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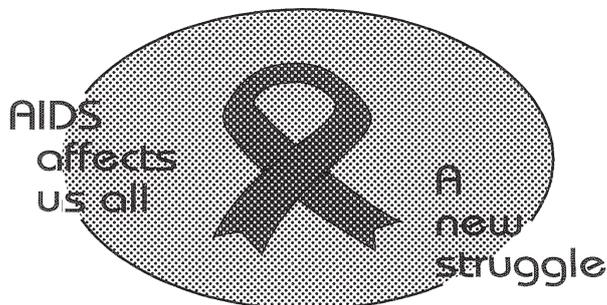
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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 990 OF 2024

NELSON MANDELA BAY METROPOLITAN MUNICIPALITY

OUTDOOR SIGNS (ADVERTISING AND OTHER SIGNS) BY-LAWS FIRST
AMENDMENT BY-LAW, 2023

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To amend the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010, to insert and amend certain provisions for the display of a sign; to delete certain obsolete definitions; to effect corrections; to align the By-law and Schedules to the By-law with national guidelines and to repeal certain obsolete Schedules so as to provide for the improved control of outdoor advertising and municipal processes and to provide for connected matters.

BE IT ENACTED by the Council of the Nelson Mandela Bay Metropolitan Municipality, as follows:-

Amendment of section 1 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

1. Section 1 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010 (hereinafter referred to as the principal By-law) is hereby amended—

(a) by the deletion of the definition for “advertisement incorporated in fabric of building;”;

(b) by the insertion after the definition for “advertisement on forecourt of business premises” of the following definition:

“**Advertising Control Committee**” the committee referred to in section 8 (8);”;

(c) by the substitution for the definition of “animation” of the following definition:

“**animation**” means a process whereby an advertisement’s visibility or message is enhanced by means of moving electronic or digital messages, moving units, flashing lights, or similar devices;”;

(d) by the substitution for the definition of “auction sign” of the following definition:

“**“auction sign”** means a sign announcing the sale of goods or livestock on land or on premises used specifically for auctions and on premises not normally used for commercial purposes, and includes an auction sale of furniture and other household goods on residential premises;”;

(e) by the substitution for the definition of “billboard” of the following definition:

“**“billboard”**[**commonly known as an advertising hoarding,**] means any screen or board [**larger than 18 square metres**] supported by a free-standing structure and which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and refers to a gantry or custom-made billboard, large billboard or medium billboard contemplated in Schedules 2 to 4 of this By-law depending on the context;”;

(f) by the substitution for the definition of “clutter” of the following definition:

“**“clutter”** means a collection of signs that is untidy or that creates a condition of disorderliness or overcrowding and in determining whether advertising amounts to clutter, the municipality may require the submission of:

- (a) A plan; and
- (b) an artist’s impression of the proposed advertising and its immediate surroundings; or
- (c) [**a Strategic Environmental Assessment (SEA)**] an OAPA;”;

(g) by the substitution for the definition of “estate agent’s board” of the following definition:

“**“estate agent’s board”** means a sign which is temporarily displayed to advertise the fact that land, premises, a development project or any other form of real estate is for sale [**or**], sold, to let or let;”;

(h) by the substitution for the definition of “flat sign” of the following definition:

“ **“flat sign”** means a sign which is affixed to or painted on an external wall, but not to a parapet wall, balustrade, or railing of a veranda or balcony of a building used for commercial, office, industrial, or entertainment purposes **[and which at no point projects more than 300 millimetres from the surface of such wall, and which may consist of a panel or sheet or of individual numbers, letters or symbols, provided that the maximum projection of a sign may be increased to 1000 millimetres to allow for a catwalk of not more than 700 millimetres];**”;

(i) by the insertion after the definition of “freeway” of the following definition:

“ **“gantry billboard”** means a double sided billboard referred to in Schedule 2 positioned on a gantry structure that spans across a road or part of a road and that is constructed for the sole purpose of displaying an advertisement;”;

(j) by the deletion of the definition for “functional sign by public body”;

(k) by the substitution for the definition for “large billboard” of the following definition:

“large billboard” means a billboard referred to in Schedule 3**[ranging in size from 36 square metres to 18 square metres, and which is commonly known as a 96 sheet and 48 sheet sign];**”;

(l) by the deletion of the definition for “mobile sign”;

(m) by the insertion after the definition for “non-locality bound sign” of the following definition:

“**“OAPA”** means an Outdoor Advertising Potential Assessment contemplated in section 31(1);” ;

(n) by the insertion after the definition of “on-premises business sign” of the following definition:

“ **“On site tourist attraction sign”** means a sign that provides on site information regarding a tourist attraction or heritage site;”;

(o) by deletion of the definition of “SEA”;

(p) by the insertion after the definition for “SADC-RTSM” of the following definition:

“ **Security sign**” means a sign for a service relating to protecting the premises on which the sign is displayed or the neighbourhood wherein the sign is displayed including a sign for a neighbourhood watch, street committee, Central Improvement District, security service or a community group;”;

(q) by the substitution for the definition for “sign on construction site boundary walls and fences” of the following definition:

“ **sign on construction site boundary walls and fences**” means a sign affixed flat against or on top of a fence or wall where the fence or wall forms the boundary of a site or wrapped around the wall of a building or scaffolding where construction work is being carried out[, **but excludes a wall a building**];”;

(r) by the substitution for the definition for “sky sign” of the following definition:

“**sky sign**” means a sign [between 75 square metres and 150 square metres in size] on top of a skyscraper [in the Nelson Mandela Bay Metropolitan Municipality], where the top edge of any point of that sign exceeds the height of the roof plane to which it is attached and may consist of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems;”;

(s) by the deletion of the definition for “super billboard”; and

(t) by the insertion of the following definition after the definition for “**third-party advertising**”:

“ **this By-law**” means the Outdoor Signs (Advertising and Other Signs) By-Laws, 2010 and includes the Schedules;”.

Repeal of section 4 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

2. Section 4 of the principal By-law is hereby repealed.

Amendment of section 5 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

3. Section 5 of the principal By-law is amended by the substitution for subsection (1) for the following subsection:

- “(1) The areas of control as contained in Schedule 46 are guided by the Advertising Control Map that the municipality compile from time to time and it may be re-delineated, reviewed or amended by **[resolution of the municipality from time to time.]** following the following procedure:
- (a) The Municipality may by notice in the *Provincial Gazette* re-delineate, review or amend the Advertising Control Map for the municipality.
- (b) Before re-delineating, reviewing or amending the Advertising Control Map contemplated in subsection (1), the Municipality must—
- (i) give notice of the proposed Advertising Control Map in the *Provincial Gazette* and the media;
- (ii) invite the public to submit written representations in respect of the Advertising Control Map to the Municipality within 60 days after the publication of the notice referred to in paragraph (a); and
- (iii) consider all representations received in respect of the Advertising Control Map.”

Amendment of section 7 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

4. Section 7 of the principal By-law is amended—

(a) by the deletion of paragraph (a);

(b) by the substitution for paragraph (b) of the following paragraph:

“(b) gantry and custom-made billboards, schedule 2;”;

(c) by the substitution for paragraph (x) of the following paragraph:

“(x) **[wall]**flat signs, schedule 24;”;

- (d) by the deletion of paragraph (y);
- (e) by the deletion of paragraph (hh); and
- (f) by the substitution for paragraph (qq) of the following paragraph:

“(qq) **[trailer advertising signs]** advertising trailers and self-propelled advertising vehicles, schedule 43;”.

Amendment of section 8 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

5. Section 8 of the principal By-law is amended—

- (a) by the substitution for the words preceding paragraph (a) of subsection 1 of the following words:

“No person may display a sign without the consent of**[that was granted by]** the municipality—”;

- (b) by the substitution for subsection (3) of the following subsection:

“(3) A person who displays a sign on municipal land is a tenant at will, subject to the terms and conditions contained in**[such]** the agreement **[with]**concluded between the tenant and the**[council]** municipality.”;

- (c) by the deletion of subsection (6); and

- (d) by the substitution for subsection (7) of the following subsection:

“(7) The municipality may require from a person who intends to display a sign—

- (a) to enter into a contract, **[such as]**including, but not limited to, an encroachment agreement, with the municipality where the sign is to be attached to a municipal asset, or to be erected on municipal land or land vested in the municipality, and the municipality **[will]**must determine the duration of the contract and the application fees and rental to be paid by the person to the municipality; and
- (b) **[where the municipality so requires,]**to sign an indemnity form in favour of the municipality and the municipality’s service providers.”.

