



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 8383

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General Notice

MUNICIPALITY OF OKAHANDJA

No. 290

2024

OUTDOOR ADVERTISING REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Municipal Council of Okahandja, after consultation with the Minister of Urban and Rural Development, has under section 94(1)(ae) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the regulations set out in the Schedule.

BY ORDER OF THE COUNCIL

B. KOTUNGONDO

CHAIRPERSON

Windhoek, 5 June 2024

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Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act has the same meaning and unless the context otherwise indicates –

“advertisement” means a representation by a word, letter logo, symbol, sign drawing, painting or other pictorial representation, displayed outdoors for purposes of drawing attention of the public or promoting a product, service or business, trade, election, function or other event;

“advertising sign” means a structure, an object or a device, whether freestanding or attached to a wall or structure and used or intended to be used to display an advertisement;

“Council” means the Council of the Municipality of Okahandja;

“clear height” means the minimum vertical distance from the physical or natural ground level to the bottom of the advertising sign;

“fee” means a fee determined by the Council in terms of section 30(1)(u) of the Act;

“illuminated” means an advertising sign which has been installed with electrical or other power for the purpose of external or internal illumination;

“local authority area” means the local authority area of Okahandja;

“luminance” means the measure of how bright an illuminated area appears to the human eye and is measured in candela/m²;

“overhang” means the physical part of sign hanging or projecting over a boundary;

“owner” in relation to an advertising sign means the person who owns or who will own the advertising sign once it is displayed or erected;

“owner of the land” means the person who owns the land or property on which the advertising sign is or will be erected;

“road traffic sign” means a road traffic sign referred to in section 1 of the Road Traffic and Transport Act;

“Road Traffic and Transport Act” means the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992); and

“township” means a township as defined in the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018).

Application to erect or display advertising sign

2. (1) A person may not erect or display an advertising sign in the local authority area without the written approval of the Council.

(2) A person who wishes to erect or display an advertising sign in the local authority area must –

- (a) apply to the Council on a form determined by the Council for authorisation to erect or display an advertising sign; and
- (b) pay the applicable fee.

(3) On receiving a completed application form and the fee contemplated in subregulation (2)(b), the Council may request the applicant to submit to the Council such further information as may be reasonable and necessary in respect of the application.

(4) A person who contravenes or fails to comply with subregulation (1) commits an offense and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Advertising signs that require Councils authorisation

3. A person who wishes to erect or display any of the following advertising signs must obtain the authorisation of the Council:

- (a) billboard, which means a screen or board larger than 4.5m², supported by a structure used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement;
- (b) mega billboard, which means a screen or board between 81m² and 150m², supported by a structure used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement;
- (c) super billboard, which means a screen or board 40m² and 81m², supported by a structure used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement;
- (d) large billboard, which means a screen or board between 24m² and 40m², supported by a structure used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement;
- (e) free-standing sign, which means an immobile sign not attached to a building or to any structure or an object, which building, or structure is not intended for the primary purpose of advertising;
- (f) advertisement on street furniture, which means an advertisement on public facilities and structures which facilities or structures are not intended for the primary purpose of advertising, including but not limited to seating benches, planters, sidewalk litter bins, pole mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road traffic signs, traffic signals, streetlights or any other road related structures;
- (g) banner, which means a piece of cloth or similar material on which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached

to one or more ropes, poles or flagstaff projecting vertically, horizontally or at an angle, or attached to buildings or to specific structures, but excludes banners carried as part of a procession or march;

