences within the cone vision of motorists at signalised traffic intersections.

4. SIGNS ON MUNICIPAL LAND/BUILDINGS (other than streets, walkways, pavements and other defined advertising areas)

(a) Other than as set out below, no signs other than locality bound signs, temporary signs including loos portable signs, headline posters and posters, banners and flags shall be erected on Municipal land.

(A) Commercially sponsored signs

Notwithstanding the defined advertising area within which it is proposed to erect commercially sponsored signs on municipal land, and subject to compliance with all other provisions of the By-law, the Municipality may consider a commercially sponsored sign for approval subject to the following:

a) Public or community needs or goals shall be identified by the Council and/or adopted by it and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercially sponsored signs, the Municipality shall be entitled to call for proposals or counter proposals for such public or community needs or goals and the related advertising opportunities.

b) In order to identify such public or community needs or goals, the relevant Municipal department and other interested authorities will be consulted prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising.

c) The Procurement Policy will be applied and the extent of involvement of previous disadvantaged persons, small businesses, job creation and empowerment will be considered in any proposal.

d) Any proposal will be evaluated based on the requirements of the By-law and *inter-alia* on the best public or community benefit offered, the design contribution, the creativity and public safety and the adherence to the

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principles and./or stipulations in the By-law as opposed to the largest advertising opportunity and/or financial gain. In addition, the permanence of the contribution to the public or community goal or need will be taken into account, as will the recovery cost over the period of the erection of the sign. When contributions in kind are to be recovered by the Municipality a conversion of this to monetary contribution to the Municipality's income base will be assessed.

e) The relevant municipal departments shall jointly evaluate the proposal and approval will be given when such evaluation process is complete.

f) The Council, as land-owner reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect shall not be regarded as a decision by the Council to proceed with the erection of a sign in respect of a specific site.

g) Once accepted, any sign to be erected in terms of this schedule must be the subject matter of a written agreement between the Council as landowner and the person responsible for the erection of the sign, which agreement will contain the rights and obligations of both parties but which will not derogate from any of the obligations on either party in terms of this By-law. No sign may be erected or displayed in terms of this schedule until such agreement has been concluded and a signed copy delivered to the Municipality.

B. Sponsored Signs

Notwithstanding the area of control within which it is proposed to erect such a sign on Council owned land and subject to compliance with all other provisions of the By-law, the Council may consider a sponsored sign for approval on condition that:

i) In the application to be submitted in terms of Section 4(a) of this By-law, written details are set out clearly indicating the recognised public or community goal which will be promoted by the erection and/or display of the proposed sign.

ii) Signs with a political content will not be permitted.

iii) No more than 5% of the total surface of the sign is used for third party advertising.

iv) The maximum size of any such sign is 6 m x 3 m provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 6m each.

v) Applications for billboards to be erected in terms of this section must comply with the requirements set out in Schedule 2.

vi) No sign erected in terms of this Clause shall be located within 5 m of a property's boundary lines.

C. Non Profit Signs

(i) Notwithstanding the area of control within which it is proposed to erect a sign, and subject to compliance with all other provisions of this By-law, the Council may consider the erection of a sign by or for the benefit of a non-profit body subject to compliance with the requirements for signs erected by or for the benefit of non-profit bodies as contained in the applicable schedule.

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D. Signs Erected By Or For The Benefit Of Non-Profit Bodies.

(a) Notwithstanding the area of control within which it is proposed to erect a sign by or for the benefit of a non-profit body, and subject to compliance with all other provisions of this By-law, the Council may consider such a sign for approval and subject to the following:

i) In the application to be submitted in terms of Section 4 (a)of this By-law, written details from the host non-profit body regarding the nature and extent of the support to be received from the erection or display of the sign must be delivered to the municipality together with the other information set out in Subsection D(a) (i) of the By-law.

ii) The extent of the involvement of previous disadvantaged communities, small business, job creation and empowerment will be considered in any proposal.

iii) Any proposal will be evaluated based on the requirements of the By-law and the public or community goal benefit, which is being met, the design contribution, the creativity and public safety and the adherence to the principles and/or stipulations in the By-law as opposed to the largest advertising opportunity and/or financial gain. In addition, the permanence of the contribution to the goal of the non-profit body will be taken into account.

iv) In the event of it being proposed that the said sign will be erected on municipal land;

(aa) The relevant municipal departments shall jointly evaluate the proposal and approval will be given when such evaluation process is complete.