Amendment of section 10 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

6. Section 10 of the principal By-law is amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) lodge two copies of the application form with the municipality together with the following:

- (i) a copy of the proof of payment of the prescribed application fee;
- (ii) a copy of the title deed of the property upon which the proposed sign is to be erected; and
- (iii) a zoning certificate issued in terms of the land use planning scheme for the property upon which the proposed sign is to be erected; and”;

(b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) the fact that the proposed sign is to be located directly on, or in the vicinity of trees, rocks, hill sides, other natural features and areas of civic and historic interest; and”;

(c) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) the number of signs which is displayed or to be displayed on the erf or building concerned, and its legibility in the circumstances in which it is seen[; **and**].”;

(d) by the deletion of paragraph (e) of subsection (2);

(e) by the substitution for subsection (3) of the following subsection:

(3) The municipality may require that additional drawings, calculations and other information be submitted on application and may require a certificate by an engineer **[and such certificate must contain sufficient details -**

- (a) to enable the municipality to establish if the proposed means of securing, fixing, or supporting of a sign is sufficient to resist all loads and forces to which it may be exposed; and**
- (b) regarding the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation B1 of the National Building Regulations and Building Standards Act, 1977 (Act No.103**

of 1977)] registered in terms of the Engineering Profession Act (Act 46 of 2000), to certify that the structure is safe and that it has adequate strength and stability with regard to the position of the sign.”;

(f) by the substitution for the words preceding paragraph (a) of subsection (5) of the following words:

“The municipality must, within 60 days after the application form has been lodged, notify the applicant **[notify]** in writing **[if]** whether consent has been refused or granted, and —”;

(g) by the substitution for subsection (7) of the following subsection:

“(7) The municipality may consider **[any]** a written application for an extension of the validity period contemplated in subsection (5)(b) and the period contemplated in subsection (6) within which a sign must be displayed, provided that **[such]** the application is lodged **[prior to the expiry of the initial 12 months]** with the municipality at least 6 months before the expiry of the relevant period.”;

(h) by the substitution for subsection (9) of the following subsection:

“(9) Upon the expiry of the validity period of the consent to display a sign the person who displays the sign must forthwith cease to display the sign.”;
and

(i) by the addition of the following subsections:

“(10) The municipality, when considering an application for a sign larger than six square metres in an urban area which will face a national road, must make its approval conditional upon the applicant also obtaining the approval of the South African National Roads Agency Limited in terms of the South African National Roads Agency Limited And National Roads Act, 1998 (Act 7 of 1998).

(11) The Municipality must, when considering an application for an advertisement—

(a) on a provincial road;

(b) outside an urban area that is visible from a provincial road;

(c) that is visible from a freeway in an urban area and is within 250 meters from a road reserve boundary of the freeway;

or

(d) that is visible from a provincial road in an urban area, on land or adjoining the provincial road or on land separated from the provincial road by a street,

make its approval conditional upon the approval of the Member of the Executive Council responsible for roads in terms of the Eastern Cape Roads Act 3 of 2003, if applicable.”.

Amendment of section 11 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

7. Section 11 of the principal By-law is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) does not comply with **[any one or more of the provisions of these By-laws]**this By-law;”.

Amendment of section 16 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

8. Section 16 of the principal By-law is amended—

(a) by the substitution in subsection (4) for the words following on paragraph (b) of the following words:

“disseminate to any person, or attach to any object, including onto a supporting column, wall, pillar, electricity box, street furniture, a tree or vegetation or pasted otherwise than on a hoarding legally erected for the purpose, a poster, a leaflet, handbill or any similar article in any public place or public area within the municipality’s jurisdiction.”; and

(b) by the addition of the following subsection:

“(6) No person may display or cause to be displayed a sign—

(a) advertising a service or activity taking place on land if that service or activity is prohibited in terms of the zoning or consent use applicable to the land in terms of the Land Use Scheme; or

(b) on a road island or road median, excluding street light pole advertising.”.

Amendment of section 18 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

9. Section 18 of the principal By-law is amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) project over a pedestrian or cycle circulation route, unless the clear height of such sign exceeds **[2,4]3** metres;”.

Amendment of section 19 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

10. Section 19 of the principal By-law is amended—

(a) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

“(g) must be rigidly and securely attached, supported, or anchored in a safe manner with the supporting structure properly constructed and secure so that unwanted movement in any direction is prevented;”;

(b) by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) must be capable of effectively securing, supporting, and maintaining not less than twice its mass with the addition of any force to which the sign may be subjected, including the effects of wind pressure;”;

(c) by the substitution for paragraph (i) of subsection (1) of the following paragraph:

“(i) must, wherever necessary in accordance with the nature of the sign and when attached to brickwork, masonry or concrete, be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry, or concrete, or passing through the same and secured on the opposite side; **[and]**”;

(d) by the addition of the following paragraphs to subsection (1);

“(k) that is a free-standing sign and that exceeds 3.4 metres in height must be certified by an engineer registered in terms of the Engineering Profession Act (Act 46 of 2000) to confirm that the sign is structurally stable and safe;

(l) that is a free-standing sign must comply with building standards and building control laws, where applicable; and

(m) that is a free-standing sign may only be erected after the municipality has approved the supporting structure of the sign in terms of building standards and building control laws, where applicable.”;

(e) by the substitution for the words preceding paragraph (a) in subsection (4) of the following words:

“Every illuminated sign, and every sign in which electricity is used, including its supporting structure—”;

(f) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) must be entirely constructed of material which is not combustible;”;

(g) by the addition of the following paragraph to subsection (5):

“(d) A sign requiring an electrical connection must if possible be supplied with electricity from the existing electrical supply to the property on which it is erected or if this is not possible the applicant must apply for metered electricity supply to the relevant authority.”; and

(h) by the addition of the following subsection:

“(6) The municipality may at any time on good cause shown require that an engineer registered in terms of the Engineering Profession Act (Act 46 of 2000) certify that—

(a) the design of a sign and the design of a supporting structure of a sign is structurally stable and safe; or

(b) a completed sign and supporting structure of the sign is structurally stable and safe.”.

Amendment of section 22 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other) By-Laws, 2010

11. Section 22 of the principal By-law is amended—

(a) by substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The following maximum luminance levels per square metre are applicable to a sign[, **except for the daylight illumination of a super billboard**]:”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The Municipality may approve an illuminated sign provided that the sign complies with the requirements of this section.”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) The illumination of a sign must be designed to ensure maximum energy efficiency including but not limited to—

(a) the use of an alternative energy source, including solar or wind generated power;

(b) low energy lamps and automatic dimmers;

(c) day-night brightness sensors; or

(d) automatic on-off timer switches.”;

(d) by the substitution for subsection (4) of the following subsection:

“(4) Illumination of a sign may not cause undue light spillage.”;

(e) by the substitution for subsection (5) of the following subsection:

“(5) Illumination of a sign may not cause a road safety hazard.”;

(f) by the substitution for subsection (6) of the following subsection:

“(6) A non-locality bound sign may not be illuminated between 23:00 and sunrise.”;
and

(g) by the addition of the following subsections:

“(7) The municipality may by notice to a person who displays an authorised sign limit the times the sign may be illuminated or the luminance thereof.

(8) A sign may not be illuminated if no sign content is displayed.

(9) The following requirements apply to internal illumination and electronic signs:

- (a) an internally illuminated and electronic sign containing third party advertising may only be displayed in an area of partial and minimum control and must be less than 2,1 square metres;
- (b) the size restriction contemplated in paragraph (a) may be waived by the municipality—
- (i) after the municipality considers the findings of an OAPA, up to a maximum size of 24 square metres in any area of partial and minimum control if the proposed display of the sign will not cause a detrimental impact to the environment;
 - (ii) to any larger size specified by the Municipality in an area designated by the Municipality as a district in which the display of illuminated or electronic signs are to be encouraged;
 - (iii) after the municipality considers the findings of an OAPA, up to a maximum size of 18 square metres in an area that is not visible from a public road if the proposed display of the sign will not cause a detrimental impact to the environment;
- (c) an electronic sign may not flash subliminally;
- (d) before an illuminated sign or electronic sign is erected, the Municipality may require a Traffic Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged before the sign may be approved;
- (e) the Municipality may require traffic monitoring of any internally illuminated or electronic sign.

(10) The following requirements apply to the external illumination of a sign:

- (a) the light source emanating from a floodlight may not be visible to traffic travelling in either direction;
- (b) a floodlight may not be positioned so as to create any undue light spillage beyond the surface area of the sign;
- (c) approved wayleaves must be obtained from the electricity department before any excavations are made for the installation of

a sign, including a sign to be erected in the vicinity of an overhead power line.”.

Amendment of section 24 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

12. The following section is substituted for section 24 of the principal By-law:

“24. PUBLIC TENDERS

The Municipality may subject to applicable procurement laws permit the display of an advertisement and make its land, buildings and street furniture available for permitting thereon the erection and display of an advertising sign provided that:

- (a) the sign comply with this By-Law;
- (b) the Municipality may decide not to proceed with the award of a tender before the final approval thereof;
- (c) rental, application fees and charges payable to the municipality may be determined in the tender contract entered into between the municipality and the tenderer.”

Amendment of section 26 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

13. Section 26 of the principal By-law is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) there is **[a change in ownership or occupancy of premises on which the sign is displayed or where there is]** a change in the nature of the business, industry, trade, or profession which is conducted on the premises, the person who displays a sign must submit a new application to the municipality within 30 days of that change;”.

