



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 7 August 2008

No. 4094

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General Notice

MUNICIPALITY OF WINDHOEK

No. 245

2008

OUTDOOR ADVERTISING REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Council of the Municipality of Windhoek after consultation with the Minister of Regional and Local Government, Housing and Rural Development under section 94(1)(ae) of the Local Authorities Act, 1992 (Act No. 23 of 1992) -

- (a) made the Regulations set out in the Schedule; and
- (b) repealed Government Notice No. 279 of 15 September 1999 and Government Notice No. 84 of 2 April 2001.

BY ORDER OF THE COUNCIL
M. K. SHIKONGO
CHAIRPERSON

Windhoek, 9 July 2008

SCHEDULE

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Definitions and Terms

1. In these regulations a word or expression defined in the Local Authorities Act, 1992 (Act No. 23 of 1992) has the same meaning, and unless the context otherwise indicates -

“advertisement” means any visible representation of a word, logo, name, letter, figure, object, mark, symbol, abbreviation, light or any combination thereof with the object of transferring information which is visible from any street or public place, but does not include a road traffic sign;

“advertisement for sale of goods or livestock” means an advertisement announcing such a sale on land or premises not normally used for commercial purposes, and includes an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms, and the display of an advertisement announcing the proposed sale of property by means of a public auction to be advertised within the road reserve;

“advertiser” means the person or organization, whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement;

“advertising” means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner;

“advertising structure” means any screen, fence, wall or other physical structure or object erected to display an advertisement or which is in itself an advertisement or used to display an advertisement;

“advertising sign” means any advertising structure built or erected to display an advertisement, together with an advertisement displayed on the structure;

“aerial sign” 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;

“area of maximum control” means an area which is deemed sensitive to visual disturbance and include, 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;

“area of minimum control” includes 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, city centers, commercial districts, shopping centers, office precincts, commercial enclaves in industrial areas and industrial parks, entertainment districts, and prominent transport nodes;

“area of partial control” means areas that can be characterized by a greater degree of integration and complexity of land use, and includes a 50m strip between an area of minimum control and an area of maximum control, which is measured from the edge of the area of maximum control into the area of minimum control, commercial enclaves in residential areas, suburban shopping centers and office parks, ribbon development, educational institutions, institutional premises, sports fields, commercialized squares, government land, parastatal land, smallholdings of an urban nature not used for residential purposes;

“banner” means a piece of cloth or similar material upon 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;

“billboard” means any screen or board larger than 4.5m², supported by a structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting a third-party advertisement and can be classified as a small, large, super or mega billboard and this can be attached to a structure manufactured specifically for advertising, or to a structure of any other form, used to attach the advertisement to, which can also include towers, bridges and pylons;

“Council” means the Municipal Council of Windhoek and includes the members of Council or any staff member of the Council on whom Council has delegated or assigned any power or function to be exercised or performed under these regulations;

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

“council area” means the local authority area of the Municipal Council of Windhoek;

“council land” means any portion of land and includes road, street, thoroughfare, bridge, subway, footpath, sidewalk, land, square, open space, garden, park or enclosed place, erf, site etc. vested in the Council;

“development advertisement” means an advertisement which could describe the 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;

“engineer” means an engineer registered under the Engineering Profession Act, 1986 (Act No. 18 of 1986);

“erf” means an erf, stand, lot, plot, agricultural holding or similar land entity registered in a deeds registry, and as defined in Section 1 of the Townships and Division of Land Ordinance, 1963 (Ordinance No.11 of 1963);

“estate agent’s board” means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale, to let or on show;

“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;

“free-standing sign” means any immobile sign, which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

“gantry” means a structure that spans over the entire width of road surface, erected within the road reserve;

“height of an advertising sign” means the maximum vertical distance from the ground, or where the foundation of the sign starts or is visible above natural ground level, as the case may be, to the top of the advertisement or the advertising sign, whichever is the highest;

“illegal sign” means any sign or poster, affixed, displayed, exhibited, posted or erected without approval by the Council;

“illuminated advertising sign” means an advertising sign which has been installed with electrical or other power for the purpose of external or internal illumination, either continuously or intermittently of the advertisement displayed on such a sign;

