



**STEVE TSHWETE LOCAL
MUNICIPALITY**

**CONTROL OF TEMPORARY
ADVERTISEMENTS AND PAMPHLETS
BY-LAWS**

STEVE TSHWETE LOCAL MUNICIPALITY

CONTROL OF TEMPORARY ADVERTISEMENTS AND PAMPHLETS BY LAWS

DEFINITIONS:

1. In these by-laws, unless the context otherwise indicates:
 - “advertisement”** means any temporary poster, free standing sign, banner, advertising any event or matter but excludes an election advertisement and show house advertisement.
 - “banner”** means any streamer and any sign on calico, paper mache, woven or similar material sheet of any kind whatsoever;
 - “pamphlets”** means any pamphlets, handbook, brochure or book, the object of which is to advertise or to introduce anything.
 - “Council”** means:
 - (a) the Steve Tshwete Local Municipality established by Mpumalanga Provincial Notice 28 of 2004 in terms of Section 12 of the Local Government: Municipal Structures Act, 117 of 1998, exercising its legislative and executive powers by way of its municipal Council or its successor in title; and/or
 - (b) a structure of person delegated or carrying out an instruction, where any power or function in terms of these by-laws has been delegated or sub-delegated as contemplated in Section 59 of the Local Government: Municipal Systems Act, 32 of 2000.
 - “street”** means any public street, avenue, sidewalk public open space or park within the Steve Tshwete Local Municipality.
 - “election advertisement”** means any advertisement or advertising apparatus which is visible from a street in any way whatsoever, and which is displayed in connection with a parliamentary or municipal election or by-election or referendum.
 - “free standing sign”** means a sign which has its own support and which is not attached to any building or structure or to the ground;
2. No person shall, without the explicit authorization of the Council, and unless he has paid the applicable charges prescribed in terms of Section 8, affix, attach, fasten, place, display or cause to be displayed any advertisement, pamphlet or publication.

EXEMPTED ADVERTISEMENT

3. The following advertisements and pamphlets are exempted from the stipulations of these by-laws:
 - a) Advertisements and pamphlets displayed or distributed by the Council.
 - b) Temporary advertisements displayed inside a business building;
 - c) Temporary advertisements:-
 - i) regarding the sale or rent of any property during the period which is offered, and for a period not exceeding 14 days after it has been rented or sold;
 - ii) regarding an application in terms of the Council's Town Planning Scheme or any other statutory advertisement during the required period of advertising; and
 - iii) regarding building work or similar activities, while such building work or activities are in progress on the property to which they apply.
 - d) Pamphlets placed in post boxes.

PROHIBITED ADVERTISEMENTS, PAMPHLETS AND PUBLICATIONS

- 4(1) No advertisement or pamphlets, which in the opinion of the Council is suggestive of anything indecent or which may harm public morals, shall be displayed or distributed, and no such advertisement, pamphlets or publication may be attached to any pole, building or structure which is the property of the Council.
- (2) No pamphlets shall in any way be scattered from the air, distributed in any street or attached to the windscreens of any parked vehicles without the prior consent of the Council, which consent shall not be unreasonably withheld and the granting or non-granting thereof shall be communicated to the applicant within a maximum of seven (7) days from the date of receipt of the application.
- (3) No advertisement or pamphlet connected with any function, event, presentation or business outside the municipality, excluding advertisements or pamphlets relating to charitable, church, political or school functions or meetings, shall be displayed or distributed in any manner.

REQUIREMENTS FOR ADVERTISEMENTS

- 5(1) Any person acting on the consent granted in terms of Section 2, who displays, causes or permits to be displayed in a street or other public place, a poster or other advertisement, shall comply with or cause to be complied with, the following requirements:
 - a) The poster or advertisement shall be attached, in such a manner that it will not become wholly or partially dislodged by wind or rain, to a neat and strong board made of wood or other suitable material approved by the council, and

the dimensions of such board, poster, advertisement or other material shall not exceed 850 mm by 600 mm.