- (h) neighbourhood or township name sign advertisement, which means a pole mounted advertisement at the entrance to a township or neighbourhood that carries an advertisement beneath the road traffic sign bearing the name of the township or neighbourhood;
- (i) estate agent board, which is an advertisement temporarily displayed to advertise that land, premises, development or other forms of fixed property are for sale, to let or on show;
- (j) auction boards, advertising the sale of goods, cattle or livestock;
- (k) posters and notices which means an advertisement displayed on an electrical street light pole;
- (l) projects boards and development advertisements, which means an advertisement which could describe a type of development being carried out on a construction site, including a pictorial representation and containing the contact details of the developer or his agent;
- (m) street name sign, which consists of a pole-mounted, double sided and internally illuminated advertisement displayed in combination with an illuminated street name sign;
- (n) neighbourhood watch and security signs;
- (o) product replicas and three-dimensional advertisements which means a replica or device used for advertising that may be free-standing or attached to a structure and includes an inflatable object that is not an aerial advertisement;
- (p) sky signs, which means an advertising sign between 75m² and 300m² and on top of a high building or skyscraper;
- (q) roof sign which means a sign on the main roof of a building lower than fifteen floors and which building is used or partly used for commercial, office, industrial or entertainment purposes;
- (r) flat sign which means any advertisement affixed to any external wall of a building used for commercial, office, industrial or entertainment purposes, but excluding a parapet wall, balustrade or railing of a veranda or balcony, which at no point projects more than 300mm from the surface of such a wall and which may consist of a panel or sheet or of individual numbers, letters or symbols;
- (s) projecting sign which means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building, including a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property;
- (t) veranda, balcony, canopy and under awning advertising signs, and –
 - (i) veranda, means a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

- (ii) balcony, means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper-floor door or window;
- (iii) canopy, means a structure in the nature of a roof projecting from the facade of a building and cantilevered from the building or anchored otherwise than by columns or posts; and
- (iv) under awning sign, means a sign suspended below the roof of a veranda or balcony;
- (u) advertising signs on forecourts of business premises and on sidewalks directly in front of business premises, and –
 - (i) forecourt, means an outdoor area forming a functional part of a building housing an enterprise, and may include the area of a filling station where the pumps are situated, or a terrace in front of a restaurant, enclosing fences, walls, screens or similar structures, excluding sidewalk areas in front of business premises intended for pedestrian circulation; and
 - (ii) forecourt advertisement, means an advertisement on a forecourt of a business premises, being an advertisement displayed in such forecourt to draw attention to commercial services, goods for sale or other services available at the premises but does not include a combination advertisement at a filling station or roadside service;
- (v) advertising signs painted on walls, roofs and murals;
- (w) window signs, which are permanently painted on or attached to the window-glass of a building;
- (x) signs incorporated in the fabric of a building which comprises the elements that characterise the structure as a building, including walls, roofs, internal surfaces, floors, stairs and landings and all doors and windows;
- (y) signs for residential oriented land use and community services;
- (z) on-premises business signs which means an advertisement aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertisement;
- (aa) advertising signs on towers, bridges and pylons;
- (bb) advertising signs on construction site boundary walls, fences and construction buildings;
- (cc) service facility signs, which means an advertisement at a filling station or roadside rest and service area referring to the types of services provided at such facility;
- (dd) functional advertisements by public bodies which provides specific information in a simple format for immediate or short-term appearance;
- (ee) aerial signs, which means any sign attached to or displayed on a balloon or similar device or which is in itself an advertising sign which is suspended in the air and over any part of the area; and

- (ff) trailer advertisement which means a sign mounted on a trailer, bicycle or vehicle, with the sole purpose of advertising.

Factors to be considered

4. In considering an application to erect or display an advertising sign in the local authority area, the Council must have regard to the following:

- (a) the provisions of the Okahandja zoning scheme;
- (b) applicable public health laws;
- (c) applicable provisions of the Road, Traffic and Transport Act;
- (d) the provisions of the National Heritage Act, 2004 (Act No. 27 of 2004);
- (e) other applicable laws;
- (f) whether the sign will be detrimental to the environment;
- (g) whether the sign will impact the amenity of the residents in the local authority area by reason of either size, intensity, frequency, illumination, quality of design or materials, or for any other reasonable reason;
- (h) whether the sign will constitute a danger to any person or property;
- (i) whether the sign contains information which may reasonable be considered to be offensive;
- (j) whether the sign will obscure any other signs;
- (k) whether the sign will impair the visibility of any road traffic sign;
- (l) the number of signs erected or displayed or to be erected or displayed on the area or site concerned; and
- (m) other applicable provisions of these regulations.

