



MUNICIPAL COUNCIL OF THE CITY OF WINDHOEK

OUTDOOR ADVERTISING POLICY

Prepared by:

Elmarie du Toit Town Planning Consultants and Emerald Sky Joint Venture

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1. INTRODUCTION

The purpose of this document is to guide the Council to control and manage Outdoor Advertising within the area of jurisdiction of the City of Windhoek, whilst also providing flexible opportunities in outdoor advertising within the City of Windhoek. The Council is aiming to upgrade the standard of advertising in its area of jurisdiction, providing that advertising signs stays environmental and aesthetic pleasing, and safe.

As was already quoted in a previous Council report: "Human behaviour shapes and is shaped by environmental issues. 'Although many planning professionals consider the visual aspects of the environment to be trivial in comparison with economic, fiscal and social issues, the fact is that the public is extremely sensitive to the visual environment, for its symbolic quality as well as the immediate experiences it affords. Matters of scale, colour, shape, street character, and view affect a population's image of its city and of itself. The visual qualities convey powerful emotive messages that imply who runs the city, who dominates its environments, and the character of those in power' (Landscape assessment and perception research methods; Taylor et al., 1987). Outdoor advertising can have major and adverse impact on urban environments and is therefore subject to local government control".

The Council currently controls outdoor advertising through its Outdoor Advertising Regulations promulgated on the 15th September 1999, Government Notice No. 279, and through guidelines for the erection and display of advertising material as set out per Revised Policy accepted and approved per Council Resolution (CPL.1 [PLA] Outdoor Advertising (16/18/3)).

Council then, at its meeting held on the 28th of September 2005 determined per Resolution 306/09/2005 the following:

1. "That a moratorium be placed on the acceptance and processing of new applications for permanent and semi-permanent outdoor advertising boards.
2. That all other advertisement applications such as banners, posters, leaflets, auctioneer's and estate agent's notices, etc. be approved on a month to month basis in the interim.
3. That the moratorium be for a period of six (6) months commencing on the date of approval. This moratorium was effective from the *28 September 2005 – 28 March 2006*.
4. That the analysis for the purposes as set out in the submission be done as indicated and that the SE: Economic Development and Community Services or his nominee report back to Management Committee.
5. That the public be informed through the Office of the Chief Executive Officer on the purpose and length of the moratorium."

The Department: Economic Development and Community Services (EDC) then requested the services of a professional consultant to assist in providing Council with an opportunity to perform and analyse the following, in an objective and impartial approach:

1. Review Council's standing laws and regulations governing outdoor advertising.
2. Review the pricing structure (tariffs).
3. Determine the impact of illegal advertisements on revenue losses for Council.
4. Make recommendations for new tariffs, laws and regulations affecting outdoor advertising.
5. Collect data and create a data bank on placing of advertisements on municipal, government and private land. The data bank will be maintained by the City of Windhoek.

A tender was advertised for the Council in February 2006, through the normal tender process and the Local Tender Board, namely: Tender M. 09/06 – Consulting Services for Professional Assistance in Analysing Outdoor Advertising. Consultants were appointed in the beginning of

May 2006 to assist. The consultant's team is a Joint Venture between Elmarie du Toit Town Planning Consultants and Emerald Sky.

The consultants commenced with the study in May 2006, after a discussion with Council to determine their needs and requirements. The following tasks were included and executed as part of the study:

Phase A: Survey, Analysis and Database:

1. Survey

- i) Obtain details from City of Windhoek
- ii) Survey of existing advertisements
- iii) Quality control and field spot checks (re-survey)

2. Legal Audit of surveyed signs

- i) Obtain available records/database at City of Windhoek
- ii) Compare data on records with surveyed data
- iii) Discussions with the industry

3. Financial Audit

- i) Calculation of expected income

4. Database

- i) Compile a database and maps

Phase B: Compilation of Draft Policy:

