



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

# OUTDOOR ADVERTISING AND SIGNAGE POLICY

Document Title:	Outdoor Advertising and Signage Policy (Draft 4)
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## ABBREVIATIONS

OASBL	Outdoor Advertising and Signage By-Law
CoCT	City of Cape Town
CDS	City Development Strategy
EGS	Economic Growth Strategy
IDP	Integrated Development Plan
IMEP	Integrated Metropolitan Environmental Policy
NPOs	Non-Profit Organisations and bodies, organs of state and community-based organisations
SAMOAC	South African Manual for Outdoor Advertising Control
SDS	Social Development Strategy

## DEFINITIONS

[note: The 2013 policy did not have a definition section, and simply referenced the by-law; The project team agreed that definitions could be important to the interpretation of the policy; To ensure consistency with the by-law, this section will be updated once the draft of the new by-law is ready; When definitions have been confirmed, this policy document should be reviewed for consistent use of the relevant terminology. Definitions will be informed by the CoCT by-law; relevant best-practice; relevant case law; and the South African Manual for Outdoor Advertising Control (2010 draft) – recognising that this document is a *guideline* from the national Department of Environmental Affairs and is not binding upon the City.]

In this Policy, unless the context indicates otherwise –

<b>“xx”</b>	means xx
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## 1. PROBLEM STATEMENT

- 1.1 Local governments have a constitutional mandate to control “billboards and the display of advertisements in public places”<sup>1</sup>.
- 1.2 In exercising this mandate, it is recommended<sup>2</sup> that control systems and mechanisms are established to ensure that the approach to outdoor advertising:
  - (a) Contributes to the creation of acceptable living environments;
  - (b) Contributes to the conservation of natural, rural and urban environments;
  - (c) Maintains traffic safety; and
  - (d) Promotes economic growth and sustainable development.
- 1.3 The City's approach to outdoor advertising must reflect an appropriate balance between the priorities outlined above, recognising that:
  - (a) Natural and cultural resources have intrinsic value;
  - (b) In Cape Town, visual resources such as scenic landscapes and cultural streetscapes contribute to the liveability and attractiveness of the City for residents;
  - (c) In Cape Town, visual resources such as scenic landscapes and cultural streetscapes contribute to the attractiveness of our City as a tourism destination and as such also constitutes an important economic asset;
  - (d) There are internationally accepted guidelines around the traffic and safety impacts of outdoor advertising and a manual for outdoor advertising control that provides guidelines in the South African context (developed in 1998 for the Department of Environmental Affairs and Tourism, and the Department of Transport);
  - (e) Outdoor advertising supports economic growth not only through the activities of the outdoor advertising industry itself, but also through its indirect impact on the demand for the products and services advertised and the income generated by property owners;
  - (f) The City of Cape Town has a dual role in the outdoor advertising space, as both:
    - i.) the regulator of outdoor advertising, and
    - ii.) a property owner that stands to reap economic benefit from outdoor advertising; and
  - (g) Advertising concessions (for example: in public toilets or on street furniture like bus shelters, benches, bins, kiosks) could create an opportunity for co-operation with the private sector in the design, implementation, financing and ongoing operation and management of certain City properties.
- 1.4 Outdoor advertising in the City of Cape Town is currently managed in terms of the Outdoor Advertising and Signage By-law of 2001 (as amended in 2013) and the Outdoor Advertising and Signage Policy (approved by Council in 2013).

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<sup>1</sup> Section 156(2) of the South African Constitution (Part B, Schedule 5).

<sup>2</sup> Department of Transport & Department of Environmental Affairs and Tourism. 1998. South African Manual for Outdoor Advertising Control. Available. [Online]: <https://www.environment.gov.za/sites/default/files/docs/1998manual.pdf> (April 2016).

