

## SWARTLAND MUNICIPALITY

NOTICE NR. 110/09/2010

### PROPOSED ADOPTION AND IMPLEMENTATION OF A BY-LAW RELATING TO THE DISPLAY OF POSTERS AND BANNERS

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Notice is hereby given in terms of section 12(3)(b) of the Local Government Act: Municipal Systems, 2000 that Swartland Municipality intends to adopt and implement a by-law relating to the display of posters and banners, of which a draft is available for inspection and public comment at the following places:

MALMESBURY	:	Municipal Offices
	:	Wesbank Library
	:	Malmesbury Library
MOORREESBURG	:	Municipal Offices
	:	Library
KORINGBERG	:	Municipal Offices
RIEBEEK KASTEEL	:	Municipal Offices
	:	Library
RIEBEEK WES	:	Municipal Offices
	:	Library
DARLING	:	Municipal Offices
	:	Darling North Library
YZERFONTEIN	:	Municipal Offices
ABBOTSDALE	:	Russel Cloete's General Dealer Shop
KALBASKRAAL	:	Uberstein's General Dealer Shop
CHATSWORTH	:	Mitchel's House Shop
RIVERLANDS	:	Highway Café

The draft by-law is also available for inspection on Swartland Municipality's website on [www.swartland.org.za](http://www.swartland.org.za).

Interested parties are invited to lodge written comment in regard to the draft by-law with the undersigned **by no later than 1 July 2010**.

Any person who is unable to write and who may wish to make representations regarding the proposed by-law, may submit their comments verbally at the Municipal Offices, Malmesbury, where he or she will be assisted by mss Madelaine Terblanche or Nicolette Brand to transcribe his or her comments.

Enquiries about the proposed documents may also be directed to the above persons at tel. (022) 487 9400.

**J J SCHOLTZ**  
**MUNICIPAL MANAGER**

**MUNICIPAL OFFICES**  
**PRIVATE BAG X52**  
**MALMESBURY**

**9 June 2010**

## DRAFT BY-LAW

# SWARTLAND MUNICIPALITY

## DISPLAY OF POSTERS AND BANNERS

### PREAMBLE

The object of this By-Law is to regulate the display of posters within the municipal area of Swartland Municipality in a manner that is sensitive to the environment. This By-Law seeks to strike a balance between advertising opportunities on the one hand, and the conservation of visual, tourist, environmental and heritage characteristics on the other hand.

In addition, posters and banners should not compromise traffic safety and should not adversely affect the character of a locality.

### 1. DEFINITIONS

In this By-Law, unless the context otherwise indicates:

“**Banner**” means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstuffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on an approved flag pole shall for the purposes of this By-Law, be deemed to be a banner;

“**Municipality**” means Swartland Municipality and includes any Executive Councillor, or Committee established by the Municipality, or any employee thereof, acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated to such employee by the Municipality;

“**National road**” means a national road as defined in the National Roads Traffic Act No 93 of 1996;

“**New sign**” means any sign first displayed after the promulgation of this By-Law;

“**Organ of state**” means:

- (1) any department of state or administration in the national, provincial or local sphere of government;
- (2) any other functionary or institution:
  - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or

- (ii) exercising a public power or performing a public function in terms of any other legislation;

**“Peace officer”** means a traffic officer and also a traffic warden appointed in terms of section 3A of the National Roads Traffic Act No 93 of 1996 and includes any magistrate, justice, police official, correctional official as defined in section 1 of the Correctional Services Act No 8 of 1959, and, in relation to any area, offence, class of offence or power referred to in a notice issued under section 334(1) of the Criminal Procedures Act No 51 of 1977, any person who is a peace officer under that section;

**“Pennon”** means temporary signs capable of being attached to the municipal electrical light standards and/or pasted to fixed designated structures within road reserves to advertise events, campaigns and including elections or referenda;

**“Poster”** means temporary signs capable of being attached to the municipal electrical light standards and/or pasted to fixed designated structures within road reserves to advertise events, campaigns and including elections or referenda;

**“Public place”** means any public road as defined in the National Road Traffic Act No 93 of 1996;

**“Road Reserve”** means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;

**“Traffic Sign”** means a road traffic sign as prescribed in the National Road Traffic Act No 93 of 1996;

**“Traffic Signal”** means a road traffic signal as prescribed in the National Road Traffic Act No 93 of 1996.

## 2. SUBMISSION OF APPLICATIONS

- 2.1 No person shall display or erect any poster or banner or use any sign for advertising without the Municipality’s approval in terms of this By-Law.
- 2.2 Every person intending to display a poster or banner shall submit a written application to the Municipality accompanied by the following information:
  - (1) a copy of the poster to be displayed;
  - (2) particulars of the specific campaign which the poster will advertise; and
  - (3) particulars of the time frame, i.e. dates of display.
- 2.3 Every application must be accompanied by the prescribed deposit as determined by the Municipality from time to time. No posters shall be put up before such deposit has been paid in full.