“large billboard” means any billboard larger than 24m² and smaller including 40m² in area of advertisement;

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

“mega billboard” means any billboard larger than 81m² up to and including 150m² in area of advertisement;

“on-premises business advertisement or advertising sign” means an advertisement aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertisement;

“outdoor advertising” means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors;

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

“owner of the advertisement” means the person who owns the advertisement which is displayed on the advertising sign, or any person who has a right to or shares in the ownership of the advertisement;

“owner of the advertising structure” means the person, who owns the advertising structure, or will own the structure once it has been erected or any person who has a right to or share in the ownership of the advertising structure;

“owner of the land” means the person who owns the land or property on which the advertising sign is, or will be erected, or any person who has a right to or share in the ownership of the land;

“poster or notice” means an advertisement displayed on an electrical street light pole standard inside the road reserve;

“prohibited sign” means a sign, which does not conform to advertising regulations and can thus not be approved;

“projecting sign” means any sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface of the main wall and is affixed at a right angle to the street line;

“public place” means any road, street, thoroughfare, bridge, subway, foot pavement, footpath,

sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council;

“public road” means a road which the public has the right to use, as defined in the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“road traffic sign” means any road traffic sign as defined in the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“scheme” means the Windhoek Town Planning Scheme prepared under Section 16 of the Town Planning Ordinance, 1954 (Ordinance No.18 of 1954);

“security advertisements” means an outdoor advertisement for neighbor-hood watch, farm watch, security schemes and other similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisements is displayed;

“service facility advertisement” means an advertisement at a filling station or roadside rest and service area referring to the types of services provided at such facility;

“sky sign” means an advertising sign between 75m² and 300m² on top of a skyscraper in a municipal area may include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems which form an important landmark;

“small billboard” means a billboard of 24m² or less in area of advertisement;

“street furniture advertisement” means advertisement on public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road traffic signs, traffic signals, street lights or any other road related structures;

“street name sign” consists of a pole-mounted, double sided, and internally illuminated advertisement displayed in combination with an illuminated street name sign;

“street number sign” means signs erected on curbstones to indicate the street number and may include a small advertisement;

“suburban name sign advertisement” means a pole mounted advertisement at the entrance to a town or suburb that carries an advertisement beneath the road traffic sign bearing the name of the town or suburb;

“super billboard” means a billboard larger than 40m² up to and including 81m² area of advertisement;

“temporary advertisement or advertising sign” means an advertisement or advertising sign displayed for a maximum period of 30 days or less;

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

“tower, bridge and pylon advertisement” means a billboard advertisement affixed to or painted on a tower, bridge or pylon that is not erected or used primarily for advertising purposes;

“township” means an area divided into erven or plots, whether with or without public open spaces, and into streets bounded by the erven, plot or open spaces, and established or recognized as a township;

“trailer advertising” means a sign mounted on a trailer, bicycle or vehicle, with the sole purpose of advertising;

“vehicular advertising” means advertising on self-driven vehicles which are usually moving on land or water, including taxi’s, buses, trains and delivery vehicles, but exclude aircraft; and

“window signs” means signs, which are permanently painted on or attached to the window-glass of a building.

Applications for approval of advertising sign

2. (1) A person may not display or erect an advertisement sign or structure or device without the written approval of the Council unless with exemption.

(2) A sign displayed with the approval of the Council may not, in any way, be altered, moved, re-erected, and no alteration may be made to the electrical wiring system of such sign without the approval of the Council.

(3) An application is launched with the Council, accompanied by the required application form and fee as determined by the Council.

(4) It is the responsibility of the applicant to ensure the application adheres to all other relevant laws and by-laws.

Tariffs

3. (1) A person who applies to the Council for its approval of an advertising sign or advertisement must, on making the application, pay to the Council the fee determined under section 31 of the Act.

(2) The Council may not consider an application until the application fee has been paid.