- 1.5 There is a perception among the leadership of the City, internal stakeholders and industry players that the City's current approach to outdoor advertising:
- (a) Does not achieve an appropriate balance between the priorities outlined in 1.2 above;
  - (b) Creates unnecessary red tape;
  - (c) Does not create a sufficiently enabling environment and institutional support for the City to reap economic benefits from outdoor advertising through its role as a property owner; and
  - (d) Should be regularly reviewed to ensure that it remains up to date with trends in the use of electronic media and new technologies.
- 1.6 In addition, the existing Outdoor Advertising Policy was developed *after* the Outdoor Advertising By-Law and is presented as an interpretive guideline for the by-law. As a result, the City's approach to Outdoor Advertising has been developed from a regulatory perspective, and has not necessarily reflected the City's strategic intentions on the matter with a regulatory framework developed to support those strategic intentions.
- 1.7 This policy document thus represents the outcome of a review of the Outdoor Advertising and Signage Policy (2013) and will, upon approval, replace the 2013 policy.
- 1.8 The policy will serve as the basis for a full review of the Outdoor Advertising By-Law to ensure that the regulatory regime supports the City's priorities and strategic intentions in relation to outdoor advertising.

## 2. DESIRED OUTCOMES

- 2.1 This policy seeks to:
- (a) provide clarity on the City's strategic intentions in relation to outdoor advertising;
  - (b) set out the principles in terms of which control mechanisms for outdoor advertising will be developed (to fulfil the City's role as regulator); and
  - (c) establish clear institutional mechanisms for the City to manage outdoor advertising on its own property to ensure that the City leverages its own assets for the benefit of the residents of Cape Town.

## 3. STRATEGIC INTENT

- 3.1 The City's approach to outdoor advertising will be aimed at achieving/ supporting the following strategic objectives:
- (a) Supporting an enabling environment for economic growth;
  - (b) Leveraging the City's assets for maximum benefit to our residents;
  - (c) Establishing effective partnership with the private sector and civil society, in order to expand the reach and depth of service delivery;
  - (d) Mobilising resources for social development;

- (e) Creating a safe environment for our residents; and
- (f) Preserving our visual environment.

Further details on each of these objectives and how they align to the City's broader strategic goals are outlined below.

## SUPPORTING AN ENABLING ENVIRONMENT FOR ECONOMIC GROWTH

3.2 Outdoor advertising is both an industry in its own right and a means to stimulate demand in other sectors of the economy. The commercial impacts of outdoor advertising extend to outdoor advertising companies that sell and manage advertising space, property owners who earn an income from outdoor advertising contracts, first party signage that provides critical promotional and informational benefits to businesses, marketing and creative spending going into outdoor advertising<sup>3</sup>. By enabling outdoor advertising in a responsible, sustainable manner and creating a clear and simple regulatory framework for outdoor advertising the City will:

- (a) Support the objectives of our **Integrated Development Plan** in relation to creating an *Opportunity City* in which investment can grow and jobs can be created;
- (b) Support the priorities of the **Economic Growth Strategy** around stimulating economic activity, reducing red tape and preventing regulatory build-up;
- (c) Give effect to its **Constitutional mandate** to “promote social and economic development”<sup>4</sup>;
- (d) Support the objectives of the **National Development Plan** in relation to enabling job creation in urban areas;
- (e) Support the promotion of **events** that are critical contributors to job creation and growth in Cape Town – as recognised in the **IDP** and the City of Cape Town **Events Policy**.

## LEVERAGING THE CITY'S ASSETS FOR THE BENEFIT OF OUR RESIDENTS

3.3 The City of Cape Town is a significant land-owner in Cape Town and owns and controls a significant number of facilities and infrastructure. The strategic locations of many of these properties/facilities provide the City with an opportunity to earn an income through the leasing of outdoor advertising space. In an environment of resource constraints, this revenue could help to fund important service delivery initiatives – for the benefit of our residents. This aligns to:

- (a) The strategic imperative of the **Economic Growth Strategy** to leverage underutilised City assets to maximise economic benefits; and
- (b) The objectives of the **Integrated Development Plan** in relation to being a *Well-Run City* that is efficient and productive and that prioritises delivery.

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<sup>3</sup> Second Harvest (for the Department of Environmental Affairs), 2010. *An investigation in the outdoor advertising industry in SA: Specific focus on legislative and management frameworks*. Available. [Online]: <http://www.secondharvest.co.za/sites/default/files/Outdoor%20Advertising%20Research%20Legislative%20%26%20Management%20Framework%20Pg%201-56.pdf>.

<sup>4</sup> Constitution: Section 152 (c).