## 3. DIFFERENT TYPES OF APPLICATIONS

Only posters, banners and notices in the following categories may be displayed and will be considered by the Municipality:

- (1) Posters with the main purpose of advertising a religious, sporting, educational, cultural, tourism, charity or similar event of a non-commercial nature, provided that such event are to take place within the boundaries of the municipal area;
- (2) Newspaper headline posters of the day of a daily, weekly or week-end newspaper;
- (3) Posters for parliamentary, provincial or municipal elections (including by-elections) and referenda as well as campaigns by state and parastatal institutions to promote democracy, good governance or similar principles, or any national, provincial or municipal Imbizo, or similar event;
- (4) Posters for public awareness campaigns and notices of a public meeting.

#### **4. CHARGES**

The Municipality shall, from time to time, determine a charge for the removal of posters by the Municipality, which charge shall be recovered from the applicant's deposit in the event of any or all of the posters not being removed by the applicant on the date it is required to be removed in terms of the approval granted by the Municipality. The full or the remained of the deposit, after such charges were deducted, shall only be paid out by the Municipality when all posters are removed.

#### **5. GENERAL FACTORS FOR CONSIDERATION OF APPROVAL**

In considering an application for the erection of a poster in terms of this By-Law or an amendment or condition attaching or to be attached to an approval, the Municipality shall have regard to the following factors:

- (1) No poster or banner may display any material or graphic which, whether in form, contents or both, may reasonably be expected to cause offence to the public or an identifiable class of persons.
- (2) No poster or banner may be displayed or will be allowed to be displayed that will be detrimental or may otherwise negatively impact on the environment, whether artificial or natural.
- (3) If a sign constitutes a danger in any manner or is obscene, in the opinion of the Municipality, the Municipality itself may, without serving any notice, carry out the removal of such sign.

#### **6. STANDARD STRUCTURAL REQUIREMENTS**

In addition to the requirements in Schedules 1 and 2 to this By-Law, the following conditions will apply:

- (1) The person by whom a poster or banner is erected shall be liable for the maintenance thereof.
- (2) Every poster or banner and its support structure shall be kept in a state of good repair.
- (3) Where any poster or banner becomes torn or damaged or otherwise falls into a state of disrepair, the person owning and/or displaying such poster or banner shall within three (3) working days of a notice to do so, remove it.
- (4) Posters or banners must be located at a height that discourages vandalism.

## **7. TRAFFIC SAFETY REQUIREMENTS**

- 7.1 Posters may not be erected at places where they are an unacceptable distraction for drivers or where drivers turn, negotiate curves or traffic merges, diverges or weaves.
- 7.2 Posters may not be erected where they could contribute to an unsafe traffic condition or within 50 metres from on and off ramps of public roads and traffic directional signs and gantries.
- 7.3 Posters may not be erected in an area where the traffic volume, the average following headway or accident history requires a higher than average degree of awareness from drivers.
- 7.4 Posters may not be attached to or obscure a traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual and/or the South African Development Community Road Traffic Signs Manual.
- 7.5 Posters may not be erected within the road reserve of any public road unless specifically provided for in this By-Law.
- 7.6 In the event of traffic safety requirements not being adhered to, or when the display of posters or banners in any way is regarded detrimental to traffic safety, the Municipality's peace officers may forthwith remove such posters or banners without obtaining the applicant's consent.

## **8. LEGAL REQUIREMENTS**

All posters to be erected and/or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-Law, comply with all other applicable legislation, including any applicable Zoning Scheme Regulations.

## **9. APPROVAL**

The Municipality may, at any time, withdraw an approval granted in terms of this By-Law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a poster is in a state of disrepair, no longer complies with any provision of this By-Law or is substantially altered from the original application by way of graphic content.

## **10. APPEAL**

- 10.1 Any person whose rights are affected by a decision made in connection with this By-Law by the Municipality may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- 10.2 The Municipal Manager must promptly submit the appeal to the appropriate appeal authority.
- 10.3 The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or renovation of a decision may detract from any rights that may have accrued as a result of the decision.
- 10.4 When the appeal is against a decision taken by:
  - (1) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
  - (2) the Municipal Manager, the Executive Committee or Mayor is the appeal authority; or

- (3) a Political Structure or Political Office Bearer, or a Councillor, a Committee of Councillors, who were not involved in the decision and appointed by the Municipal Council for this purpose, is the appeal authority.

10.5 An appeal authority must commence with an appeal within six weeks after receipt of the appeal and decide the appeal within a reasonable period.

## 11. DAMAGE TO MUNICIPAL PROPERTY

11.1 No person shall, in the course of erecting or removing any poster or banner, cause damage to any tree, electric standard or service or other municipal installation or property and street furniture.

11.2 Any person who damages municipal property shall be liable for the repair costs.

## 12. OFFENCES

12.1 Any person who:

- (1) contravenes or fails to comply with any provision of this By-Law;
- (2) contravenes or fails to comply with any requirements set out in a notice issued and served to him or her in terms of this By-Law;
- (3) contravenes or fails to comply with any condition imposed in terms of this By-Law;
- (4) knowingly makes a false statement in respect of any application in terms of this By-Law,

shall be guilty of an offence and on conviction shall be liable to a fine or imprisonment as set out hereinbelow; and

in the case of a continuing offence, to a fine, as set out hereinbelow, for every day during the continuation of such offence after a written notice has been issued by the Municipality requiring discontinuance of such offence; and

for a second or subsequent offence, liable on conviction to a fine or imprisonment as set out hereinbelow.

