

**Approved by Council : 28 August  
2013  
C04/08/13**

# Policy Framework for Outdoor Advertising and Signage in Cape Town

FINAL

Approved by Council 28<sup>th</sup> August 2013

POLICY FRAMEWORK: OUTDOOR ADVERTISING AND SIGNAGE IN CAPE TOWN

- 1. ACRONYMS ..... 3
- 2. DEFINITIONS ..... 3
- 3. PURPOSE..... 3
- 4. LEGISLATIVE FRAMEWORK ..... 4
- 5. SCOPE ..... 6
- 6. CONTEXT ..... 7
- 7. ROLES AND RESPONSIBILITIES ..... 8
- 8. POLICY ON OUTDOOR ADVERTISING AND SIGNAGE IN CAPE TOWN ..... 8
- 9. GUIDING OPPORTUNITIES FOR SPECIFIC SIGN TYPES AND SPECIFIC OPPORTUNITIES ..... 14
- 10. REVIEW DATE..... 18

# 1. ACRONYMS

OASBL	Outdoor Advertising and Signage By-law, No 10518
NEMA	National Environmental Management Act
IMEP	Integrated Metropolitan Environmental Policy
SAMOAC	South African Manual for Outdoor Advertising Control
CTMOAC	Cape Town Manual for Outdoor Advertising Control
RTSM	The Southern African Development Community and South African Road Traffic Signs Manuals
NPO	Non-profit organisations and bodies, organs of state and community based organisations

# 2. DEFINITIONS

Definitions of technical or other terms used in this policy are as published in the City's Outdoor Advertising and Signage By-law. (see <http://www.capetown.gov.za/environmentandheritage> )

# 3. PURPOSE

The City of Cape Town controls outdoor advertising and signage in terms of a by-law. This policy provides guiding principles and an implementation strategy, within the framework of the City of Cape Town's IMEP and IDP, to assist with using the City's by-law for the control and regulation of Outdoor Advertising and Signage. *The purpose of the Policy is to provide additional explanation but as with all such tools, the by-law will prevail in legal application.*

## 3.1 We set out to do this by building on the five key pillars of the I.D.P.

- The Opportunity City;
- The Safe City;
- The Caring City;
- The Inclusive City; and
- The Well-run City.

## 3.2 Cape Town's unique environment

Signs and outdoor advertising are regulated in virtually every metropolitan centre in the world. Cape Town is an area of extraordinary natural beauty and cultural significance. The city attracts business and large numbers of tourists, who provide a vital economic resource. Uncontrolled visual pollution will undermine the beauty of the city. The City has a constitutional duty to protect the environment in the best interest of all its inhabitants. The environment includes *the impact on the sustainability of the socio-economic environment* and hence the duty on the City to protect the environment includes the orderly regulation of outdoor advertising signs. The City therefore takes seriously its obligation to protect the unique character of the City, as well as its valuable *visual character, vistas, historic districts, landscapes*, cultural and natural resources.

*A governing value of the Policy is to also achieve the integration and balance of economic development, design and innovation, public benefit and viable urban design in a sustainable manner.*

## 3.3 The City's purpose in controlling outdoor advertising

The Outdoor Advertising and Signage By-law Preamble sets out, inter alia, what the City of Cape Town is aiming to achieve, which is to strike a balance between the media sectors affected and the special environmental qualities of different parts of the City.

This means that different sign types are appropriate in different receiving environments – each application is evaluated with this in mind. The role players affected include signage industry sectors as well as community groups, businesses, visitors, residents and specialists in heritage, structural safety and traffic engineering for example.

The City's By-law is applied both in the assessment of applications and in the daily monitoring, control and removal of unauthorised signs.

The Policy recognizes that the look and quality of streets, public spaces and the development that frames the public realm contribute to the quality and experience of Cape Town's streets and spaces. *The quality of the experience of Cape Town as a tourist destination and a living and working space must be enhanced. Guidelines and practices should help generate revenue in a responsible and sustainable way.*

Signs are generally located in and around buildings and streets and frame the public realm. Accordingly, the type, number and quality of signs visible along streets and within the public realm affect the quality of the experience. The fact that signs are designed to be noticed and communicate information ensures that the contribution of signage is a major factor in setting the visual quality and character of the City's streets and places.

The proliferation of commercial advertising within the City, if unchecked, could have a negative impact on the visual environment. This raises particular concerns for the conservation of the characteristics of sensitive environmental, heritage and tourist areas which are often precisely the most alluring sites for outdoor advertiser. *From a tourism perspective, the City will protect tourism resources and should not "kill the goose that lays the golden egg".* Furthermore, the distraction of drivers caused by advertising has can have potentially dangerous disastrous consequences for traffic flow as well as road and pedestrian safety.

## 4. LEGISLATIVE FRAMEWORK

### 4.1 The Constitution of the Republic of South Africa, 1996

The By-law was adopted by the City pursuant to its powers under Section 156 (1) a of the Constitution which determines that a Municipality has executive authority in respect of and has the right to administer the local government matters listed in Part B of Schedule 5 of the Constitution.

Section 156 (2) of the Constitution provides that a Municipality may make and administer by-laws for the effective administration of matters which it has the right to administer. Part B of Schedule 5 lists the local government matters as including:

"Billboards and the display of advertisements in public places"

This Constitutional duty is therefore to balance the Environmental Characteristics set out in Section 24 of the Bill of Rights with Outdoor Advertising opportunities which is set out in Section 16 of the Bill of Rights.

