

CHAPTER IV

ADVERTISING SIGNS

1. Definition

In this Chapter, unless inconsistent with the context, the following words and expressions shall have the meanings hereunder assigned to them:

"Advertisement" means any audible or visible representation of a word name, letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has as its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature.

"Advertising vehicle" means a vehicle which has been constructed or adapted for use primarily for the display of advertisements.

(P.N. 220/87).

"Aerial advertisement" means any advertisement displayed or made in the air by the use of aeroplane, kites, balloons, rockets, fireworks or by any other means.

"Animated advertisement" means an electric advertisement in which a representation of one or more than one figure, object or illustration is given the appearance of movement by the successive switching on and off of lights or illuminated Lines.

"Applicant" means the occupier of premises by whom an application for permission to retain or to erect a sign or display an advertisement on such premises is made in terms of section 4.

(P.N. 221/86)

"Clear height" in relation to a sign means the vertical distance between the lowest edge of such sign and the level of the ground, footway or roadway immediately below such sign.

"Depth" in relation to a sign means the vertical distance between the uppermost and lowest edges of such sign.

"Directional" in relation to any advertisement or part thereof means that such advertisement or part conveys only the name and, in words the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement appears.

"Display" in relation to an advertisement includes the production of an audible sound and "to display" has an equivalent meaning.

"Display window" means a unit of fenestration filled with glass, polycarbonate or other suitable glazing material which is in an external wall of the basement storey, ground storey or mezzanine storey of a residential building or shop and which faces a street or public place.

(P.N. 221/86)

"Electric advertisement" means an advertisement in which electric current is used.

"Fascia advertisement" means an advertisement which is directly displayed or painted on the front of a canopy or verandah beam.

"Fascia sign" means a sign which is directly affixed to the front or sides or both the front and one or more sides of a canopy or verandah beam.

(P.N. 221/86)

"Flashing advertisement" means an electric advertisement which intermittently appears and disappears as a result of the electric current being successively switched on and off or for some other reason.

"Ground sign" means a sign not attached to a building or wall but erected on the ground in any manner whatsoever or attached to any pole, pylon, screen, fence or hoarding.

"Illuminated advertisement" means an advertisement which is at any time artificially illuminated by

any means whatsoever and which is either supplied directly with electrical current or is otherwise made luminous.

(P.N. 221/86)

"Length" means the horizontal measurement of a sign from one end to the other.

"National advertising" is advertising that aims at the creation or maintenance of consumer demand through the promotion of a product or service on a national scale, such product or service being available in each of the four Provinces.

"Overall height" in relation to a sign means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign.

"Permit disc" means a metal or plastic disc referred to in section 12A(1)(b) on which is permanently imprinted the letters "D.C.", the year for which such permit is granted, which year shall commence on 1 July, and the serial number of such disc.

(P.N. 55/87)

"Pointer board" means an advertisement displayed on a sign which is erected on Council property and which displays only the name of the selling agent, the words "shown house" or "open house" or other words indicating that a house or flat for sale is on view, and an arrow indicating the route to such house or flat, and such other information as the City Engineer may approve.

(P.N. 221/86)

"Projection sign" means a sign affixed to a building the whole of which sign projects more than 300 mm from such building and which is not a sky sign.

"Return wall" means external wall of a building, or any other wall, which faces any boundary, other than a street line, of the premises upon which such wall is situated.

(P.N.221/86)

"Selling agent" means any person who offers property for sale on his own behalf or on behalf of another.

(P.N. 344/85)

"Sign" means any signboard, structure, device or thing intended or adapted for the display of any advertisement and includes that portion of a building on or onto which an advertisement is painted, written or projected.

"Sky sign" means a sign erected or placed on or above the parapet or any portion of the roof of a building and a sign any portion of which extends above such parapet or portion of roof but excludes a sign painted on the roof of a building.

"Street" excludes an arcade which is wholly within one or more buildings.

"Thickness" means the horizontal dimension measured through a sign at right angles to the length.

"Under-canopy sign" means a sign suspended or attached under a canopy or verandah.

"Wall sign" means a sign, other than a projecting sign which is directly attached to an external wall of a building, or on a wall external to and not part of a building.

(P.N. 321/83; 221/86)

ADMINISTRATION AND GENERAL

2. Advertisements and signs for which approval is required

Subject to the provisions of this Chapter no person shall erect, alter, display or maintain or cause or permit to be erected, altered, displayed or maintained any advertisement or sign which is visible from

or which in the case of an advertisement can be heard in any public place except under and in accordance with the written permission of the City Engineer.

3. Exempted advertisements and signs

The provisions of section 2 shall not apply to -

(a) any advertisement or sign which is displayed or erected: -

(i) outside the registered office and every office or place of business of a company as required by section 50(1)(a) of the Companies Act, 1973 (Act 61 of 1973), and which bears the name only of such company;

(ii) on the outside door of the office or place of business of a co-operative society or company, in terms of section 104 of the Co-operative Societies Act, 1939 (Act 29 of 1939), and which bears only the name of such society or company and a statement that it is registered in terms of the said Act;

(iii) at or over or near to the main entrance to any premises in respect of which a licence to carry on any business has been issued, and which bears only the name under which the business is carried on; or

(iv) outside the offices of accountants, actuaries, advocates, architects, attorneys, consulting engineers, conveyancers, dentists, medical practitioners, notaries, surveyors, veterinarians or other persons rendering services of a professional nature, one of a person or partnership and the nature of the profession is reflected; provided that: -

(aa) no such advertisement or sign shall exceed 0,3m² in area or project more than 50 mm from the building or beyond the street line at the point at which it is fixed;

(bb) any two or more such advertisements or signs outside the office or place of business of a company shall be collectively placed and neatly arranged at the entrance to the premises; and

(cc) any two or more such advertisements or signs outside premises occupied by persons carrying on any of the professions referred to in subparagraph (iv) above shall be collectively placed and neatly arranged at the entrance to the premises,

(b) any advertisement or sign (other than an illuminated advertisement or sign), displayed in or erected in the interior of a building or displayed on a vehicle other than an advertising vehicle, book newspaper, magazine or similar publication or which relates solely to the sale of any such publication. (P.N. 221/86; 220/87)

(c) any advertisement which is displayed on the inside or outside surface of a display window, other than an illuminated advertisement.