12.2 The fines and penalties applicable to offences in terms of this By-Law are:

- (1) upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R500.00 as adjusted in terms of the Adjustment of Fines Act No 101 of 1991 from time to time, or, in default of payment, to imprisonment for a period not exceeding two months;
- (2) in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R300.00 as adjusted in terms of the Adjustment of Fines Act No 101 of 1991 from time to time, for every day during the continuance of such offence;
- (3) upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R1 000.00 as adjusted in terms of the Adjustment of Fines Act No 101 of 1991 from time to time or in default of payment, to imprisonment for a period not exceeding six months.

12.3 Unlawful posters removed by the Municipality shall be reclaimed within one month on payment in full of any costs incurred by the Municipality in the removal of the said sign as well as the costs of any storage charges incurred in the storage of such poster. Any unlawful posters removed by the Municipality and not reclaimed within one month of removal shall be disposed of by the Municipality to defray its removal and/or storage costs.

### **13. PRESUMPTIONS**

Any person charged with an offence in terms of this By-Law who is:

- (1) the owner of any land or building on which any poster was or is displayed, shall be deemed, until the contrary is proved, to have knowingly displayed such poster, or caused or allowed it to be displayed;
- (2) alone or jointly with any other person responsible for organizing, or in control of any meeting, function or event, to which a poster relates, shall be deemed, until the contrary is proved, to have knowingly displayed every poster displayed in connection with such meeting, function or event or to have caused or allowed them to be so displayed;
- (3) the person whose name appears on a poster or whose product or services are advertised on such poster, shall be deemed, until the contrary is proved, to have displayed such poster, or to have caused or allowed it to be displayed unless the contrary is proved.

### **14. ENFORCEMENT AND REMOVAL OF POSTERS AND BANNERS**

- 14.1 If any poster displayed is in contravention of these By-Laws, the Municipality may serve a notice on the person whose product or services are advertised, calling upon such person to remove such poster or carry out such alteration thereto or do such work as may be specified in such request or notice, within a time frame specified therein.
- 14.2 Should the Municipality's demands, as set out in the notice referred to above, not be carried out within the time period specified therein, the Municipality may, with a Court Order, remove the poster, provided that no such Court Order shall be necessary in the event of the said poster being displayed on the property belonging to the Municipality, prior to removal thereof.
- 14.3 In the event of the Municipality removing a poster, the Municipality shall not be required to compensate any person for any loss or damage occasioned by or in respect of such removal.
- 14.4 Any costs incurred by the Municipality in removing posters may be recovered from the person on whom the notice was served, subject to paragraph 4 of this By-Law.

### **15. SERVICE OF NOTICES**

Where any notice or other document is required by these By-Laws to be served on any person, it shall be deemed to have been properly served if served personally on him/her, or any member of his/her household, apparently over the age of 16 years, at his place of residence, or on any person employed by or with him/her at his place of business, or if posted by registered post to such person's residential or her business address, as it appears in the record of the Municipality, or if such person is a company or close corporation or a trust, if served on any person apparently employed by that company, close corporation or a trust, if served on such person at the registered office, or sent by registered post to such office.

### **16. MAGISTRATE'S COURT JURISDICTION**

Notwithstanding anything to the contrary contained in any law relating to Magistrate's Courts, a Magistrate shall have jurisdiction, on the application of any Local Authority, to make an Order for the enforcement of the provisions of this By-Law or of any approval, refusal or condition applicable in terms thereof.

## SCHEDULE 1

### ADVERTISING OF BANNERS

In addition to the conditions contained in this By-Law, the following will apply in respect of the erection of banners:

1. Approval for third party advertising on banners shall only be granted for a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic, tourism or cultural purposes or to a function or event relating to a municipal, provincial or parliamentary election or referendum. The display of such banners shall comply with the Municipality's standard conditions relating to the display of banners as set out hereinbelow.
2. The display of banners is prohibited on any bridge or across any public road, and along any road designated by the Municipality from time to time, unless specific consent has been obtained from the Municipality.
3. Banners may not be attached so as to interfere with or constitute a danger to passing pedestrians of vehicular traffic.
4. No banner shall be larger than 3m<sup>2</sup> except with the prior written approval of the Municipality.
5. No banner may be displayed within 30m of any road traffic sign or traffic signal.
6. Banners are not to be affixed to traffic signal poles or other poles which carry road traffic signs, other natural features, street furniture or other municipal property.
7. Banners may not be affixed in such a way that they unfairly prejudice other businesses/organisations or obscure any approved existing signs.
8. Only one first party advertising banner per location will be permitted unless the Municipality's written permission is obtained for more than one banner and the applicant is to submit in writing the time frame required for the erection of such banner, which time frame shall not exceed 10 days, unless the Municipality has specified, in its approval, that a longer period has been granted.

