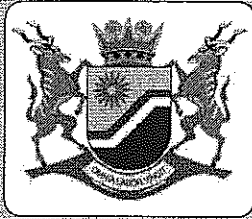


THEMBISILE HANI LOCAL MUNICIPALITY



CONTROL OF OUTDOOR SIGNS BY-LAW



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant

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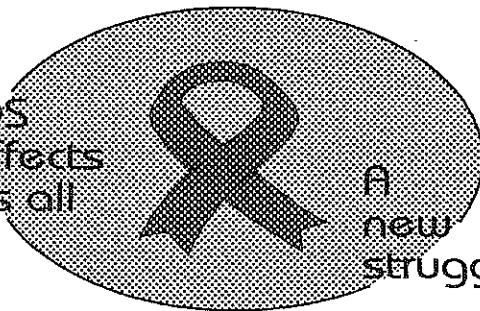
Vol. 20

NELSPRUIT, 15 FEBRUARY
FEBRUARIE 2013

No. 2138

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THEMBISILE HANI LOCAL MUNICIPALITY**BY-LAWS FOR THE CONTROL OF OUTDOOR SIGNS BY LAWS**

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2002) that the Thembisile Hani Municipal Council hereby publishes the By-laws for the control of outdoor advertising as set out below:-

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1. DEFINITIONS

In these By-laws, unless the context indicates otherwise, any word or expression defined in the South African Manual for outdoor Advertising Control (SAMOAC), has the same meaning when used in these By-laws, and:-

“Aerial sign” means any sign that is exhibited, displayed or performed in the air with the aid of balloons, searchlights, and aircraft or similar means;

“Council” means the Thembisile Hani Local Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998;

“Exhibition” means any exhibition of public interest that a recognized show association, state department or institution presents where there is more than one exhibitor, excluding show houses and exhibition prompted by companies or individual institutions that wish to introduce their products to the public;

“Freestanding sign” means any sign that stands on its own or has its own supports and is not attached to any building or does not form part of or is not an integral part of an architectural element or structure;

“Outdoor advertising” means any sign, that is visible from any street or road or public place, whether or not the sign is erected on private land;

“Permanent sign” means any sign that may be displayed for a maximum period of five years or any other period approved by the Council;

“Person” means any lessor, lessee, legal or illegal occupant or any usufructuary of private, State or Council land on which a sign was or is being erected and/ or displayed, or any individual in whose name the land on which a sign was or is being erected and/ or displayed, as the case may be, is registered in the Deeds Office or a permission to occupy such land, and if the Council is unable to determine the identity of such owner, any individual who is entitled to the benefit of the erection and/ or display and/ or use of the sign or who enjoys such benefit, or such person’s authorized agent, and “the person” in the above context includes both a natural and a legal person;

“Policy” means the By-laws for the Control of Outdoor advertising, the South African Manual for Outdoor Advertising Control (SAMOAC), the Application of the National Building Regulations (SABS 0400), the National Building Regulations, the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and Council Resolutions;

“Sign” means any device or article with writing, letters, numbers or illustrations on it, or any non-physical sign projected on a building or any other structure or in the air with the aid of modern technology (e.g. laser beams), which device, article or non-physical sign is

visibly displayed in any way whatsoever from any street or public place for the purpose of advertising, providing information, or attracting the public to any place, public display, article or merchandise or is attached to or forms part of any building, or is fixed to the ground or to a pole, tree, screen or hoarding, or is displayed in any other way, excluding information on the commodities that are exhibited;

“Sky sign” means any sign that is erected or placed on the same level as or above the gutters, parapets or any other part of the roof of a building, or that extends from the gutters, parapets or any other part of the roof of a building, excluding a sign that is painted on the roof of a building;

“Temporary sign” means any sign that may be displayed for a maximum period of 90 days or any other period approved by the Council; and

“Zone” has the meaning assigned to it in the Town Planning Scheme, that is revised from time to time, and “use zone” has the same meaning.