- b) A board or material as prescribed in terms of paragraph (a) shall not be placed on or against or be attached to or otherwise supported by any transformer kiosk, traffic light or sign or other structure or object except on or against an electric pole in a street, park or other public space. No poster or advertisement shall be attached to any tree standing in a street, park or other public space.
 - c) Subject to anything contained in paragraph (b), a board or material as prescribed in terms of paragraph (a) shall be firmly attached to a strong and stable support.
 - d) No board or material as aforesaid shall be positioned such that, in the opinion of the Council, it constitutes a danger to any traffic or pedestrian in any street or other public space.
 - e) No poster or other advertisement connected with a meeting, function or event other than an election shall be displayed for longer than 14 days before the day on which it commences or longer than three days after the day on which it terminates.
 - f) No more than 1000 posters or other advertisements connected with a meeting, function or event other than an election, may be displayed at any one time.
 - g) Not more than two advertisements regarding the same occasion, event or presentation, and in the case of election advertisements regarding the same candidates, may be displayed on the same side of one street block and, excluding a sign for the purpose of advertising a show house, may not be displayed closer than 25 metres from the nearest edge of the sidewalk at any streetcrossing or street junction.
- (2) Any person acting on the consent granted in terms of Section 2, who displays, causes to be displayed or permits to be displayed in or in view of a street or other public space, a free-standing sign, shall comply with or cause to be complied with the following requirements:
- a) The sign shall be constructed of durable material, to the satisfaction of the Council.
 - b) The highest point of the sign shall not exceed five (5) metres above ground level.
 - c) The sign shall not have any one face with an area exceeding 1,5m².
 - d) The sign shall only be displayed or placed on premises which are zoned for business purposes in terms of the Town Planning Scheme or be displayed in such a manner that it does not interfere with the pedestrian and the flow of traffic.

- (3) Any person acting on the consent granted in terms of Section 2, who displays or causes to be displayed or permits to be displayed a show-house sign in or in view of a street, shall comply with the following requirements:
- a) The banner shall only be affixed on the premises of the person to whom authority has been granted for the display thereof, and shall not be affixed on or across any sidewalk, street or other public space: Provided that in the case of banners for the purpose of advertising any welfare, religious or educational function, meeting or other occasion, a banner may be displayed on or across a sidewalk, street or other public place with the prior written approval of the Council and subject to such conditions as the Council may impose.
 - b) Every banner shall be attached to a wall, fence, pole or other structure to the satisfaction of the Council.
 - c) Every banner shall be properly maintained to the satisfaction of the Council.
 - d) No banner shall be attached to a street lamp post or electrical pole.
 - e) If the Council is of the opinion that any banner is not being maintained in a satisfactory condition, the Council may instruct that such banner be removed and the person to whom authority has been granted for the affixing or displaying thereof, shall be bound to do so.

In such case the Council shall not be obliged to refund any monies paid.

- f) In the event of the Council granting permission for the affixing of a banner for the purpose of advertising any welfare, religious or educational function, meeting or other occasion, such banner shall be displayed for a period not exceeding 14 days prior to and 2 days after the date upon which such function, meeting or other occasion takes place and in the event of the banner not being removed within the period as set out above, the Council shall have the right to remove the banner and to recover the cost for such removal from the organisation or body, by not refunding the deposit as prescribed by Section 8(d).

ELECTION ADVERTISEMENT

- 6(1) The requirements prescribed in the succeeding subsections of this Section shall be complied with in respect of posters or other advertisements relating to a Parliamentary or Municipal election: Provided that nothing contained in this section shall apply to a poster or other advertisement, relating to such an election, which-
- a) if it does not conflict with any act, ordinance, by-law or regulation, may be displayed on the day of election on or in front of the premises on which the voting hall is situated;
 - b) is positioned entirely within fixed premises, i.e. is displayed on such premises other than on an exterior wall or on the outside of any fence forming the evident boundary of the premises.

- c) is displayed in or on a private vehicle, or being driven in a street or other public space in the course of the normal use thereof.
- (2) The number of signs or other advertisements which may be displayed by any candidate, party or group in any election in the municipality, shall be 5 000 provided that not more than 500 signs or other advertisement may be displayed by any candidate, party or group in a single ward.
 - (3) No sign or advertisement directly connected with an election may be displayed for a period exceeding the period commencing one month prior to the first date for registration and ending on the fourth day after midnight of the day of the election.

PROCEDURE FOR OBTAINING CONSENT

- 7(1) When any person applies for permission to display an advertisement, excluding an election advertisement, freestanding sign or banner, such advertisement, together with the relevant, duly completed application form shall be submitted to the Council's offices and the prescribed deposit paid. Every such advertisement shall be stamped with the official stamp of the Council.
 - (2) When any person applies for permission to display an election advertisement, free-standing sign banner, the necessary application form as prescribed by the Council shall be completed and submitted to the offices of the Council and the prescribed fees shall be paid. No such election advertisement, banner or free-standing sign may be displayed before written approval by the Council has been granted for the display thereof. The approval or disapproval of the application shall be communicated to the applicant within a maximum of seven (7) days from the date of receipt of the application.
- 8 No advertisement, election advertisement or pamphlet shall be placed, displayed or distributed in any street, whether or not by virtue of permission granted in terms of Section 2 unless the appropriate fee as set out below has been paid to the Council.
- a) In respect of advertisements, a deposit of R50 for every 20 or portion of 20;
 - b) In respect of election advertisements, a deposit of R200, regardless of the quantity displayed.
 - c) In respect of free-standing signs:
 - i) Application fees to accompany the application in terms of Section 7(2) and submitted to the offices of the Council: R50.
 - ii) Licensing fees per calendar year or part thereof: R50.
 - d) In respect of banners:
 - i) Charitable, church or educational organisations: A deposit of R50 per banner, to be submitted to the offices of Council together with the application in terms of Section 7(2):R50.
 - ii) Other bodies, organisations or persons: R50.