## SCHEDULE 2

### POSTERS

In addition to the conditions contained in this By-Law, the following will apply in respect of the display of posters:

1. No more than an aggregate of 50 posters per function, or event may be displayed (except election posters) in a designated area.
2. The posters may not exceed 0,9 x 0,6m in area.
3. Posters are to be attached to Municipal electricity light poles where available and only pasted posters may be affixed to designated structures which are approved by the Municipality for the express purpose of pasting posters. They are not to be affixed to traffic signal poles, or other poles which carry road traffic signs, poles erected for any other purpose, or any other street furniture, walls, fences, trees, rocks or other natural features.
4. Posters may not be pasted on municipal electric light poles, electrical boxes, electrical substations and walls, but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose. No securing material with a metal content is permitted.
5. Posters on towers, telecommunication masts or pylons will not be permitted.
6. Only one poster per function or event may be displayed on a pole.
  - (i) No poster may be displayed within 30m of any road traffic sign or traffic signal.
  - (ii) Posters may not be displayed more than 14 days before the date of the function. They must be removed within three days after the event in order to qualify for a refund of the deposit.
7. The Municipality may designate areas where the display of posters will not be permitted.
8. The Municipality or its agent shall remove any poster displayed in contravention of the above-mentioned conditions.
9. Any poster not removed by the date referred to above shall be removed by the Municipality.
10. The display of unauthorised posters is illegal and such posters will also be removed by the Municipality or its agent.
11. All posters are to be removed by the applicant within three working days after the date of the event, or the date determined in terms of the approval granted, whichever comes first.
12. The display of posters purely for commercial advertising or by commercial bodies for profit is not permitted.

## KONSEPVERORDENING

# SWARTLAND MUNISIPALITEIT

## VERTOON VAN PLAKKATE EN BANIERE

### AANHEF

Die doel van hierdie Verordening is om die vertoon van plakkate binne die munisipale gebied van Swartland Munisipaliteit te reguleer op 'n wyse wat omgewings sensitief is. Hierdie Verordening poog om 'n ewewig tussen reklamegeleenthede aan die een kant, en die bewaring van visuele, toeriste-, omgewings- en erfeniskenmerke aan die ander kant te vind.

Hierbenewens moet plakkate en baniere nie verkeersveiligheid in gevaar stel en ook nie die karakter van 'n omgewing nadelig beïnvloed nie.

### 1. WOORDOMSKRYWINGS

In hierdie Verordening, tensy uit die samehang anders blyk, beteken

“**banier**” enige materiaal waarop 'n advertensie op so 'n wyse vertoon word dat dit in windstil toestande ten volle leesbaar is, aan een of meer toue, pale of vlagpale vasgeheg is wat vertikaal, horisontaal of met 'n hoek uitsteek, of aan geboue of spesiale strukture vasgeheg is, maar sluit nie baniere in wat as deel van 'n optog gedra word nie. 'n Vlag wat nie op 'n goedgekeurde vlagpaal vertoon word nie, word vir die doeleindes van hierdie Verordening as 'n banier beskou;

“**Munisipaliteit**” die Swartland Munisipaliteit, insluitend enige uitvoerende raadslid, of komitee wat deur die Munisipaliteit daargestel is, of enige werknemer daarvan wat in verband met hierdie Verordening optree uit hoofde van 'n bevoegdheid wat by die Munisipaliteit berus en deur die Munisipaliteit aan sodanige werknemer gedelegeer is;

“**nasionale pad**” 'n nasionale pad soos omskryf in die Nasionale Padverkeerswet No 93 van 1996;

“**nuwe advertensie**” enige advertensie wat vir die eerste keer na die afkondiging van hierdie Verordening vertoon word.;

“**openbare plek**” 'n openbare pad soos omskryf in die nasionale padverkeerswet nr. 93 van 1996;

“**padreserwe**” die gebied binne die statutêre breedte van 'n pad, en sluit in ryvlakke, skouers en sypaadjies en die lugruim bokant sulke ryvlakke, skouers en sypaadjies en alle ander gebiede binne die padreserwegrens;

“**plakkaat**” tydelike advertensies wat aan die munisipale elektriese lamppale vasgeheg kan word en/of op vaste aangewese strukture binne padreserwes geplak kan word om gebeure, veldtogte asook verkiesings of referendums te adverteer;

**“staatsinstelling”:**

- (1) enige staatsdepartement of administrasie in die nasionale, provinsiale of plaaslike regeringsfeer;
- (2) enige ander funksionaris of instelling:
  - (i) wat ingevolge die Grondwet of ’n provinsiale grondwet ’n bevoegdheid uitoefen of ’n funksie verrig; of
  - (ii) ingevolge enige ander wetgewing ’n openbare bevoegdheid uitoefen of ’n openbare funksie verrig;

**“verkeersein”** ’n padverkeersein soos bepaal in die Nasionale Padverkeerswet No 93 van 1996;

**“verkeersteken”** ’n padverkeersteken soos bepaal in die Nasionale Padverkeerswet No 93 van 1996;

**“vredesbeampte”** ’n verkeersbeampte en ook ’n verkeersopsigter wat kragtens artikel 3A van die Nasionale Padverkeerswet No 93 van 1996 aangestel is, en sluit in enige landdros, justisie, polisiebeampte, korrektiewe beampte soos omskryf in die Wet op Korrektiewe Dienste No 8 van 1959, en, met betrekking tot enige gebied, misdryf, kategorie misdrywe of bevoegdheid bedoel in ’n kennisgewing wat kragtens artikel 334(1) van die Strafproseswet No 51 van 1977 uitgereik is, enigiemand wat kragtens daardie artikel ’n vredesbeampte is;

**“wimpel”** tydelike advertensies wat aan die munisipale elektriese lamppale vasgeheg kan word en/of op vaste aangewese strukture binne padreserwes geplak kan word om gebeure, veldtogte asook verkiesings of referendums te adverteer.