Decision on application

5. (1) After considering an application submitted to it in terms of regulation 2, the Council may –

- (a) grant the application with or without imposing any conditions and issue the authorisation to the applicant; or
- (b) refuse the application and in writing provide the applicant with reasons for the refusal.

(2) An authorisation referred to in subregulation (1) is valid for the period indicated in the authorisation unless the authorisation is suspended or cancelled in terms of these regulations.

Design and construction

6. (1) For the purposes of this regulation –

“area of maximum control” means an area which is considered sensitive to visual disturbance and include, but are not limited to natural open spaces in urban areas, urban conservation areas, interface of natural landscape with built-up areas, gateways, residential areas, bodies of water and rivers, ridges, open recreational area, architectural and historical sites, characteristic vistas, heritage sites and buildings, mountainous areas, special tourist areas and skylines; and

“area of minimum control” means an area which includes, but is not limited to areas seen as centre areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services, such as areas of concentrated economic activity, city centres, commercial districts, shopping centres, office precincts, commercial enclaves and shopping centres in industrial areas and industrial parks, entertainment districts, and prominent transport nodes.

- (2) The owner of an advertising sign must –

- (a) ensure that the sign is neatly and properly constructed in accordance with applicable legislation;
- (b) ensure that the sign is not detrimental to or have a negative aesthetic impact on the urban design, streetscapes or the character of the surrounding area by way of the design of the structure or device;
- (c) ensure that the sign consists of durable materials;
- (d) ensure that the sign indicate in a neat, readable and permanent text –
 - (i) the name of the owner;
 - (ii) the authorisation number of the advertising sign as approved by the Council;
- (e) ensure that the sign does not deface buildings and structures with electrical services wiring and other accessories;
- (f) ensure that the sign is safely, rigidly and securely attached, supported or anchored;
- (g) ensure that the sign is constructed and located at a height that discourages vandalism;
- (h) not use water soluble adhesive tape or similar material to display or secure any advertising sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;
- (i) ensure that the exposed metal of any advertising sign is painted or otherwise treated to prevent corrosion and decay; and
- (j) put measures in place to prevent the entry of water and dust into and the accumulation of water, moisture or dust on or in any advertising sign or any part of its supporting framework or brackets;

- (k) ensure that a person may not, in the course of erecting, displaying or removing an advertising sign, cause damage to the environment, including any tree, vegetation or any electrical or water supply;
- (l) if an advertising sign contains glass, ensure that –
 - (i) all glass used in advertising signs is safety glass of at least 3mm thick; and
 - (ii) glass panels used in advertising do not exceed 0.9m² in area, and that each panel is securely fixed in the body of the advertising sign, structure or device independently of all other panels;
- (m) ensure that the sign does not obstruct a stairway, doorway or other means of exit from a building;
- (n) ensure that the sign does not prevent the movement of persons from one part of a roof to another part;
- (o) ensure that the sign does not obstruct any fire escape or the means of exit to a fire escape;
- (p) ensure that the sign is not painted on any fence or boundary wall in an area of maximum or an area of partial control;
- (q) ensure that the sign is not higher than the height restriction in terms of the Okahandja Zoning Scheme;
- (r) ensure that the sign does not encroach on a building restriction area unless a relaxation has been obtained in terms of the Okahandja Zoning Scheme;
- (s) ensure that the sign is not erected within any township unless specific approval has been granted by the Council;
- (t) ensure that the sign does not exceed the clear height with regard to overhead power lines without permission from the applicable authority; and
- (u) ensure that the sign does not unreasonably obscure, partially or wholly, any existing advertising sign.

(3) If the Council considers it necessary, the Council may require that the structural design of an advertising structure be certified by a structural engineer who must satisfy the Council that the structure is adequate to secure, fix or support any advertising sign.