Amendment of section 27 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

14. Section 27 of the principal By-law is amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) contravenes or fails to comply with **[a provision of these By-laws or of a Schedule to these By-laws]**this By-law”;

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) to a fine not exceeding [R15 000,] R15 000.00 or in default of payment to imprisonment for a period not exceeding 6 months; and”;

(c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) in the case of a continuing offence, to a further fine not exceeding **[R1000]** R1000.00 or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such offence.”.

Amendment of section 28 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

15. Section 28 of the principal By-law is amended—

(a) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) the municipal manager, the Executive Mayor is the appeal authority; **[or]**”;

(b) by the substitution for paragraph (c) of subsection (4) of the following paragraph:

“(c) a political structure or political office bearer or **[a]** the municipality, a committee of the municipality **[who]** whose members were not involved in the decision and who **[were]** is appointed by the municipality for this purpose is the appeal authority; or”;

(c) by the addition of the following paragraph to subsection (4):

“(e) any of the decision-makers referred to in paragraphs (a) to (c) and the application relates to a sign displayed by the municipality or displayed on municipal property or municipal infrastructure, a committee—

(i) appointed for this purpose by the municipal manager in a manner which applies principles of transparency and representivity; and

(ii) consisting of at least three independent persons with suitable qualifications and experience, is the appeal authority.;”

Amendment of section 31 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

16. The following section is substituted for section 31 of the principal By-law:

“31. Outdoor Advertising Potential Assessments

(1) The municipality must in the instances prescribed in this By-law—

- (a) require a person who intends to display or alter a sign and who requires specific consent from the municipality, to conduct an Outdoor Advertising Potential Assessment to assess the developmental potential of the environment, the sensitivity of the environment and the impact of a sign on the environment; and
- (b) consider the findings of the OAPA before granting specific consent for the display of an advertisement or sign or renewing the validity period of a consent.

(2) The scope and consultation processes of an OAPA required in terms of subsection (1) may be determined by the municipality and must include an assessment of the following:

- (a) visual considerations;
- (b) social considerations;
- (c) traffic safety considerations;
- (d) the cumulative impact of the proposed sign with other signs displayed in the area.

(3) The municipality may require a traffic impact study for any type of advertisement that may have a detrimental impact on traffic.”.

Amendment of section 32 of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

17. Section 32 of the principal By-law is amended by the substitution for the words preceding paragraph (a) in subsection (4) of the following words:

“(4) Extraordinary circumstances prevailing in a certain area in the municipality may require the municipality to declare the area exempt from the provisions of **[these By-laws]**this By-law, and in determining whether extraordinary circumstances exist which justify exemption, one or more of the following factors may be taken into consideration.”.

REPEAL OF SCHEDULE 1: (Section 7(a)) CLASS 1(a): SUPER BILLBOARDS

18. Schedule 1 to the principal By-law is hereby repealed.

AMENDMENT OF SCHEDULE 2: (Section 7(b)) CLASS 1(b): GANTRY AND CUSTOM-MADE BILLBOARDS

Amendment of item 1 of Schedule 2

19. Item 1 of Schedule 2 to the principal By-law is hereby amended—

(a) by the substitution for sub-item (2) in item (1) of the following sub-item:

“(2) Display of a sign is subject to specific consent, **[however, consent for display shall not be granted for an indefinite period, and the municipality may grant consent for a limited period only, which period may not exceed 5 years, and with a renewal option depending on the findings of a new SEA]** granted for a period determined by the municipality which period may not exceed five years.”; and

(b) the substitution for sub-item (3) in item (1) of the following sub-item:

“(3) The municipality may renew the validity period of the consent to display a sign for a further period not exceeding five years in terms of section 10(7) after the municipality considers the findings of an OAPA.”.

Amendment of item 3 of Schedule 2

20. Item 3 of Schedule 2 to the principal By-law is hereby amended—

(a) by the substitution for sub-item (2) of the following sub-item:

“(2) No sign may be displayed within a radius of 2.5 km from any other sign contemplated in this Schedule **[or in Schedule 1]**.”;

(b) by the substitution for paragraph (b) in sub-item (3) of the following paragraph:

“(b) on a road with overhead traffic signals within 50 metres before and after an overhead traffic signal; **[or]**”;

(c) by the substitution for paragraph (c) in sub-item (3) of the following paragraph:

“(c) within a radius of 100 metres from the centre of an intersection on any lower order road without overhead traffic signals; or”;

(d) by the addition of the following paragraph to sub-item (3):

“(d) within a radius of 350 meters of any other billboard or site of historical, heritage, architectural, cultural, religious or educational value situated in an area of minimum control.”; and

(e) by the addition of the following sub-items:

“(6) No gantry billboard may be -

(a) displayed on any unidentified abnormal load route;

(b) displayed on any road containing more than 4 lanes;

(c) used as a gateway structure at an entrance of a city.

(7) No support structure for a gantry billboard may be erected closer than 2 meters from any road surface.

(8) The municipality must require an OAPA and consider the findings thereof before the municipality determines the number of signs that may be displayed in an area and the position thereof provided that no more than 1 gantry billboard is permitted per 250 000 persons of the population of the municipality.”.

AMENDMENT OF SCHEDULE 3: (Section 7(c)) CLASS 1(c): LARGE BILLBOARDS

Amendment of item 1 of Schedule 3

21. Item 1 of Schedule 3 to the principal By-law is hereby amended—

(a) by the substitution for sub-item (2) in item (1) of the following sub-item:

“(2) Display of a sign is subject to specific consent granted by the municipality for a period not exceeding five years.”; and

(b) by the substitution for sub-item (3) in item (1) of the following sub-item:

“(3) The municipality may renew the validity period of the consent to display a sign for a further period not exceeding five years in terms of section 10(7) after the municipality considers the findings of an OAPA.”.

Amendment of item 2 of Schedule 3

22. Item 2 of Schedule 3 to the principal By-law is hereby amended —

(a) by the substitution in sub-item (1) for the number “36” of the number “40”;

(b) by the substitution in sub-item (1) for the number “15” of the number “12”; and

(c) by the substitution for sub-item (2) of the following sub-item:

“(2) The clear height of a sign may not be less than 2,3 metres where **[a it]** the structure might interfere with the movement of pedestrians or cyclists.”.

Amendment of item 3 of Schedule 3

23. Item 3 of Schedule 3 to the principal By-law is hereby amended—

(a) by the substitution for paragraph (e) in item (3) of the following paragraph:

“(e) subject to subsection (f), a maximum of two double sided billboards may be displayed at a road intersection;**[and]**”;

(b) by the substitution for paragraph (f) in item (3) of the following paragraph:

“(f) no billboard may be displayed within a radius of 100 metres from the centre of an intersection on an arterial road and within 50 metres from the centre of an intersection on any lower-order road~~].;~~; and

(c) by the addition of the following paragraphs to item 3:

- “(g) no large billboard may be erected within a radius of 300 metres of a site of historical, heritage, architectural, cultural or religious value situated in an area of minimum control; and
- (h) no large billboard may be erected within or suspended above a road reserve or the limited use area next to the freeway.”.

Amendment of item 4 of Schedule 3

24. Item 4 of Schedule 3 to the principal By-law is hereby amended by the deletion of sub-item (2).

Repeal of item 7 of Schedule 3

25. Item 7 of Schedule 3 to the principal By-law is hereby repealed.

AMENDMENT OF SCHEDULE 4:(Section 7(d)) CLASS 1(d): MEDIUM BILLBOARDS

Substitution of item 1 of Schedule 4

26. The following Item is hereby substituted for Item 1 of Schedule 4 to the principal By-law:

“1. Areas of control and consent

- (1) A sign may be displayed in urban areas of partial and minimum control.
- (2) Display of a sign requires specific consent **[in terms of an SEA, however, consent for display shall not be granted for an indefinite period, and the municipality may grant consent for a limited period only, which period may not exceed 5 years, and with a renewal option depending on the findings of a new SEA]** granted by the municipality for a period not exceeding five years.
- (3) The municipality must consider the findings of an OAPA when it determines the validity period of a consent to display a sign.

(4) The municipality may renew the validity period of a consent to display a sign for a further period not exceeding five years in terms of section 10(7) after the municipality considers the findings of an OAPA.

~~[(3)]~~(5) A sign may not be displayed in an urban road reserve, excluding an urban freeway.”.

Amendment of item 2 of Schedule 4

27. Item 2 of Schedule 4 to the principal By-law is hereby amended by the addition of the following sub-item:

“(3) A sign may also contain specialised character cut outs and three dimensional presentations.”.

Amendment of item 3 of Schedule 4

28. Item 3 of Schedule 4 to the principal By-law is hereby amended—

(a) by the substitution for sub-item (2) of the following sub-item:

“(2) A sign may not be displayed within a linear distance of 300 metres of any other sign contemplated in this Schedule, [or in Schedule 1, or in] Schedule 2, or in Schedule 3.”;

(b) by the substitution in paragraph (a) in sub-item (4) for the number “100” of the number “125”;

(c) by the substitution in paragraph (b) in sub-item (4) for the number “50” of the number “65”; and

(d) by addition of the following sub-items:

“(6) The aesthetic design of the structure and the advertising content of a sign must be of a high quality, and conditions in this regard may be imposed by the municipality after the municipality considers the findings of an OAPA.