## PARTNERING WITH THE PRIVATE SECTOR TO ENHANCE SERVICE DELIVERY

- 3.4 The City wants to actively explore partnerships with the private sector in which private sector support in the design, roll-out, operation and maintenance of City property and facilities (including, for example, public bathrooms, bus shelters, street furniture, bins and service kiosks) is encouraged or rewarded through outdoor advertising concessions. The City has achieved some success in this regard already, with companies utilising outdoor advertising space in MyCiti bus shelters having specific responsibilities in the cleaning and maintenance of the shelters. These efforts would support the following strategic objectives:
- (a) The **IDP objectives** of being a *Well-Run City* in which resources are managed and leverage effectively to optimise service delivery;
  - (b) The strategic focus in both the **Economic Growth Strategy** and **Social Development Strategy** on the value of partnerships in achieving the City's strategic objectives and expanding access to services;
  - (c) The foundational principle of the City's corporate identity to partner and collaborate to support socio-economic development– as is made explicit in the City's strapline "**Making Progress Possible. Together**", and the active relationship between government, business and civil society that this implies;
  - (d) The City's **constitutional mandate** to "ensure the provision of services to communities in a sustainable manner"<sup>5</sup>. By involving the private sector in the operation and maintenance of certain City services and infrastructure (like public bathrooms, bus stops or street furniture), we can expand the reach and sustainability of our service and infrastructure roll-outs; and
  - (e) The focus on public-private partnerships throughout the **National Development Plan**.

## MOBILISING RESOURCES FOR SOCIAL DEVELOPMENT

- 3.5 Outdoor advertising can be a means of fundraising for non-profit bodies. By providing discounted tariffs or special concessions for signs which are to be displayed by non-profit bodies the City will:
- (a) Contribute to the **IDP objective** of being a *Caring City* that seeks to address the needs of its most vulnerable residents; and
  - (b) Support the focus of the **Social Development Strategy** on the recognition of the role of non-profit/community based organisations in promoting social development and supporting vulnerable communities.

## CREATING A SAFE ENVIRONMENT FOR RESIDENTS

- 3.6 Consistent with the **constitutional mandate** of local government to "promote a safe and healthy environment"<sup>6</sup>, and the City's own focus (as articulated in the **IDP**) on creating a *Safe City*, the City will give due consideration to the traffic safety and structural safety risks that could be associated with outdoor advertising signs.

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<sup>5</sup> Constitution: Section 152 (c).

<sup>6</sup> Constitution: Section 152 (d).



- 3.7 Where outdoor advertising is located in residential environments, due regard will be given to the potential for creating a public nuisance through noise, illumination or the neglect of sign structures.

## PRESERVING THE VISUAL ENVIRONMENT

- 3.8 The City of Cape Town recognises the importance of the visual environment in:
- (a) Creating a sense of place and identity;
  - (b) Maintaining Cape Town's status as a desirable destination for tourism – thus supporting job creation and economic development;
  - (c) Maintaining the integrity of heritage resources – for example: the facades of historic buildings.
- 3.9 Our approach to outdoor advertising will therefore be sensitive to the impact of outdoor advertising on the visual environment and will seek to find an appropriate balance between limiting the impact on the visual environment and achieving our other strategic objectives as outlined above. This is consistent with:
- (a) Section 24 of the Bill of Rights in the Constitution, which guarantees the right an environment that is not harmful to the health and wellbeing of residents;
  - (b) The focus of the City's **Economic Growth Strategy** on tourism as a catalytic sector for economic development;
  - (c) The acknowledgement in the City's **Draft Environmental Strategy** that “Cape Town's cultural heritage as it relates to the built environment is a significant economic and social asset, and contributes significantly to the unique sense of place, strong global identity, and community spirit that is characteristic of the city”; and the commitment that “In taking decisions, operating, and planning for the future, the City will ensure that the value of the city's cultural heritage is recognised, protected and promoted, and that the benefits and opportunities it provides to communities are realised.”