(P.N. 221/86)

(d) any advertisement not exceeding 2 m by 1,5 m in size advertising the sale or lease of premises which is displayed within the curtilage of the premises to be sold or leased or which does not project beyond the boundary of such premises by more than 100 mm and is parallel to the street frontage; provided that such advertisement is limited to one per street frontage of the premises and is not displayed above or on the top of a canopy; and further provided that the dimensions of any such advertisement which relates to a dwelling house do not exceed 1,5 m by 1 m. (P.N. 221/86)

(e) any builder's board not exceeding 5 m² in area which is displayed on or within the curtilage of premises where building work, excavation work or pile-driving is in progress; provided that not more than four such boards are displayed simultaneously on such premises. (P.N. 221/86)

(f) any advertisement relating to an election, unless displayed in a street or public place or on other property of the Council whether movable or immovable, other than leased property, provided that the person who displays or causes or suffers such advertisement to be displayed shall comply with the requirements of section 12(4) (iv),(vii) and (viii) where applicable and section 12(6) to (9) shall mutatis mutandis apply; (P.N. 221/86)

(g) any advertisement relating to any meeting, event or function for religious, educational, cultural, charitable, social, sporting or civic purposes unless displayed in a street or public place or on other property of the Council, whether movable or immovable excluding leased property provided that the

person who displays or causes or suffers such advertisement to be displayed shall comply with the requirements of section 12(4) (iv), (vii) and (viii) where applicable and section 12(6) to (9) shall mutatis mutandis apply; (P.N. 221/86)

(h) any advertisement displayed for the purpose of a public celebration festival or festivity either for the period commencing two weeks prior to the holding of such celebration, festival or festivity and ending on the third day following the date of the termination thereof, or for a period of three months, whichever is the shorter; provided that such advertisement is maintained, in the opinion of the City Engineer, in a safe neat and tidy condition; (P.N. 221/86)

(i) any advertisement displayed on a portable board, which does not exceed one metre by 600 mm in size, and stands within the curtilage of premises, provided that no such advertisement shall be displayed between the hours of 18h00 and 06h00. (P.N. 243/86)

(j) any non-illuminated notice not exceeding 0,5 m² & ½ in area over a maximum length of 2,0 m which does not project over a public street or place and which serves solely to convey a warning or direction in relation to the premises or to identify the use for which portion of the premises is reserved, and the only advertising content on which notice serves merely to identify the person or body for which such portion is reserved in relation to that use and; (P.N. 221/86; 243/86)

(k) a flagpole used solely for the display of the national flag of a country on a building wholly or partly occupied by the consulate or embassy of that country. (P.N. 243/86)

4. Application Procedure

(1) Every person intending to display, erect, alter or maintain any advertisement or sign for which the prior written permission of the City Engineer is required other than a sign to which section 12 applies, shall apply for such permission on forms obtainable from the office of the City Engineer. Such forms shall be completed in every particular in duplicate, and shall be dated and signed by the applicant, who shall be the occupier of the premises upon which such advertisement or sign is or is to be located. (P.N. 221/86)

(2) Save as is provided in subsection (3) every such application shall be accompanied by: -

(a) full particulars of the dimensions of such advertisement or sign and its location on a building or of any other supporting structure, the materials of construction, the name and address of the person or contractor displaying or erecting the advertisement or sign, the name and address of the manufacturer and where applicable, full electrical details in regard thereto:

(b) drawings either in original form in ink on linen or other approved durable material, or in the form of legible prints on a durable material provided that in either case the size of the sheets shall be A0, A1, A2, or A3 and shall comprise: -

(i) a block plan indicating the position of such advertisement or sign on the premises, drawn to a minimum scale of 1: 500;

(ii) full detailed dimensioned drawings, drawn to a scale of not less than 1: 20, showing the full text, lettering detail, colour, material, construction and method of attachment or suspension of the advertisement or sign;

(iii) a plan with elevations and sections to a scale of 1: 100 showing the position of such advertisement or sign and its relationship to the premises and architectural features of any building, as well as to any existing advertisements or signs on the premises or any premises adjoining thereto; provided that -

(aa) in the case of a large building, the City Engineer may, in his discretion, accept a drawing which shows only the portion of the elevation of the building on which such advertisement or sign is to be displayed nor erected, in which case the entire elevation shall be indicated diagrammatically thereon, and a photograph of such elevation not less in size than 110 mm x 85 mm, shall be supplied showing clearly all existing signs thereon:

(bb) in the case where due to some special circumstance, a drawing of the elevation may be difficult to provide, the City Engineer may, in his discretion, accept a large photograph clearly showing the elevation with all existing signs in relation to the proposed advertisement and sign, and including details of same as required under (a);

(cc) in the case of a painted or non-illuminated advertisement on a wall sign or on a fascia sign whose superficial area does not exceed 1,0m², the City Engineer may, in his discretion, accept an application which complies with the requirements of subsection (1) and paragraphs (a) and (f) of this subsection and which is accompanied by a photograph measuring not less than 200 mm x 250 mm

which clearly shows the elevation of the building with all existing signs in relation to the proposed advertisement and sign as indicated thereon, together with a sketch of such advertisement and sign indicating their dimensions, colours and the advertising content thereof;

(P.N. 221/86)

(c) a clear photograph of the premises with the proposed advertisement or sign sketched thereon;

(d) such other drawings or photographs as are necessary, in the opinion of the City Engineer, to explain the true nature and scope of the application;

(e) in the case of a projecting sign, sky sign or ground sign, details regarding the size and material of all members of the supporting framework and of the anchorages and, if required by the City Engineer, full details of the basic assumptions used and the calculations made in the design of such sign and its supporting structure for the purpose of ensuring its stability as a whole: and

(f) the prescribed fee;

(g) Deleted by P.N. 221/86.

(3) The provisions of subsection (2) shall not apply to applications for permission to display advertisements or erect signs made in terms of section 12 and to display aerial advertisements made in terms of section 4A. (P.N. 293/85)

(4) (a) The City Engineer may refuse an application made in terms of subsection (1) or may grant it subject to such conditions, not inconsistent with the provisions of these Bylaws, as he may deem proper.

(b) Every advertisement or sign displayed or erected under these Bylaws shall be deemed to be at the pleasure of the Council, and the owner or person having possession or control thereof shall remove any advertisement or sign within thirty days after receiving from the City Engineer a written notice requiring him to do so provided that, unless the City Engineer's permission in terms of paragraph (a) of this subsection is granted for a specified lesser period, and subject to the provisions of paragraph (g) below, no such notice shall be given until the expiry of one year from the date of permission, in the case of a ground sign, two and a half years in the case of an advertisement applied to any surface by means of paint and of five years in the case of any illuminated advertisement or sign.