(7) The back of a sign must have an acceptable aesthetic appearance.”.

Repeal of item 8 of Schedule 4: (Section 7(d)) CLASS 1(d): MEDIUM BILLBOARDS

29. Item 8 of Schedule 4 to the principal By-law is hereby repealed.

AMENDMENT OF SCHEDULE 5: (Section 7(e)) CLASS 2(a): PRODUCT REPLICAS AND 3-DIMENSIONAL SIGNS

Amendment of item 1 of Schedule 5

30. Item 1 of Schedule 5 to the principal By-law is hereby amended—

(a) by the substitution for sub-item (4) in item 1 of the following sub-item:

“(4) **[An SEA must be conducted]** The municipality must require an OAPA and consider the findings thereof to determine the **[permissible]** number, position and spacing of freestanding signs[, **and the cumulative impact of other sign types and especially those with a higher impact shall be taken into consideration].**”; and

(b) by the deletion of sub-item (5) in item 1.

AMENDMENT OF SCHEDULE 6: (Section 7(f)) CLASS 2(b): STREET POLE ADVERTISEMENTS

Amendment of item 1 of Schedule 6

31. Item 1 of Schedule 6 to the principal By-law is hereby amended—

(a) by the substitution for sub-item (3) of item 1 of the following sub-item:

“(3) The municipality may in an exceptional case grant consent for the display of a sign in an area of maximum control after the municipality considers the findings of an OAPA.”;

(b) by the substitution for sub-item (6) of item 1 of the following sub-item:

“(6) The municipality **[shall]must** conduct an **[SEA]OAPA and consider the findings thereof** to identify the street in which **[streets]street** pole advertisements may be allowed, and to determine the number and

spacing of advertisements, and **[such an SEA shall also consider the cumulative impact of other sign types in order to prevent information overload, and]** the display of election posters and municipal notices (Schedule 16) **[shall]must** also be taken into consideration.”; and

(c) the addition of the following sub-item:

“(9) When the municipality acquires the placement of permanent street pole advertisements its procurement laws apply.”.

Amendment of item 2 of Schedule 6

32. Item 2 of Schedule 6 to the principal By-law is hereby amended by the substitution for sub-item (1) of the following sub-item:

“(1) A poster displayed may not be smaller than 0,5 square metre, or larger than 1,2 square metres **[Or]or** A0 size.”.

AMENDMENT OF SCHEDULE 7: (Section 7(g)) CLASS 2(c): COMMERCIAL SIGNS AT EDUCATIONAL FACILITIES

Substitution of item 1 of Schedule 7

33. The following Item is hereby substituted for Item 1 of Schedule 7 to the principal By-law:

“1. Areas of control and consent

(1) Display of a sign is subject to specific consent granted by the municipality for a period not exceeding five years.

(2) The municipality may renew the validity period of a consent to display a sign for a further period not exceeding five years in terms of section 10(7) after the municipality considers the findings of an OAPA.

[(2)](3) A sign may not be displayed in a natural area of maximum control.

[(3)](4) A sign may only indicate –

(a) the name and nature of the institution and the name and logo of the sponsor; or

(b) a product or an image of the product.

[(4)] (5) Only one ground sign may be displayed per street front.

(6) Only one billboard that complies with the requirements of item 2 of Schedule 4 (Medium Billboards) may be displayed per premise.

(7) A sign that displays the name of a sponsor only may only be displayed facing away from the street front.

[(5)] (8) No other type of commercial sign aimed at passers-by may be displayed on an educational site, irrespective of the area of control.”.

Amendment of item 2 of Schedule 7

34. Item 2 of Schedule 7 to the principal By-law is hereby amended—

(a) by the deletion of sub-item (1) of item 2;

(b) by the substitution of sub-item (2) in Item 2 of the following sub-item:

“(2) **[A]** Only one large billboard with a maximum total area of **[12]18** square metres **[is allowed per sign structure, however, this area must be divided into panels of equal size, form and construction]** may be displayed per premises.”; and

(c) by the deletion of sub-items (3) and (4) in Item 2.

AMENDMENT OF SCHEDULE 9: (Section 7(i)) CLASS 2(e): STREET FURNITURE AND LARGE POSTERS IN PEDESTRIAN AREAS

Amendment of item 1 of Schedule 9

35. Item 1 of Schedule 9 to the principal By-law is hereby amended by the addition of the following sub-items:

- “(6) Specific consent contemplated in this Schedule is granted for a period determined by the municipality which period may not exceed fifteen years.
- (7) The municipality may renew the validity period of a consent to display a sign for a further period not exceeding five years in terms of section 10(7) after the municipality considers the findings of an OAPA.
- (8) The municipality must conduct an OAPA and consider the findings thereof before it determines the number of signs that may be displayed in an area and the position thereof.”.

Substitution of item 2 of Schedule 9

36. The following Item is hereby substituted for Item 2 of Schedule 9 to the principal By-law:

“2. Shape, size, and height of sign

(1) A poster sign and an advertisement on street furniture must comply with the following size requirements:

<u>Type of Advertisement</u>	<u>Max Panel Size (square metres)</u>	<u>Max overall Height (metres)</u>
<u>Large Posters</u>	<u>2.5</u>	<u>1.5</u>
<u>Advertising and Street Furniture in pedestrian area</u>	<u>2.5</u>	<u>2.5</u>
<u>Advertising and Street Furniture serving as focal points in pedestrian areas</u>	<u>4.5</u>	<u>3.5</u>
<u>Tower Structures in parking areas</u>	<u>4.5</u>	<u>5.0</u>
<u>Bus shelters</u>	<u>2.5</u>	<u>2.5</u>

“

Amendment of item 3 of Schedule 9

37. Item 3 of Schedule 9 to the principal By-law is hereby amended—

(a) by the substitution for paragraph (f) of the following paragraph:

“(f) a litter bin may not be less than 1,0 metre from the kerb of a street; **[and]**”; and

(b) by the addition of the following paragraphs:

“(h) a litter bin may not be positioned on a traffic island;

(i) a sign on street furniture and large posters in a pedestrian area must face away from the street; and

(j) a sign on a bus shelter on a sidewalk next to a street carrying motorised traffic may not be closer than 120 meters from each other.”.

Amendment of item 6 of Schedule 9

38. Item 6 of Schedule 9 to the principal By-law is hereby amended by the addition of the following sub-item:

“(3) An advertisement on a bus shelter permitted on a sidewalk of a motorised street must be legible to passing traffic, consisting mainly of graphics and short text messages with text not smaller than 80 millimetres in height.”.

AMENDMENT OF SCHEDULE 10: (Section 7(j)) CLASS 2(f): BANNERS AND FLAGS**Amendment of Item 3 of Schedule 10**

39. Item 3 of Schedule 10 to the principal By-law is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) A banner or flag must be attached to or suspended between poles or other supports on the site, or against the building where the function or event is to be held or where the enterprise is located or on such other site as **[the]** the municipality may permit;”;

(b) by the substitution for paragraph (b) of the following paragraph:

“(b) a banner or flag may be displayed within all urban road reserves, but may not be displayed on a freeway, and a banner may only be suspended across a road or street as part of an urban streetscaping project;**[and]**”;

(c) by the substitution for paragraph (c) of the following paragraph:

“(c) a banner may be attached to a building or to a special streetscaping structure provided for this purpose;” and

(d) by the addition of the following paragraphs:

“(d) a banner may not be displayed within 30 metres of a road traffic sign or traffic signal;

(e) the display of a banner 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;

(f) a banner may not be attached so as to interfere with or constitute a danger to passing pedestrians or vehicular traffic;

(g) a banner may not be affixed to a tree, traffic signal pole, electrical or service authority distribution box or other pole which carry a road traffic sign, rock, other natural feature, street furniture or other municipal property; and

(h) a banner may not be affixed in such a way that it obscures any existing authorised sign.”.

AMENDMENT OF SCHEDULE 11: (Section 7(k)) CLASS 2(g)(l): CONSTRUCTION SITE ADVERTISEMENTS

Amendment of Item 1 of Schedule 11

40. Item 1 of Schedule 11 to the principal By-law is hereby amended—

(a) by the substitution for the words preceding paragraph (a) in sub-item (1) of the following words:

“(1) A sign may **[not be displayed in a natural area of maximum control and the display in an area other than a natural area of maximum**

control is] be displayed in an urban area of partial control and an urban area of minimum control only, subject to the following conditions:”; and

(b) by the substitution for sub-item (3) of the following sub-item:

“(3) Display of a sign larger than 18 square metres in a rural area is subject to an EIA.”.

Substitution of Item 2 of Schedule 11

41. The following item is substituted for item 2 of Schedule 11 to the principal By-law:

“2. Size and height of sign

(1) The size of a sign, except a sign wrapped around a building or scaffolding where construction work is carried on may not exceed a total area of 18 square metres, and the height of a sign may not exceed [3]2 metres.