## 4. REGULATORY CONTEXT

- 4.1 National, provincial, and local policy and legislation provides a guiding framework for this policy. The following key pieces of legislation provide a supporting regulatory context for the City of Cape Town's approach to outdoor advertising:
- (a) The Constitution of the Republic of South Africa (1996) which both mandates the City to regulate outdoor advertising and outlines the rights of South Africans as it pertains to (among others) freedom of expression (as per Section 16) and the environment (in Section 24);
  - (b) The Promotion of Administrative Justice Act, (Act 3 of 2000);
  - (c) National Environmental Management Act, (Act 107 of 1998) particularly Section 2 Principles and Regulations;
  - (d) Occupational Health and Safety Act, (Act 85 of 1993);
  - (e) National Building Regulations and Building Standards Act, (Act 103 of 1977);
  - (f) National Road Traffic Act, (Act 93 of 1996);
  - (g) National Road Traffic Regulations, 2000;

- (h) National Heritage Resources Act, (Act 25 of 1999);
- (i) Municipal Finance Management Act (Act 56 of 2003);
- (j) Roads Ordinance, 1976 (Ordinance 19 of 1976);
- (k) City of Cape Town Events By-law (2009) – as amended;
- (l) City of Cape Town Streets, Public Places and the Prevention of Noise Nuisance By-law (2007);
- (m) City of Cape Town Traffic By-law (2011)
- (n) City of Cape Town Public Parks By-law (2010);
- (o) City of Cape Town Development Management Scheme.

4.2 Relevant case law is also informative as a guideline for a legally and constitutionally sound approach to the regulation of outdoor advertising. Key judgments in relation to Cape Town's approach to the regulation of outdoor advertising include the following:

- (a) In *City of Cape Town v Ad Outpost (Pty) Ltd and others* 2000 (2) SA 733 (C), the constitutional validity of the prohibition on third party advertising contained in the by-law in force at the time (the 1966 by-law) was challenged. The prohibition was held to be an unconstitutional limitation of the right to freedom of expression, and the City was required to amend the then by-law. The Court recognised the rational distinction of regulating third party advertising by means of legislation, in pursuit of the legitimate objective of the protection of the unique environment of Cape Town, as was argued by the City in order to rationalise this distinction. The Court held that this distinction between first- and third party advertising was rational.
- (b) In *Blackboard Media (Pty) Ltd and others v City of Cape Town*, Western Cape High Court, Case No. 23056/2009, the Court dismissed a challenge to the City's management of outdoor advertising opportunities during the 2010 FIFA World Cup, and held that the provision of outdoor advertising space, for a fee, by the City is a lawful means of raising revenue in order to facilitate the fulfilment of the constitutional obligations upon municipalities to provide services and ensure local development. An application for leave to appeal to the Supreme Court of Appeal was dismissed.
- (c) In *City of Cape Town v Bouley Properties (Pty) Ltd* [2010] ZAWCHC 650, the constitutionality of the current by-law was challenged on a number of grounds. The constitutional challenge was dismissed by the High Court, which held that the City is entitled to regulate advertising on private property, and to make a regulatory distinction between first- and third-party advertising. The Court held that the definition of sign contains some overlap, but that the definitions and the key proscription in the by-law are not impermissibly vague or overbroad and absurdity may be avoided by means of a proper purposive interpretation and in the context of the text as a whole. Leave to appeal was refused by the High Court, the Supreme Court of Appeal and the Constitutional Court.
- (d) In *City of Cape Town v Independent Outdoor Media (Pty) Ltd and others*, Western Cape High Court, Case No. 9346/2009, a substantially similar constitutional attack on the by-law was made, and the High Court confirmed the reasoning and conclusions of the High Court in the Bouley matter.
- (e) This judgment was confirmed on appeal by the Supreme Court of Appeal in *Independent Outdoor Media (Pty) Ltd and Others v City of Cape Town* [2013] 2 All SA 679 (SCA), which also approved of the High Court's reasoning in the Bouley matter. The Court held that the Constitution provides the City with the authority to

regulate outdoor advertising, and that a court will not interfere with that function while the City's legislation has a rational legislative purpose. The Court accepted that outdoor advertising may create visual pollution and impact on road safety as was argued by the City. The Court stated that the language used in the definitions in the by-law is not a model of lucidity, but held that the reasonable reader will understand the by-law to seek to regulate outdoor advertising in the urban area of the city. The Court held that the definitions are reasonably certain, and may moreover be given meaning with reference to the ordinary meaning of the words used, including the terms "advertisement" and "sign".