2. PROHIBITION AND CONTROL OF THE ERECTION OF SIGNS

- (1) No person may erect, maintain or display any sign or allow any other person to erect, maintain or display any sign in a place or on a building or structure that is visible from any street or road or public place unless the Council has approved such sign beforehand.
- (2) No person may erect, maintain or display any sign or allow any other person to erect, maintain or display any sign that advertise anything other than that which is kept in stock, sold or produced on the premises concerned or that which is run or practiced from such premises, except where such premises are in an area or minimum control as defined in SAMOAC.

3. SIGNS ERECTED WITH COUNCIL APPROVAL

The council may approve any application to erect a sign that is not referred to in section 2 (2) or 16 after having considered the application in terms of the policy that the Council determined from time to time.

4. EXISTING SIGNS

All signs that are in existence on the date of promulgation of these By-laws and that do not comply with the provisions of these By-laws, and/ or have not been approved by the Council, must within a period of 60 days of the date of promulgation be removed or brought into accordance with these By-laws, and approval must be obtained for these signs.

5. APPLICATION FOR APPROVAL OF SIGNS

- (1) Every application to display a sign on private property or on Council property must be signed by the owner and/ or person in control of such sign and must be submitted for approval to the Council on the appropriate application form.
- (2) The adhesive license issued on approval of temporary signs must appear on every such sign while such signs are on display.
- (3) All temporary signs will be removed if:-
 - (a) they are displayed without the appropriate adhesive license, and the person who displays temporary signs or allows them to be displayed without the appropriate adhesive license is guilty of an offence; and
 - (b) they are displayed without the appropriate adhesive license as issued when they were approved in which case approval of the signs will be withdrawn.
- (4) The following must accompany all applications, except for applications for temporary signs:-
 - (a) A site plan drawn to scale, indicating the position of the proposed sign in relation to the street and existing buildings, including the scale, erf number, street names and erf boundaries, as well as the building lines laid down in the Town Planning Scheme.
 - (b) An elevation sketch of the proposed sign drawn to scale on which the size, wording, construction, finish and colours are indicated:-

Provided that all applications for temporary signs are accompanied by an application form and a sketch and/ or proof poster indicating the size of, colours and wording on the sign and, if required, a description or sketch indicating the location of signs.
- (5) The Council may request any additional information which may be considered necessary about an application.
- (6) Every application must be accompanied by the prescribed application fee as determined by the Council from time to time.
- (7) No person may to any degree or in any manner, way or form deviate from the conditions approved by the Council, and any deviation constitutes an offence and consequently negates an approval.

- (8) The approval of a sign in terms of these By-laws must not be construed as approval in terms of any other act, by-law or regulation, and approval must be obtained in the way prescribed in the relevant act, ordinance, by-law or regulation.
- (9) The approval of a sign in terms of any other act, ordinance, by-law or regulation must not be construed as approval in terms of these by-laws.

6. CONSTRUCTION OF SIGNS

- (1) All signs must:-
 - (a) be sturdy and be made of durable material;
 - (b) if paint is used on them, be painted with weatherproof paint of good quality; and
 - (c) if affixed or attached, be affixed or attached in such a way that they are not a danger to the public.
- (2) Signs may not be attached with wire, nails or glue.
- (3) The person in respect of a sign accepts, despite any approval by the Council, all responsibility and liability for and indemnifies the Council against any claim that may arise from the erection, display and construction of the sign.

7. INDECENT SIGNS

No signs, devices or pictures may be displayed if, in the opinion of the Council, they are indecent, arouse the suspicion that they are indecent or suggest indecency, or are harmful to public morals.

8. SIGNS THAT CAN CAUSE DAMAGE

- (1) No signs may be displayed in places or in ways or with aids which in the opinion of the Council could be detrimental to the amenity of the neighborhood or disfigure the surroundings.
- (2) No swinging or revolving signs may be erected or displayed if they are dangerous or cause an obstruction.
- (3) No sign, whether illuminated or not, may be erected in such a way that it obstructs a clear view of a traffic sign or signal.
- (4) No illuminated sign may be erected in a way that it harms the convenience of a residential building on a Special Residential or General Residential erf or, in the

opinion of the Council, could be detrimental to the residential character, amenity of the neighborhood or any other amenities of the area, or disfigure the surroundings.