- i) Review of existing Policy
- ii) Development on new Policy for City of Windhoek
- iii) Two day workshop with officials from the Council to discuss and complete the draft Policy.
- iv) Benchmarking against other Metros in South Africa
- v) Establishment of Practices, Processes and Procedures and Tariff structures for the handling and management of applications
- vi) The Policy will address Environmental guidelines and aspects
- vii) One day meeting and workshop to deliver the final draft Policy
- viii) Public Participation: Two meetings in Windhoek is foreseen with the industry and the Public, as well as incorporation of comments from the industry

Phase C: Compilation of By-laws:

- i) Compilation of draft By-laws
- ii) One day meeting and workshop to discuss and deliver the draft By-laws

2. IMPORTANCE OF OUTDOOR ADVERTISING

Outdoor advertising is of vital importance to the local economy. Statistics have shown that it is more cost effective to reach more people with outdoor advertising, compared to other media sources, i.e. radio, magazines and newspaper or television. Also in Windhoek, the use of outdoor advertising mediums, for example bus shelters, trailer advertising and billboard, has grown tremendously. Considering the current rentals (as per word of mouth), it is believable that the growth is faster than traditional media sources such as newspaper and television.

The general impression and impact of outdoor advertising on the public has also improved over the past few years. New technology has made the industry creative, and advertisers are seeing billboards in a new light. If the increase in vehicle sales and corresponding traffic is considered, we can assume that people are spending more time in their cars than they have in the past. The majority of road travelers are alerted to specific locations, like hotels, restaurants and municipal facilities, like the Sam Nujoma stadium and the various bed-and-breakfasts (B&B's) found in Windhoek, and they use that as landmarks and direction to tourists. Although billboards are the most important factor regarding the effectiveness of an outdoor advertising campaign, the location and promotional factors also contribute to a campaign's effectiveness.

From an economic development point of view, several factors contributed to the decision taken by the Department: Economic Development and Community Development, to coordinate and improve the outdoor advertising situation, namely:

- strong business and economic growth;
- the creation of a robust business environment facing outdoor advertiser's traditional customer groups;
- more firms are eager to expand markets for new products and services; and
- the upgrading of existing infrastructure (e.g. extension of Robert Mugabe Avenue) and the creation of new infrastructure (new streets and townships)
- demographic changes (in the past the north-western areas were not considered for outdoor advertising, due to a conceiving lack of buying power).

The local outdoor advertising industry is expected to experience a tremendous growth of revenues, employment and income (turn-over) over the next three years. Based on the strong growth in the local economy, new consumer products will be developed and should be marketed and advertised, for which the outdoor advertising media can provide the opportunity to do so. Some of the main industries to use the outdoor advertising media include *inter alia*, the banking industry, social services, telecommunications and cell phones, tourism, and the motor vehicle industry. Outdoor Advertising has the potential to bring valuable product information to a large and important segment of the potential market.

The importance of outdoor advertising then manifests in the economic impacts on employment, expected increase in job opportunities to be created and higher disposable income, turnover and gross revenue of these products, and many more.

3. SCOPE OF THIS POLICY

The scope of this Policy is to provide a set of principles governing the use of land and buildings for outdoor advertising and signage. It has to control outdoor advertising in the jurisdiction of the City of Windhoek. This policy should strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conversation of visual and tourist impact, traffic safety, environmental and heritage characteristics on the other hand.

The policy shall be applicable to all the areas under the jurisdiction of the City of Windhoek. Any entity or individual, who wants to erect any advertising sign or form of outdoor advertising that falls under this policy, should adhere to the requirements set out in the policy and the Regulations.

4. PROBLEM STATEMENT

A few problems were experienced in the past in the way that outdoor advertising were managed and prescribed according to the former Policies and Regulations.

4.1 Unauthorized advertising boards

In the past, construction of advertising boards did not always happen with the required approval of the City. Approval for some applications was granted on the discretion from the City and not strictly according to the relevant Policies and Guidelines. Similarly, many boards were illegally erected for which no applications have been submitted, or late applications were submitted, after construction had taken place. It is important that these boards be changed or removed, or at least follow the correct application process. In the past, approvals to erect advertising signs were granted for a specific period, as stipulated in the approval letter or contract. When these approvals lapse, the advertisement had to be reviewed by Council, based on the latest Policy and Regulations, which did not happen.