- (f) The Constitutional Court refused leave to appeal on the grounds that there were no prospects of success. However, the Constitutional Court did not hear argument on the matter, and the fact that an appeal court does not grant leave to appeal to it does not mean that it necessarily confirms the correctness of the judgment in the court below.

## 5. POLICY PARAMETERS

5.1 The policy applies to:

- (a) all areas under the jurisdiction of the City of Cape Town; and
- (b) all outdoor advertising and signage visible from a street, road or public place (including both locality-bound signs and third party signs).

5.2 The policy does **not** apply to:

- (a) Authorised tourism destination signs as defined by the Roads Traffic Manual;
- (b) Community information/ educational boards without commercial content displayed by an organ of state;
- (c) Any signs that are required to be displayed by law – including road traffic signs;
- (d) Signs erected inside a premises (for example: a sport stadium, roofed shopping centre or inside a building) and that is not visible from the outside by either road users or pedestrians;
- (e) National flags hoisted on suitable flag poles provided that no advertising material is added to either the pole or the design of the flag;
- (f) Signs required to be displayed by law including Electoral Law, an Act of Parliament, Provincial Laws or By-Laws;
- (g) Safety prohibitions, directives or warnings;
- (h) Signs on vehicles; and
- (i) Advertising worn by a person.

## 6. ROLE PLAYERS AND STAKEHOLDERS

6.1 Important role players and stakeholders in the outdoor advertising landscape include:

- (a) The City of Cape Town: The City plays a role as both a regulator and a property owner or potential lessor of outdoor advertising space. A range of City stakeholders could thus be involved in outdoor advertising, including (but not limited to):

- i.) The department/ team responsible for outdoor advertising approvals;
  - ii.) The department/ team responsible for optimising the use of City property for outdoor advertising; and
  - iii.) The department responsible for traffic safety reviews.
- (b) The public: Residents and visitors of Cape Town who use receive advertising messages in their environment and who may use signage for way-finding and information.
- (c) Property owners: Property owners could own a particular sign or outdoor advertising space, or may give permission for a sign to be displayed.
- (d) Sign owners: A sign owner could be the property owner or a third party with the right to display signs on a particular property.
- (e) Consultants: Property owners or sign owners may make use of independent persons or companies to apply for approval of outdoor advertising signs or marketing and management of a particular outdoor advertising space;
- (f) Advertising agency: An advertising agency may act on behalf of a particular brand owner and could be involved in the design of a sign, and in the application for approval of a sign.
- (g) Brand owner: A brand owner may own or rent outdoor advertising space, and could instruct an advertising agency to design a sign.
- (h) Business owner: A business owner may want to display signs to advertise their business location or information on their products.
- (i) Newspaper publishers: Newspaper publishers use posters on lamp poles to publicise their headlines – often changing signs on a daily basis.
- (j) Event organisers: Event organisers may use posters and other marketing materials (e.g. flags and banners) to announce and advertise events.
- (k) Property marketing sector: The property marketing sector uses directional and on-site signage to market properties.
- (l) The public: Residents of and visitors to Cape Town use signage for way finding and information or receive advertising messages in their environment.

## 7. POLICY PRINCIPLES AND DIRECTIVES

### MANAGING OUTDOOR ADVERTISING BY ESTABLISHING AREAS OF CONTROL

- 7.1 Recognising that the potential impact or appropriateness of signage may vary based on the sensitivity of the receiving environment, the City of Cape Town will:
- (a) Establish areas of maximum, partial and minimum control;
  - (b) Outline these areas of control in its Outdoor Advertising and Signage By-Law;
  - (c) Have a publicly available map on its website indicating various areas of control; and
  - (d) Have distinct rules in relation to outdoor advertising and signage in each area of control.
- 7.2 In designating and managing areas of control, the City of Cape Town will:
- (a) Endeavour to find the appropriate balance between the strategic priorities outlined in Section 3; and

- (b) Avoid blanket prohibitions on outdoor advertising in all areas of control – seeking to identify appropriate measures to provide highly controlled exposure and opportunities (e.g. through signage master plans and strict design guidelines).