(c) Any application which has been referred back to the applicant for amendment, shall be resubmitted within two months of the referral notice, failing which the application shall lapse. (P.N. 221/86)

(d) Permission granted in terms of paragraph (a) is granted to the applicant only and shall lapse if he ceases to occupy the premises or to conduct the industry, trade, business, undertaking or activity to which the advertisement or sign relates; provided that the permission may on application to the City Engineer be transferred to a person who becomes the occupier of the premises concerned and succeeds the applicant as the person conducting the said industry, trade, business, undertaking or activity if such application is made within thirty days from the date of occupation. (P.N. 221/86)

(e) A permission granted in terms of paragraph (a) shall lapse if the advertisement or sign is not displayed or erected within six months from the date of such permission, which period may be extended by the City Engineer for a period not exceeding six months, on the written application of the applicant.

(f) The applicant shall, within seven days after the erection of a sign give notice thereof to the City Engineer on a form obtainable from him.

(g) Notwithstanding the provisions of paragraph (b) an electric or illuminated advertisement which, after erection, in the opinion of the City Engineer, disturbs the occupants of any other premises shall, on the written order of the City Engineer, be altered in such manner, or limited to such hours of operation as may be specified in such order, or removed by the applicant or if he fails to do so, by the owner of the premises within such period as the City Engineer may specify.

(h) The City Engineer shall, if so requested in writing by an applicant whose application has been refused, or whose application has been granted subject to conditions, or a person on whom an order has been served in terms of paragraphs (b) or (g), forward the relevant documents, together with a report thereon, to the Town Clerk for consideration by the Council or any Committee of the Council to which it may have delegated its powers to review the decision of the City Engineer. Such request shall be made within fourteen days from the date on which the applicant receives the notice advising him of the City Engineer's decision or the order, as the case may be. The notice or the order shall be

deemed to have been received on the third day after its despatch to the applicant or person concerned until the contrary is proved.

4A. Aerial Advertisements: Applications.

Every application for permission to display, alter or maintain an aerial advertisement shall be accompanied by: -

(a) particulars of the aerial advertisement, including its content, dimensions; the means of display and materials of construction;

(b) full particulars of the balloon, kite or other device by means of which the advertisement is to be displayed (in this section referred to as "the aerial device", which device shall be deemed to be a sign for the purposes of these bylaws), including the materials of which it is made and the manner of construction and dimensions, as well as the method of anchorage or tethering;

(c) the intended location with a description of the premises to which the aerial device will be anchored or tethered;

(d) the name and address of the person or contractor displaying the aerial advertisement and the name and address of the manufacturer of the aerial device and of its owner;

(e) the period and times of display;

(f) drawings in ink on approved, durable material, in original form or in the form of legible prints and in either case in A0, A1, A2 or A3 size comprising: -

(i) dimensioned drawings to a scale of not less than 1: 50 of the proposed advertisement, showing the full text and content, lettering detail, colour, method of reproduction, material and manner of attachment to the aerial device;

(ii) a block plan indicating the position of the aerial device on which the advertisement is to be displayed in relation to the premises to which it is to be anchored or tethered drawn to a minimum scale of 1: 500, showing all buildings on such premises and the adjoining premises and buildings thereon, as well as electricity and telephone poles and cables and all other structures within 30 m of the proposed anchoring or tethering point;

(g) such other details, drawings or photographs as are necessary, in the opinion of the City Engineer, to explain the true nature and scope of the application;

(h) full details of the method of anchoring or tethering the aerial device, which shall be certified by a registered professional engineer, together with specifications of the size and materials of construction of all members of the tethering system and anchorage and, if required by the City Engineer, full details of the basic assumptions used and the calculations made in the design of such aerial device and its tethering or anchoring structure for the purpose of ensuring their stability and strength;

(i) the prescribed fee;

(j) where the applicant is not the owner of the premises within the boundaries of which the aerial device is to be anchored or tethered, the written consent of the owner to such anchoring or tethering;

(k) a written indemnity by the owner of the aerial device or his duly authorised agent, indemnifying the Council and its employees and the owners and occupants of the premises to which the device is to be anchored or tethered and of any adjoining premises as well as all other persons against damage to property and personal injury or loss of life resulting from any act or omission on the part of such owner or agent and their agents and employees, which indemnity shall be to the satisfaction of the City Engineer. (P.N. 293/85).

4B. Advertising Vehicles

Every application for permission to erect a sign on an advertising vehicle shall be accompanied by -

(a) full particulars of the sign including the materials of which it is made and the manner of its construction and dimensions;

(b) the full names, addresses and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside Durban, of the person having control of the vehicle at all times;

(c) drawings either in original form in ink on linen or other approved durable material, or in the form of legible prints on a durable material; provided that in either case the size of the sheets shall be A0, A1, A2 or A3 and shall comprise a plan with elevations and sections to a scale of 1: 50 showing the advertising vehicle, the supporting structure of the sign, its material and the method by which it is secured to such structure;

(d) one or more clear photographs of the advertising vehicle, if such vehicle exists, without and with the advertising sign secured thereto;

(e) a copy of the current vehicle licence and of a road-worthiness certificate (if applicable issued in respect of such vehicle by the Natal Provincial Administration; and

(f) the prescribed fee. (P.N. 220/87)

5. Existing advertisements and signs

Subject to the provisions of section 4(4)(b), 4(4)(g), 9 and 10, the provisions of this Chapter shall not apply to any advertisement or sign lawfully in existence before 28 July 1983 if such advertisement or sign is continuously displayed or kept in position without any alteration other than a minor alteration which the City Engineer in his sole discretion allows. (P.N. 221/86)

6. Alterations to Advertisements or Signs.

The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign; provided that the provisions of this section shall not apply to any advertisement referred to in section 11(2)(c)(iv) (bb) and (cc); provided, further, that minor alterations or changes of text may be approved by the City Engineer by an endorsement on the original application.

7. Contravention of the provisions of this chapter

(1) Any person who displays an advertisement or erects a sign which does not comply with or conform to the requirements of this Chapter or who otherwise contravenes or fails to comply with any provision thereof shall be guilty of an offence.