(4) A person who contravenes or fails to comply with subregulation (2) or (3) commits an offence and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Illuminated signs

7. (1) The owner of an advertising sign that is illuminated must ensure that the sign –
- (a) has power cables and conduits containing electrical conductors positioned and fixed in a manner that is not unsightly;

- (b) is constructed of incombustible materials;
- (c) is provided with an external switch in an accessible position at a height of at least three meters from the ground to ensure that the electricity supply to the advertising sign can be switched off;
- (d) has warning signs indicating electricity and danger;
- (e) is connected in accordance with the applicable law relating to electrical wiring of premises;
- (f) is fitted with efficient suppressers, if the sign is likely to interfere with radio reception;
- (g) a light source emanating from floodlights or light not meant for illumination, are not visible to vehicular traffic travelling in any direction; and
- (h) floodlights are positioned to ensure effective distribution of light and to minimise light wastage.

(2) The Council may determine the luminance levels for advertising signs and may specify where and when the signs may be illuminated.

Maintenance of advertising sign

8. (1) The owner of an advertising sign must, on a regular basis, maintain the sign in good repair and according to the highest standards as regards quality of structures, posting and sign writing.

(2) The owner of land on which an advertising sign is displayed or erected, or to which such sign is attached, and the owner of the advertising sign are jointly and severally responsible for the maintenance of the advertising sign.

- (3) The owner of the land and the owner of the advertising sign –
 - (a) are jointly and severally responsible for the consequences of not maintaining an advertising sign as referred to in subregulation (2); and
 - (b) must undertake at least one annual inspection of the advertising sign in order to comply with the requirements of these regulations.

(4) The owner of an advertising sign must ensure that the sign is secured in a manner not to constitute a danger to the public, and the owner of the land on whose property such sign is constructed assumes all responsibility and liability, indemnifying the Council against any claim which may arise in connection with such sign.

(5) The owner of an advertising sign must ensure that, where the advertising sign is displayed to give information regarding the name of the occupier of the premises or the nature of the business conducted on such premises, the advertising sign is removed if the owner of the premises ceases to occupy the premises.

- (6) If, in the opinion of the Council, any advertising sign or structure is –
 - (a) in a dangerous or unsafe condition;
 - (b) has been allowed to fall into a state of disrepair; or

- (c) interferes with the functioning of any road traffic sign,

the Council must serve a notice on an owner of the land or owner of the advertisement, requiring him at his own cost, to remove the sign or structure or do other work specified in the notice within a period so specified.

(7) If an owner of the advertising sign fails or refuses to comply with the notice under subregulation (6), the Council may remove the sign or structure or do other work specified in the notice and recover the cost from the owner or the owner of the land.

Road safety

9. The owner of an advertising sign must ensure that the sign complies with the Road, Traffic and Transport Act and that the advertising sign –

- (a) is not placed in a manner that distracts the attention of drivers or pedestrians likely to lead to unsafe conditions;
- (b) is not placed in a manner that causes any obstruction to a driver's view of the roadway, regardless of the direction drivers are travelling;
- (c) is not attached to, combined with, obscure, create confusion with or interfere with the functioning of a road traffic sign or signal, or create a road safety hazard;
- (d) does not obscure a driver's view of pedestrians, rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
- (e) does not project over a sidewalk or pedestrian circulation route, unless the clear height of such sign exceeds 2,4 meters and for a cycle circulation route a clear height of three meters;
- (f) does not project over a road with an overhang on a bridge; and
- (g) does not predominantly display the colours red, amber or green if such colours will, in the opinion of the Council, constitute a road safety hazard.

Alteration of advertising sign

10. (1) A person may not alter, move or remove an advertising sign or make alteration to the electrical wiring system of an advertising sign, without the prior written authorisation of the Council, but the owner of the sign may alter, move or remove the sign for the purposes of maintaining or renovating it.