#### 4.1.1 Reconciling Freedom of Commercial Speech with Environmental Rights

##### a) Bill of Rights: Sections 16 and 24

Freedom of commercial speech is normally seen as being at the heart of a market-driven economy and as being essential for healthy competition. Section 16 of the Bill of Rights of the Constitution of South Africa entrenches Freedom of Expression. Subsection 1 states:

Everyone has the right to freedom of expression, which includes:

- i) freedom of the press and other media;
- ii) freedom to receive or impart information or ideas;
- iii) freedom of artistic creativity; and
- iv) academic freedom and freedom of scientific research.

b) On the other hand Section 24 of the Bill of Rights deals with Environmental Rights and reads as follows:  
Everyone has the right:

- i) to an environment that is not harmful to their health or well-being; and
- ii) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that
  - prevent pollution and ecological degradation;
  - promote conservation; and
  - secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

#### 4.1.2 Psychological health and well-being in Section 24

Health and well-being also include psychological health and well-being and therefore also the conservation and sustainable management of the aesthetic environment. This includes the impacts at varying scales from entire areas of the city, to direct local impacts of outdoor advertisements such as on home environments. It is therefore important that the City of Cape Town manages the expression of commercial information through outdoor advertising in such a manner as to provide ample opportunities in this regard without infringing on the environmental or any other rights of the citizens of South Africa. Freedom of expression and the freedom of commercial speech should not be seen as an unlimited right.

#### 4.1.3 Reconciling Freedom of Commercial Speech with Road Safety

An environment which is not harmful to well-being suggests, inter alia, that outdoor advertising and its potential to attract attention signs should not compromise the functioning and safety of traffic, structural safety ability of drivers to safely negotiate the City's roads. A balance must be kept.

### 4.2 The Outdoor Advertising and Signage By-Law and Other laws

*4.2.1 All signs to be erected and/or displayed within the area of jurisdiction of the Municipality must, in addition to complying with the OASBL, comply with all other applicable legislation, including but not limited to:*

- a) Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- b) National Environmental Management Act, 1998 (Act 107 of 1998) particularly Section 2 Principles and Regulations;
- c) Occupational Health and Safety Act, 1993 (Act 85 of 1993)
- d) National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)
- e) National Road Traffic Act, 1996 (Act 93 of 1996)
- f) National Road Traffic Regulations, 2000
- g) National Heritage Resources Act, 1999 (Act 25 of 1999)
- h) Municipal Finance Management Act (Act 56 of 2003)
- i) South African Schools Act (Act 84 of 1996)
- j) Roads Ordinance, 1976 (Ordinance 19 of 1976)
- k) Events By-law
- l) Streets, Public Places and the Prevention of Noise Nuisance By-law, 2007
- m) Traffic By-law, 2011
- n) Public Parks By-law, 2010
- o) Zoning Scheme Regulations;

*4.2.2 Case law and implications for future improvements to the current OASBL :*

In a case between a sign company and the City of Cape Town, the Judgement handed down by Judge Dennis Davis in 1999 sets out that Cape Town has to have a by-law which gives clear opportunities for outdoor advertising, taking into account Cape Town's unique environmental qualities, and in distinguishing such opportunities is entitled to differentiate between Locality Bound (on-premises) and third party (off-premises) signage purposes. The 1999 judgement gave rise to the City's current by-law being promulgated.

The City's current by-law has been challenged in the courts, up to the level of the Constitutional Court, and it has been proven legally and constitutionally sound. The various judgements have informed the policy framework and will inform future amendments to the OASBL.

In a lengthy and consultative process from 2006 to 2009, the municipality completed a proposed revision to the 2001 by-law to the satisfaction of Portfolio Committee, but on legal advice in May 2010 Mayco resolved not to proceed with a new by-law which would potentially set back the City position of having a Constitutionally sound by-law. Once a pending Judgement on a current Constitutional appeal is received (expected in 2<sup>nd</sup> quarter of 2013), it is advised that only essential refinements or improvements to the existing by-law be commenced. The Constitutionally tested current by-law must remain in place – the scope (5 below) and problem statement (5.1 below) must guide an explicatory Policy (8 below) with only critical amendments made to parts of the existing by-law as and when such a need arises.

## 5. SCOPE

This policy shall be applicable to all the areas under the jurisdiction of the City of Cape Town. Any state owned or private owned entity or person, who displays or wants to erect any advertising sign or form of outdoor advertising in the Cape Town metropolitan area, should adhere to the requirements set out in the OASBL read with the policy. In applying these guidelines the City and the advertising industry alike should strive to strike a balance which would allow for advertising opportunities and economic development, on the one hand, and traffic safety and the conservation of environmental and heritage resources, on the other hand.

Instead of being detrimental to the visual environment outdoor advertising should be used in a manner that will be conducive to urban streetscapes. The outdoor advertising industry has an opportunity to contribute to the creation of vibrant and pleasant living environments.