## ESTABLISHING CLEAR TECHNICAL GUIDELINES AND APPROVAL PROCESSES FOR DIFFERENT TYPES OF SIGNS

- 7.3 Outdoor advertising signs vary greatly in terms of function, physical attributes and visual impact.
- 7.4 The City's Outdoor Advertising By-Law will create a procedurally fair and predictable set of rules applicable to outdoor advertising.
- 7.5 The City will provide clear technical guidelines for different sign types both through the schedules in its Outdoor Advertising and Signage By-Law and a plain-language brochure summarising the rules applicable to different types of signs.
- 7.6 These guidelines will be informed by the following principles:
  - (a) Signs requiring significant supporting structures would have to meet the City's engineering and building standards if and where applicable;
  - (b) Only signs which do not interfere with road traffic information will be allowed in the road reserve;
  - (c) Guidelines should be flexible enough to accommodate new technology and sign types;
  - (d) The City may distinguish between locality-bound signs and third party signs.
  - (e) The City will ensure that its rules and technical guidelines on locality-bound signs:
    - i.) Maximises the scope for deemed approvals; and
    - ii.) Does not prejudice the right of a business owner to identify the location of an enterprise and to advertise the activities, products or services offered at that location.
  - (f) Recognising their similarity in visual and safety impacts (particularly when a sign exceeds a certain size), the City's will ensure that its rules and technical guidelines applicable to third party signs are as similar as reasonably possible to its rules and technical guidelines on locality-bound signs.
  - (g) The City recognises the role of the Advertising Standards Authority in ensuring that advertising is legal, decent, honest, and truthful and will not assess or pronounce on the acceptability of the content of a sign.
- 7.7 The Outdoor Advertising and Signage By-Law will make appropriate provision for the expeditious appeal of decisions in relation to applications for outdoor advertising and signage.

## LEVELS OF APPROVALS

7.8 The city will provide three levels of approval:

- (a) Deemed approval (upfront approval): Signs that meet certain minimum rules may be displayed without an application to Council
- (b) Simple applications: signs where minimum assessment of the application is required by officials and same day approval can be granted. This includes property marketing directional board permits and poster permit applications.
- (c) Complex applications: a written or online application for approval of signs that do not fall in category (a) or (b) above.

7.9 To reduce the regulatory and administrative burden in relation to outdoor advertising, the City will seek to maximise the range of areas and sign types eligible for deemed approvals.

## AN EASY-TO USE PROCESS AND APPROVAL SYSTEM

7.10 The City will outline clear application and approval procedures in an Outdoor Advertising bylaw.

7.11 The city will offer an online portal and application tracking system for outdoor advertising approval in addition to a counter service.

7.12 The city will distinguish between simple and complex applications.

- (a) Simple applications will be finalized within in 30 calendar days of acceptance of the application; and
- (b) Complex applications will within 90 calendar days of acceptance of the application.

7.13 The City will offer pre-application advice and support to applicants.

7.14 Applications will undergo a pre-assessment check to ensure that applications are complete and meet the minimum submission requirement prior to being formally accepted into the system.

7.15 The City will designate sites upfront for certain types of signs to reduce the administrative burden and give certainty to applicants.

## PARTNERING WITH STAKEHOLDERS TO ENHANCE THE ECONOMIC IMPACT OF OUTDOOR ADVERTISING

7.16 The City will ensure that commercial and industrial enterprises have adequate, flexible means to identify themselves and their products or services – recognising that locality bound (on-premises) signs serve both an informational and promotional function.

- 7.17 The City will establish and maintain an appropriate forum for engagement with outdoor advertising stakeholders, including the creative industry.
- 7.18 The purpose of the forum will be to:
- (a) Share information;
  - (b) Discuss strategic issues of relevance to the industry;
  - (c) Ensure that the City's leadership and officials keep abreast of innovations in the industry; and
  - (d) Identify potential areas for outdoor advertising opportunities.
- 7.19 The City may develop outdoor advertising masterplans for areas in which it wants to:
- (a) Encourage outdoor advertising activity; or
  - (b) Allow outdoor advertising in a controlled manner.
- 7.20 The City may introduce discounted tariffs or special designations to encourage outdoor advertising activity in a particular area or related to a particular sector.