4.2 Advertising signs erected on private land versus municipal land

In terms of the former outdoor advertising Regulations and Policies, the Council could not allow advertising on municipal land on an ad hoc basis, but had to lease sites on municipal land by tender. It was therefore easier and a more ensured process for the advertising industry to approach private landowners to display advertising signs on their land. This had no benefit to Council, although the “public’s eyes” of people traveling on all the municipal major roads were used to provide income to the board owner and private land owner.

4.3 Lack of law enforcement

Council did not have sufficient human resources in the past to control and manage all the illegal outdoor advertising boards that were erected in the City of Windhoek. The traffic police tried to address this in the best way they could for the resources that they had. More specifically, the larger signs erected illegally on private land, and even those on municipal land, caused a logistically problem to be removed.

4.4 Lack of coordination amongst Departments

Different type of advertising applications was submitted in the past to different departments in the City of Windhoek, for evaluation. The approval of outdoor advertising, however, is again shared among a number of departments in the City of Windhoek, and input from different Departments had to be obtained before a sign could be approved. This unnecessarily delays decisions on applications, caused confusion and lead to inconsistent decisions in the past.

4.5 A pricing and tariff structure with inequities

The former tariff and fees that had to be paid for advertising applications submitted to Council were very low. There are a number of important decisions to be made on each advertising application, and resources of the Council have to spent time to consider an application. The once-off fees paid to Council for an application submitted, is not comparable to the monthly moneys paid to the private landlord for the sign to be erected on his property and is also out of line with the income derived by the owners of these boards from customers. This is addressed in the newly formed tariff structure, as well as the possibility to erect signs on Council property, where Council should also have the opportunity to get the monthly income as the landlord.

5. THE POLICY ON OUTDOOR ADVERTISING

The purpose of the Outdoor Advertising Policy for the City of Windhoek, is to address the control, provide guidelines for the City of Windhoek, assist with the management of the outdoor advertising function and give criteria and standards for the control of illegal advertising throughout the City area.

The policy and the relevant Regulations on Outdoor Advertising should give the officials of the Council the needed information, criteria, guidelines, standards and powers to:

- Assess and evaluate new applications to erect outdoor advertising signs in the City of Windhoek’s area of jurisdiction,
- Based on specific and fixed criteria, standards and requirements for outdoor advertising signs, form an opinion on advertising applications,
- Follow a prescribed process with the submitted applications, apply the fees to be paid and internally process the outdoor advertising application,
- Create opportunities for signs to be erected on Council property in a structured and controlled way, and
- Control and manage illegally erected advertising signs.

The Role of the City of Windhoek

The Council has different roles to play. Outdoor advertising should also be addressed in the same different aspects and roles. The different roles of the City include:

- As Planning Authority,
- As Controlling Authority,
- As Property Owners, and
- As Creator of Opportunities.

As a planning authority, the Council has to deal with each application for outdoor advertising in its area of jurisdiction. Under the Outdoor Advertising Regulations and Policy, each application is evaluated in relation to the Town Planning Scheme, economic development, social, traffic, public safety, aesthetical and environmental impact and many more aspects.

The Council has to keep the balance between the possibility to maximise income from potentially suitable sites in the interests of ratepayers and the Council, against the spoiling of the environment. In some cases, the industry and public take opportunities in their own hands, such as the erection of illegal billboards, or the pasting of posters everywhere to be visible by the public. As controlling authority, inter alia, responsible to keep the city clean and pleasant, the Council refuses to accept and strongly oppose such illegal practices. This viewpoint is for the whole city, and not limited to the CBD or industrial areas. Various social groups and civil organisations are said to share this antipathy to outdoor advertising. The industry in some cases, i.e. those acting according to the relevant Regulations and Policy are concerned about the number of illegal advertisements, also influencing their opportunities.

Based on this background, the Department: Economic Development and Community Services (EDC), through their Consultants, conducted a survey and audit during May 2006 of existing permanent (legal and illegal) advertising structures and signs put up by the different stakeholders of the outdoor advertising industry. Some signs were found to be legal, while the majority was found to be illegal (i.e. erected without Council's approval), or their licenses overdue.