- aa) Application fees to be submitted to the offices of the Council together with the application in terms of Section 7(2).
- bb) Licensing fees per calendar year or part thereof:

Provided that in the case of a banner attached by a church, charity or educational organisation or body, the deposit shall be refunded by the Council if such banner is removed within the period set out in Section 5(1)(e).

REMOVAL OF ADVERTISEMENTS, ELECTION ADVERTISEMENTS AND BANNERS

- 9 Every deposit paid in terms of Section 8(a) shall, subject to the provisions of Section 10, only be refunded when all the advertisements and election advertisements to which the deposit applies, have been removed to the satisfaction of the Council.
- 10. Any person, including a church, charitable or educational organisation, who after displaying or causing to be displayed, any advertisement, election advertisement or banner neglects to remove or cause to be removed such advertisement or banner within the period set out in Section 5(1)(e), or Section 6(2), commits a crime and in addition to any fine payable in terms of Section 11(1), forfeits the deposit relating to advertisements, election advertisements and banners paid in terms of Section 8(a) and (b), and shall be liable to the Council for the number of advertisements not removed, at an amount of R5 per advertisement: Provided that in the case of a banner, the full deposit in terms of Section 8(d)(i) and (ii)(aa) is forfeited.

OFFENCES

- 11(1) Any person who displays, causes to be displayed or permits to be displayed any advertisement or election advertisement, banner or free-standing sign in view of any street or other public place without obtaining permission in terms of Section 2, and any person who, having obtained permission as aforesaid, fail to comply with any requirement of these by-laws or who otherwise contravenes any provision thereof shall be guilty of an offence and liable on conviction to a penalty not exceeding R1 000.00 (One Thousand Rand).
- (2) When any person is charged with an offence in terms of these by-laws relating to any advertisement, election advertisement, free-standing sign or banner, and pleads not guilty, the onus of proving that he neither displayed nor caused or permitted to be displayed such advertisement, election advertisement, free-standing sign or banner, rests upon him.
- (3) Any person should displays or permits to be displayed, distributes or allows or permits to be distributed any advertisement or election advertisement in or in view of any street or other public place, and any person other than a police officer or other person charged with the enforcement of these by-laws who is authorised by the person responsible for the display or distribution of the advertisement to remove it, shall be deemed to be displayer or distributor thereof whilst it is being displayed or distributed as aforesaid.
- (4) Any person who is either alone or jointly with any other person responsible for organising, or in control of any meeting, function or event with which an advertisement is connected shall, until the contrary is proved, be deemed to have displayed or distributed or to have caused, permitted or allowed to be displayed every

advertisement which is displayed or distributed in connection with that meeting, function or event.

- (5) The owner and/or occupier of land or premises on which any advertisement or election advertisement is displayed in contravention of these by-laws, shall be deemed to be guilty of an offence unless in either case he proves that he did not know, or could not by the exercising of reasonable diligence, have known of or prevented such display.
 - (6) The Council may, without notifying any person, remove or destroy any advertisement which was displayed without permission having been obtained in terms of Section 2 or in contravention of any provision of these by-laws or which has not been removed within the period specified in terms of Section 5(1) or 6(3) or which constitutes in any respect a contravention of the provisions of these by-laws, and the person who displayed such advertisement or caused, permitted or allowed it to be displayed, shall be liable to pay the Council the cost of the said removal and destruction, at an amount assessed by the Council and deducted from the deposit made in terms of Section 10, and in addition shall be guilty of an offence.
- 12(1) The provisions of these by-laws shall supplement the Council's Building By-laws and shall not replace them.
- (2) These by-laws replace the existing by-laws relating to the control of temporary advertisements as published in the Provincial Gazette of 30 August 1989 under Local Authority Notice 2454.

DAMAGE TO MUNICIPAL PROPERTY

- 13 No damage shall be caused to any tree, electric pole or any municipal property and any person who caused any damage, or permits any damage to be caused, shall be guilty of an offence and shall be responsible, in addition to the fine imposed, for the repairs, to the satisfaction of the Council, of any damage at his own expenses.