(2) Whether or not a prosecution for an offence under subsection (1) has been instituted, when any advertisement or sign is being displayed or has been erected: -

(i) for which no permission has been granted by the City Engineer; or

(ii) for which the permission has expired lapsed or been withdrawn; or

(iii) which does not conform to the particulars supplied in terms of section 4(2)(a); or

(iv) which does not comply with the conditions under which the City Engineer's permission was granted; or

(v) which does not comply with or is contrary to any other provision of these Bylaws:

the City Engineer may by notice in writing served on the person who is displaying the advertisement or who has erected the sign as the case may be or who is causing or permitting such advertisement or sign to be displayed or erected or the owner of the premises upon which it is being displayed or has been erected or upon both such person and such owner, direct him or them as the case may be within a time to be specified in such notice, which shall not be less than fourteen days from the date on which the notice was given to remove such advertisement or sign or to do such other things as may be set forth in such notice so as to bring the advertisement or sign into conformity or compliance, as the case may be.

(3) If a person to whom notice has been given in terms of subsection (2) fails to comply with a direction contained in that notice within the period therein specified the City Engineer may, at any time after the expiration of that period through the agency of any person authorised thereto by him enter upon the land upon which the advertisement or sign to which the notice relates, is being displayed or has been erected and remove the advertisement or sign or effect the alterations prescribed in the notice.

(4) The Council may recover the expenses which have been incurred by any action taken under subsection (3) from any person to whom the notice in question was given, unless he proves: -

(a) that he did not at the time when he received the notice nor at any time thereafter display the advertisement or erect the sign, as the case may be; or

(b) that he did not take any active part in displaying the advertisement or erecting the sign and did not grant any person permission to display or erect it and did not receive any valuable consideration in connection with the displaying of the advertisement or the erection of the sign, and that he does not

manufacture an article or own, control or manage a business or undertaking to which the advertisement relates.

(5) No compensation shall be payable by the Council to any person in consequence of any removal or other work required to be effected in terms of subsection (2).

(6) For all purposes of these Bylaws the owner of any premises on which an advertisement or sign is displayed or has been erected, as the case may be, or, where the owner does not occupy such premises, the occupier thereof and the manufacturer of any article or proprietor of any industry, trade business, undertaking or activity to which the advertisement relates and the promoter of any entertainment or function to which an advertisement relates or any agent of such manufacturer, proprietor or promoter shall, unless the contrary is proved, be deemed to have displayed erected or maintained such advertisement or sign or to have caused or permitted any such advertisement or sign to be displayed, erected or maintained, as the case may be.

8. Damage or defacement due to removal of Advertisements or Signs (P.N. 221/86)

Any damage to or defacement of any premises caused by or resulting from the removal of any advertisement or sign shall forthwith be made good to the satisfaction of the City Engineer by the owner of the premises.

9. Construction of Signs

The person erecting or causing the erection of any sign shall ensure compliance with the following provisions:

(a) Resistance to loads. The sign and its supports and anchorage shall be able to sustain the dead load to which they may be subjected together with a wind loading equivalent to a horizontal static pressure of 1,9kN/m².

(b) Drainage. Adequate provision shall be made to drain every sign to prevent the accumulation of water.

(c) Glass.

(i) All glass used in advertisements and signs other than glass tubing used for gas discharge illumination or similar appliances shall be of an approved type of safety glass having a thickness of not less than 4 mm.

(ii) No pane shall have an area greater than 1m² ± ½ .

(iii) No pane shall be secured in such a way that its stability is dependent upon any other pane.

(iv) An approved form of protection shall be provided to minimise the possibility of damage to the glass by falling objects.

10. Maintenance of Advertisements or Signs

(1) (a) The owner of premises on which an advertisement or sign which is exempted in terms of section 3 from the provisions of section 2 has been displayed or erected, as the case may be, and

(b) the owner of the premises on which an advertisement or sign which is not so exempted has been displayed or erected, as the case may be, and the applicant who has been granted permission in terms of section 4(4)(a) in respect thereof, jointly and severally, shall maintain such advertisement or sign (together with its supports, braces guys and anchors) in a state of good repair, both structurally and aesthetically. (P.N. 221/86)

(2) Whenever any alteration is made to the ground level below or adjacent to any advertisement or sign the person or persons who are liable to maintain the advertisement or sign in terms of subsection (1) shall alter the height of such advertisement or sign so as to bring it into conformity with the provisions of this chapter, if practicable. (P.N. 221/86)

(3) Should any advertisement or sign become dangerous, unsightly or in any way constitute a nuisance, the person or persons who are liable to maintain the advertisement or sign in terms of subsection (1) shall forthwith remove the source of danger, the cause of the unsightliness or the nuisance and failure to do so will constitute an offence. Should such person fail to comply with the terms of a notice from the City Engineer requiring him to remove such source of danger, the cause of the unsightliness or nuisance, the City Engineer may remove the advertisement or sign concerned and recover the cost of doing so in terms of section 7(4) and no compensation shall be payable by the Council in consequence of such removal. (P.N. 221/86)

(4) The owner and any occupier of any premises upon which any advertisement or sign is displayed or erected within the public view shall permit the City Engineer or a member of his staff duly authorised by him, to inspect such advertisement or sign and to execute any work in relation thereto or to remove the same, and shall furnish the City Engineer or such member, as the case may be, with

any information that may be required regarding the display, erection or maintenance of such advertisement or sign.

11. Prohibited advertisements and signs

(1) No person shall display any of the following advertisements or erect any of the following signs:

(a) any advertisement which, in the opinion of the City Engineer is of an indecent, obscene or objectionable character or of a nature calculated to produce a pernicious or injurious effect on the public or any particular class of persons, or is displayed in any place, in such manner or by such means as, in the opinion of the City Engineer, is likely injuriously to effect the amenities of, or to disfigure any neighbourhood when the City Engineer has by notice served on such person conveyed his opinion to that effect;

(b) any advertisement that is painted onto or attached in any manner to a tree or other plant or to any rock, cliff or other natural feature; (P.N. 221/86)

(c) any advertisement or sign which obstructs any street, fire escape, exitway or any window or door or other opening used as a means of egress from premises or for ventilation or for fire fighting purposes or which prevents free passage from one part of a roof to another;

(d) any advertisement or sign which is prohibited in terms of any town planning scheme;

(e) any advertisement on a portable board displayed on a street pavement;

(f) any advertisement or sign that is painted on or in any way affixed to the inside or outside surface of any window of a residential building other than a display window. (P.N. 221/86)

(2) (a) Advertisements painted on roofs. No advertisement shall be painted on a roof of a building which is not situated in an industrial zone or an airport zone.

(b) Advertisements or signs interfering with traffic or shipping control. No advertisement or sign shall be displayed or erected: -

(i) which interferes with or is likely to interfere with any sign or signal for the control of traffic or with any marine or air navigational light or which is in any way likely to constitute a danger to traffic or shipping or aircraft;

(ii) which is so placed as to obstruct the view of traffic whether at any street intersection or elsewhere.