The Council is, as a substantial property owner within the borders of the City of Windhoek, either directly or by virtue of its involvement in urban development, holding sites suitable for use for outdoor advertisements. The Council is also responsible for the development of its residential and industrial areas where the erecting of advertising signs can create a useful source of income for them as Council, or for the developer in agreement with the City.

The Council acts as "director of development" in the jurisdiction of Windhoek being the main deliverer/creator of new developed land or streets. The City of Windhoek, as creator of opportunities, needs to lead in identifying new suitable and marketable sites, either by Council themselves, or in co-ordination with the industry. There are opportunities not only in the road reserves of major roads throughout the City area, but also on taxi ranks and public open spaces or on other property owned by Council, where potential locations can be identified in a strategic and environmentally acceptable manner. These identified locations should also adhere to all the specified criteria, standards and requirements as stated in the Outdoor Advertising Regulations and in this Policy.

In the past, few local authorities in Namibia realized the potential of these opportunities; however, the Council is now in the process of addressing this potential source of income, the same as many other African Cities.

Advertising Opportunities in the City of Windhoek

As discussed above, there are several opportunities for outdoor advertising that can be utilized to generate income for the City of Windhoek. The different possible opportunities that need to be investigated by Council, considered and need to be made available can include:

- In road reserves of major roads running through commercial or industrial developed areas,

- On taxi ranks and at public transport facilities,
- At public open spaces or on any other property owned by Council, where the area of control will allow it,
- The introduction of proper procedures and rate structures on the administration of the outdoor advertising industry especially on non-council land.

These sites need to be utilised in the correct way. It should carefully be considered where and when sites should be utilized for directional purposes, for tourist information, for third party advertising or for aspects such as promotions, events or elections. The different type of signs (advertising structures) that Council will consider on these listed sites, can include:

- Billboards,
- Gateway and welcoming signs,
- Advertising on street furniture such as dustbin advertising, bus shelter advertising, etc.
- Illuminated street name signs,
- Suburban signs,
- Posters on street light poles,
- Etc.

General Principles and Requirements applicable to all Advertising Signs

5.3.1 General Requirements

- a) The Council may increase, or decrease the minimum spacing between advertisements, or place further restrictions on the position, size and content of any advertisement if considered necessary, in the interests of road safety or environmental impact.
- b) If an approved advertising structure does not display an advertisement or message for a period of more than 2 months or as otherwise agreed to by the City of Windhoek, the Council will serve a notice on the owner requiring him, at his own cost, or to display an advertisement or message within a period so specified.
- c) Signage which was not categorized and for which provision was not made in this policy, will be addressed on an ad-hoc basis and considered by the City of Windhoek.
- d) The design, construction and maintenance of all advertising signs should adhere to the requirements set out in the Advertising Regulations.

5.3.2 Electrical and Illumination

- a) The following maximum luminance levels per square meter are applicable for all classes of advertisements (as permitted by the International Commission on Illumination):

<u>Illuminated area</u>	<u>Maximum luminance</u>
Less than 0.5 m ²	1 000 candela/m ²
0.5 m ² < 2 m ²	800 candela/m ²
2 m ² < 10 m ²	600 candela/m ²
10 m ² or more	400 candela/m ²

- b) Illumination is permitted on an advertisement or advertising sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited.
- c) An advertisement or advertising sign may not be illuminated unless the road is lit by overhead lighting over the full distance within which the advertisement is visible from that road and the source of the illumination is concealed from oncoming traffic.

- d) Before any advertising structure is erected, it must be considered by the City of Windhoek, whether the illumination of the advertisement or advertising sign is likely to distract drivers' attention from road traffic signs which are not illuminated.
- e) An electronic advertisement or advertising sign may not inhibit the view of or cause discomfort to a driver or pedestrian or be in the direct line of sight of a traffic light.
- f) An electronic advertisement must be static for at least 5 seconds per advertisement.
- g) Light not intended for illumination may only be utilised if it is allowed for in the environmental plans of the City of Windhoek.
- h) No advertisement or advertising structure may, if illuminated, be erected in such a way that it may have a detrimental effect on the amenity of a residential building on a residential zoned erf or, in the opinion of the City of Windhoek, could be detrimental to the character or amenity of the neighbourhood.