- (5) No sign, whether illuminated or not, may be erected and/ or displayed in such a way that it could to any degree or in any manner, way or form pose a traffic safety risk.

9. REMOVAL OF WEATHERED AND OUTDATED SIGNS

- (1) If, in the opinion of the Council, any sign has become weathered, is in a poor condition or is a danger or an inconvenience, the person must immediately and at his/ her own cost remove such sign at the written request of the Council.
- (2) If the person in respect of such sign fails to comply with a written request referred to in subsection (1), the Council may remove the sign at the expense of that person.
- (3) The person must immediately remove any sign which is used for advertising purposes or which provides information about the name of the person or the nature of the business that is operated on the premises when the information on the sign no longer applies to the name and nature of the business, or when the undertaking is no longer being operated.

10. CONFISCATION OF SIGNS

Subject to the provisions of these By-laws, the Council may confiscate any sign that is erected or displayed contrary to the provisions of these By-laws: Provided that:-

- (a) The person in respect of such sign may within seven days of the date of confiscation apply in writing to the Council to have the sign returned, and if the application is approved, the person must undertake to pay the total cost of removing and storing of such sign;
- (b) On expiry of the seven-day period referred to above, the Council may destroy such sign or dispose of it as it deems fit; and
- (c) The Council is not liable for damages of whatever nature arising from the confiscation, removal or disposal of such sign.

11. RE-ERECTION OF SIGNS

No sign that has been removed for whatever reason may be re-erected unless:-

- (a) The provisions of these By-laws have been met; and

- (b) The Council has granted permission and has issued its approval in terms of the provisions of these By-laws.

12. ACCESS TO PREMISES

An authorized officer or employee of the Council who acts in the course of and within the scope of his/ her duties has the right to inspect any sign at any reasonable time and to request that approval for such sign be produced.

13. SIGNS ENCROACHING ERF BOUNDARIES

Although the Council may already have approved a sign which as a whole or in part projects over or encroaches on the erf boundary, the Council may as it deems fit and at any time direct the person in respect of the building to which the sign is attached or the person in respect of such a sign to remove part of or the whole portion that is projecting over or encroaching on the erf boundary within 14 days of the date of notification, and failure to respond to the notice is an offence.

14. ELECTRICAL SIGNS

All signs that could interfere with radio or television reception must be equipped with suppressors that eliminate all forms of interference, and electric wiring must be in accordance with the provisions of the Standard Regulations for Wiring of Properties (SABS 0142-1981, as amended), the Council's Electrical by-laws, any other legislation applicable to electrical signs and the approval of the Council.

15. OFFENCE AND PENALTIES

Any person who contravenes any of the provisions of these By-laws will, on being found guilty, be fined a maximum amount of R4 000-00 and, in the event of a continued offence, may be fined an amount of R100-00 for every day such offence continues.

16. SCHEDULES AND CLASSIFICATION OF SIGNS

- (1) All applicants for outdoor advertising to be considered in terms of these By-laws must be as defined, classified, listed and set out in accordance with the Schedules to these By-laws and the South African Manual for outdoor Advertising Control (SAMOAC).
- (2) All applicants for erecting outdoor advertising in terms of these By-laws are considered in terms of the policy that the Council determines and approved from time to time.

- (3) Where any contradiction, ambiguity or vagueness may occur, the By-laws have precedence and the decision of the Council is final and binding.

SCHEDULE 1

APPROPRIATE OPPORTUNITIES

In Section 2.4 of SAMOAC, Guidelines for Control, each class sign has a particular "appropriate opportunity" standing the type of consent that should be obtained from the Council. The expression "permissible with specific consent" requires municipal Council approval and expression "permissible with deemed consent" does not require municipal Council approval.