## 2. INDIENING VAN AANSOEKE

- 2.1 Niemand mag sonder die Munisipaliteit se goedkeuring ingevolge hierdie Verordening ’n plakkaat of banier vertoon of ’n advertensie vir reklame oprig nie.
- 2.2 Elkeen wat van voorneme is om ’n plakkaat of banier te vertoon, moet ’n skriftelike aansoek by die Munisipaliteit indien en die volgende inligting moet dit vergesel:
  - (1) ’n kopie van die plakkaat wat vertoon gaan word;
  - (2) besonderhede van die spesifieke veldtog wat die plakkaat sal adverteer; en
  - (3) besonderhede van die tydraamwerk, met ander woorde vertoondatum.
- 2.3 Elke aansoek moet vergesel wees van die voorgeskrewe deposito soos van tyd tot tyd deur die Munisipaliteit bepaal. Geen plakkaat mag vertoon word voordat hierdie deposito ten volle betaal is nie.

## 3. VERSKILLENDE TIPES AANSOEKE

Slegs plakkaat, baniere en kennisgewings in die volgende kategorieë mag vertoon word en sal deur die Munisipaliteit oorweeg word:

- (1) Plakkaat met die hoofdoel om ’n godsdienstige, sport-, opvoedkundige, kulturele, toerisme-, liefdadigheids-, of soortgelyke gebeurtenis van ’n niekommersiële aard te adverteer, met dien verstande dat so ’n gebeurtenis binne die grense van die munisipale gebied gaan plaasvind;

- (2) Koeranthoofopskrifplakkate van die dag van 'n dagblad, weeklikse of naweekkoerant;
- (3) Plakkate vir parlementêre, provinsiale of munisipale verkiesings (met inbegrip van tussenverkiesings) en referendums, asook veldtogte deur staats- en parastatale instellings om demokrasie, goeie bestuur of soortgelyke beginsels, of enige nasionale, provinsiale of munisipale Imbizo, of soortgelyke gebeurtenis te bevorder;
- (4) Plakkate vir openbare bewusmakingsveldtogte en kennisgewings van 'n openbare vergadering.

#### **4. KOSTE**

Die Munisipaliteit bepaal van tyd tot tyd die koste van die verwydering van plakkate deur die Munisipaliteit, welke koste van die aansoeker se deposito verhaal sal word indien die aansoeker nie 'n plakkaat of al die plakkate verwyder op die datum waarop dit kragtens die goedkeuring soos deur die Munisipaliteit verleen verwyder word nie. Die Munisipaliteit sal die volle of die res van die deposito, nadat hierdie koste afgetrek is, eers terugbetaal wanneer alle plakkate verwyder is.

#### **5. ALGEMENE FAKTORE VIR OORWEGING VAN GOEDKEURING**

In die oorweging van 'n aansoek vir die aanbring van 'n plakkaat ingevolge hierdie Verordening, of 'n wysiging of voorwaarde wat by 'n goedkeuring voorgeskryf is of voorgeskryf gaan word, neem die Munisipaliteit die volgende faktore in ag:

- (1) Geen plakkaat of banier mag enige materiaal of grafika vertoon wat, hetsy in vorm, inhoud of albei, na redelike verwagting, vir die publiek of 'n identifiseerbare klas mense aanstootlik sal wees nie.
- (2) Geen plakkaat of banier mag vertoon word of sal toegelaat word om vertoon te word indien dit, hetsy kunsmatig of natuurlik, nadelig sal wees of andersins 'n nadelige invloed op die omgewing sal hê nie.
- (3) Indien 'n advertensie na die mening van die Munisipaliteit op enige wyse 'n gevaar daarstel of obseen is, kan die Munisipaliteit self, sonder om 'n kennisgewing te bestel, sodanige advertensie verwyder.

#### **6. STANDAARDSTRUKTUURVEREISTES**

Bo en behalwe die vereistes in Bylae 1 en 2 by hierdie Verordening, is die volgende voorwaardes van toepassing:

- (1) Die persoon wat 'n plakkaat of banier aanbring, is vir die onderhoud daarvan aanspreeklik.
- (2) Elke plakkaat of banier en sy steunstruktuur moet in 'n goeie toestand gehou word.
- (3) Waar 'n plakkaat of banier skeur of beskadig raak of andersins vervalle raak, moet die eienaar van so 'n plakkaat of banier of die persoon wat dit vertoon dit verwyder binne drie (3) werksdae na ontvangs van 'n kennisgewing om dit te doen.
- (4) Plakkate of baniere moet aangebring word op 'n hoogte wat vandalisme ontmoedig.