Law enforcement and removal of signs and structures

4. (1) If any sign is so displayed that, in the opinion of the Council it is detrimental to the environment or to the amenity of the surrounding areas or is otherwise in contravention of these regulations, the Council must serve a notice on the responsible person and may -

- (a) order the removal of such sign; or
- (b) order the owner to carry out specified alterations or such other work as may be specified in such notice within a specified time and if the owner or responsible person of the sign is not known, the Council may cover or mark the sign as illegal.

(2) If the responsible person fails to comply with an instruction contained in a notice, the Council may -

- (a) remove and destroy such sign, or
- (b) cover or mark the sign as illegal,

and the Council is not liable for damages or required to compensate any person in respect of removing, covering or marking advertising signs, where damage or loss is incurred due to its removal, covering or marking.

(3) The Council may issue or send a spot fine with the notice referred to in subregulation 2.

(4) If any sign or advertisement contravenes these regulations and is erected on, attached to, or displayed on any property of, or under the control of the Council, the Council must serve a notice to the responsible person.

(5) If a sign or advertisement is likely to cause any danger to any person or animal, the Council may remove such advertisement or advertising structures from the premises.

(6) Any cost incurred by the Council in removing and storing a sign, or doing alterations or other works in terms of this section, is recovered from the responsible person.

Damages to municipal property or structures

5. (1) A person may not intentionally or negligently, in the course of erecting or removing any sign, advertising structure, poster or banner cause damage to the environment or electricity infrastructures or other of the Council's installations, properties, or structures.

(2) The cost for any repairs necessary incurred by the Council to the environment, electric standard or service, must be for the account of the persons responsible for the deed.

Entry and inspection

6. The Council is entitled, through its staff member, to enter into and upon any premises, at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of these regulations.

Responsible person

7. If a person is charged with an offence referred to in regulation 21 relating to advertising signs, it is presumed that such person either displayed the advertising sign or caused or allowed it to be displayed, and -

- (a) the owner of any land or building on which any advertising sign was displayed, is deemed to have displayed such a sign, advertising structure or poster, or caused or allowed it to be displayed;
- (b) a person who was either alone or jointly, with any other person responsible for organizing, or is in control, of any meeting function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed; and
- (c) a person whose name, brand, product or service appears on a sign, advertising structure or poster or to have caused or allowed it to be displayed, unless the contrary is proved.

Serving of notice

8. (1) Where any notice or other document is required by these regulations to be served on any person, it is deemed to have been properly served if -

- (a) served personally on him or any member of his household over the age of sixteen years;
- (b) served at his place of residence or on any person employed by him or her at his place of business;
- (c) sent by registered post to such persons residential or business address as it appears in the records of the Council; or
- (d) If such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office.

(2) A reasonable time for serving a notice does not exceed seven calendar days.

(3) For the purposes of enforcing these regulations any staff member of the Council may exercise the powers conferred by section 91 of the Act.

(4) A notice required to be served under these regulations must be served in compliance with section 93 of the Act.

Exempted and prohibited signs

9. The Council may exempt certain signs from these regulations and may prohibit certain signs, as specified by the Council from time to time.

Transitional provisions

10. (1) Any sign which was legally erected and displayed prior to the promulgation of these regulations are exempted from these regulations provided that such sign was legally erected and not moved, altered or re-erected and is also maintained in a satisfactory condition, until the contract or relevant agreement expires.

(2) If no approval period was agreed or referred to either in the contract with Council or on the approval or consent given by the Council, a period should be agreed with the Council.

General conditions and requirements

11. (1) An advertisement or advertising structure may not -
- (a) in the opinion of the Council, constitute a danger to any person, animal or property;
 - (b) be erected without approval where such approval is required by any law;
 - (c) be detrimental to the environment or to the amenity of life by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason; or
 - (d) emits noise, sound, smoke, smell or odours.