## PROTECTING ENVIRONMENTAL AND HERITAGE ASSETS AND CONTRIBUTING TO A SENSE OF PLACE

- 7.21 The City recognizes the contribution of visual, environmental and heritage assets to the City's economy, in particular tourism.
- 7.22 The City will apply appropriate levels of control according to the sensitivity of a particular landscape.
- 7.23 The City may seek the comment of interested and affected parties when considering signs with high environmental or heritage impact.
- 7.24 The City will encourage the use of renewable energy technologies in outdoor advertising and signage in line with commitments to reduce the city's carbon footprint.
- 7.25 The City will not approve signs that are harmful to people through noise, nuisance or illumination.
- 7.26 The City will encourage signs on buildings that fit with the architectural design of the building and do not unjustifiably obscure its architectural features – thus: signs on common boundary facades will be preferred to signs on public facing facades.
- 7.27 The City will encourage the clustering of signs if it will reduce visual clutter in the environment.

7.28 The City will make an approved number of street light poles available for advertising of events, concerts and performances as well as newspaper headline poster and property marketing directional signs.

7.29 The City will encourage outdoor advertising signs that engage communities in the visual environment through the internet and social media.

## MANAGING SAFETY IMPACTS

7.30 The City recognizes that the impact of signage upon drivers, and the influence upon road-user safety, is a consideration in the approval of outdoor advertising and signage.

7.31 The City acknowledges that all signs may be distracting to drivers, but vary in degree of acceptability according to their environment context, their relation to other traffic instructions, and the amount of information transferred from a sign to a road-user.

7.32 The City will give due consideration to localised dynamics when assessing traffic impacts.

7.33 In complex applications, the City reserves the right to request a traffic impact study to scientifically determine the potential traffic safety of a proposed outdoor advertising sign.

7.34 In complex applications, the City reserves the right to request a traffic impact study to scientifically determine the potential traffic safety of a proposed outdoor advertising sign.

7.35 Signs requiring significant supporting structures would have to meet the City's engineering and building standards if and where applicable.

7.36 Where outdoor advertising is located in residential environments, due regard will be given to the potential for creating a public nuisance through noise, illumination or the neglect of sign structures. Public input would be sought in this regard where necessary and relevant.

## LEVERAGING CITY ASSETS

7.37 In line with sustainable financial practices the City in, collaboration with stakeholders, will identify city-owned buildings and sites that present revenue generating outdoor advertising opportunities.

7.38 These opportunities will be investigated further to ascertain the feasibility of implementing a signage solution and the appropriate management model.

7.39 The development of these assets will be put to tender through supply chain management for a range of appropriate services to be sourced from the market.



- 7.40 The City may integrate electronic signage solutions into the design of certain minor or major infrastructure to allow for revenue generation in high usage areas.
- 7.41 The City will allow limited encroachment of signs on City land provided that the sign do not pose a public hazard, and that appropriate agreements are signed between the City and the sign owner.

## SUPPORTING THE NON-PROFIT SECTOR

- 7.42 In order to promote the work of non-profit organisations and mobilise resources for community development, the City of Cape Town will make a distinction between signs and advertising with a commercial purpose and those benefitting a non-profit body.
- 7.43 To support the non-profit sector in leveraging outdoor advertising to mobilise resources for their work, the City of Cape Town will:
- (a) Provide for discounted tariffs for outdoor advertising to be displayed by or for the direct benefit of a non-profit body;
  - (b) Give special concessions for signs to be displayed by or for the direct benefit of a non-profit body, provided that:
    - i.) The non-profit body can provide details of the benefit to be received from the erection or display of the sign;
    - ii.) The non-profit body can provide details of the potential benefit to community;
    - iii.) Signs with political content will not be permitted; and
    - iv.) The City may impose certain rules around such signs – including, the number of signs to be displayed, the location of the sign, the size of the sign, and the prominence of the name of the relevant non-profit body.
  - (c) In a controlled manner, allow non-profit bodies to use City-owned property to advertise their organisations (e.g. for fundraising campaigns), subject to 7.28(b) above, and provided that:
    - i.) Approval is obtained from the relevant asset owner, the department responsible for outdoor advertising approval and the department responsible for traffic safety assessments; and
    - ii.) A written agreement is signed between the municipality and the non-profit body stipulating the conditions on which the sign is to be erected or displayed.