(2) A person who wishes to alter, erect or display an advertising must –

- (a) apply to the Council on a form determined by the Council for authorisation to do so; and
- (b) pay the applicable fee.

(3) On receiving a completed application form and the fee contemplated in subregulation (2)(b), the Council may request the applicant to submit to the Council such further information as may be reasonable and necessary in respect of the application.

(4) The Council must consider an application submitted to it in terms of subregulation (3), and may, having regard to all accompanying information –

- (a) grant the application with or without imposing any conditions and issue the authorisation to the applicant; or
- (b) refuse the application and in writing provide the applicant with reasons for the refusal.

(5) An authorisation granted in terms of subregulation (4) is valid for the period indicated in the authorisation, unless cancelled or suspended in terms of these regulations.

(6) A person who contravenes or does not comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Powers of Council

11. (1) Where an advertising sign does not comply with the requirements of these regulations, the Council may serve a written notice on the owner and the owner of the land.

- (2) The notice referred to in subregulation (1) must –
 - (a) inform the recipient of the notice about the nature of the non-compliance;
 - (b) instruct the recipient of the notice to repair, maintain or remove the advertising sign within a period specified in the notice; and
 - (c) inform the recipient of the notice that if the recipient fails to repair, maintain or remove the advertising sign within the period specified in the notice, the Council may remove such sign to ensure compliance with the instruction given under paragraph (b), and may recover from the recipient any costs incurred by the Council in connection with any action so taken.

(3) Where any advertising sign is removed as contemplated in paragraph (c) of subregulation (2), the Council may return the sign to the owner only if the owner or the recipient of the notice –

- (a) gives the Council a written undertaking –
 - (i) not to erect or display the advertising sign after the sign is so returned; or
 - (ii) to comply with the conditions imposed under these regulations by the Council; and
- (b) pays to the Council the costs, if any, contemplated in paragraph (c) of subregulation (2).

(4) Where a person erects or displays an advertising sign in contravention of these regulations, subregulations (1), (2) and (3) apply with changed required in the context.

Cancellation of authorisation

12. (1) The Council may cancel or suspend an authorisation issued under these regulations if the Council is satisfied on reasonable grounds that the owner or the owner of the land has failed to comply with, contravened, or continues to contravene a provision of these regulations, or has failed, or continues to fail to comply with a condition imposed in respect of the authorisation.

(2) If the Council proposes to cancel or suspend an authorisation issued in terms of these regulations the Council must in writing inform the holder of the authorisation of the proposal for suspension or cancellation.

(3) The notice referred to in subregulation (2) must –

- (a) specify the grounds on which the Council proposes to cancel the authorisation and
- (b) specify the period of proposed suspension, in the case of a suspension; and
- (c) inform the holder of the authorisation that the holder may within the specified period make written representations to the Council showing why the Council should not cancel or suspend the authorisation.

(4) The Council may cancel or suspend the licence only after having considered any representations made by the owner or the owner of the land in accordance with subregulation (3).

Service of notices, instructions or documents

13. Any notice, instruction or document to be served or given in terms of these regulations must be served or given in accordance with section 93 of the Act.

Enforcement

14. For the purpose of enforcing these regulations a staff member of the Council may perform the duties or exercise the powers given or conferred in terms of section 91 of the Act.

Offences and penalties

15. (1) A person commits an offence if that person –

- (a) contravenes or fails to comply with a notice issued under these regulations and served on him or her in accordance with section 93 of the Act;
- (b) makes a false statement when making an application under these regulations; or
- (c) threatens, resists, hinders or obstructs any staff member of the Council in the performance of his or her functions under these regulations.

(2) A person convicted of an offence under subregulation (1), is on conviction liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Savings and transitional provisions

16. (1) An advertising sign that was displayed or erected with the authorisation of the Council before the commencement of these regulations is considered to have been displayed or erected under these regulations.

(2) An application to display or erect an advertising sign which was made to the Council before the commencement of these regulations and has not been decided on by the time of the commencement of these regulations must be determined in terms of these regulations.