(2) The size of a sign wrapped around a building where construction work is carried on may not be larger than the structure under construction or renovation or the scaffolding in use.

(3) The maximum height of a boundary sign is 2 metres and the maximum length of an advertising panel of a boundary sign is 6 metres.

(4) The municipality may grant a relaxation of the height and length restrictions to improve the appearance of the boundary fence or wall or to hide construction site activities from view.”.

Amendment of Item 3 of Schedule 11

42. Item 3 of Schedule 11 to the principal By-law is amended by the substitution in paragraph (b) for the number “100” for the number “150”.

Amendment of Item 6 of Schedule 11

43. Item 6 of Schedule 11 to the principal By-law is amended—

(a) by the substitution for sub-item (6) of the following sub-item:

“(6) **[A written message may not dominate the design of a sign]** The content of a sign is limited to images, logos and short slogans and must be legible to passing motorists.”; and

(b) by the addition of the following sub-item:

“(8) The total area of any advertising panel on a boundary fence or wall must be covered by a single advertisement in order to prevent the proliferation of smaller posters.”.

Amendment of Item 7 of Schedule 11

44. Item 7 of Schedule 11 to the principal By-law is amended by the substitution for sub-item (2) of the following sub-item:

“(2) A sign **[on a hoarding around a building site]** on a construction site boundary wall or fence may **[be]not be** displayed **[from]** earlier than seven days before the beginning of building operations and only, until a certificate of occupation or a consent use has been issued.”.

AMENDMENT OF SCHEDULE 12: (Section 7(l) CLASS 2(g)(ii): PROJECT BOARDS

Amendment of Item 1 of Schedule 12

45. Item 1 of Schedule 12 to the principal By-law is amended—

(a) by the substitution for sub-item (2) of the following sub-item:

“(2) Display of a sign is subject to specific consent in **[a rural area of maximum control and in an urban area of maximum]** all areas of control.”; and

(b) by the deletion of sub-item 3.

Amendment of Item 2 of Schedule 12

46. Item 2 of Schedule 12 to the principal By-law is amended by the substitution in sub-item (2) for the number “9” of the number “13.5”.

Amendment of Item 6 of Schedule 12

47. Item 6 of Schedule 12 to the principal By-law is amended by the substitution for sub-item (2) of the following sub-item:

“(2) A sign may not be displayed earlier than seven days before the beginning of the construction work and must be removed within 7 days of completion of the construction work.”.

AMENDMENT OF SCHEDULE 13: (Section 7(m)): CLASS 2(g)(iii): SIGNS FOR SPORTING EVENTS, FESTIVALS AND EXHIBITIONS

Amendment of Schedule 13

48. Schedule 13 to the principal By-law is amended by the addition of the following Item:

“9. Duration

A person displaying a sign along a public road that is closed for a sporting event, festival or exhibition must remove the sign before the road is opened for motorized traffic.”.

AMENDMENT OF SCHEDULE 14: (Section 7(n)) CLASS 2(g)(iv): ESTATE AGENTS' BOARDS AND SHOW HOUSE SIGNS

Amendment of Item 1 of Schedule 14

49. Item 1 of Schedule 14 is amended by the substitution of sub-item (4) of the following sub-item:

“Display of a sign larger than 18 square metres in a rural area is subject to an EIA.”.

Amendment of Item 2 of Schedule 14

50. Item 2 of Schedule 14 to the principal By-law is amended—

(a) by the substitution for the words preceding paragraph (a) in sub-item (1) of the following words:

“(1) The following apply to the display of a sign which carries the message that property is for sale **[or], sold, to let or let:**”;

(b) by the substitution for paragraph (b) of sub-item (1) of the following paragraph:

“(b) not more than two estate agents may display their signs simultaneously on the same premises unless the premises provides for multiple dwellings, such as, but not restricted to town house complexes and flats, in which case not more than four estate agents may display their signs simultaneously [on]at the entrance gate of the same premises provided that the signs are not hazardous to pedestrians or traffic;” and

(c) by the substitution for paragraph (f) of sub-item (2) of the following paragraph:

(f) only one sign per estate agent may be displayed per property or premises.”.

Amendment of Item 3 of Schedule 14

51. Item 3 of Schedule 14 to the principal By-law is amended—

(a) by the substitution for the words preceding paragraph (a) in sub-item (1) of the following words:

“(1) The following apply to the display of a sign which carries the message that property is for sale [or], sold, to let or let;”;

(b) by the substitution for paragraph (c) of sub-item (2) of the following paragraph:

“(c) an agent may display only eight signs per show house or property on the route to a show house or property, irrespective of the number of routes to the show house or property;”;

(c) by the substitution for paragraph (d) of sub-item (2) of the following paragraph:

“(d) no sign may be displayed on a [roads which]road that is subject to a speed limit exceeding 60km/h;” and

(d) by the substitution for paragraph (j) of sub-item (2) of the following paragraph:

“(j) a show house sign indicating the property which is on show are subject to the same conditions as a sign contemplated in paragraph (1), being a sign which carries the message that a property is for sale [or], sold, to let or let.”.

Amendment of Item 7 of Schedule 14

52. Item 7 of Schedule 14 to the principal By-law is amended—

(a) by the substitution for the words preceding paragraph (a) in sub-item (2) of the following words:

“(2) A sign which carries the message that a property is for sale **[or]**, sold, to let or let may contain the following information only.”; and

(b) by the substitution for paragraph (d) of sub-item (2) of the following paragraph:

“(d) the words ‘for sale’, **[or]** ‘to let’, **[excluding any wording that indicates that the property is]** “let” or “sold”; and”.

Amendment of Item 9 of Schedule 14

53. Item 9 of Schedule 14 to the principal By-law is amended—

(a) by the substitution for sub-item (1) of the following sub-item:

“(1) Being a temporary sign, a sign that carries the message that a property is for sale, **[or]** to let, sold or let must be removed not later than seven days after **[completion of the sale or granting of the tenancy]** signature of the deed of sale or lease agreement.”;

(b) by the substitution for sub-item (2) of the following sub-item:

“(2) Being a temporary sign, a show house sign or direction sign may only be displayed over weekends, from **[17:00]**15:00 on Fridays to 8:00 on Mondays.”;

(c) by the substitution for paragraph (d) of sub-item (3) of the following paragraph:

“(d) a sign may not be displayed on a traffic island or circle; **[and]**”;

(d) by the substitution for paragraph (e) of sub-item (3) of the following paragraph:

“(e) a sign may not be displayed closer than 1,0 metre to the curb; and”;

(e) by the addition to sub-item (3) of the following paragraph:

“(f) a sign may not be displayed on a tarred area of a pavement.”;

(f) by the substitution for sub-item (4) of the following sub-item:

“(4) A property development board may not be erected before the development of the property **[has started]**starts, and must be removed not later than seven days after the last unit **[has been]**is sold.”;

(g) by the substitution for the words preceding paragraph (a) in sub-item (5) of the following words:

“(5) The following conditions apply to the display of a “to let”, **[or]** “let”, “for sale” or “sold” sign.”;

(h) by the substitution for paragraph (a) of sub-item (5) of the following paragraph:

“(a) Only one sign may be displayed per property per agency, with a maximum of **[three]**two estate agencies displaying signs, unless the premises provides for multiple dwellings, such as, but not restricted to town house complexes and flats, in which case not more than four estate agents may display their signs simultaneously at the entrance gate of the same premises provided that the signs are not hazardous to pedestrians or traffic.”;

(i) by the substitution for sub-item (6) of the following sub-item:

“(6) ‘For Sale’ and ‘Sold’ signs may not be displayed simultaneously.”; and

(j) by the deletion of sub-item (8).

AMENDMENT OF SCHEDULE 15: ((Section 7(o)): CLASS 2(g)(v): AUCTION SIGNS

Amendment of Item 1 of Schedule 15

54. Item 1 of Schedule 15 to the principal By-law is amended—

(a) by the substitution for sub-item (2) of the following sub-item:

“(2) Display of a sign is limited to an on-premises sign only and is subject to deemed consent.”; and

(b) by the substitution for sub-item (3) of the following sub-item:

“(3) Only this sign, and **[not]**no other type of sign may be displayed to advertise an auction.”.

Amendment of Item 2 of Schedule 15

55. Item 2 of Schedule 15 to the principal By-law is amended by the substitution for sub-item (1) of the following sub-item:

“(1) Only one on-premise sign per sale may be displayed.”.

Amendment of Item 3 of Schedule 15

56. Item 3 of Schedule 15 to the principal By-law is amended—

(a) by the substitution for sub-item (3) of the following sub-item:

“(3) A **[direction]** sign may not be placed on a traffic circle, a traffic island, and may not be attached to traffic signals or a traffic sign, a power mast, a tree, a pillar, fencing, an electrical substation, a bridge or similar structures.”;

(b) by the substitution for sub-item (4) of the following sub-item:

“(4) A **[direction]** sign may not be displayed along a road which carries a speed limit of more than 60 km/h.”;

(c) by the deletion of sub-items (5) and (6); and

(d) by the addition of the following sub-items:

“(10) A freestanding single sided sign displayed on the property being auctioned must be displayed parallel to the street front.