5.3.3 Content, Amenity and Decency

- a) For advertisements visible by road users on any public road, the bit values will be calculated as follows per element of an advertisement:

Words of up to eight letters, inclusive	1,0 bit
Words of more than eight letters	2,0 bits
Words such as "a, the, than, and, an"	0,25 bits
Numbers of up to four digits, inclusive	0,5 bits
Numbers of five to ten digits	1,5 bits
Symbols and logos	0,5 bit
Background graphics (depending on the destructiveness of the graphic)	1,0 to 3,0 bits

- b) On any billboard, the number of bits and size of the text may not be in total more than 5 bits and the minimum size and height of letter are 150 mm.
- c) For all other type of advertisement signs, the text size should be a minimum of 50mm high, and should be considered by the Council for readability before it can be approved.
- d) Street numbers indicating specific premises shall have a minimum size of 150 mm and a maximum size of 350 mm.
- e) No message may be spread across more than one advertisement, sign or sign panel.
- f) Numbers longer than ten digits are not allowed.

5.3.4 Positioning and Size Concerning Road Safety and Traffic Considerations

- a) Before any advertising structure is erected, it must be considered by the City of Windhoek, whether:
 - i) the size of the advertising structure / advertisement, together with other advertising structures / advertisements in the area, if any, will affect the conspicuousness of road traffic signs by virtue of potential visual clutter;
 - ii) the number of road traffic signs and advertisements in any area constitute a driving hazard, due to the attention of drivers of vehicles being deviated from the task of driving and leading to unsafe driving conditions;

- iii) the speed limit, and the measure of the traffic's adherence thereto, the traffic volume, the average following headway and accident history of the road demand more stringent control of outdoor advertising;
- iv) the position of the advertisement or advertising sign will negatively affect the visibility of, sight distance to or efficiency of any road traffic sign, or series of such signs;
- v) the position of an advertisement or advertising sign would disrupt the flow of information from road traffic signs to drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance;
- vi) the position of any advertisement or advertising sign would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the area of intersections or interchanges, or where drivers' uninterrupted attention to the driving task is important for road safety.

Issues of Control

The City has to control outdoor advertising in the jurisdiction of the City of Windhoek. This will be done by using the principles in this Policy as guidance in governing the use of land and buildings for outdoor advertising and signage. This policy should strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual and tourist impact, traffic safety, environmental and heritage characteristics on the other hand.

The issues that need specific mentioning for control are:

Control over the placement and positioning of outdoor advertising signage. The placement and positioning of outdoor signage might impact on the environment and on the safety of road users and pedestrians. The City should therefore exercise control over it.

Setting up and the enforcement of standards for outdoor signage in order to address aesthetic, environmental and safety issues have to be controlled by the City. These standards are both in terms of the design and construction of outdoor advertising signs.

Optimizing income that can be derived from outdoor advertising opportunities and sites irrespective if the land is owned by the City or other land owners. The City plays the leading role in land delivery as well as construction of streets which eventually creates the traffic / market required to make it attractive for outdoor advertising. The City should therefore ensure that it balance the opportunities for income out of outdoor advertising with that of the development needs of the City by introducing and maintaining tariffs for the application, registration, content renewal, administration and licensing of outdoor signage.

The processing of applications and enforcement of the regulations on outdoor advertising needs to be controlled by the City. It is in the interest of the City as well as that of the industry and public in general that the applications for the placement of outdoor advertising are handled responsibly, efficiently and professionally. In order to achieve that the City will have to put a 'one stop shop' in place where these applications can be received and processed. The enforcement of the policy, standards and regulations relies on the availability of resources like people, vehicles and technology, which should be made available by the City.

Procedure of Outdoor Advertising Applications for City of Windhoek's Consideration

The following criteria are set for the advertising signs to be erected within the area of jurisdiction of the City of Windhoek:

- a) Before any advertising structure, advertising sign or advertisement is erected, Council's approval needs to be obtained.
- b) An applicable fee is payable with the submission of any application to Council. No application will be considered until such fee has been paid.