- 5.1 Problem statement – the City’s team has been tasked by the Committee to examine;
  - 5.1.1 Developments since the promulgation of the By-Law 2001 which may have seen changes in the regulatory/enabling environment and in the evolution of the market economy;
  - 5.1.2 Any relevant gaps in, or changes to, the regulatory/enabling environment over the last ten years;
  - 5.1.3 How a more creative industry could be encouraged and the importance of the affected sectors in the economy of the City of Cape Town, notably in relation to the 2014 Design Capital designation;
  - 5.1.4 The crucial value of natural, visual and cultural assets including iconic views and scenic areas that promote the brand “CAPE TOWN” and the need to ensure they are preserved given their economic importance (#1 tourist destination, World Heritage status, 7 Natural Wonders etc);
  - 5.1.5 Balancing Constitutional rights relating to environmental protection, freedom of expression, property rights, individual safety etc.;
  - 5.1.6 Public contributions and donations potential to support social, economic and developmental opportunities for City facilities and consideration of temporary advertising contractual concessions to ensure access to the outdoor advertising market;
  - 5.1.7 Successes in other cities in addressing outdoor advertising, which Cape Town can use for comparison;
  - 5.1.8 Trends in use of electronic media and new technologies;
  - 5.1.9 Economic development – especially Cape Town’s tourism economy and the outdoor signage industry’s economic contribution;
  - 5.1.10 The trend of outdoor advertising away from billboards and into alternative forms of outdoor advertising;
  - 5.1.11 Any forms of outdoor advertising currently not being regulated;
  - 5.1.12 The relationship between ‘road safety’ and ‘outdoor advertising’.

The By-law is used to control signs in order to advance public interest objectives such as regulating structures, protecting public safety, and maintaining quality in the visual and development character of the community. The Policy is used as a guide to the By-law.

The City of Cape Town relies on its signage by-laws to address and control the impact of signs through the regulations found in the by-laws. The signage by-laws control the type, size, height, location, and other characteristics of the wide variety of signs found in the City. The regulations also deal with the intensity of signage in an area. For example, the kind of signage permitted in a residential area is less intense than the type of signage permitted in a major commercial area. In addition, many sign by-laws contain measures to protect sensitive uses and areas from the intrusion of signs.

As visible structures in the City of Cape Town’s built environment, signs provide people with information on identification and advertising. For example, signs identify a business and this is the prime purpose of most signs in

the City. The business uses the sign to identify itself to the public; the public in turn locates and identifies the business through the sign.

The purpose of signs is to be noticed and attract attention to communicate its message. Since the City's visual environment consists of all the objects visible in an area or the public realm, signs are a major factor setting the quality and character of the visual environment.

## 6. CONTEXT

### 6.1 Council has a statutory obligation to control outdoor advertising

The City of Cape Town has adopted a By-law for the control of outdoor advertising and signage, which may be amended from time-to-time; this is accompanied by a series of guidelines, an Area of Control map and tools, tariffs and procedures for decision-making and enforcement.

### 6.2 Signage as a driver of economic growth and development

The City's strategic objectives support and facilitate economic development, in particular local sustainable job creation. Locality bound first party signage is integral for business in the City. In the growth of the economic opportunities from the outdoor advertising industry itself, the City will be looking to encourage growth and new jobs in the Cape Town metropolitan area and keeping this in balance with local growth of tourism sectors and enhancing the resources that attract visitors.

### 6.3 The right to an environment which is not harmful

Section 24 of the Bill of Rights in the Constitution of the Republic of South Africa guarantees the right to an environment that is not harmful to their health or wellbeing. The visual environment is a key to ensuring mental health and psychological well-being. The visual environment also plays an important role in creating better human living environments for all communities in South Africa.

Research has shown that the visual environment has a definite influence on human behavioural patterns such as vandalism, attitudes that determine the productivity of office workers or even the crime rate. It also plays an important role in creating healthy communities. A sense of place and identity is created by means of the visual environment which leads to community pride, a sense of security and permanent belonging, human dignity and enthusiastic citizen involvement.

Ensuring an environment which is not harmful also includes physical safety such as the structural integrity of sign structures and traffic safety.

### 6.4 Balanced growth without compromising safety or environmental assets

Outdoor advertising and information transfer fulfils an essential function in modern society. It directs, guides and informs as to locality, product, activity or service and contributes to economic growth in general. If not controlled *however*, it could have a very real impact on tourism resources and the human living environment. Most advertisements are aimed at the road user and therefore also impacts on the road environment. People are capable of absorbing and reacting to a limited amount of information while still executing the driving task safely.

Outdoor advertising, by its very nature, aims to attract the attention of people who pass it. It is therefore logically a distraction from the driving task. In some instances this distraction is acceptable and will not lead to crashes. In other instances, the display of a sign will be an unacceptable distraction. Balancing economic activity with road safety therefore requires the identification of locations for advertising at which it does not represent an unacceptable distraction.

Control measures are therefore needed to ensure that road environments will be conducive to safe and pleasant driving. Road safety impacts potentially associated with outdoor signage should therefore be evaluated on a case-by-case basis, with certain basic traffic engineering principles set out. This case-by-case assessment is done by qualified professionals with the aid of Traffic Impact Assessments (TIAs) or *Safety Assessments* where necessary.

In addition to traffic safety considerations, controls are also required for structural integrity, electrical and mechanical safety of outdoor signs.

## 7. ROLES AND RESPONSIBILITIES

The City of Cape Town has a Constitutional obligation to control outdoor advertising. Council has adopted a Bylaw and has delegated the procedures and enforcement to various internal departments through the System of Delegations.

*The City's primary role in respect of advertising is as regulator in terms of the Constitution. The City's separate role as landowner should not become confused with the control of signage and the Department of Environmental Affairs cautions, in the preamble to the 2011 SAMOAC, that local authorities should not over exploit outdoor advertising rights for short term monetary benefits.*

There are different levels of approval which range from deemed approvals, where no application is necessary, over the counter approvals by officials with delegated authority to approve certain types of signs and decisions delegated to a Committee or to full Council.