(c) Advertisements or signs in certain places or of certain materials. No advertisement or sign shall be displayed or erected: -

(i) on top of a canopy or verandah unless it consists solely of individual letters not exceeding 750 mm in height to which may be added not more than two symbols, provided that: -

(aa) the letters and symbols shall be of the cut-out type or be individually boxed, and

(bb) a symbol shall not exceed 1 m in height, and shall be mounted separately to the letters;

(ii) as a sky sign except in an industrial or harbour zone (other than the industrial zones fronting onto Umgeni Road and North Coast Road) unless it is, in the opinion of the City Engineer, or such size or so backed by a portion of the building, or so constructed, as not to detract from the amenities of the neighbourhood or the appearance of the building;

(iii) in any area other than an industrial or general business zone unless such advertisement or sign is of an exclusively directional nature or is erected on an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act 70 of 1965) or retail business premises;

(iv) on a sign made of cloth, paper, plastic, paper-mache or other material of a like nature unless such advertisement: -

(aa) is displayed on a sale banner which is erected, parallel to and on the face of the premises fronting a street, not more than six times annually for periods not exceeding two weeks and which does not exceed 0,3m² in area for each linear metre of building frontage;

(bb) relates to current or forthcoming programmes and is displayed on or within the curtilage of premises used for public entertainment upon a sign and in a position approved by the City Engineer;

(cc) is displayed on an approved ground sign or on a flag which is affixed to a flagpole attached to a building in a manner approved in writing by the City Engineer, subject, at his discretion, to certification by a registered professional engineer; (P.N. 243/86)

(dd) is displayed during public celebrations or festive occasions;

(ee) is on any portion of a sunblind or awning;

(ff) is displayed as an advertisement in accordance with the provisions of section 12 of this Chapter.

(gg) is either a flag referred to in the proviso to section 1 (1) of Chapter III or the registered flag of a shipping company or a company's house flag displayed at its main office or factory in the City.

(P.N. 243/86)

(d) Deleted by P.N. 220/87.

(e) Extent of advertising matter permitted on signs. Not more than 50% of the area of any face of any advertisement or sign painted, affixed to or erected on any cantilever or verandah or on the street facade of any building shall contain advertising matter other than of an exclusively directional nature; provided that in the case of any advertisement or sign on the street facade of a building the City Engineer may grant relaxation of this provision as long as the total area covered by advertising matter on such building does not exceed 50% of the sum of the area of all faces of advertisements or signs on such building.

12. Advertisements and Signs on Council Property

(1) No person shall in any street or public place or on Council property display or cause or permit to be displayed any advertisement relating to an election or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable or political or other similar character unless he shall have first obtained the written permission of the City Engineer; provided that-

(i) no permission shall be given for the display of any advertisement which contains advertising matter unconnected with the meeting, function or event advertised and which occupies more than 10% of the surface area of the advertisement; and

(ii) no permission shall be given for the display of any advertisement which in the opinion of the City Engineer, is primarily of a commercial character.

(2) Every application for permission in terms of subsection (1) shall be accompanied-

(i) by a deposit which, in the case of election advertisements, shall be R355,00 in respect of each candidate in each ward or constituency as the case may be, and in the case of other advertisements shall be R180,00 for every fifty copies or part thereof to be displayed;

(M.N. 435/85; 181/86; 88/87; 55/88; 98/89; 190/91; C.M. 15/6/92)

(ii) where any advertisement is to be displayed on any property the written consent of the head of the municipal department in which control of the said property vests.

(3) A deposit paid in terms of subsection (2) shall, subject to the provisions of subsections (6) and (10), be refunded when all the advertisements to which it relates have been removed to the satisfaction of the City Engineer

(4) Any person who, in the exercise of permission granted in terms of subsection (1), displays or causes or suffers an advertisement to be displayed shall comply with the following requirements-

(i) No advertisement and no board or material to which an advertisement is attached shall be placed in such a situation or fastened in such a manner as is likely in the opinion of the City Engineer, to constitute a danger to any vehicular traffic or pedestrian or to any other person or any property in any street or public place or to Council property.

(ii) No advertisements relating to the same meeting, function, event or election candidate shall be placed within 100m of each other

(iii) No advertisements on the boards or material to which they are attached shall be so placed that the content of separate advertisements when read in succession, forms a continuous legend relating to the same meeting, function or event.

(iv) No advertisement relating to a meeting, function or event other than an election, shall be displayed for longer than 14 days before the day on which it begins or longer than three days after the day on which it ends.

(v) Save with the special consent of the City Engineer, not more than 100 advertisements or copies of an advertisement shall be displayed at any one time relating to any meeting, function or event other than an election.

(vi) In respect of each candidate not more than 200 election advertisements or copies of an election advertisement shall be displayed in the places referred to in subsection (1).

(vii) No election advertisement shall be displayed for longer than the period extending from the beginning of the day of nomination to the end of the third day after the day of the election.

(viii) Any cloth, paper, papier-mache or other similar material which may be used for the display of the advertisement shall be securely fixed to a portable board.

(5) Nothing in this section shall apply to an advertisement which-

(i) is displayed in or on a private motor vehicle parked or being driven in a street or public place in the course of its normal use as such a vehicle;

(ii) is affixed to a ground sign approved in terms of these bylaws for the display of advertisements.

(6) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under subsection (1), fails to remove it or cause it to be removed within the relevant period in terms of subsection (4) shall be guilty of an offence and the City Engineer shall be entitled to remove any such advertisement and deduct from any deposit made in terms of subsection (2) the sum of R10,00 in respect of each and every advertisement so removed by him; provided that if the amount of money which is arrived at by multiplying the number of advertisements so removed by the sum of R10,00 exceeds the amount of any deposit made in terms of subsection (2), the Council shall be entitled to recover such excess amount from such person and such amount shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these Bylaws, the City Engineer shall be entitled to destroy any such advertisement, without giving notice to anyone, after a period of fourteen days from the date of such removal.

(M.N. 435/85; 181/86; 88/87; 55/88; 98/89; 190/91; C.M. 15/6/92)

(7) Any person who displays or causes, permits or suffers to be displayed in any place referred to in subsection (1) any advertisement and any person, other than a police officer or other person charged with the enforcement of these Bylaws, who is authorised by the person responsible for the display of the advertisement to remove it shall be deemed to be the displayer thereof so long as it is displayed.

