

CORPORATE SERVICES DEPARTMENT**REPORT TO THE FINANCE AND ADMINISTRATION COMMITTEE ON
THE REQUEST FOR ALLOWING MOBILE ADVERTISEMENTS TO BE
PLACED AT DESIGNATED POSITIONS WITHIN COUNCIL
CONTROLLED AREAS WITHIN THE UMDONI MUNICIPAL AREA****1. PURPOSE AND OBJECTIVES**

The purpose of this report is to gain a Council directive upon the recent request for Umdoni Municipality to allow the display of mobile advertisements within municipal controlled areas.

This report is designed to achieve the following objectives:

- 1) To provide Council with the existing regulations governing such signage within the Umdoni Municipality;
- 2) To provide Council with the reasons for the existing regulations;
- 3) To propose to Council circumstances under which existing regulations may be waived.
- 4) To propose specific areas for the display of mobile signage;
- 5) To specify the application and approval procedure for the placement of Mobile signage;
- 6) To specify the tariff payable for Mobile signage applications.

2. ATTACHMENTS

- a). Memo from the Municipal Manager "Election on Wheels Campaign".

3. BACKGROUND

The Umdoni Municipality has received request for the display of election campaign advertising signage upon stationary mobile hoardings, (Trucks, trailers). The Umdoni Signs bylaws currently prohibit such signage. Council is required to determine circumstances under which this type of signage may be authorised.

The creation of a specific policy in this regard will deal with this issue going forward and by means of its conditions, ensure that Council has complete control over where mobile signage may be placed and the duration of such placement.

It is vital that the Umdoni Municipality firmly control this type of signage, and provide for immediate reaction in the cases where mobile signs are placed without authority.

Existing Regulations

The Umdoni Signs Bylaws MN 26 of 2007 make reference to mobile signage in the following manner:

1. DEFINITIONS

- (1) *Mobile sign means a sign mounted on a vehicle or trailer and used specifically for advertising purposes; Movable temporary sign means a sign not permanently fixed and not intended to*

remain fixed in one position, but does not include any moving part in a fixed permanent sign.

4. EXEMPT SIGNS

- (5) *Any transit sign, which is mobile at all times and complies with all requirements of the Road Traffic Act is exempt from these By-laws.*

5. PROHIBITED SIGNS

- (5) *Any sign which may either obscure a road Traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign.*
- (6) *Any sign which may obscure Traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety.*
- (11) *Any movable temporary or permanent sign other than those specifically provided for in these bylaws.*
- (12) *Any advertisement or sign other than an exempted sign, for which a permit nor approval has been obtained.*
- (19) *Any transit advertising sign that is **parked** in public view irrespective of whether it is attached to a vehicle or not.*

17. SIGNS REGARDED AS TENANCY AT WILL

- (1) *Any person erecting or possessing signs on or over any street, footway or pavement shall be regarded a tenant at will of the Council in respect of such signs and, if instructed by the Council to remove any or all of them, shall do so either within 14 days if the sign is fixed to a pole or other structure, or immediately if the sign is free standing and portable, without any compensation either for direct, indirect or consequential damages.*
- (2) *The Council may remove such signs in the event of noncompliance with such instruction or if they are not in accordance with these By-laws, and the expenses of such removal shall be recoverable in the ordinary process of law from the owner of the building or from the person to whom the signs belong.*

As can clearly be seen from above, transit or mobile signs are illegal only once stationary and no provision is made for their approval. The Municipality also has the right to request immediate removal if the sign is in Council property, as well as the right of immediate removal for non-compliance with the issued notice, with costs.

However this type of signage (Election Campaign advertising) may legally be parked within private property that can be viewed by the public but constitutes no danger to either the general public or road traffic users.

To conclude, no approval is required from the local authority should you wish either to park the mobile sign in privately owned property, or, should the mobile sign be in continuous motion.

Reasons for existing regulations

The regulations were introduced to effectively control the indiscriminate placement of mobile signs within our predominantly tourist areas during high volume times. The mobile signs due to their mobile nature may be driven and placed at more than one (1) position during any one day, thus making them a hazard to traffic in general and tremendously difficult to monitor.

Circumstances under which mobile signs may be authorised.

Mobile signs are placed within the Umdoni Municipality from time to time. It is a widely recognized form of advertising and regular requests are received for authorization.

There are areas under council control that may safely be used for the display of such signage in a controlled manner. This would then provide the avenue for the approval of future applications and thus put an end to the indiscriminate placement and subsequent remedial action necessary to have the

signage removed.

The basic conditions of any approval would be as follows:

- That the mobile sign be placed in the position designated by the Signage Control Officer (SCO), with a view to road traffic safety, sensitivity to local residents etc;
- That the mobile sign not be left unattended at any stage by the owner or person responsible;
- That the mobile sign be applied for and approved prior to the placement thereof;
- That the full tariff is paid;
- That the period of display be clearly determined;
- That the messages displayed may not consist of messages which do not conform to accepted standards of decency and morality, or messages that are contrived to mislead or messages pertaining to illicit products or substances, or messages that are contrived to purposely aggravate the public.
- That the standard terms and conditions contained within existing signage approvals also apply.

Specific areas for display

- (a) Mobile signs would generally be restricted to commercial and public areas of the district and would not normally be supported in a residential area, unless adjoining a bus stop or taxi stop, or a popular pedestrian route.
- (c) Mobile signs would not be permitted within or in the vicinity of intersections where traffic speed and movements are such that the driver needs to concentrate fully on the task of driving (eg. at channelised intersections where high speed arterial traffic does not proceed straight ahead).
- (d) Mobile signs would be located a minimum of 1500 mm from back of kerb or edge of footpath. In areas where the edge of the roadway is not kerbed, no portion of the device shall be closer than two (2) metres to the edge of the roadway.
- (e) Mobile signs would not be located in positions which detract from the aesthetics, amenity or streetscape of the locality in which it is situated.
- (f) Mobile signs would be permitted at an event or public gathering locations for the duration of the event or gathering only.
- (g) The saturation amount within a specific area will be determined by the Signage Control Officer.

Application and Approval

- (a) An application for approval of a Mobile Sign shall be made on the prescribed application form in terms of the current Umdoni Signs Bylaws, directly to the Signage Control Officer (SCO) of Council together with proof of payment of the standard sign application fee prescribed by the applicable Tariff of Charges.
- (b) The approval shall have a fixed duration which shall be stated upon the Council approval. The approval shall be subject to the condition of this item and any other applicable conditions contained within the Umdoni Signs Bylaws.
- (c) If the applicant is in breach of the policy then Council may immediately revoke its approval and remove the Mobile Sign to a Council storage facility.
- (d) Upon expiry of the previous approval a fresh application must be made in the prescribed manner.
- (e) Each intended advertisement must be supplied for approval by the applicant to the SCO prior to its lighting.
- (f) The Umdoni Municipality reserves the right to have any Mobile Sign repositioned or removed at any time either permanently or temporarily, without cost to the Council.

- (g) The applicant shall indemnify the Umdoni Municipality against any claim or action and shall procure and maintain a Public Liability Insurance Policy to One (1) Million Rand's in the names of the applicant and the Umdoni Municipality.

Tariff payable

The existing approved tariffs pertaining to applications for a sign placed within Council property shall apply, namely:

- a) Application fee per face R 250.80
- b) Encroachment fee per face R 627.00

4. RECOMMENDATION

It is recommended that Council approve this policy governing the approval and placement of Mobile signs as detailed in this policy within the Umdoni Municipality under the conditions of the Umdoni Sign Bylaws and under the control of the designated Signage Control Officer.