## 8. POLICY ON OUTDOOR ADVERTISING AND SIGNAGE IN CAPE TOWN

### 8.1 The City will provide a set of regulations governing the use of land and buildings for outdoor advertising and signage and for matters incidental thereto;

The City seeks to strike a balance between outdoor advertising opportunities and economic development on the one hand, and the visual, tourist, traffic safety, environmental and heritage characteristics, together with the broader public interests, of the City on the other hand by implementing the following:

8.1.1 The City will be explicit in stating which types of outdoor advertising will be regulated in terms of the by-laws including but not limited to;

- a) Outdoor messages displayed by media owners making a living out of outdoor advertising or by private individuals, an institution or the owner of an enterprise;
- b) Any sign visible from a public place;
- c) Outdoor advertising or outdoor information transfer including any sign, model, placard, board, notice, billboard, poster, flag, banner, device, structure or representation employed outdoors wholly or partially displayed for commercial or non-commercial purposes in order to;
  - i) advertise a facility, property, enterprise, service or product that is available to the public;
  - ii) make known an organisation's or individual's opinion, grievance or protest; and
  - iii) provide information on localities and activities;
- d) All signs, varying in size from large billboards to small placards and posters, erected or displayed for the purpose of transferring information with only certain exceptions;
- e) The types, sizes or positions of certain sign opportunities, and which are permissible or discouraged.

8.1.2 The City will be explicit in stating which types of outdoor advertising are exceptions and are not regulated in terms of the by-laws including but not limited to;

- a) Any sign displayed inside a sports stadium and which is not visible from, or aimed at the, outside of such stadium or site;
- b) Any sign displayed inside a roofed shopping centre or inside an arcade and which is not aimed at a public place or at road users;
- c) Any sign which is displayed inside a building which is not visible to the road user or pedestrian on the sidewalk;
- d) Road traffic signs which are provided for by legislation, the SADC Road Traffic Signs Manual and the South African Road Traffic Signs Manual;

- e) Any national flag hoisted on a suitable flag pole as long as nothing is added to the design of the flag and no advertising material is added to the flag pole;
- f) Authorised tourist destination signs as defined by the Roads Traffic Manual;
- g) Community information/educational boards without commercial content;
- h) Any sign required to be displayed by law including electoral law or an Act of Parliament, Provincial Law or By-Law; and
- i) Safety prohibitions, directives or warnings.

**8.2 Apply the adopted principles of IMEP and NEMA to any person displaying or intending to display an advertisement, sign or any part of such structure which is visible from any outdoor place;**

**8.3 The City will apply precautionary principles by:**

8.3.1 Accepting the principles for sustainable development set out in section 2 of NEMA particularly subsection (4) thereof, including that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions;

8.3.2 Acknowledging the principle that the higher the potential impact of a sign, the more caution and rigour should be applied; and

8.3.3 Giving due consideration to the traffic and structural safety of signs.

**8.4 The City will encourage a responsible and balanced approach and design excellence**

8.4.1 The City will seek resolution of conflicting interests by;

- a) Balancing the interests of the proponents of local job creation through economic growth of Cape Town as a world class tourism destination and a local visitor destination, with public interests and with signage opportunities for the outdoor advertising industry, in the long term economic interests of its citizens;
- b) Balancing the interests of the proponents of sustainable environmental management and road safety and the RTSMs, with sustainable economic development in the long term environmental interests of its citizens; and
- c) Lessening these tensions and promoting a climate of goodwill and cooperation between the opposing groups through a balanced and responsible approach to both the display and control of outdoor advertising.

8.4.2 The City will encourage appropriate commercial opportunities by:

- a) seeking a balanced approach to minimise the negative impacts of outdoor advertising while at the same time maximising the positive effects thereof;
- b) recognising the contribution of outdoor advertising to local growth and the creation of local employment opportunities;
- c) Providing commercial and industrial enterprises with adequate, flexible means to identify themselves and their products or services, recognizing that the primary function of Locality Bound (on-premises) signage is to identify an activity's location and services;
- d) Recognising that uncontrolled outdoor advertising may have a detrimental effect on tourism resources and therefore on economic growth and job opportunities created through tourism;

8.4.3 Encourage and improve the quality of sign design and accommodate appropriate new technologies by;

- a) Giving preference to elegant and well-designed outdoor advertising structures and sign contents which will make a positive contribution to the aesthetic environment;

- b) Engaging with the outdoor advertising industry to stay up-to-date with trends and new technologies.
- c) Accommodating interactive social media, QR codes, Bluetooth communication between signs and recipients and other new technologies; and
- d) Applying a flexible system of seeking ways of accommodating appropriate new technology or new sign types in outdoor advertising, in appropriate areas of control taking potential impact of the new type into account.

**8.5 The City will have an implementation and control framework which:**

8.5.1 provides an easily understood and administered set of regulations for signs;

8.5.2 applies the founding principles and the Policies to a procedurally fair and predictable set of by-laws applicable to any person displaying or intending to display an advertisement, sign or any part of such structure which is visible from any outdoor place;

8.5.3 includes a set of regulations in a by-law as the primary means available to govern the use of land and buildings for outdoor advertising and signage and for matters incidental thereto, and which sets out the procedures to be followed and the criteria used when obtaining approval for a sign applicable to outdoor advertising in the City of Cape Town. In doing so, the City recognises that there is an extensive amount of technical detail applicable to specific sign types and their effect in specific localities. There will be specific requirements for specific signs set out in schedules to the By-law;

8.5.4 includes guidelines with explanatory illustrations pertaining to the types of signs regulated by the by-law.