- c) When an application is submitted it must be accompanied by the following documents with the minimum criteria and requirements, as stated below. For temporary signs, Council will specify the needed documentation, per application:
- i) A locality plan and site plan of the site, including the relevant Erf Number and contours (1m), on which the advertising sign or advertising structure is to be erected or displayed, drawn to scale showing every building on the site, position of any Council water, sewerage, storm water drainage, electricity installation, or any other installation situated on the site, and the position with dimensions of the advertising sign or advertising structure in relation to the boundaries of the site;
 - ii) A clear drawing sufficient to enable the Council to consider the appearance of the advertising sign or advertising structure and all relevant construction detail, and elevations and sections to a scale of 1:100;
 - iii) A structural engineer, professionally registered in terms of the Engineering Profession Act, 1986 (Act 18 of 1986), must take full written responsibility for all structural work contemplated by the applicant, and a certificate from such an engineer must be submitted with the application;
 - iv) A full description of the materials and finishes to be employed must be provided on the structure plan, approved by a structural engineer, with elevations and sections;
 - v) An artist's impression of the final product in its setting (i.e. a photo of the site with a superimposed structure on it – as close as possible to the correct scale and size of the sign);
 - vi) Correct site information according to the Town Planning Scheme with a written approval of the registered owner of the property; together with copies of the applicable Title Deed.
 - vii) An approved Surveyor General (SG) diagram of the site or a copy of the general plan.
 - viii) Certified proof of the land-use rights in terms of the relevant Town Planning Scheme as amended from time to time.
 - ix) Council may require the GPS point of exact location of the structure, if needed.
 - x) A power of attorney and signed agreement / letter by the owner of the land on which the sign is to be erected or displayed or by his agent authorized in writing by such owner.

The above technical criteria for submissions are essential in order to effectively evaluate the application in question on both environmental and technical grounds.

Permitted Signage

Only signage as set out in the technical specifications, Annexure A: Detail Criteria for Different Types of Advertising Signs, and as stipulated in the Outdoor Advertising Regulations, as attached hereto, may be permitted. Special sensitivity must be shown where signs affect "heritage buildings". Heritage buildings are listed in Table H of the Windhoek Town Planning Scheme or are situated on Government owned land and have been maintained (restored) so as to enhance the attractive appearance of the City. Views of these buildings should not be obscured.

Exempted and Prohibited Signs

5.7.1 Exempted Signs

The following signs are exempted from the provisions of this policy:

- a) Any advertising sign displayed inside a sports stadium which is not visible from outside the stadium.

- b) Any sign displayed in an arcade or building which is not aimed at road users that is signs which are not visible from a public street.
- c) Any national flag hoisted on a suitable flag pole provided that no advertisement or any subject matter is added to the flag or flag staff.
- d) A sign which is displayed by the City of Windhoek.
- e) Any Banner or flag carried through the streets as part of a procession.
- f) For specific categories of signs, an application to Council is not needed, as specified in Annexure A, although the specifications and requirements for that type of sign as specified in this Policy and in Annexure A, must be adhered to.

5.7.2 Prohibited Signs

No person may erect or display any of the following signs or cause or allow any such sign to be erected or displayed:

- a) Any sign painted on, attached to, or fixed between the columns or posts of a verandah.
- b) Any signs to be suspended across a street, except at locations as determined by Council.
- c) Any sign which contravenes any law which is applicable to the City of Windhoek.
- d) Any sign which obscures the viewing of a thing or place which has been declared a national monument in terms of Section 10 of the National Monuments Act, 1969 (Act 28 of 1969), unless permission to erect or display that advertisement has been obtained from the National Monuments Council established under that Act, or which interferes with the enjoyment of the environment or obscure viewing of a place or thing which the Council may determine.
- e) Any sign which obscures an advertisement which was lawfully erected or displayed by another person, unless that other person consents to the erection or display of that advertisement.
- f) Any sign which is dangerous to any person, animal or property.
- g) Any sign, by affixing it to, or by placing it onto, a vehicle unless the owner of that vehicle consents to the erection or display of that advertisement onto the vehicle.
- h) Any sign intruding into the mountainous skyline or obscure heritage buildings, as listed in Table H of the Windhoek Town Planning Scheme, or intrude with Government or Council land that was restored and maintained so as to enhance the attractive appearance of the City.
- i) Any signs which will obscure a road traffic sign or which may be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign.
- j) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway of other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
- k) Any animated or flashing sign where the frequency, or the animations or flashes, or other intermittent alterations which disturbs the residents, or occupants of any building, or is a source of nuisance to the public.
- l) Any illuminated sign where the illumination disturbs the residents or occupants of any building or is a source of nuisance to the public.
- m) Any swinging sign, which is a sign not rigidly and permanently fixed.