“(11) A freestanding back-to-back sign displayed on the property being auctioned may be displayed perpendicular to the street front.

“(12) A sign may not be attached to a building above the first floor of the building.”.

AMENDMENT OF SCHEDULE 16: (Section 7(p)): CLASS 2(g)(vi): ELECTION POSTERS, NEWSPAPER POSTERS, CHARITABLE POSTERS AND MUNICIPAL NOTICES**Amendment of Item 1 of Schedule 16**

57. Item 1 of Schedule 16 to the principal By-law is amended by the addition of the following sub-item:

“(3) An election poster may be displayed only by a registered political party.”.

Amendment of Item 9 of Schedule 16

58. Item 9 of Schedule 16 to the principal By-law is amended—

(a) by the substitution for paragraph (a) of sub-item (1) of the following paragraph:

“(a) An election poster, **[21 days]** from the date of proclamation of an upcoming election or referendum in the *Government Gazette* to 14 days after the date of the election or referendum;” and

(b) by the deletion of sub-item (2).

AMENDMENT OF SCHEDULE 18:(Section 7(r)):CLASS 2(g)(viii): TEMPORARY WINDOW SIGNS

Amendment of Item 1 of Schedule 18

59. Item 1 of Schedule 18 to the principal By-law is amended—

(a) by the substitution for sub-item (2) of the following sub-item:

“(2) Display of a temporary window sign, except for an animated or electronic sign, is subject to deemed consent.”;

(b) by the insertion after sub-item (2) of the following sub-items:

“(3) Display of an animated or electronic sign is subject to specific consent.

“(4) The municipality must require an OAPA and consider the findings thereof before granting consent for the display of an electronic sign larger than 1 square meter.” and

(c) by the substitution for sub-item (3) of the following sub-item:

“ ~~[(3)]~~ (5) A sign is a temporary sign.”.

Amendment of Item 2 of Schedule 18

60. The following item is substituted for Item 2 of Schedule 18 to the principal By-law:

“2. Shape, size, and height of sign

The total area of all temporary signs, which are painted on or attached to the windows of a specific enterprise may not exceed the following percentage of the total ground-floor window area of the enterprise—

(a) **[10]5** percent **[of the total ground-floor window area of such enterprise]** in an urban area of maximum control;

(b) **[25]15** percent **[of the total ground-floor window area of such enterprise]** in an urban area of partial control; and

- (c) **[50]25** percent **[of the total ground-floor window area of such enterprise]** in an urban area of minimum control.”.

AMENDMENT OF SCHEDULE 21: (Section 7(u)): CLASS 2(j): SECURITY SIGNS

Amendment of Item 1 of Schedule 21

61. Item 1 of Schedule 21 to the principal By-law is amended—

(a) by the substitution for sub-item (2) of the following sub-item:

“(2) Display of a sign other than a sign inside a road reserve is subject to deemed consent.”; and

(b) by the addition of the following sub-items:

“(3) Display of a sign on the boundary of a site adjacent to a road reserve is subject to deemed consent.

“(4) Display of a sign in a road reserve is subject to specific consent.”.

Amendment of Item 3 of Schedule 21

62. Item 3 of Schedule 21 to the principal By-law is amended—

(a) by the substitution for sub-item (2) of the following sub-item:

(2) A **[sing]sign** contemplated in **[paragraph (a)]sub-item (1)** must be affixed to the building, boundary wall, fence or gate on the street frontage, or **[shall]must** be displayed within the boundaries of the stand.”; and

(b) by the substitution for sub-item (6) of the following sub-item:

“(6) A sign contemplated in **[paragraph] sub-item (5)** may not be positioned on a road island or a road median or inside a restricted area at a street corner as indicated on Fig. **[8]2** unless there is no other option for displaying the sign in a manner that is visible from a public road.”.

Substitution of Item 5 of Schedule 21

63. The following item is substituted for Item 5 of Schedule 21 to the principal By-law:

“5. Illumination and animation

A sign may not be illuminated or animated except for reflective material used by farm watch schemes.”.

Substitution of Item 9 of Schedule 21

64. The following item is substituted for Item 9 of Schedule 21 to the principal By-law:

“9. [Other provisions] Content

(1) A sign may refer to the existence and operation of a commercial security service, burglar alarm system or neighbourhood watch or similar system or scheme **[only]** and may contain the following:

- (a) the name of the security scheme;
- (b) the nature of the security services provided including ‘Armed Response’, ‘Protection by CCTV’ or ‘Electric Fencing’;
- (c) the name, logo and contact number of the security company, reaction unit or the provider of equipment involved in the scheme;
- (d) general words of caution including ‘Warning’, ‘Danger’, ‘Trespassers will be prosecuted’;
- (e) radio call signs;
- (f) the name or logo of the enterprise sponsoring a security project together with the words ‘Supported By’ which information may not exceed more than 10% of the sign.

(2) A message included on a sign may not be more than four words.”.

Amendment of Schedule 21

65. Schedule 21 is amended by the addition of the following items:

“10 Design and construction

A sign displayed at the entrance of a security village or residential estate must comply with the following design requirements:

- (a) no sign panel or lettering may extend above or beyond the extremities of the structure to which it is affixed; and

(b) where two signs are displayed, these signs must be erected in symmetry on both sides of the gate structure so as to form a visual balance.

11. Duration

A security sign may be displayed only for the period while the scheme is in operation.”.

AMENDMENT OF SCHEDULE 22: (Section 7(v)): CLASS 3(a): SKY SIGNS

Amendment of Item 1 of Schedule 22

66. Item 1 of Schedule 22 to the principal By-law is amended by the substitution for sub-item (2) of the following sub-item:

“(2) The municipality must require an OAPA and consider the findings thereof before it grants consent for the display of a sign.

Amendment of Item 2 of Schedule 22

67. Item 2 of Schedule 22 to the principal By-law is amended—

(a) by the substitution for sub-item (1) of the following sub-item:

“(1) **[A]**The maximum height of a sign must be determined by the municipality after the municipality considers the findings of an OAPA provided that a sign may not exceed [a maximum size of 150 square metres]10 percent of the total height of the skyscraper to which the sign is attached.”;

(b) by the substitution for sub-item (3) of the following sub-item:

(3) The municipality must require an OAPA **[,having regard to the outcome of an impact assessment, and having taken]** taking into consideration factors **[such as]**including the size and character of the business centre and surrounding area, the lifestyle of the local community, and the nature of the host skyscraper, **[shall]** and consider the findings thereof before it specifies [specify] the size of a sign and the number of signs which may be displayed**[, and a person who**

intends to display a sign may not display a sign in contravention of the municipality's specifications].”;and

(b) by the addition of the following sub-item:

“(4) A person who displays a sign may not display a sign in contravention of the municipality's specifications.”.

Substitution of Item 4 of Schedule 22

68. The following Item is substituted for Item 4 of Schedule 22 to the principal By-law:

“4. Colour or texture of sign

[No limitations are imposed on the]The colour or texture of a sign must be determined by the municipality after the municipality considers the findings of an OAPA.”.

Substitution of Item 5 of Schedule 22

69. The following Item is substituted for Item 5 of Schedule 22 to the principal By-law:

“5. Illumination of sign

(1) Subject to sub-item (2) and the provisions of sections 19(1)(c), 19(4) and 22, illumination of a sign is allowed.

(2) Sky signs on cultural and historical buildings may not be illuminated.”.

Amendment of Item 7 of Schedule 22

70. Item 7 of Schedule 22 to the principal By-law is amended by the substitution for sub-item (2) of the following sub-item:

“(2) The advertisement contents of an approved sign may not be changed without approval by the municipality **[based on an additional impact assessment submitted to and approved by the municipality]** after the municipality considers the findings an additional OAPA.”.

AMENDMENT OF SCHEDULE 23: (Section 7(w)): CLASS 3(b): ROOF SIGNS

Amendment of Item 2 of Schedule 23

71. Item 2 of Schedule 23 to the principal By-law is amended—

(a) by the substitution for sub-item (1) of the following sub-item:

“(1) A sign may not be so affixed that the bottom of the sign is more than **[1,2 metre]120 millimetres** above the nearest portion of the roof beneath it.”;

(b) by the substitution for paragraph (d) of sub-item (3) of the following paragraph:

“(d) the maximum area of a sign may not exceed 12 square metres when the height of the sign above ground level is between 12 metres and 18 metres;
[and]

(c) by the substitution for paragraph (e) of sub-item (3) of the following paragraph:

“(e) the maximum area of a sign may not exceed 18 square metres when the height of the sign above ground level is greater than 18 metres; and”;
and

(d) by the addition of the following paragraph to sub-item (3):

“(f) the maximum area of a sign may not exceed 20 percent of the ground floor facade when the sign is painted on a roof of the enterprise to which the sign pertains.”.

Amendment of Item 4 of Schedule 23

72. The following heading is substituted for the heading of Item 4 of Schedule 23 to the principal By-law:

“**[4]3. Position of sign**”.