8.5.5 applies control measures

- a) by means of having both *electronic* -signage and public counter entry points for submitting and processing applications in terms of by-laws for approval or refusal
- b) by giving pre-scrutiny advice to applicants on signage options which are approvable, and assisting them with alternatives where signs proposed are problematic, and so avoiding wasted application costs and time on advertising which is in patent conflict with a law, and by having a pre-scrutiny check that applications are complete and capable of passing non-waiveable requirements before passing to paid submissions.
  - i) by *distributing* proposals to I&AP's *for comment* where appropriate
  - ii) by means of setting out written general and specific conditions and requirements,
  - iii) by applying the RTSMs, and
  - iv) by means of tariffs and enforcement.

8.5.6 makes the supplementary policies, guidelines and tariffs in support of the by-laws easy to access including being placed on the City's web site for ease of reference, and from time-to-time the municipality may formulate amendments to the current by-law if:

- a) it is not possible to address via policies, guidelines, re-designation of areas of control or tariffs.
- b) Updated wording of a by-law provision is required as a result of case law.
- c) amendments are required due to new technological developments or identifiable gaps.
- d) procedural, assessment or enforcement provisions can be updated.

8.5.7 includes user friendly, clear, accessible and easily understood signage

- a) application submission procedures,
- b) general rules, factors, general requirements

- c) specific rules, factors and specific requirements
- d) proposal assessment criteria and measures,
- e) approval or refusal processes,
- f) conditions for approval
- g) *lapsing periods for all approvals based on a clear time period or the duration of a legal on premises activity.*
- h) enforcement procedures

for which the City will have regard when assessing signage *applications*.

## **8.6 The City will categorise and map landscapes of varying sensitivity to signage impacts by:**

8.6.1 Grouping landscape types of similar sensitivity to possible impacts from outdoor Advertising and Signage;

8.6.2 Applying five basic landscape types for managing, controlling and regulating Outdoor advertising. These are grouped into three main categories: sensitive Natural environments, sensitive Rural environments and Urban environments. The Urban environment is broken down into three sub-groups, being sensitive, less sensitive and least sensitive.

8.6.3 Regulating outdoor advertising in the jurisdiction of the City in a manner that is sensitive to the environmental quality of different parts of the City;

8.6.4 Applying appropriate levels of control which vary according to the landscape's sensitivity.

## **8.7 Apply appropriate levels of control to outdoor advertising in the jurisdiction of the City in a manner that is sustainable and is sensitive to the environmental quality of different parts of the City; by**

8.7.1 Applying, inter alia, the Constitution, Bill of Rights and adopted principles of NEMA and IMEP, read with these policy principles, to any person displaying or intending to display an advertisement, sign or any part of such structure which is visible from any outdoor place;

8.7.2 Seeking to strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, traffic safety, environmental and heritage characteristics on the other hand;

8.7.3 Facilitating aesthetic improvement of the City such that signage should be integrated with the architecture and landscaping, not only to identify and inform, but also to complement and enliven the streetscape;

8.7.4 Demonstrating support for the City's environmental goals including, inter alia, promotion of energy efficiency.

8.7.5 Set out appropriate outdoor advertising opportunities in different environments, where the type of sign gives an indication of the potential impact of such a sign on the location in which it will be displayed. Thus the local character of an area in which a sign is proposed will affect the degree of control applied in that area through;

- a) Recognising that the dynamics between the type of the sign, the sign itself and where it is to be located can most effectively be dealt with by the determination of areas of control;
- b) Applying three areas of control to deal with the five landscape types –
  - i) Natural landscape areas of maximum control owing to their sensitivity to visual disturbance;
  - ii) Rural landscape areas of maximum control owing to their sensitivity to visual disturbance;
  - iii) Special urban landscape areas of maximum control owing to their sensitivity to visual disturbance;
  - iv) areas of partial control being urban landscapes with a generally commercial character, and

- v) areas of minimum control being urban landscapes with a generally industrial character.
- c) recognising that urban environments fall into one of the three areas owing to the varying nature and degree of sensitivity of the urban landscape and to the considerable demand for advertising in urban areas.
- d) issuing outdoor advertising design requirements or guidelines for sign types or landscape types, including for signs to be displayed in scenic areas, urban conservation or heritage areas, in historic or heritage districts, or on historic buildings and structures older than 60 years.
- e) Applying three different appropriate levels of regulation, viz. Maximum, Partial and Minimum to the five landscape types.

**8.8 The City will guard the public's right to a safe environment and have regard for the public interest, ensuring public safety, including traffic, pedestrian, structural and fire safety, by:**

8.8.1 acknowledging the potential traffic safety risks of some outdoor advertising in that -

- a) By their very nature outdoor advertisements are designed to pull the eyes of the motorist off the road and onto roadside displays;
- b) There is a distinction between the purpose of signs which add to drivers' information in locating premises and the purpose of signs which distract drivers from the primary task thereby creating a potential **but** avoidable safety risk
- c) Although there are general traffic safety considerations, there are specific types of signs or specific locations which may carry differing traffic safety risks, requiring either stricter or lesser control such as bends in roads and intersections;
- d) Simpler, more legible messages consisting of simple information, measured in 'bits', are generally less of a safety risk than complex advertisements that require focused and conscious perception;
- e) Only under certain conditions can temporary signs, such as posters, which do not interfere with road traffic information be erected within road reserves; and
- f) Outdoor advertising can and should be managed in such a way as to ensure traffic safety while at the same time ensuring sufficient opportunities for the expression of commercial information;
- g) The RTSMs and SAMOAC are important guides on road traffic safety impacts in this regard.