(8) Any person who is either alone or jointly with any other person responsible for organising or is in control of any meeting, function or event to which an advertisement relates shall until the contrary is proved, be deemed to have displayed or have caused permitted or suffered to be displayed every advertisement relating to that meeting, function or event.

(9) In any legal proceedings relating to an advertisement displayed either in accordance with or in contravention of any provision of this subsection, it shall be presumed that such advertisement was displayed by the person or persons, club or other body of persons sponsoring, promoting or organising or in control of the meeting, function or event to which it relates or by the candidate to whom an election advertisement relates or that any such person, club or body caused or permitted such advertisement to be displayed, as the case may be, until it is proved to be contrary.

(10) The City Engineer shall be entitled, without giving notice to anyone, to remove or to cause to be removed any advertisement displayed without his permission in terms of subsection (1) or in contravention of any provision of this section or which constitutes in any respect a contravention of this section and the person who displayed any such advertisement or caused or permitted it to be displayed or is deemed under subsection (7) or (8) to have done so shall be liable to pay to the Council the sum of R10,00 in respect of each advertisement removed by the City Engineer and the total amount due in respect of the said removal may be deducted by the Council from any deposit made in terms of subsection (2)(i); provided that where the amount of money arrived at by multiplying the number of advertisements so removed by the sum of R10,00 exceeds the amount by any deposit made in terms of subsection (2)(i) the Council shall be entitled to recover such excess amount from such person and such amount shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these Bylaws, the City Engineer shall be entitled to destroy any such advertisement, without giving notice to anyone, after a period of fourteen days from the date of such removal.

(M.N. 435/85; 181/86; 88/87; 55/88; 98/89; 190/91; C.M. 15/6/92)

(11) For the purposes of this section-

(i) an advertisement displayed upon the exterior wall or fence constituting the apparent boundary of any premises and fronting a street or public place shall be deemed to be displayed in a street or public place;

(ii) 'Council property' includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Council other than property leased from the Council;

(iii) 'election advertisement' means the advertisement used in connection with any parliamentary, provincial council or municipal election or by-election or referendum.

12A. Granting of Approval to Display of Pointer Boards

(1) The City Engineer may grant approval to the display of pointer boards, subject to compliance with the following requirements:

(a) Each selling agent shall submit to the City Engineer a written application, in the form approved by him, and pay the prescribed fee, for permission to erect and display the number of pointer boards specified in such application form.

(M.N. 55/87)

(b) On the City Engineer's approval of the application referred to in paragraph (a) and receipt of the prescribed fee the City Engineer shall issue to the selling agent permit disc the number of which shall be equivalent to the number of pointer boards referred to in paragraph (a). On such disc shall be securely affixed by such agent in a prominent position to each such pointer board and shall remain thereon at all times during which such pointer board is erected and displayed on Council property and for the period approved by the City Engineer which shall not be more than twelve months.

(M.N. 55/87)

(c) Prior to the end of the year imprinted on the permit disc, but not later than ten working days prior to the last day thereof, the selling agent shall follow the application procedure laid down in paragraph (a) hereof whereupon the City Engineer may issue the relevant number of permit discs, in respect of the year applied for, to such agent who shall affix and display such disc on the pointer boards during the year imprinted on such disc.

(M.N. 55/87)

(d) Failure by the person to whom a current permit disc is issued to display such disc on a pointer board which is erected and displayed on Council property will constitute an offence.

(M.N. 55/87)

(e) Not more than four such pointer boards shall be displayed in respect of each show or open house or flat on any one day as prescribed in subsection (2)(g) and no such board shall be displayed within 30 m of another such board.

(M.N. 55/87)

(2) No person shall display a pointer board or cause a pointer board to be displayed: -

(a) save to indicate the route to the property to be sold or a change in the direction of such route from any point;

(b) on a sign which exceeds 0,3 m² in area;

(c) on any Council property as defined in section 12(11) other than a road reserve;

(cA) on any Council property unless approval has been granted in terms of sub-bylaw(1) for such display;

(M.N. 55/87)

(d) on a sign which is fixed to the soil and supported by any means other than not more than two poles driven into unpaved ground between a road frontage boundary and the nearest edge of a public footpath, or if there is no such footpath, in a position not nearer than 1,8 m from the edge of the roadway as defined in the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966), and at such height that its lower edge does not exceed 400mm above the ground immediately beneath such lower edge, provided that where there is no such unpaved ground, the board shall be attached to a street lighting standard of the Council by a method which has been approved in writing by the City Engineer;

(e) nearer than 10,0 m from any road intersection or 10,0 m from an entrance or exit to or from a dual carriageway or a freeway as defined in the said Road Traffic Ordinance;

(f) so as to obstruct the view from any portion of a roadway as defined in the said Ordinance, of any road traffic sign or any street name sign; and

(g) except between the hours of 10h00 on any Saturday and 17h00 on the Sunday immediately following such Saturday, provided that when one or more public holidays immediately precede or following a Saturday or a Sunday, a pointer board may be displayed between 10h00 on the first day of the period comprised by the Saturday and Sunday and the public holiday or public holidays and 17h00 on the last day of such period, provided further that a pointer board may be displayed between the hours of 10h00 and 17h00 on any other public holiday.

(3) Any selling agent who, having displayed or caused to be displayed any pointer board in respect of which approval has been given under this subsection, fails to remove it or cause it to be removed within two hours of the end of the time stated in subsection (2)(g) shall be guilty of an offence and the City Engineer shall be entitled to remove any such pointer board and to recover from such agent for each and every such pointer board the fee prescribed in item 3A of the First Schedule; provided that when any pointer board is so removed by the City Engineer, he shall be entitled to destroy any such pointer board which has not been claimed within a period of fourteen days from the date of such removal, without giving notice to anyone.

(P.N. 344/85).

13. Signs attached to buildings

(1) Any sign which is attached to or suspended from a building shall unless the City Engineer otherwise approves, have not less than four supports: -

(i) any two of which shall be capable of carrying the mass of sign;

(ii) the designed strength of which acting together shall be calculated on a mass equal to twice the dead load of the sign with the addition of any other loads to which such sign may be subjected; and

(iii) which shall be neatly constructed as an integral part of the design of such sign or otherwise concealed from view.

(2) Where directed by the City Engineer in writing, the stability and safety of any sign referred to in subsection (1) and its fixings shall be certified in writing, by a suitably qualified registered professional engineer.