## 7. VERKEERSVEILIGHEIDSVEREISTES

- 7.1 Plakkate mag nie aangebring word op plekke waar hulle 'n onaanvaarbare afleiding vir bestuurders is, of waar bestuurders draai, deur kurwes of verkeersamevloeiings, uiteenlopiings of dwalings gaan nie.
- 7.2 Plakkate mag nie aangebring word waar hulle tot 'n onveilige verkeerstoestand kan bydra of binne 50 meter van op- of afritte van openbare paaie en verkeersrigtingtekens en buiteligreklameborde oor paaie (oorhoofse portale) nie.
- 7.3 Plakkate mag nie aangebring word in 'n gebied waar die verkeersvolume, die gemiddelde volgfafstand of ongeluksgeskiedenis 'n hoër as die gemiddelde bewustheidsgraad van bestuurders vereis nie.
- 7.4 Plakkate mag nie aan 'n padverkeersteken of verkeersein waarvoor daar spesifiek in die Suid-Afrikaanse Padverkeerstekenhandleiding en/of die Suid-Afrikaanse Ontwikkelingsgemeenskap se Padverkeerstekenhandleiding voorsiening gemaak word, aangebring word of dit belemmer nie.
- 7.5 Plakkate mag nie binne die padreserwe van 'n openbare pad aangebring word nie tensy hierdie Verordening spesifiek daarvoor voorsiening maak.
- 7.6 Indien verkeersveiligheidsvereistes nie nagekom word nie, of indien die vertoon van plakkate of baniere op enige wyse as nadelig vir verkeersveiligheid beskou word, mag die Munisipaliteit se vredesbeamptes sulke plakkate of baniere onmiddellik verwyder sonder om die aansoeker se toestemming daartoe te verkry.

## 8. REGSVEREISTES

Alle plakkate wat aangebring en/of binne die regsgebied van die Munisipaliteit vertoon gaan word, moet, benewens voldoening aan hierdie Verordening, aan alle ander toepaslike wetgewing, insluitend enige toepaslike Soneringskemaregulasies, voldoen.

## 9. GOEDKEURING

Die Munisipaliteit kan te eniger tyd die goedkeuring terugtrek wat ingevolge hierdie Verordening of sy voorloper verleen is, of enige voorwaarde wysig of 'n verdere voorwaarde ten opsigte van sodanige goedkeuring oplê, indien 'n plakkaat verval is, nie meer aan enige bepaling van hierdie Verordening voldoen nie, of wat die grafiese inhoud daarvan betref aansienlik van die oorspronklike goedgekeurde aansoek afwyk.

## 10. APPÈL

- 10.1 Enigiemand wie se regte geraak word deur 'n besluit wat die Munisipaliteit in verband met hierdie Verordening neem, kan teen daardie besluit appelleer deur binne 21 dae van die datum van die kennisgewing van die besluit skriftelike kennis van die appèl en redes aan die Munisipale Bestuurder te gee.
- 10.2 Die Munisipale Bestuurder moet die appèl onmiddellik aan die paslike appèlowerheid voorlê.
- 10.3 Die appèlowerheid moet die appèl oorweeg, en die besluit bevestig, verander of terugtrek, maar geen sodanige verandering of terugtrekking van 'n besluit mag enige regte verminder wat as gevolg van die besluit ontstaan het nie.
- 10.4 Wanneer daar geappelleer word teen 'n besluit geneem deur:

- (1) 'n personeellid buiten die Munisipale Bestuurder, is die Munisipale Bestuurder die appèlowerheid;
  - (2) die Munisipale Bestuurder, is die Uitvoerende Komitee of die Burgemeester die appèlowerheid; of
  - (3) 'n Politieke Struktuur of Politieke Ampsbekleër, of 'n Raadslid, is 'n Komitee van Raadslede wat nie by die besluit betrokke was nie en deur die Munisipale Raad vir hierdie doel aangestel is, die appèlowerheid.
- 10.5 'n Appèlowerheid moet binne ses weke na ontvangs van die appèl met die appèl begin en die appèl binne 'n redelike tydperk beslis.

## 11. SKADE AAN MUNISIPALE EIENDOM

- 11.1 Niemand mag met die aanbring of verwydering van 'n plakkaat of banier skade aan enige boom, elektriese paal of diens of ander munisipale installasie of eiendom en straattoerusting veroorsaak nie.
- 11.2 Enigiemand wat munisipale eiendom beskadig, is vir die herstelkoste aanspreeklik.

## 12. MISDRYWE

- 12.1 Enigiemand wat:

- (1) 'n bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen;
- (2) 'n vereiste oortree wat in 'n kennisgewing uiteengesit is wat aan hom of haar ingevolge hierdie Verordening beteken is, of versuim om daaraan te voldoen;
- (3) 'n voorwaarde oortree wat ingevolge hierdie Verordening opgelê is, of versuim om daaraan te voldoen;
- (4) wetens 'n vals verklaring ten opsigte van enige aansoek ingevolge hierdie Verordening aflê,

is skuldig aan 'n misdryf en by skuldigbevinding aanspreeklik vir 'n boete of gevangenisstraf soos hieronder uiteengesit; en

in die geval van 'n voortdurende misdryf, aan 'n boete soos hieronder uiteengesit, vir elke dag tydens die duur van so 'n misdryf nadat 'n skriftelike kennisgewing deur die Munisipaliteit uitgereik is wat staking van so 'n misdryf vereis; en

vir 'n tweede of daaropvolgende misdryf, by skuldigbevinding aanspreeklik vir 'n boete of gevangenisstraf soos hieronder uiteengesit.