Amendment of Item 5 of Schedule 23

73. The following heading is substituted for the heading of Item 5 of Schedule 23 to the principal By-law:

“**[5]4. Colour or texture of sign**”.

Amendment of Item 6 of Schedule 23

74. The following heading is substituted for the heading of Item 6 of Schedule 23 to the principal By-law:

“[6]5. Illumination of sign”.

AMENDMENT OF SCHEDULE 24: (Section 7(x)): CLASS 3(c): WALL SIGNS

Amendment of the heading of Schedule 24

75. The following heading is substituted for the heading of Schedule 24 to the principal By-law:

**“SCHEDULE 24
(Section 7(x))
CLASS 3(c): [WALL]FLAT SIGNS”.**

Amendment of Item 1 of Schedule 24

76. Item 1 of Schedule 24 to the principal By-law is amended—

(a) by the substitution for sub-item (6) of the following sub-item:

“(6) The municipality must require an OAPA and consider the findings thereof before it grants consent for the display of [A]a sign in excess of [36]18 square metres in size [may be displayed only after an environmental impact assessment, which includes visual, social and traffic safety aspects, has been undertaken and has been submitted to and approved by the municipality].”; and

(b) by the addition of the following sub-item:

“(7) A painted wall sign or mural may be displayed in an urban area of partial control and an urban area of minimum control only and the display of a painted sign or mural is subject to specific consent.”.

Amendment of Item 2 of Schedule 24

77. Item 2 of Schedule 24 to the principal By-law is amended—

(a) by the substitution for paragraph (d) of sub-item (2) of the following paragraph:

“(d) in the case of a non-locality-bound sign, only one sign may be displayed for a period of not less than 5 years, the sign may not exceed 80 square

metres, and the actual size of the sign will depend on the size of the specific side wall and on factors such as the character of the building and the streetscape as a whole.”; and

(b) by the addition of the following sub-items:

“(6) A sign painted onto the facade or roof of a building may not exceed 20 percent of the ground floor facade of the enterprise to which the sign pertains.

(7) The total area of a sign painted onto the side wall of a building may not exceed 36 square metres, and the actual allowable size of the sign depends on the size of the side wall concerned and on other factors, including the character and appearance of the building and the streetscape as a whole.”.

REPEAL OF SCHEDULE 25: (Section 7(y)) CLASS 3(d): SIGNS AND MURALS PAINTED ON WALLS AND ROOFS

Repeal of Schedule 25

78. Schedule 25 of the principal By-law is hereby repealed.

AMENDMENT OF SCHEDULE 26: (Section 7(z)) CLASS 3(e): ADVERTISING ON TOWERS, BRIDGES AND PYLONS

Amendment of Item 1 of Schedule 26

79. Item 1 of Schedule 26 to the principal By-law is amended by the addition of the following sub-item:

“(5) The municipality must determine the validity period of a consent after the municipality considers the findings of an OAPA.”.

Amendment of Item 2 of Schedule 26

80. Item 2 of Schedule 26 to the principal By-law is amended by the substitution in sub-item (2) for the number “36” of the number “40”.

AMENDMENT OF SCHEDULE 27: (Section 7(aa)) CLASS 3(f): ON-PREMISE BUSINESS SIGNS

Amendment of Item 3 of Schedule 27

81. Item 3 of Schedule 27 to the principal By-law is amended by—

(a) by the substitution for paragraph (c) of sub-item (4) of the following paragraph:

“(c) where a solid advertising structure is used, the maximum area per sign, including the supporting structure, may not exceed 9 square metres, but the actual sign panel or lettering may not occupy more than 50 percent of the total sign area; **[and]**”;

(b) by the substitution for paragraph (d) of sub-item (4) of the following paragraph:

“(d) where a sign is incorporated in a combination sign, the maximum sign panel area per sign panel may not exceed 3 square metres, unless the municipality after considering the findings an OAPA, finds that there is no detrimental impact to the environment if the sign exceeds 3 square metres; and”;

(c) by the addition of the following paragraph to sub-item (4):

“(e) where a sign is incorporated in a combination sign and exceeds 3 square metres in terms of paragraph (d), a building plan for the sign approved in terms of the applicable building standards and building control laws is required.”.

AMENDMENT OF SCHEDULE 29: (Section 7(cc)) CLASS 3(h): VERANDA, BALCONY, CANOPY AND UNDER AWNING SIGNS**Amendment of Item 1 of Schedule 29**

82. Item 1 of Schedule 29 to the principal By-law is amended—

(a) by the substitution for sub-item (1) of the following sub-item:

“(1) The display of a sign in the following areas is subject to specific consent—

(a) an urban area of maximum control;

(b) an urban area of partial control;

(c) an urban area of minimum control; and

(d) centres of economic activity in a rural area of maximum control.”;

(b) by the deletion of sub-item (2).

AMENDMENT OF SCHEDULE 32: (Section 7(ff)) CLASS 3(k): MISCELLANEOUS SIGNS FOR RESIDENTIAL-ORIENTED LAND USE AND COMMUNITY SERVICES

Amendment of Item 1 of Schedule 32

83. Item 1 of Schedule 32 to the principal By-law is amended—

(a) by the substitution for sub-item (2) of the following sub-item:

“(2) Display of a sign, other than a sign contemplated in sub-item (3), is subject to deemed consent.”; and

(b) by the addition of sub-item (3):

“(3) A sign for a small business enterprise or practice, small scale accommodation facility or medical and health service is subject to specific consent.”.

SCHEDULE 33: (Section 7(gg)) CLASS 3(l): SIGNS FOR AGRICULTURAL AND RELATED LAND USE IN RURAL AND NATURAL AREAS

Amendment of Item 1 of Schedule 33

84. Item 1 of Schedule 33 to the principal By-law is amended by the addition of the following sub-item:

“(8) The consent to display a sign is valid for so long as the farm, enterprise, activity, facility or attraction is in operation.”.

Amendment of Item 2 of Schedule 33

85. Item 2 of Schedule 33 to the principal By-law is amended by the addition of the following sub-item:

“(8) Only four flags or banners may be displayed on a farm.”.

Amendment of Item 3 of Schedule 33

86. Item 3 of Schedule 33 to the principal By-law is amended by the substitution for paragraph (b) of Item (3) of the following paragraph:

“(b) **[the immediate vicinity]** within 30 metres of an enterprise, facility, activity or attraction.”.

REPEAL OF SCHEDULE 34: (Section 7(hh)) CLASS 3(m): SIGNS INCORPORATED IN THE FABRIC OF A BUILDING

Repeal of Schedule 34

87. Schedule 34 of the principal By-law is hereby repealed.

AMENDMENT OF SCHEDULE 35: (Section 7(ii)) CLASS 4(a): SERVICE FACILITY SIGNS

Amendment of Item 1 of Schedule 35

88. Item 1 of Schedule 35 to the principal By-law is amended—

(a) by the substitution for sub-item (2) of the following sub-item:

“(2) Display of a sign—

(a) along a freeway, road or street, is subject to specific consent;

(b) on a fascia or a wall along a freeway, street or road, is subject to specific consent.”;

(b) by the insertion of the following sub-item after sub-item (2):

“(3) Display of a locality bound sign in a forecourt on a pump, a pillar or a wall is subject to deemed consent.”; and

(c) by the substitution for sub-item (3) of the following sub-item:

“(3) (4) A person who displays a sign must, before the sign is displayed, enter into a lease agreement with the municipality for the lease of the site on which the sign is to be displayed.”.

Amendment of Item 5 of Schedule 35

89. Item 5 of Schedule 35 to the principal By-law is amended by the substitution for the words preceding paragraph (a) of Item 5 of the following words:

“The provisions of ~~[section]~~sections ~~[19(11)(c),]~~ 19 and ~~[19(4)]~~22, and the following conditions apply to the illumination and animation of a sign:”.

AMENDMENT OF SCHEDULE 36: (Section 7(jj)) CLASS 4(b): SPONSORED ROAD TRAFFIC PROJECTS SIGNS

Amendment of Item 1 of Schedule 36

90. Item 1 of Schedule 36 to the principal By-law is amended by the substitution in sub-item (5) for the expression “impact assessment” of the expression “OAPA”.

Amendment of Item 2 of Schedule 36

91. Item 2 of Schedule 36 to the principal By-law is amended by the substitution for sub-item (2) of the following sub-item:

“(2) A sign may contain a short message, the name of the project, and the name ~~[or]~~and logo [, **or the name and logo**] of the sponsor **[only]**, and the message, name ~~[or]~~and logo[, **or both the name and logo**] of the sponsor of a project may not occupy more than one-third of the total area of a sign.”.

REPEAL OF SCHEDULE 38: (Section 7(II)) CLASS 4(d): SIGNS FOR UTILITY COMPANIES AND SIMILAR SERVICE PROVIDERS

Repeal of Schedule 38

92. Schedule 38 of the principal By-law is hereby repealed.

SCHEDULE 39: (Section 7(mm)) CLASS 4(e): ON-SITE TOURIST ATTRACTIONS SIGNS

Amendment of Item 3 of Schedule 39

93. Item 3 of Schedule 39 to the principal By-law is amended by the addition of the following sub-item:

“(4) The position of a sign must be determined by the municipality after the municipality considers the findings of an OAPA.”.