## PARTNERING FOR BETTER SERVICE DELIVERY

- 7.44 The city recognizes the importance of private-public collaboration as an alternative service delivery mechanism and as a financially prudent practice.
- 7.45 Where possible, and in compliance with the Policy on Contributions to the City of Cape Town, the City may offer outdoor advertising opportunities to external stakeholders to catalyse the provision or co-funding of public goods and services to residents.
- 7.46 The City may create a dedicated sign category for signs on street furniture in order to clarify the applicable rules in relation to this category of signs.

## EFFECTIVE AND APPROPRIATE ENFORCEMENT

- 7.47 Application fees for outdoor advertising approval will be based on recovery of the operational costs associated with such approvals.
- 7.48 The city will recover the actual cost of removal of illegal signage through a removal tariff to ensure that ratepayers do not subsidise this service.
- 7.49 Encroachment fees may be raised as a means to generate revenue from outdoor advertising and signage that is effectively on City-owned property.
- 7.50 In the interest of fairness and administrative justice, the City will develop the necessary internal capacity to enforce its rules in relation to outdoor advertising in an effective manner.
- 7.51 Where possible and appropriate, the City will partner with local business owners and City Improvement Districts to monitor compliance with the City's outdoor advertising rules – as stipulated in the Outdoor Advertising By-Law.
- 7.52 The City will provide a platform (e.g. hotline or web-based notifications) through which residents and business owners can report suspected violations of the outdoor advertising by-law.
- 7.53 Where necessary, and to prevent a culture of malicious non-compliance, the City will pursue recourse through the courts.

## 8. IMPLEMENTATION PROGRAMME

- 8.1 The City will ensure appropriate capacity to:
- (a) Assess applications for outdoor advertising and signage;
  - (b) Monitor compliance with the City's Outdoor Advertising and Signage by-law;
  - (c) Assess appeals to decisions on outdoor advertising and signage;
  - (d) Effectively pursue revenue generating opportunities through advertising opportunities on City-owned land and buildings;
  - (e) Engage with the outdoor advertising and signage industry; and
  - (f) Engage with external stakeholders to develop solutions around potential co-funding of public goods and services facilitated through outdoor advertising concessions.
- 8.2 Appropriate provision for the assessment of outdoor advertising applications will be made in the City's System of Delegations.

## 9. MONITORING, EVALUATION AND REVIEW

- 9.1 The City will initiate quarterly engagements with representatives of the outdoor advertising sector and interested stakeholders. These engagements will allow for clarity on policy and by-law issues, provide the City with a forum within which to communicate policy implementation concerns to industry and interested stakeholders, and similarly ensure that the City is made aware of developments within the private sector space and of community responses to outdoor advertising signs. The scope of these engagements will provide the City with the necessary detail of when to initiate whole-sale review of the policy and by-law, or instruct incremental changes which improve operational efficacy. Whole-sale review will be supported by the necessary public participation input.
- 9.2 Should a review of the policy and by-law not have been initiated through the regular interaction with the industry, the City will undertake to engage public sentiment around outdoor advertising and signage once every five years.
- 9.3 The monitoring of the policy will be undertaken by those designated City officials most involved in its operational determination (*Currently this function falls within the Environmental Resource Management Department but could be argued for inclusion in the Property Management Directorate (Asset and Facilities Management Department) under the new organisational dispensation*) in conjunction with relevant support from the Strategic Policy Unit, and the Mayoral Committee.
- 9.4 The success of the policy will be assessed with reference to:
- (a) The nature and quality of engagements between the City of Cape Town and the outdoor advertising industry;
  - (b) Input (both mandated and unsolicited) and feedback received from the residents of Cape Town;
  - (c) Assessments of the ease of use of the policy and the associated by-law;
  - (d) Turnaround times in processing applications for outdoor advertising or signage;
  - (e) Changes in the number of applications for outdoor advertising approvals (related to efforts to increase deemed approvals);
  - (f) Growth in the revenue generated through outdoor advertising on City-owned land/ assets; and
  - (g) Growth in the number of agreements for co-funding of public goods and services between the City and external partners.