- n) Any sign displayed on land not in accordance with the relevant zoning or approved consent use as per applicable Town Planning Scheme.
- o) Any advertisement or sign other than exempted sign, for which neither a permit nor approval has been obtained.
- p) Any poster pasted otherwise than on an advertising structure legally erected for the purpose of accommodating such poster.
- q) Any sign painted on a boundary wall or fence in a maximum and partial control area.
- r) Any advertising sign which in the opinion of the City of Windhoek, is suggestive of anything indecent or may prejudice the public morals.
- s) Any sign which relates to a business which is conducted on an erf or land which has not been zoned for that specific purpose.

New Type of Signs

- a) Since new types of signs are continuously being developed, and the use of existing signs may become undesirable and a person who intends to display a sign for which no provision is made in this Policy or which does not fall within any of the classes of signs provided for in Annexure A to this Policy must, before such a sign is displayed, apply for approval of the sign and for the display of the sign, and Council may prescribe conditions applicable to the sign or the display of the sign.
- b) Council may by notice in writing require a person who is displaying a sign, the display of which is found by it to be undesirable, to remove or cease the display of the sign.

Areas of Control

All areas under the jurisdiction of Council will be classified under a specific area of control. If an area has not been designated, for whatever reason, it will be deemed to be an area of maximum control, until considered and otherwise classified by City of Windhoek.

The land-use categories described in the tables are generic and do not refer to a specific Town Planning Scheme. When an application is evaluated, the approved land use rights and Town Planning Scheme applicable to that specific erf will be consulted for specific zoning details. Notwithstanding the designation of the areas of control, the Council may approve the erection of an advertising sign on Municipal owned land if there is no major impact on surrounding areas, and if the surrounding land uses can accommodate that specific type of sign.

The following type of land uses will be classified under the areas of control, as listed below, according to the Town Planning Scheme:

Areas of minimum control: Erven with the land-use zoning of business, restricted business, industry and erven zoned special with business or industry as the primary activities

Areas of partial control: Erven with the land-use zoning of office, institutional, undetermined, municipal, government, private open space, cemetery, or transport and communications

Areas of maximum control: Heritage buildings as listed in the Scheme, and erven with the land-use zoning of residential or general residential.

Land use Reservations, i.e. public open spaces, streets, government purposes, cemetery, transport and communication purposes, etc.: As considered by Council on a case to case basis.

Any sites with a zoning not covered above, will be considered by Council specifically. Council may also over rule these stipulated areas of control if in a sensitive area or environment.

5.10 Tariff Structure

The City of Windhoek, under its Outdoor Advertising Policy, adopted a set of Tariffs for the various services rendered under its Outdoor Advertising Policy. These tariffs make provision for

'application fees' to process the application, 'registration fees' for the annual registration of estate agents, 'content renewal fees' to administer third party signage if controlled by Council, 'admin fees' to seize and confiscate signs (excluding costs to dismantle, remove and store signs and penalties) and annual 'licence fees'. Any application being submitted has to pay an application fee with the application, before it will be considered by Council. The fees, included in the set of Tariffs, as determined by the Council and approved by Council, will be reviewed from time to time, and will be gazetted and promulgated before it is applicable.

5.11 Criteria for Different Types of Advertising Signs

Specific technical detail, criteria and requirements for different types of advertising signs are specified in Annexure A attached to this Policy.