Substitution of Item 5 of Schedule 39

94. The following Item is substituted for Item 5 of Schedule 39 to the principal By-law:

“5. Content of sign

Information on a sign that pertains to a sponsor must be limited to 20% of the size of the sign.”.

AMENDMENT OF SCHEDULE 40 (Section 7(nn)) CLASS 4(f): GATEWAY SIGNS

Amendment of Item 3 of Schedule 40

95. Item 3 of Schedule 40 to the principal By-law is amended by the addition of the following sub-items:

“(4) A sign may not be displayed more than 300 metres from the urban edge as delineated in the spatial development framework of the municipality adopted in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

(5) A sign may not be placed in front of a road sign indicating a reduced speed limit.

(6) A sign may not interfere with a road sign or signal and must be placed within 50 metres from a road sign or signal.”.

AMENDMENT OF SCHEDULE 41: (Section 7(oo)) CLASS 5(a): AERIAL SIGNS

Amendment of Item 2 of Schedule 41

96. Item 2 of Schedule 41 to the principal By-law is amended by the substitution for sub-item (2) of the following sub-item:

“(2) A fixed-wing airplane or helicopter may not tow a banner or combination of banners of more than 1000 square metres.”.

Amendment of Item 6 of Schedule 41

97. Item 6 of Schedule 41 to the principal By-law is amended by the addition of the following sub-item:

“(7) The text that may be displayed on a manned airship or manned balloon must be limited to the name of one enterprise and one commercial product or service.”

AMENDMENT OF SCHEDULE 43: (Section 7(qq)): ADVERTISING TRAILERS AND SELF-PROPELLED ADVERTISING VEHICLES

Amendment of Schedule 43

98. Schedule 43 to the principal By-law is amended by the substitution for the expression “an advertising trailer and self-propelled advertising vehicle” of the expression “a trailer advertisement” wherever it appears in this Schedule.

Amendment of Item 1 of Schedule 43

99. Item 1 of Schedule 43 to the principal By-law is amended—

(a) by the substitution for sub-item (1) of the following sub-item:

“(1) [Advertisement trailers shall] A trailer advertisement may be parked only in urban areas of partial and minimum control and [shall be] is subject to specific consent.”;

(b) by the substitution for sub-item (2) of the following sub-item:

“(2) [Advertisement trailers shall] A trailer advertisement may not be towed on freeways and [shall] may not be allowed on other urban roads during peak-hour traffic (7:15-8:15 and 16:15-17:30).”; and

(c) by the substitution for the expression “SEA” of the expression “OAPA”.

Substitution of Item 2 of Schedule 43

100. The following Item is substituted for Item 2 of Schedule 43 to the principal By-law:

“2. Shape, size and height

[Trailer signs shall] A trailer advertisement may not exceed an individual sign face area of 18m² and a combined sign face area of 36m².”.

Amendment of Item 3 of Schedule 43

101. Item 3 of Schedule 43 to the principal By-law is amended by the substitution for sub-item (4) of the following sub-item:

“ (4) **[Trailer signs]** A trailer advertisement positioned on a particular site for a period exceeding two days per month **[shall be]** is deemed to be **[billboards]**a billboard and **[shall be]** is subject to the guidelines applicable to class 1(c).”.

Substitution of Item 4 of Schedule 43

102. The following Item is substituted for Item 4 of Schedule 43 to the principal By-law:

“4. Colour and texture

[An advertisement]A trailer advertisement at the rear of an advertising trailer or self-propelled advertising vehicle may not contain the colours red and amber.”.

Amendment of Item 6 of Schedule 43

103. Item 6 of Schedule 43 to the principal By-law is amended by the substitution for sub-item (3) of the following sub-item:

“(3) **[Trailers shall]** A trailer advertisement may not be parked inside road reserves, within a distance of **[50m]**50 metres outside the road reserve of a freeway, inside a restricted area at street corners or in such a way as to block the visibility of any motorist.”.

AMENDMENT OF SCHEDULE 45 (Section 7(ss)) CLASS 6(b): PAINTED STONE SIGNS ON RURAL HILLSIDES

Amendment of Item 1 of Schedule 45

104. Item 1 of Schedule 45 to the principal By-law is amended by the substitution for sub-item (4) of the following sub-item:

“(4) The municipality must require an OAPA and consider the findings thereof before it consents to the display of a sign.”.

Amendment of Item 2 of Schedule 45

105. Item 2 of Schedule 45 to the principal By-law is amended by the substitution for sub-item (2) of the following sub-item:

“(2) The maximum size of a letter or logo shall be determined by the municipality after considering the findings of an OAPA, where the visual impact shall be a key consideration.”.

Amendment of Item 3 of Schedule 45

106. Item 3 of Schedule 45 to the principal By-law is substituted for the following item:

“3. Position

The position of a sign **[is subject to]** shall be determined by the municipality after considering the findings of an [EIA or SEA study] OAPA of which a visual impact assessment shall be a key **[ingredient]** consideration.”.

AMENDMENT OF SCHEDULE 46:(Section 5(1)): AREAS OF CONTROL AS INDICATED ON THE ADVERTISING CONTROL MAP RURAL AND URBAN AREAS OF MAXIMUM CONTROL (Section 5(2)(a) and (b))

Substitution of Item 1 of Schedule 46: RURAL AND URBAN AREAS OF MAXIMUM CONTROL

(Section 5(2)(a) and (b))

107. The following Item is substituted for Item 1 of Schedule 46 (RURAL AND URBAN AREAS OF MAXIMUM CONTROL) to the principal By-law:

“1. Land use zoning

A sign may be displayed in a low density residential area, a medium density residential area, an agricultural area, a cemetery, and a public open space, such as, but not limited to, a natural open space, including a ridge, a natural watercourse, a sea shore, a beach, a nature reserve, an urban conservation zone, a park, a national monument, a heritage site, a gateway and an urban freeway.”.

Amendment of Item 3 of Schedule 46: URBAN AREAS OF PARTIAL CONTROL (Section 5(2)(c))

108. Item 3 of Schedule 46 (URBAN AREAS OF PARTIAL CONTROL) to the principal By-law is amended by the substitution for sub-item (1) of the following sub-item:

“(1) A sign contemplated in **[section 7(a)(i), being a Class 1 sign (Super billboards), and a sign contemplated in]** section 7(a)(ii), being a Class 1(b) sign (Custom-made billboards) may not be displayed.”.

AMENDMENT OF SCHEDULE 48: OFFENCES AND FINES

109. The following heading is substituted for the heading of Schedule 48: OFFENCES AND FINES to the principal By-law:

**“SCHEDULE 49
OFFENCES AND FINES”.**

Substitution of expressions in the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

110. The principal By-law is amended by—

- (a) the substitution for the expression “these By-laws” wherever it appears in the principal By-law, of the expression “ this By-law”; and
- (b) the substitution for the expression “SEA” wherever it appears in the principal By-law, of the expression “OAPA”.

Amendment of Arrangement of the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

111. The arrangement of sections is amended by the deletion of the reference to section 4.

Amendment to the Arrangement of Schedules to the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws, 2010

112. The arrangement of Schedules is amended—

- (a) by the deletion of the reference to Schedule 1, Schedule 25, Schedule 34, and Schedule 38;
- (b) by the substitution for the reference to Schedule 2 of the following:
“Schedule 2: Class 1(b) – Gantry and custom-made billboards”; and
- (c) by the substitution for the reference to Schedule 24 of the following:
“Schedule 24: Class 3(c) – **[Wall]** Flat signs”.

Saving and Transitional Arrangements

113. (1) Any approval, determination, consent, right, authorisation, confirmation or instruction issued, granted or in force in terms of a provision of the principal By-law repealed by this By-law and in existence immediately before the commencement of this By-law remains in force and where applicable is regarded to have been issued, granted or occurred in accordance with the principal By-Law, as amended, subject to

the conditions under which it was issued and is valid for the period for which it was granted under the principal By-law.

(2) Anything done prior to promulgation of this By-law, which was done in contravention of a provision of the principal By-law and was unlawful, is in the event of such act or sign still not complying with the provisions of the principal By-law, as amended by this By-law, unlawful.

(3) Any application for the display of any advertisement or erection of any advertising structure for advertising purposes, submitted to the Municipality prior to promulgation of this By-law and in respect of which a decision has not yet been made by the Municipality prior to promulgation of this By-law, must be considered by the Municipality in terms of the principal By-law, as amended by this By-law, which is applicable thereto: Provided that an applicant who have submitted an application in terms of the principal By-law prior to its amendment by this By-law, may within 6 months of the promulgation of this By-law, amend and resubmit the application at no further costs to the applicant.

Short title and commencement

114. This By-law is called the Nelson Mandela Bay Metropolitan Municipality Outdoor Signs (Advertising and Other Signs) By-Laws First Amendment By-Law, 2023 and comes into operation upon the date of publication thereof in the *Provincial Gazette*.

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