(bb) The Council as landowner reserves the right not to proceed with any proposal prior to final approval thereof.

v) If accepted, any such sign to be erected on municipal land in terms of this section must be the subject of a written agreement between the municipality, the person responsible for the erection of the sign and the non-profit body, which agreement contains the rights and obligations of all parties but which will not derogate from any of the obligations on any party in terms of this By-law. No such sign may be erected until such an agreement has been concluded and a copy delivered to the municipality.

b) In addition, the following conditions will apply:

i) Signs with a political content will not be permitted;

ii)) The maximum size of any such sign is 6 m x 6 m provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x3m each.

c) Applications for billboards to be erected in terms of this section must comply with the requirements as set out in Section 3 (3) (a) .

d) No sign erected in terms of this clause shall be located within 5 m of a property's boundary lines.

e) The name of the non-profit body must be displayed prominently along the top width of the sign with a maximum of 300 mm lettering in height.

f) A public participation process has been held with all parties to be affected by the erection and/or display of such sign.

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g) The Council may require submission of an environmental impact assessment and/or traffic impact assessment and/or heritage impact assessment in accordance with the guidelines thereon.

h) No more than two individual signs of 6 m each shall be permitted, or alternatively one V-shaped sign with a maximum size of two panels of 6m x 3m each on any one property. In addition, only one sign per street frontage will be permitted.

5. PROHIBITED SIGNS

(1) The following signs are prohibited and approval shall not be considered by Council:

(a) Any sign painted on, or fixed on, to or between the columns of a street veranda.
(b) Any sign projecting above or below any fascia, bearer, beam or balustrade or any splayed or rounded corner of a street vernda or balcony.
(c) Any streamer sign across any street, unless it is in the form of a banner which is attached to fixtures on both sides of the street.
(d) Any sign on calico, paper machè, woven or similar material or of any kind whatsoever.
(e) Any swinging sign.
(f) Any sign which interferes with or which is likely to interfere with any sign or signal for the control of traffic, Provided that,
  (i) no sign in red, amber or green colours shall be erected, within 6 m of any traffic sign.
  (ii) all signs reflected or illuminated by light other than a cream light at a height of less than two storeys or 6 m above the footway, shall be suitably screened so as to satisfactorily prevent any interference with any sign or signal for the control of traffic.
(g) Flashing, occulting or animated signs within 9 m of the ground, with a periodicity exceeding 30 flashes to the minute.
(h) Any sign or signs, exceeding a total area of 30 m² painted or fixed on a wall of a building not being the front wall of such building.
(i) Any sign painted on any fence, not being an approved hoarding.
(j) Any sign in a residential area, other than a painted sign, brass place or board not exceeding 600 mm by 450 mm in size, attached to the fence or gate of entrance to the building.
(k) Any sign that is objectionable, unsightly or detrimental to the neighbourhood, or of such intense illumination as to disturb residents in adjacent buildings.
(l) Any sign which is not permitted by this By-law.

6. SIGNS REGARDED AS TENANCY AT WILL

a) A person erecting or possessing signs on or over any street, foorway or pavement shall be regarded as tenancy at will of the Council and if instructed by the Council to remove any or all of them, shall do so within 14 days without any compensation either direct or indirect, for consequential damages.

(b) The Council may remove such signs in the event of non-compliance with any instructions or if they are not in accordance with this By-law, and the expenses of such removal shall be recoverable in the ordinary process of law from the owner of the building or from the person to whom the signs belong.

7. PENALTIES

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Any person who contravenes any of the provisions of this By-law or who fails to comply with it, shall be guilty of an offence and shall be, on conviction, liable to a fine not exceeding R500,00 and shall in case of a successive or continuous offence be liable to a fine not exceeding R5,00 for every day during which the offence continues.

8. BY-LAWS REPEALED

Sections 25A, 25B 28, 38 to 47 and Section 50 of the Standard Street and Miscellaneous By-laws adopted by the Town Council of Messina under Administrators Notice NO 1031 dated 4 July 1973 and the amended Street and Miscellaneous By-laws as amended by Local Authority Notice 3159 of 24 August 1994 are hereby repealed.