In these By-laws, unless otherwise indicated, the "appropriate opportunity" in the following classes is as indicated:-

Class 1(a)	In accordance with SAMOAC.
Class 1(b)	In accordance with SAMOAC.
Class 1(c)	In accordance with SAMOAC.
Class 1(d)	Specific consent in areas of maximum control, partial control and minimum control as defined in SAMOAC.
Class 2(a)	In accordance with SAMOAC.
Class 2(b)	Specific consent in areas of maximum control, partial control and minimum control as defined in SAMOAC.
Class 2(c)	In accordance with SAMOAC.
Class 2(d)(i)	Specific consent in areas of maximum control, partial control and minimum control as defined in SAMOAC and to be read with Class 2(d)(i) of Schedule 3 of these By-laws.
Class 2(d)(ii)	Specific consent in areas of maximum control, partial control and minimum control as defined in SAMOAC and to be read with Class B2 of Schedule 3 of these By-laws.
Class 2(d)(iii)	In accordance with SAMOAC and to be read with Class 2(d) (iii) of Schedule 3 of these By-laws.
Class 2(d)(iv)	Specific consent in areas of maximum control, partial control and minimum control as defined in SAMOAC.
Class 2(d)(v)	In accordance with SAMOAC and to be read with Class 2(d) (v) of Schedule 3 of these By-laws.

Class 2(e)	In accordance with SAMOAC.
Class 2(f)	In accordance with SAMOAC.
Class 2(g)	In accordance with SAMOAC.
Class 3(a)	In accordance with SAMOAC.
Class 3(b)	In accordance with SAMOAC.
Class 3(c)	Specific consent in areas of maximum control, partial control and minimum control as defined in SAMOAC.
Class 3(d)	Specific consent in areas of maximum control, partial control and minimum control as defined in SAMOAC and to be read with Class 3(d) of Schedule 2 of these by-laws.
Class 3(e)	Specific consent in areas of maximum control, partial control and minimum control as defined in SAMOAC and to be read with Class 3(e) of Schedule 2 of these by-laws.
Class 3(f)	In accordance with SAMOAC.
Class 3(g)	In accordance with SAMOAC.
Class 3(h)	In accordance with SAMOAC.
Class 3(i)	In accordance with SAMOAC.
Class 3(j)	Specific consent for small businesses, enterprises and practices, small-scale urban accommodation facilities and medical services, and to be read with Classes A2 and A3 of Schedule 2 of these by-laws.
Class 3(k)	In accordance with SAMOAC.
Class 3(l)	In accordance with SAMOAC.
Class 3(m)	In accordance with SAMOAC.
Class 5(a)	In accordance with SAMOAC.
Class 5(b)	In accordance with SAMOAC.

SCHEDULE 2**PERMANENT SIGNS**

Where a class description of a sign in the Schedule below corresponds to a class description of sign in Schedule 1 of these By-laws, the control measures as set out below must be read with and in addition to any other applicable requirements.

CLASS	DESCRIPTION	SIZE OF SIGNS/ OR LETTERS	RESTRICTIONS
2(d)(v)	Signs on the street elevation, from sidewalk level to above the entrance door(s) (display windows included)	In accordance with Schedule 1	Blackboard or other material from which writing can be removed is included
3(c)	Signs on the walls of a building	In accordance with Schedule 1	Signs may not be displayed on the outside boundary walls
3(d)	Projecting vertical signs on buildings	In accordance with Schedule 1	Signs may not project more than 1,0m over the building line or boundary Signs must be at least 4,5m from any other vertical sign Signs may not project above the parapet or edge of the roof
3(e)	Signs on the street elevation of the buildings	In accordance with Schedule 1	Signs may not project further than 250mm over the building line or erf boundary
A1	Freestanding signs at educational facilities	Maximum total size 12m ²	Signs may not be higher than 2,1m
A1	Freestanding signs at educational facilities (cont)		Signs may indicate the name and nature of the institution and the name of a sponsor, and may display merchandise A maximum total area of 12m ² is allowed: Provided that this area is divided into signs of equal size, form and construction Only erf boundaries adjacent to bona fide streets may be used for this purpose No signs may be placed on or next to erf boundaries adjacent to parks, Council landscaped areas, traffic circles and other areas determined in the policy Signs and