- 12.2 Die boetes en strawwe wat ingevolge hierdie Verordening op misdrywe van toepassing is, is soos volg:
- (1) by 'n eerste skuldigbevinding, is die skuldige party aanspreeklik vir 'n boete van hoogstens R500,00, soos van tyd tot tyd aangepas ingevolge die Wet op die Aanpassing van Boetes No 101 van 1991, of by versuim om te betaal, vir gevangenisstraf vir 'n tydperk van hoogstens twee maande;
  - (2) in die geval van 'n voortdurende misdryf, is die skuldige party aanspreeklik vir 'n verdere boete van hoogstens R300,00, soos van tyd tot tyd aangepas ingevolge die Wet op die Aanpassings van Boetes No 101 van 1991, vir elke dag gedurende die voortdoring van so 'n misdryf;

- (3) by 'n tweede of daaropvolgende skuldigbevinding, is die skuldige party aanspreeklik vir 'n boete van hoogstens R1 000,00, soos van tyd tot tyd aangepas ingevolge die Wet op die Aanpassings van Boetes No 101 van 1991, of by versuim om te betaal, vir gevangenisstraf vir 'n tydperk van hoogstens ses maande.

12.3 Onwettige plakkaate wat deur die Munisipaliteit verwyder word, kan binne een maand teruggeëis word by volle betaling aan die Munisipaliteit van enige koste wat met die verwydering van die genoemde advertensie aangegaan is, asook die storingskoste wat vir die stoor so 'n plakkaat opgeloop het. Onwettige plakkaate wat deur die Munisipaliteit verwyder word en nie binne een maand na verwydering teruggeëis word nie, sal deur die Munisipaliteit van die hand gesit word om die verwyderings- en/of storingskoste te dek.

### 13. VERMOEDENS

Enigiemand wat ingevolge hierdie Verordening van 'n misdryf beskuldig word en:

- (1) die eienaar is van grond of 'n gebou waarop 'n plakkaat vertoon is of vertoon word, word geag wetens so 'n plakkaat te vertoon, of te laat vertoon totdat die teendeel bewys word;
- (2) alleen of saam met 'n ander persoon verantwoordelik is vir die organisering van enige vergadering, funksie of gebeurtenis waarmee 'n plakkaat verband hou, of in beheer daarvan is, word geag wetens elke plakkaat wat in verband met sodanige vergadering, funksie of gebeurtenis vertoon word, te vertoon of toe te laat dat dit so vertoon word, totdat die teendeel bewys word;
- (3) die persoon wie se naam op 'n plakkaat verskyn of wie se produk of dienste op so 'n plakkaat geadverteer word, word totdat die teendeel bewys word, geag sodanige advertensie te vertoon, of toe te laat dat dit vertoon word tensy die teendeel bewys word.

### 14. TOEPASSING EN VERWYDERING VAN PLAKKATE EN BANIERE

- 14.1 Indien 'n plakkaat wat vertoon word strydig is met hierdie Verordening, kan die Munisipaliteit 'n kennisgewing beteken aan die persoon wie se produk of dienste geadverteer word, en 'n beroep op so 'n persoon doen om die plakkaat binne 'n gespesifiseerde tydraamwerk te verwyder of sodanige verandering daaraan aan te bring, of sodanige werk te doen wat in so 'n versoek of kennisgewing gespesifiseer word.
- 14.2 Indien die Munisipaliteit se eise soos in die kennisgewing uiteengesit, nie uitgevoer word binne die tydperk wat daarin gespesifiseerde word nie, kan die Munisipaliteit na verkryging van 'n Hofbevel die plakkaat verwyder, met dien verstande dat so 'n hofbevel nie nodig sal wees indien die betrokke plakkaat voor die verwydering daarvan op munisipale eiendom vertoon word nie.
- 14.3 Indien die Munisipaliteit 'n plakkaat verwyder, hoef die Munisipaliteit nie enigiemand vir enige verlies of skade wat deur sodanige verwydering veroorsaak word, te vergoed nie.
- 14.4 Enige koste wat die Munisipaliteit met die verwydering van advertensies aangaan, kan, behoudens paragraaf 4 van hierdie Verordening, verhaal word van die persoon aan wie die kennisgewing beteken is.

### 15. BETEKENING VAN KENNISGEWINGS

Waar 'n kennisgewing of ander dokument ingevolge hierdie Verordening aan enigiemand beteken moet word, word dit geag behoorlik beteken te wees indien dit persoonlik beteken is aan hom of haar of 'n lid van sy of haar huishouding, klaarblyklik bo die ouderdom van 16 jaar, by sy of haar verblyfplek, of aan enigiemand wat by hom of haar by sy of haar besigheidsplek in diens is, of indien dit per geregistreerde pos gepos is aan so 'n persoon se woon- of besigheidsadres soos dit in die

rekords van die Munisipaliteit verskyn, of indien so 'n persoon 'n maatskappy, beslote korporasie of 'n trust is, dit aan enigiemand beteken is wat klaarblyklik by daardie maatskappy, beslote korporasie of trust in diens is, by die geregistreerde kantoor daarvan, of per geregistreerde pos aan sodanige kantoor gestuur is.

#### **16. JURISDIKSIE VAN DIE LANDDROSHOF**

Ondanks andersluidende bepalings wat in enige wet met betrekking tot landdroshowe vervat is, het 'n Landdros jurisdiksie om op aansoek deur enige plaaslike owerheid, 'n bevel vir die toepassing van die bepalings van hierdie Verordening te maak, of van enige goedkeuring, weiering of voorwaarde wat ingevolge daarvan van toepassing is.