Design, construction and position on site

12. (1) Any advertising sign -
- (a) must, be neatly and properly constructed and executed and finished in a workmanlike manner in accordance with relevant legislation;
 - (b) in the opinion of the Council, may not be 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) must be displayed in places or in such a manner that it may not be detrimental to the amenity of the neighborhood or disfigure the surroundings;
 - (d) must, have a neat appearance and consist of durable materials;
 - (e) must have attached to it in a neat, readable and permanent manner, the name of the structure owner, an identification number of the sign, and the approval number of the sign, as approved by the Council;
 - (f) in the opinion of the Council, may not deface building facades with electrical services provisions and other accessories;
 - (g) must, be rigidly and securely attached, supported or anchored in a safe manner;
 - (h) must be constructed and located at a height that discourages vandalism;
- (2) An advertiser or a contractor -
- (a) may not use water-soluble adhesive, adhesive tape or similar material to display

or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose;

- (b) must have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber treated to prevent decay; and
- (c) must have measures taken 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, brackets or other members.

(3) A person may not in the course of erecting or removing any advertising sign, advertisement structure or device, cause damage to the environment, including any tree or vegetation or any electrical standard or bulk service or other public installation or property.

(4) If an advertising sign contains glass, it must adhere to the following -

- (a) all glass used in advertising signs, other than glass tubing in neon and similar advertising signs, must be safety glass at least 3 mm thick; and
- (b) glass panels used in advertising signs may not exceed 0.9 m² in area, each panel being securely fixed in the body of the advertising sign, structure or device independently of all other panels.

(5) Before any advertising structure is erected, it must be considered by the Council, whether the advertising structure is suitably positioned and orientated.

(6) An advertisement or advertising sign may not -

- (a) obstruct any window or view or opening provided for the ventilation of a building or obstruct any stairway or doorway or other means of exit from a building or prevent the movement of persons from one part of a roof to another part; or obstruct any fire escape or the means of egress to a fire escape;
- (b) be painted on any fence or boundary wall in an area of maximum or partial control;
- (c) be higher than the height restriction in terms of the relevant Town Planning Scheme of that specific site or the direct surrounding sites, as amended from time to time unless a relaxation has been obtained in terms of such Town Planning Scheme;
- (d) encroach on the building restriction area or any servitude unless a relaxation has been obtained in terms of the relevant Town Planning Scheme as amended from time to time;
- (e) be erected within or over any servitude, unless specific approval has been granted by the relevant authority;
- (f) exceed the minimum clearance with regard to overhead power lines as prescribed in the relevant Regulations without the permission from the relevant supply authority before any advertising structure may be erected close to a power line servitude; and
- (g) unreasonably obscure, partially or wholly, any advertising sign owned by another person previously legally erected and legally displayed.

(7) If required by the Council, the structural design of an advertising structure must be certified by a professional structural engineer with reasonable relevant experience who must satisfy the Council that the structure is adequate to secure, fix or support any sign, advertising structure or screen to resist all loads and forces to which the sign, structure or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of the specific and relevant regulations.

Maintenance

13. (1) Any advertising sign must, on a regular basis, be maintained in good repair in a safe condition and according to the highest standards as regards quality of structures, posting and sign writing.

(2) The owner of any land or building on which an advertising sign is displayed or erected, or to which a sign is attached, and the owner of any such sign are jointly and severally responsible for the maintenance of the advertising sign in a safe and proper condition, maintaining the surrounding area in a neat and tidy state, and the owners is liable for the consequences of not doing so, and must undertake at least one annual inspection of the advertising sign in order to comply with the Council's requirements.

(3) If, in the opinion of the Council, any advertising sign or structure is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Council must serve a notice on an owner of the advertising sign or 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, and no compensation is payable by the Council to any person in consequence of such removal.

(4) The Council may, carry out the removal of an advertisement or advertising sign or advertising structure or do other work which it may deem necessary, within seven days of serving a notice, and in case of a private property the Council must recover the cost from the owner of the advertising structure, owner of the land or the owner of the advertisement.

(5) All signs must be secured in a manner not to constitute a danger to the public, and the landowner on whose property such sign is located must assume all responsibility and liability, indemnifying the Council against any claim which may arise in connection with such sign.

(6) Any sign displayed for advertising or giving information regarding the name of the occupier of premises or nature of the business conducted on such premises, must be removed forthwith upon the owner of the structure ceasing to occupy the premises.

(7) A sign may not be erected or maintained in such a manner as to impede on landscaping, causing trees and other plants to be removed or trimmed on Council land, to ensure that the signs remain visible, without the consent of the Council.