MR A LURULI
Municipal Manager
Civic Centre
21 Irwin Street
MUSINA
0900

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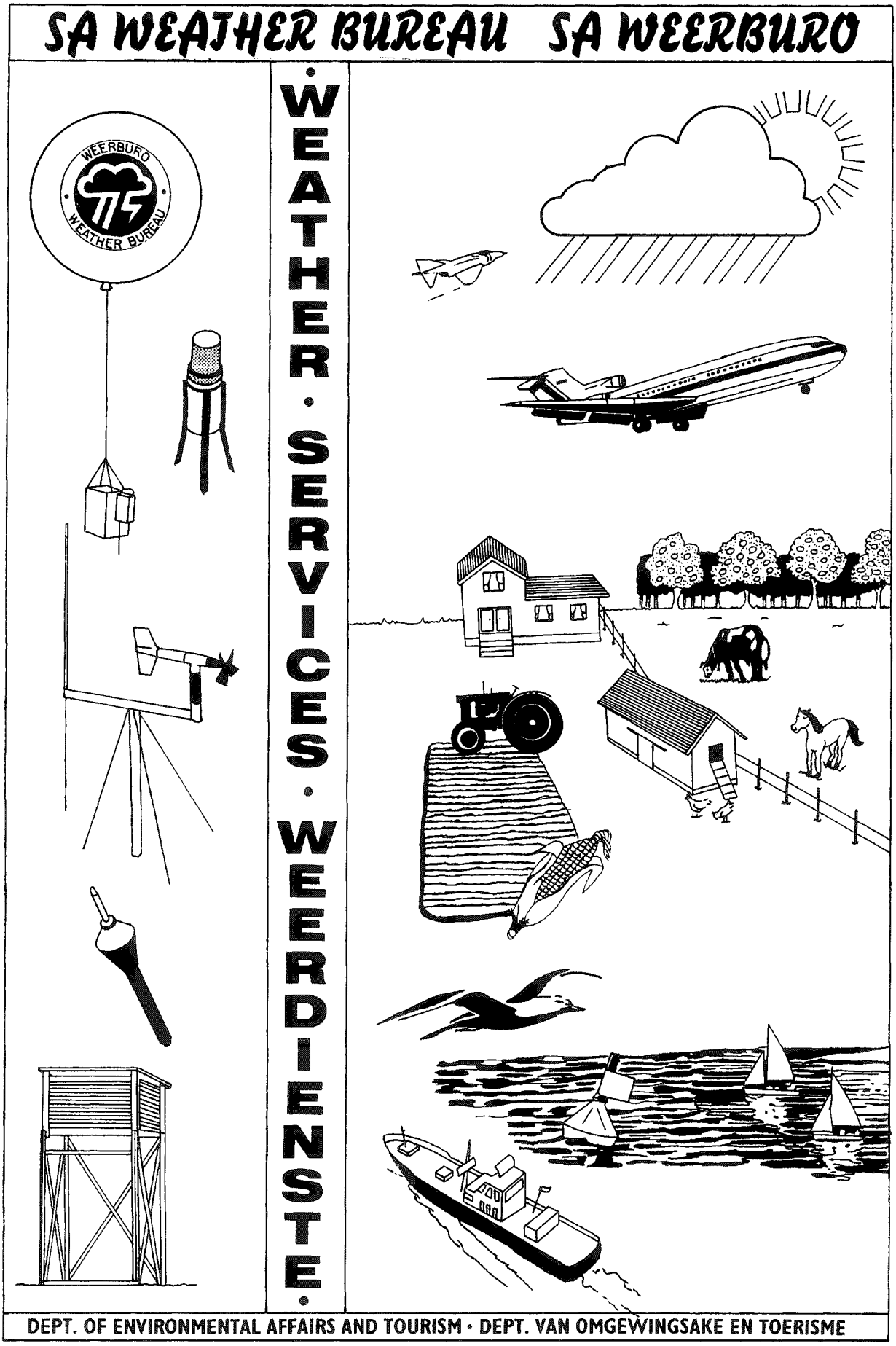
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