8.8.2 Ensuring the structural integrity of signs and their supporting structures, and that they meet safe engineering and building standards where applicable; and

8.8.3 Making sure that outdoor advertising is not harmful to any person in other ways such as noise, nuisance or impact of lights.

8.8.4 Promoting community involvement by consulting individuals or community interest groups who may be affected by the impacts of a sign wherever necessary.

8.8.5 The City will avoid clutter of signs and advertisements by;

- a) Recognising and allowing for special sign districts or sites where special designation is appropriate;
- b) limiting the number of signs and preventing an over-kill situation over-saturation through an excessive number of signs and avoiding the needless duplication of signs that fulfil the same function or objective;
- c) Focussing on the aesthetic and functional interaction between all signs;
- d) Enhancing the perceptual environment and the effectiveness of the sign messages by having fewer, clearer, legible and well spaced and positioned signs; and

- e) Requiring signage master plans for areas where the cumulative effect of many signs needs to be looked at considered and rationalised.

8.8.6 The City will protect the character of different parts of Cape Town by:

- a) Recognising that the dynamics between the type of the sign, the sign itself and where it is to be located can most effectively be dealt with by the determination of areas of control; and
- b) Ensuring that outdoor advertising respects the integrity of any site on which it is displayed, and complements the character of the locality in which it is displayed. The sensitivity of the proposed locality of a sign and its capacity to withstand the visual impact are the most important guiding principles for the control of outdoor advertising.

8.8.7 The City will guide the appropriate positioning of outdoor advertising signs by:

- a) Ensuring they are placed where they are most compatible with the surrounding locality and where they do not impact on visual corridors and/or scenic drives.
- b) Regarding appropriate locality bound signs as a necessary, or acceptable distraction to the drivers' task and a necessary part of informing drivers about a business's location subject to performance/design standards, and regarding third party advertising as not a right in remote positions nor always necessary or appropriate;
- c) Encourage commercial opportunities for site-appropriate outdoor advertising which does not adversely affect the character of a location, or the amenity of residential or tourist areas, by way of appearance, size or illumination;
- d) Setting out appropriate outdoor advertising opportunities in different environments, where the type of sign gives an indication of the potential impact of such a sign on the locality in which it will be displayed. Thus the local character of an area, in which a sign is proposed, will affect the degree of control applied in that area;
- e) Recognising the types of landscapes, signs and areas of control as important factors in the classification concept for control; and
- f) Developing a guideline series based on these principles and applicable law.

**8.9 The City will differentiate among various forms of outdoor advertising and signs and categorise these into different sign types by recognising:**

8.9.1 various forms and formats and a distinction between various message types –

- a) Which in its broadest interpretation, includes all outdoor advertising signs erected and displayed for the purpose of providing information;
- b) Where sign classes come in various shapes, types and sizes including small locality bound signs on gates, posters, shop signs and large billboards that advertise commercial products in places remote from where the product is available;
- c) With differing duration of display depending on whether the purpose is temporary or longer term.

8.9.2 A distinction between Locality Bound advertising signs and Third Party Advertising;

- a) Locality Bound signs which identify a business premises location and their products or services, recognizing that this is the primary function of on-premises signage; and remotely placed Third Party Advertising which displays non-essential information at that specific location;
- b) Commercial messages promoting enterprises, products, services, property and events and non-commercial advertising including, but not limited to, public information, community signs, public notifications, place names and directional and tourism information

8.9.3 A distinction between signs and advertising with commercial and non-profit body purposes;

- a) The City will promote the work of non-profit organisations and encourage community development and local economic empowerment
- b) Supporting fundraising and the work of Non-Profit Bodies performed in the City, in the form of outdoor Advertising opportunity concessions, including signs on City owned land which give additionality to a public facility;
- c) Providing discounted tariffs and special concessions for signs which are to be displayed by or for the benefit of a non-profit or community based purpose;
- d) Supporting appropriate signs which create longer-term local employment opportunities;
- e) Supporting the involvement of previously disadvantaged groups in the outdoor advertising industry which should also include small business development;
- f) Allowing ways in which non-profit events and organisations, and local community initiatives and facilities could benefit from sponsored outdoor advertising; and
- g) Job creation in the removal of unauthorised signs.

## **9. GUIDING OPPORTUNITIES FOR SPECIFIC SIGN TYPES AND SPECIFIC OPPORTUNITIES**

The City recognises that:

- the potential impact of the type or method chosen for display differs depending on if the message is, for example, communicated via painted, printed, projected or incised surfaces or whether internally or externally illuminated, or if animated messages are used which may include flashing signs and electronic messages;
- specific sign types may be suitable in specific landscape types or receiving environments only;
- rules and assessment must be appropriate to the sensitivity of the environment, the sign type, purpose and design;
- there are varying impacts caused by various structures or positions used for display;
- Signs may be displayed in various positions on buildings e.g. on fascias, windows, walls or roofs, or it may be attached to other existing structures. It can be displayed on street furniture, a variety of vehicles on land, or it could be an aerial display. Free-standing signs may consist of frames, panels or boards attached to specially designed advertising structures;

and accordingly endorses the following for specific opportunities:

### **9.1 POLICY ON DESIGNATING AREAS OF CONTROL FOR SIGN TYPES**

9.1.1 The City will have a publicly available map on its website of designated areas of control;

9.1.2 The City may modify and/or amend the table of Areas of Control and may update the area of control map from time to time, as circumstances require lesser or greater levels of control in an area;

9.1.3 The City will provide limited special concessions for NPOs to raise funding from sponsors' signs notwithstanding the area of control in which they are located.