Electrical and illumination

14. (1) Every illuminated sign and every sign in which electricity is used -

- (a) must have power cables and conduits containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the Council, and ensure that electrical cables or conduit pipes which are connected to that advertisement are safe, and covered in such a manner that they do not pose danger to any property, plant, animal or person;
- (b) must be constructed of material which is not combustible;
- (c) must be provided with an external switch in an accessible position and, if required, at a height of at least three meters from the ground whereby the electricity supply to the sign may be switched off;
- (d) must be wired and constructed in accordance with and subject to the provisions of the Council's electricity supply by-laws;
- (e) may not be connected to any electricity supply without the prior written permission of the relevant electricity supply authority, and must be in accordance with the provisions of the standard rules for the electrical wiring of premises or structures, according to the relevant regulations or Acts and proof of permission must be submitted if requested;

- (f) must comply with any law which governs the supply of electricity or the electrical wiring of premises in the Council area;
 - (g) must, prior to connecting the advertisement to any electricity supply point, obtain the written permission of the Council;
 - (h) must be fitted with efficient suppressers where likely to interfere with radio reception.
- (2) The light source emanating from floodlights or light not meant for illumination, may not be visible to traffic travelling in any direction.
- (3) Floodlighting are positioned to ensure effective distribution and minimise light wastage or “spill”.
- (4) The Council determines, the luminance levels for specific signs and may specify where and when the signs may be illuminated.

Content, amenity and decency

15. (1) Advertisements positioned along roads and specifically targeting the road user must be concise and legible and must comply with specific requirements as determined by the Council.

(2) A sign must have a neat appearance in terms of advertisement content and sign writing, and may not contain untidy handwritten messages, and must be done to the satisfaction of the Council.

(3) An advertisement may not -

- (a) in the opinion of the Council, contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions; or
- (b) be erected in view of a signalised intersection which displays predominantly the colours red, yellow or green if such colours constitutes a road safety hazard.

(4) An advertisement may not have content which is objectionable, indecent or suggestive of indecency or prejudicial to the public morals, or be in conflict with the guidelines or standards laid down from time to time by the Advertising Association of Namibia, or any similar body recognised as representing the industry.

(5) If subregulation (4) is not adhered to, the Council must serve a notice to remove or change the content of the advertisement within 72 hours, otherwise the person responsible for it, commits an offence, and the Council may enforce regulation 5(2).

Road safety and traffic considerations

16. An advertisement or advertising structure may not -

- (a) in the opinion of the Council be so placed in a manner that distracts the attention of drivers or pedestrians in a manner likely to lead to unsafe conditions;
- (b) be in a manner that causes any obstruction to a motorist’s view of the roadway or its approaches, regardless of the direction the motorist is travelling;
- (c) be 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 in the opinion of the Council;
- (d) in the opinion of the Council obscure a pedestrian’s or driver’s view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions,

bends and changes in width;

- (e) project over a sidewalk or pedestrian circulation route, unless the clear height of such sign exceeds 2,4m and for a cycle circulation route a clear height of 3,0m;
- (f) project over a road with an overhang on a bridge or gantry;
- (g) in the vicinity of a signalized intersection predominantly display the colours red, amber or green if such colours will, in the opinion of the Council, constitute a road safety hazard.

Areas of control

17. There are three areas of control being applied, areas of maximum control, areas of partial control, and areas of minimum control, and the Council determines the different areas of control according to the zoning of the site.

Criteria for different types of advertising signs

18. (1) The Council may subject to any conditions it considers determine specific technical detail, criteria and requirements for different types of advertisements signs allowed in the Council area.