**BYLAAG 1****ADVERTEER VAN BANIERE**

Bykomend tot die voorwaardes wat in hierdie Verordening vervat is, is die volgende met betrekking tot die aanbring van baniere van toepassing:

1. Goedkeuring vir derdepartyreklame op baniere word slegs verleen vir 'n funksie of gebeurtenis vir godsdienstige, opvoedkundige, maatskaplike welsyns-, dierewelsyns-, sport-, burgerlike, toerisme- of kulturele doeleindes, of vir 'n funksie of gebeurtenis wat met 'n munisipale, provinsiale of parlementêre verkiesing of referendum verband hou. Die vertoon van sulke baniere moet voldoen aan die Munisipaliteit se standaardvoorwaardes rakende die vertoon van baniere soos hieronder uiteengesit.
2. Die vertoon van baniere is verbode op enige brug of oor enige openbare pad, en langs enige pad wat die Munisipaliteit van tyd tot tyd aanwys, tensy die Munisipaliteit spesifieke toestemming daartoe verleen het.
3. Baniere mag nie aangebring word op 'n wyse wat 'n gevaar vir verbygaande voetgangers of voertuigverkeer inhou nie.
4. Geen banier mag groter as 3 m<sup>2</sup> wees nie, buiten met die vooraf verkreeë skriftelike goedkeuring van die Munisipaliteit.
5. Geen banier mag binne 30 m van 'n padverkeersteken of verkeersein vertoon word nie.
6. Baniere mag nie aan verkeerseinpale of ander pale wat padverkeerstekens dra, ander natuurlike verskynsels, straattoerusting of ander munisipale eiendom vasgeheg word nie.
7. Baniere mag nie op so 'n wyse vasgeheg word dat hulle ander ondernemings/organisasies onregverdig benadeel of goedgekeurde bestaande advertensies belemmer nie.
8. Slegs een eerste-partyreklamebanier per perseel word toegelaat tensy die Munisipaliteit se skriftelike toestemming vir meer as een banier verkry word, en die aansoeker moet skriftelik die tydraamwerk indien wat vir die aanbring van sodanige banier vereis word, welke tydraamwerk hoogstens 10 dae mag wees tensy die Munisipaliteit in sy goedkeuring bepaal het dat 'n langer tydperk toegestaan is.

**BYLAAG 2****PLAKKATE**

Bykomend tot die voorwaardes wat in hierdie Verordening vervat is, is die volgende met betrekking tot die vertoon van plakkate van toepassing:

1. Nie meer as 'n gemiddeld van 50 plakkate per funksie of gebeurtenis (behalwe verkiesingsplakkate) mag in 'n aangewese gebied vertoon word nie.
2. Die plakkate mag nie groter as 0,9 x 0,6 m wees nie.
3. Plakkate moet vasgeheg word aan munisipale elektrisiteitsligpale, waar beskikbaar, en slegs aangeplakte plakkate mag aangebring word aan aangewese strukture wat deur die Munisipaliteit goedgekeur is vir die uitdruklike doel om plakkate aan te plak. Plakkate mag nie op verkeerseinpale, of ander pale wat verkeerstekens dra, pale wat vir enige ander doel opgerig is, of enige ander straatuitrusting, mure, heinings, bome, rotse of ander natuurlike verskynsels aangebring word nie.
4. Plakkate mag nie op munisipale elektriese ligpale, elektriese kaste, elektriese substasies en mure geplak word nie, maar moet op bord gemonteer en met sterk tou of plastiese bindstukke stewig vasgemaak word tensy 'n permanente raam vir hierdie doel goedgekeur is. Geen vasmaakmateriaal met 'n metaalinhoud word toegelaat nie.
5. Plakkate op torings, telekommunikasiemaste of hoëmaste word nie toegelaat nie.
6. Slegs een plakkaat per funksie of gebeurtenis mag op 'n paal vertoon word.
  - (i) Geen plakkaat mag binne 30 m van 'n padverkeersteken of verkeersein vertoon word nie.
  - (ii) Plakkate mag nie meer as 14 dae voor die datum van die funksie vertoon word nie. Plakkate moet binne drie dae na die gebeurtenis verwyder word ten einde vir 'n terugbetaling van die deposito te kwalifiseer.
7. Die Munisipaliteit kan gebiede aanwys waar plakkate nie vertoon mag word nie.
8. Die Munisipaliteit of sy agent sal 'n plakkaat verwyder wat strydig met bogenoemde voorwaardes is.
9. 'n Plakkaat wat nie verwyder is teen die datum waarna hierbo verwys word nie, sal deur die Munisipaliteit verwyder word.
10. Die vertoon van ongemagtigde plakkate is onwettig en sulke plakkate sal ook deur die Munisipaliteit of sy agent verwyder word.
11. Die aansoeker moet alle plakkate verwyder binne drie werksdae na die datum van die gebeurtenis, of die datum soos bepaal in die goedkeuring wat verleen is, welke ook al eerste is.
12. Die vertoon van plakkate vir suiwer kommersiële reklame of deur kommersiële liggame vir wins, word nie toegelaat nie.