### **9.2 POLICY ON THIRD PARTY FREESTANDING BILLBOARDS**

9.2.1 The City will encourage freestanding third party billboards in areas of minimum control, where these are safe and where there are no other opportunities to display the signs on existing buildings;

9.2.2 The City will discourage billboards where risks to public safety are anticipated, or where they distract drivers from their primary task of driving ;

9.2.3 The City will provide special concessions for NPOs to have small billboards or to display alternative third party sponsors' signs where these are primarily intended as a means of supporting their goals.

### **9.3 POLICIES ON FIRST PARTY FREESTANDING SIGNS**

#### **9.3.1 POLICY ON LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS**

- a) The City will encourage freestanding first party signs where a business needs to advertise its location or entrance and their building is set too far back for a sign on their building to be visible;
- c) The City will encourage composite pole signs where these will reduce the clutter of many smaller individual business signs, or where a building's design or heritage value is such that signs will not be suitable on the building itself;
- c) The City will discourage these if a business or complex of businesses can reasonably display sign on the building on the premises.

#### **9.3.2 POLICY ON LOCALITY BOUND FREESTANDING SERVICE STATION SIGNS**

- a) The City will encourage service stations' signs, which are aimed entirely at the motorist, to have freestanding pylon signs to assist with locating their entrance and to be visible timeously to motorists, taking road class and layout into consideration.

#### **9.3.3 POLICY ON SIGNS IN AGRICULTURAL AND NATURE AREAS**

- a) The City will encourage creative locality bound signs which are sensitive to natural and cultural landscapes in non-urban settings and accommodate small signs on rural fences or gateposts and small freestanding signs.
- b) The City will discourage large intrusive billboards in rural or natural landscapes
- c) The City will provide special concessions for NPOs which have premises in non-urban areas.

### **9.4 POLICY ON FLAT, PROJECTING AND PROJECTED SIGNS**

9.4.1 The City will encourage signs on buildings which fit in with the architectural design and augment the character of the area and which help locate and advertise business premises

9.4.2 The City will designate suitable sites such as in entertainment districts for digital screen signs which are safe, energy efficient, custom-designed and will fit in with the architectural design of the receiving environment and will have a positive impact on the character of the area

9.4.3 The City will discourage signs which detract, clutter or obscure building features, or impact negatively on an area's character, or which are unsafe, or which involve covering or sealing of building openings or which require fake buildings which have no purpose other than a sign structure.

### **9.5 POLICY ON SKY SIGNS**

9.5.1 The City will encourage sky signs in industrial areas where buildings are not suited to other sign types, or on specific historical buildings where the original design included a sky sign.

9.5.2 The City will discourage sky signs which impact on residential amenity or on scenic vistas.

### **9.6 POLICY ON ROOF SIGNS**

9.6.1 The City will encourage locality bound signs affixed to roofs in urban areas where buildings are not suited to other sign types

9.6.2 The City will discourage the dominating of roofscapes with oversized roof signs

### **9.7 POLICY ON SIGNS ON BUILDING VERANDAHS, BALCONIES, CANOPIES, COLUMNS, PILLARS AND POSTS**

9.7.1 The City will encourage parts of a business's verandah, balcony, canopy, awning or colonnade to be used for locality bound signs which fit in with the architectural design and augment the character of the area and which help locate and advertise business premises

9.7.2 The City will discourage signs which detract, clutter or obscure building features, or impact negatively on an area's character, or which are unsafe, or which involve covering or sealing of building openings.

## **9.8 POLICY ON DEVELOPMENT BOARDS, SECURITY SIGNS, SIGNS ON BOUNDARY WALLS AND CONSTRUCTION SITE HOARDINGS**

9.8.1 The City will encourage the display of appropriately positioned and dimensioned;

- a) development board signs giving information about activities or companies involved at a site where development is approved or underway.
- b) security signs to help indicate the premises which are protected, and to indicate that an area is secured by a neighbourhood patrol.
- c) locality bound signs on boundary walls and fences with more latitude in the least sensitive environments.
- d) Both locality-bound or third party signs on construction site hoardings to assist with temporary beautification of a building site, to achieve longer term landscaping contributions or to assist the developer with costs of site screening.

9.8.2 The City will discourage entire buildings from used for the primary or long-term purpose of being utilised as a mega-billboard as is done in other cities, and where there is no development upgrading underway.

9.8.3 The City will provide special concessions for NPOs to display sponsors signs on their premises' boundary wall, fence or gatepost.

## **9.9 POLICY ON HEADLINE POSTERS**

9.9.1 The City will ensure that each newspaper title registers with the municipality for the concession to utilize an approved number of light poles for the safe display of daily news headlines, to control clutter and to ensure the newspapers' removal of ties and boards

9.9.2 The City will discourage these use privileges from being abused for third party promotional purposes and will guard against uncontrolled proliferation of posters

9.9.3 The City will provide special concessions for NPOs to use temporary newspaper posters for events where the newspaper is a sponsor.