			<p>especially supporting structures must harmonise with the buildings and other structures on the premises as far as material, colour, texture, form, style and character are concerned No illumination of signs is allowed.</p> <p>The general conditions and principles set out in paragraph 2.4.1 of SAMOAC (Schedule 1) apply where relevant.</p>
A1	Freestanding signs at educational facilities (cont).		<p>The signs must form an aesthetic and integral part of architecture and conform to the residential character and/ or other amenities of the area.</p> <p>Where there is no street boundary wall, the signs must form an aesthetic and integral part of a substantive architectural element and be designed and placed on the street frontage boundary to the satisfaction of the Council.</p> <p>The signs may not in any way or means, at the discretion of the Council, detrimentally affect the residential character, amenity of the neighborhood, any other amenities of the area and/or the surroundings.</p> <p>No advertising for sales of any kind or anything similar is allowed on the signs.</p> <p>Specific consent is required.</p>
A2	Signs at home undertakings	Maximum size: 460mm x 600mm	<p>Only one sign is allowed per home undertaking.</p> <p>The sign must form an aesthetic and integral part of the architecture of the wall on the street frontage of the erf</p>
A3	Signs at home offices (cont)		<p>Where there is no street boundary wall, the sign must form an aesthetic</p>

			and integral part of a substantive architectural element, and be designed and placed on the street frontage boundary to the satisfaction of the Council.
			The sign may not in any way, at the discretion of the Council, detrimentally affect the residential character, amenity of the neighbourhood, any other amenities of the area or the surroundings.
			The sign must indicate mainly the name of the business in the home office.
			Not more than 30% of the sign may indicate the nature of the business in the home office
			No sign may be painted on the boundary walls
			Specific consent is required
A4	Boundary walls	Maximum size of letters on wall: 750 mm high	Only one sign is allowed per street frontage. The sign must form part of the architecture of the wall on the street frontage of the erf
A4	Boundary walls (cont)		Where there is no street boundary wall, the sign must form an aesthetic and integral part of a substantive architectural element, and be designed and placed on the street frontage boundary to the satisfaction of the council
			The sign may not in any way, at the discretion of the Council, detrimentally affect the residential character, amenity of the neighbourhood, any other amenities of the area and / or the surroundings
			This class of signage applies to areas of minimum control only
			This class of signage is not applicable to buildings and / or premises used for residential purposes or for community institutions, small enterprises and practices on residential premises, or small-scale residential- oriented

			accommodation
			Specific consent is required

**SCHEDULE 3
TEMPORARY SIGNS**

Where a class description of a sign in the Schedule below corresponds to a class description of a sign in Schedule 1 of these By-laws, the control measures set out below must be read with and in addition to any other applicable requirements.

CLASS	DESCRIPTION	SIZE OF SIGN AND RESTRICTIONS
2(b)	Banners at show houses Banners for special occasion	In accordance with Schedule 1. Banners may only be displayed from 08:00 on Saturdays to 18:00 on Sundays. Stringed flags may be displayed with the banner, but only one banner may be displayed on the particular premises. In accordance with Schedule 1 Banners may only be displayed for the period that the council approves. No banners may be hung or placed within road reserves or across roads or streets

2(d)(i)
"For sale" and To let" signs

The signs may only be displayed on or in front of the particular premises and must relate to those premises 2(d) (iii)

1. Only posters from the following three categories may be displayed in the Thembisile Hani Local Municipal area:-

- (a) Category one: Posters with the main purpose of advertising a religious, sporting, educational, 'cultural, commercial promotion or charity occasion or meeting
- (b) Category two: Posters with selected news headlines of a specific newspaper 2(d)(iii)

(c) Category three: Posters for parliamentary or municipal elections.