DETAILED REQUIREMENTS FOR SIGNS

14. Electric and illuminated advertisements

(1) Every electric advertisement and the sign on which it is displayed shall be constructed of non-combustible materials or other material approved by the City Engineer, and shall be installed in accordance with the provisions of the Electricity Supply Bylaws and the Code of Practice for the Wiring of Premises SABS 0142-81 as issued by the Bureau of Standards and published on 9 July 1982 under General Notice 463.

(2) Where boxes or housing for electrical equipment are essential as part of an electric or illuminated advertisement, such boxes or housing shall be screened from view, provided that, if in the opinion of the City Engineer this is impracticable, such boxes or housing shall be painted to match the adjoining working and safety to the satisfaction of the City Engineer.

(3) No person shall display any advertisement which is of such intense illumination as to disturb the occupants of residential buildings.

(4) No flashing or animated advertisement, the periodicity of which exceeds 60 flashes to the minute, shall be so displayed that the lowest point of such advertisement or the sign on which it is displayed is less than 2,45 m above the ground.

(P.N. 221/86)

(5) No flashing, oscillating or animated advertisement which is totally unilluminated for intervals of more than two seconds during the period of operation shall be situated at a height of less than two storeys or 2,45 m whichever is the greater height. above the ground level or footpath.

(P.N. 221/86)

15. Ground Signs

(1) No ground sign other than a single support sign shall have an overall height in excess of 7 m above the ground at any point and no such sign shall have dimensions which exceed 12,65 m in length and 3,65 m height, provided that a ground sign which has a length of 6,65 m or greater shall not be erected unless, in the opinion of the City Engineer, such sign screens premises which detract or likely to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put. Any area between such ground signs and the street line shall be grassed or otherwise ornamented at the expense of the applicant to the satisfaction of the City Engineer.

(P.N. 453/83; 221/86)

(2) Unless otherwise permitted by the City Engineer, no single support sign shall -

(a) be longer than 1,55 m where the lower edge of such sign is less than 2,45 m above the ground surface;

(P.N. 221/86)

(b) be longer than 1,85 m where the lower edge thereof is 2,45 m or more but less than 3,25 m above the ground surface;

(P.N. 221/86)

(c) be longer than 2,13 m where the lower edge thereof is 3,25 m or more but less than 4,05 m above the ground surface;

(d) be longer than 2,43 m where the lower edge thereof is, 4,05 m or more but less than 4,85 m above the ground surface;

(e) project beyond a point which is 450 mm back from the nearest kerbline if the lower edge of the said sign is less than 5,5 m above the ground surface;

(f) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

(3) Every ground sign shall be firmly supported by and anchored to the ground. Supports and anchors may be of suitably treated timber or of corrosion-resistant or corrosion-proofed metal or of masonry or concrete.

(4) Deleted by P.N. 453/83.

16. Projecting Signs

(1) Every illuminated projecting sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or any other material approved by the City Engineer.

(P.N. 221/86)

(2) No projecting sign or any of its supports or framework shall: -

(a) have the lower edge thereof less than 2,45 m above the surface of the footpath or, if there is no footpath, above the street or ground surface;

(b) exceed 1 250 mm in depth or project more than 950 mm from the visual surface of the building, where any portion of such sign is less than 3,7 m above the surface of the footpath or, if there is no footpath, above the street or ground surface;

(P.N. 221/86)

(c) project more than 1250 mm from the surface of the building or any architectural feature thereof where no portion of such sign is less than 3,7 m above the surface of the footpath or, if there is no footpath, above the street or ground surface;

(P.N. 221/86)

(d) project more than 1850 mm from the surface of the building or any architectural feature thereof where no portion of such sign is less than 7 m above the surface of the footpath or, if there is no footpath, above the street or ground surface;

(P.N. 221/86)

(e) project beyond a point which is 450 mm back from the nearest kerbline if the said sign is less than 5,5 m above the footpath or, if there is no footpath above the street or ground surface.

(f) be located below a canopy or verandah that faces a street, or can be seen from a street, if such canopy or verandah has its underside located at or below a level of 5 m above the footpath immediately beneath it;

(P.N. 221/86)

(g) contains advertising matter other than exclusively directional on more than 50% of its area, provided that, at the discretion of the City Engineer, this requirement may be relaxed in the case of an advertisement or sign on any one street elevation of a building as long as the total area covered by advertising matter on such elevation does not exceed 50% of the sum of the areas all faces of advertisements and signs on such elevation.

(P.N. 221/86)

(3) Every projecting sign shall be at right angles to the overall face of a building fronting a street; provided that such face shall be deemed to include any splayed section of the external wall of such building which exceeds 1,5 m in length at the intersection of two streets.

(4) Any projecting sign which is attached to a building of the height set out in Column 1 of Table 1, shall be so situated that no part of such sign has a depth greater than that set out in Column 2. For the purpose of such Table the height of the building shall be measured as its vertical height above the ground at the point where the sign is to be erected.

TABLE I

Column 1	Column 2
Height of building Not exceeding 17 m	Maximum depth of sign 9 m
Exceeding 17 m but not exceeding 34 m	12 m
Exceeding 34 m but not exceeding 43 m	14 m
Exceeding 43 m	15 m

In calculating the depth of any sign in accordance with the above Table, signs placed one above the other in the same vertical plane on the same building, or tier of that building, shall be deemed to be one sign, whether or not such signs belong to different owners or are displayed under separate permits.

17. Sky Signs

(1) Every illuminated sky sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or other material approved by the City Engineer.

(P.N. 221/86)

(2) No sky sign when erected on a building of the height specified in Column 1 of Table 11 shall exceed the depth given in Column 2 of the said Table. For the purpose of such Table the height of the building shall be measured as the vertical height of the building above the ground at the point where the sign is to be erected.

TABLE II

Column 1	Column 2
Height of building Not exceeding 17 m	Maximum depth of sign 2 m
Exceeding 17 m but not exceeding 34 m	3 m
Exceeding 34 m but not exceeding 43 m	3.5 m
Exceeding 43 m	4 m

(3) (a) No sky sign on which an electric or illuminated advertisement is displayed shall be placed on or over the roof of any building unless the entire roof construction is of non-combustible material or such sign is in metal boxes with faces of poly-carbonate, acrylic polymer sheeting or any other material approved by the City Engineer.

(b) No sky sign shall be placed on or over the roof of any building in such a way that it will interfere with the run-off of rainwater from the roof of such building.

(4) No sky sign shall project beyond any existing building line.

(P.N. 221/86)

(5) No sky sign shall be affixed to any pitched roof, provided that in the case of a double pitched roof a sign may be positioned above the parallel to the ridge thereof, provided further that a revolving sign in such a position may also be allowed.