9.9.4 The City will discourage the use of offensive words and language on headline posters.

## **9.10 POLICY ON BANNERS, FLAGS AND BALLOONS**

9.10.1 The City will encourage the safe use of these as temporary signs for commercial and NPO campaigns and events.

9.10.2 The City will encourage swivel banners as city dressing for advertising expo's and NPO special campaigns and events for NPOs and allow a portion of the graphic displaying sponsors' commercial content or logo, and will have a calendar booking and approval process.

9.10.3 The City will provide special concessions for NPOs to utilize swivel banners or sponsors flags to raise funding or support where a site is not suitable for a small sponsored billboard.

9.10.4 The City will designate special local sites for NPOs to display small tied banners for local community events.

## **9.11 POLICY ON CAMPAIGN AND EVENT POSTERS**

9.11.1 The City will make an approved number of light poles and designated poster pillars for the advertising of NPO campaigns and events, concerts and performances and expo's, to control clutter and to ensure the organiser's removal of ties and boards;

9.11.2 The City will discourage pasting of posters on sites which are not designated poster pillars and will charge a removal tariff for campaign and event posters not displayed in terms of the by-law.

9.11.3 The City will provide special concessions for NPOs to have a portion of the graphic displaying sponsors' commercial content or logo.

#### **9.12 POLICY ON PROPERTY MARKETING SIGNS**

9.12.1 The City will encourage the marketing agent to advertise property for sale, to let, on auction or sold with small signs on the premises being marketed, or will support applications for larger boards where the smaller standard board is not easily visible to prospective clients due to premises being located too far or high from the street or due to topography.

9.12.2 The City will require marketing agents wishing to use municipal property for temporary display of directional showhouse boards, to register with the municipality for the concession to utilize an approved number of directional showhouse boards on weekends but will make special concessions for private sellers to market their own properties.

9.12.3 The City will discourage these use privileges from being used by property marketers to promote their agency rather than the premises being marketed and will guard against uncontrolled sizes and proliferation of these boards

#### **9.13 POLICY ON LOOSE PORTABLE SIGNS**

9.13.1 The City will encourage loose portable signs displayed on private property, and will issue permits for concessions to utilize an approved site on municipal land outside commercial premises for the safe display of advertisements.

9.13.2 The City will provide special concessions for NPOs to use temporary loose portable sponsors' signs at special event venues

#### **9.14 AERIAL SIGNS**

9.14.1 The City will encourage the safe display of locality-bound signs on anchored blimps or hot air balloons

9.14.2 The City will provide special concessions for NPOs to display sponsors' messages at a special event venue

#### **9.15 POLICY ON TRANSIT ADVERTISING**

9.15.1 The City will issue permits for concessions to utilize an approved site on municipal land for safely displaying signs on trailers

9.15.2 The City will provide special concessions for NPOs to display sponsors' messages on trailers, large moveable signs, container signs and portable digital screens at a special event venue

#### **9.16 POLICY ON NON-PROFIT BODY SIGNS ON MUNICIPAL PROPERTY, LAND OR BUILDINGS**

The City will be responsible in seeking revenue generation by:

9.16.1 Recognising that the control of outdoor advertising is a local Constitutional power and duty, and that the responsible generation of revenue is a potential additional benefit;

9.16.2 Heeding the caution from the Department of Environmental Affairs that local authorities should not overexploit the allocation of outdoor advertising rights in order to obtain short-term monetary benefits;

9.16.3 Not contributing to outdoor sign proliferation by placing income generation above primary principles;

9.16.4 Minimising the impacts of outdoor advertising while at the same time maximising the benefits thereof, in this manner contributing to the enhancement of the aesthetic environment through outdoor advertising;

9.16.5 Encouraging a more subtle and artistic approach to outdoor advertising on Council land;

9.16.6 Not flooding the market with third party signs on Council land, thereby reducing the value of existing signs. Council recognises that fewer and better designed signs will attract more attention, thereby increasing the exposure of outdoor advertising messages; and

9.16.7 Supporting appropriate and competitive outdoor advertising opportunity concessions for City owned land which gives additionality or makes contributions to dedicated fundraising for support of a municipal facility.

#### **9.17 SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT BODIES**

The City will facilitate socially responsible sponsorship by;

9.17.1 Supporting the work of Non-Profit Bodies performed in the City, in the form of outdoor Advertising opportunity concessions where it deems it appropriate to do so;

9.17.2 Supporting appropriate outdoor advertising opportunity concessions for which gives additionality or makes contributions to fundraising to support a NPO.

#### **9.18 SIGNS NOT FALLING INTO A SPECIFIC CATEGORY**

9.18.1 Where new advertising categories arise, the municipality will seek an adaptive approach to applying this framework recognising

- a) rapidly changing technology,
- b) the NEMA precautionary principle and
- c) allowing for innovation and creativity

9.18.2 If a unique sign type is proposed and which the OASBL or guidelines do not directly address, the municipality will deem it to fall within the nearest appropriate class or apply the general requirements using the tariffs and SAMOAC as a guide.

## **10. REVIEW DATE**

A first draft of this policy was formulated as requested in May 2012, and a well attended public 'Thinktank' was held in the Civic Centre in June 2012. This 2013 policy second draft is a review of the 2012 document.

## **11. ACKNOWLEDGEMENTS**

This policy quotes extensively from the national standard, the South African Manual for Outdoor Advertising Control (SAMOAC) 1998 and February 2011 draft compiled for and copyright of Department of Environmental Affairs by Frans Jordaan et al.)