(*Note: A cultural event in this sense means an event promoting the fine arts or another human intellectual achievement)

2. The Council determines and stipulates the number and display format of posters in category three (for parliamentary or municipal elections)
3. Only 100 posters from category one may be displayed for a single occasion, promotion or meeting in the municipal area of Giyani. For more than that number, approval must be obtained from the Council. Only one poster per organization may be displayed on a pole. Only two posters may be displayed on a pole at any time.
4. Posters in category one and category three may not be displayed within 40m of any intersection or traffic light. No posters are allowed on power mast, road traffic signs, traffic circles, traffic inlands, traffic medians, traffic lights, trees, walls, pillars, walls or buildings, fencing, electrical substations, bridges or any similar structures
5. Posters may not be larger than 900mm x 600mm for category one and category three. Posters for category two may not be larger than 600mm x 450mm. 2(d) (iii)
6. The contents, purport and impact of category one posters are subject to Council approval. The name of the organization, and the date and place of the occasion, promotion or meeting must be clearly displayed on the poster in letters of at least 50mm in height.
7. Category one posters may only be displayed if an adhesive license indicating the approval of the Council is attached to them. This adhesive license is only available after the prescribed fees have been paid to the Council.
8. Category one posters may be displayed only for a period of 14 days before the occasion, promotion or meeting and must be removed within three days after the occasion, promotion or meeting.
9. Category two posters may be displayed for 24 hours only. Only one poster at a time from category two may be displayed on a pole.
10. Posters in category two may be displayed only within 40m of a sales point. No posters are allowed on power masts, road traffic signs, traffic lights, traffic circles, traffic medians, trees, walls, pillars, walls of buildings, fencing, electrical substations, bridges or any similar structures.

11. When erecting or removing a sign, advertising hoarding, temporary sign (eg poster) or banner, no person may intentionally cause any damage to any tree, electrical pole, installation, building or property. 2(d) (iii)
12. Temporary signs may be displayed only for that period which the Council has approved beforehand in writing after application on the prescribed form and payment of the prescribed fee(s)
13. Only a maximum height of 50mm of the prescribed maximum size for posters may be used to display a sponsor's name or emblem. This maximum height must be adjusted proportionally when the poster is smaller than the prescribed maximum size for posters. The sponsor's name or emblem must be placed in the bottom 25% of the poster. No wire or nails, may be used to attach signs. Only string may be used.

3(m)

Signs on hoardings

Signs may only be displayed from the beginning of building operations until a certificate of occupation or a consent use has been issued. Signs may advertise anything, except slanderous and indecent messages.

5(a)

Aerial signs

In accordance with Schedule 1

Only the name of the business and one commercial article may be displayed on the balloon. Other aerials signs must be approved in terms of Council policy. A public liability policy, together with the approval of Civil Aviation Control, must accompany an application

B1

Handbills, leaflets or pamphlets

Handbills, leaflets and pamphlets may only be placed in postboxes: Provided that handbills, leaflets and pamphlets of a religious nature may only be distributed with Council approval and in accordance with the restrictions for such approval.

B2

Sale-in-execution

1. Signs may only be displayed for 21 days before the auction takes place

B2

Sale-in-execution signs (cont)

2. Signs may not be affixed to trees, traffic lights, street lamp poles or traffic signs. Signs may not be larger than 900 mm x 600 mm.

3. A person is allowed only one sign per street block, with a maximum of six signs per auction
4. No signs may be displayed at intersections on roads in the Central Business areas. Signs must also be displayed at least 40 m from these intersections.
5. A person is allowed only two signs per intersection or junction
6. Stakes or posts to which direction signs are affixed may not be driven more than 120 mm into the ground. Signs may also not be erected on tarred or paved surfaces
7. Signs may not be displayed higher than 1 m and may not cause an obstruction or be dangerous for pedestrian or other traffic. Signs may also not be erected on any traffic island
8. Signs may use only an arrow to indicate the direction of the auction. The auctioneer's name, the word "auction" and details of the auction must appear on the signs
9. A copy of the relevant court order with the case number must accompany the application. The case number must be clearly displayed in characters not less the 50 mm in height at the bottom of the signs
10. Specific consent is required.

B3

Direction signs to show houses

1. Signs may only be displayed over weekends, from 08:00 on Saturdays to 18:00 on Sundays