(6) Every sky sign shall be thoroughly secured and anchored to the building on or over which it is erected. All loads shall be safely distributed to the structural members of the building. All structural members of the sign shall be concealed or integrated with the design of the sign to the satisfaction of the City Engineer.

18. Under-canopy signs

(1) Every illuminated under-canopy sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or other material approved by the City Engineer.

(P.N. 221/86)

(2) No suspended under-canopy sign shall exceed 1,8 m in length, 600 mm in depth and 300 mm in thickness with a minimum thickness of 100 mm.

(P.N. 221/86)

(3) Every under-canopy sign suspended under a canopy or verandah shall be set with its main axis at right angles to the building line and shall be fixed in such a manner that the lowest part of such sign is not less than 2,45 m above the footpath or, if there is no footpath, above the street or ground surface.

(4) The distance between any two under-canopy signs centre-to-centre, shall not be less than 3 m, provided that the City Engineer may in special circumstances and in his absolute discretion permit a lesser distance.

(P.N. 221/86)

(5) No suspended under-canopy sign shall extend beyond the external edge of the canopy or verandah to which it is attached.

(6) Not more than 50% of the area of any face of an under-canopy sign shall contain advertising matter other than of an exclusively directional nature, provided that when licenced business premises have more than one under-canopy sign this restriction shall be deemed to have been complied with if the total area covered by such advertising matter on such premises does not exceed 50% of the sum of the area of all faces of such signs.

19. Wall Signs and Fascia Signs

(P.N. 221/86)

(1) Materials. Every illuminated wall sign, other than a sign on a blank wall which has no openings and every illuminated fascia sign, shall be constructed of non-combustible materials except that paints and varnishes may be used and ornamental mouldings, cappings, decorative trim and battens or framing may be constructed of combustible materials, provided that the space (if any) between the sign and the wall is fire-stopped to the satisfaction of the City Engineer.

(P.N. 221/86)

(2) Projection. No wall sign or any advertisement displayed thereon shall extend beyond the ends of the wall to which it is attached. At any place where pedestrians may pass by a wall a wall sign attached thereto shall not project more than 100 mm therefrom up to a height of 2,5 m measured from the ground level at such places or project more than 225 mm above such height and any such sign which is below a height of 2,5 m shall be provided with rounded arrises.

(P.N. 221/86)

(3) Supports. Every wall sign attached to walls of masonry or concrete shall be securely anchored thereto by means of corrosion resistant metal anchors, screws or expansion bolts of at least 6 mm diameter, embedded to a depth of at least 100 mm. No wooden blocks or anchorage with wood used in connection with screws, staples, or nails shall be considered proper anchorage.

(4) Not more than 50% of the area if any face of a fascia sign shall contain advertising matter other than of an exclusively directional nature, provided that when licensed business premises have more than one fascia sign this restriction shall be deemed to have been complied with if the total area covered by such advertising matter on such premises does not exceed 50% of the sum of the area of all faces of such signs.

(P.N. 221/86)

19A. Aerial Advertisements

No person shall display an aerial advertisement or cause or permit such an advertisement to be displayed -

(a) at a height exceeding 30 m from the natural ground level nearest to its anchorage or tethering point;

(b) on or from Council property, including a street or public place, and no person shall anchor or tether an aerial device by means of which such an advertisement is or is to be displayed to such property: provided that the City Engineer may in his sole discretion permit such display and anchorage or tethering for the duration of an exhibition, show or event during national or civic festivals or other functions, subject to such conditions as he may deem fit to impose; and

(c) on an aerial device unless that device is at all times of display constantly attended by an approved competent person, nor shall any person cause or permit such a device to fly or be tethered unless it is so attended.

(P.N. 293/85).

19B. Rental for Encroaching Signs

The person to whom permission has been granted in terms of section 4(4)(a) or transferred in terms of section 4(4)(d) in respect of a sign which extends beyond, into or over the boundaries of any street or any street line (whether under or above any verandah, balcony or canopy or not) shall pay therefore for the annual rental prescribed in section 140(v)5 of the General Bylaws.

(P.N. 221/86)

19C. Advertising Vehicles

No person shall display an advertisement on an advertising vehicle or cause or allow such advertisement to be displayed so that the advertisement is visible whilst such vehicle is in motion in a street or public place or place the vehicle or cause it to be placed so that it is visible from a street or public place -

(a) unless the vehicle and any sign thereon for the display of such advertisement has been approved for the purpose by the City Engineer;

(b) unless the vehicle complies in all respect with the requirements of the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966) and the regulations thereunder;

(c) unless the full names, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside Durban, of the person having control of the vehicle at the time of such display, are reflected in letters and figures not less than 40mm high in a conspicuous position approved by the City Engineer and are maintained in a legible condition;

(d) unless the prescribed fee has been paid; and

(e) if the advertisement or the sign on which it is displayed exceeds 6,0mm in its horizontal dimension or 3,0 m in its vertical dimension.

(P.N. 220/87)

19D. Notwithstanding anything to the contrary contained in section 19C

No person shall place an advertising vehicle or cause or allow it to be placed on Council property including any demarcated parking bay or cause or allow such vehicle to be parked in a public road; provided that such vehicle may be placed within leased Council property subject to compliance with the requirements of this chapter.

(P.N. 220/87)

20. Presumptions

For the purposes of this Chapter -

(a) a person who has displayed an advertisement or who has renovated or repaired it or a sign on which an advertisement has been displayed and any person who is entitled to remove it, shall be deemed to display that advertisement while and whenever it is visible from a street or public place;

(b) a person who owns or occupies premises whereon an advertisement which is visible from a street or place, is being displayed, or wherever a sign has been erected whereon is situated such an advertisement or sign which has been maintained, renovated or repaired, and the manufacturer of any article or the proprietor of any business or undertaking to which such an advertisement relates and any agent of such a manufacturer or proprietor shall, unless the contrary is proved, be deemed to have displayed that advertisement or erected that sign, as the case may be, or otherwise to have caused it to be displayed or to have erected, maintained, renovated, restored or repaired it, as the case may be, or to have permitted its erection, maintenance, renovation, restoration or repair;

(c) any place at or near a street or public place shall be deemed to be in or on that street or public place unless it is proved to be outside it;

(d) any person who purports to exercise any right in connection with premises to which the public has no access as a matter of right, or who is from time to time upon any such premises, shall be deemed to occupy those premises, unless the contrary is proved.

(P.N. 321/83).