- (2) Approval from the Council must be obtained for the following types of signs:
 - (a) Billboards and other high impact free standing signs
 - (b) Mega billboards
 - (c) Super billboards
 - (d) Large billboards
 - (e) Small billboards
 - (f) Free-standing signs at educational facilities and institutions
 - (g) Advertisements on street furniture
 - (h) Banners and flags
 - (i) Suburb name sign advertisements
 - (j) Estate agents' boards
 - (k) Sale of goods and livestock, auction boards
 - (l) Posters and notices
 - (m) Projects boards and development advertisements
 - (n) Street name advertisements
 - (o) Neighbourhood watch, security signs and similar schemes
 - (p) Product replicas and three-dimensional signs
 - (q) Sky signs
 - (r) Roof signs
 - (s) Flat signs
 - (t) Projecting signs
 - (u) Veranda, balcony, canopy and under awning signs
 - (v) Advertisements painted on walls, roofs and murals
 - (w) Window signs
 - (x) Signs incorporated in the fabric of a building
 - (y) Advertising signs on forecourts of business premises and on sidewalks directly in front of business premises
 - (z) Miscellaneous signs for residential oriented land use and community services
 - (aa) On-premises business signs
 - (bb) Advertising on towers, bridges and pylons
 - (cc) Advertisements on construction site boundary walls, fences and construction buildings
 - (dd) Service facility signs
 - (ee) Functional advertisements by public bodies
 - (ff) Aerial signs
 - (gg) Vehicular advertising
 - (hh) Trailer advertising

Indemnity

19. (1) The Council may refuse any application submitted or grant its approval with any condition which it may consider expedient, including a condition that the owner of any sign or the owner of the land or building on which such sign is to be erected and displayed, or both such owners, indemnify the Council to its satisfaction against any consequence which may flow from the erection, display or mere presence of such a sign.

(2) The Council may serve a notice on the owner of an advertising structure to remove or move a previously approved and erected advertising sign, if the circumstances of a site change in such a manner that requires the removal or change of position of such a sign.

Offences and penalties

20. (1) A person who -

- (a) contravenes any of the provisions of these regulations;
- (b) contravenes or fails to comply with any requirements set out in a notice issued and served on him or her in terms of these regulations;
- (c) contravenes or fails to comply with any conditions imposed in terms of these regulations;
- (d) knowingly makes a false statement in respect of any application in terms of these regulations,

commits an offence and is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.

(2) A person may not display any advertisement in the Council area without the written approval of the Council and any person contravening this regulation commits an offence and the following fines apply -

- (a) any movable advertising device, trailer, car, caravan, bicycle parked anywhere in the Council area N\$2 000 per sign;
- (b) the erection of large, super or mega billboards anywhere in the Council area N\$2 000 per sign per day;
- (c) the displaying of flags, banners and posters anywhere in the Council area N\$500 per sign per day;
- (d) the erection of signs less than 4.5m² anywhere in the Council area N\$1 000 per sign per day;
- (e) the erection of small billboards in the Council area N\$1 500 per sign per day.

(3) Any penalty or any other cost to be recovered from the owner of the land is sent out with the municipal accounts and may have an effect on the provision of municipal services, if not paid.

APPENDIX**FEES STRUCTURE OF THE OUTDOOR ADVERTISEMENT REGULATIONS**

NO.	ITEM	PERIOD	FEES
1	Advertising Structures/Signs, Billboards: ≤ 24m ²	Per application/billboard	Application Fees: N\$500.00 Approval Fees: N\$1000.00, including 1 st year licence fee
2	Advertising Structures/Signs, Billboards > 24m ² to 81m ²	Per application/billboard	Application Fees: N\$500.00 Approval Fees: N\$2500.00, including 1 st year licence fee
3	Advertising Structures / Signs, Billboards > 81m ²	Per application/billboard	Application Fees: N\$1000.00 Approval Fees: N\$4000.00 including 1 st year licence fee
4	Banners	Per event/banner	N\$200.00/banner
5	Any other signs such as signs for sale of goods or livestock, projecting signs, etc	Per Event or Per Sign	N\$100.00
6	Estate Agent Registration fee/ annum for display of 'on show' boards	Twelve Months	N\$1000.00/agent, payable to NEAB with renewal of Fidelity Fund Certificate
7	Auctioneer's Notice Registration fee/annum	Twelve Months	N\$5000.00
8	Admin to Seizing and Confiscation of signs (excluding removal/dismantling costs, excluding any other fines)		
8a	- Any billboards	Per Event	N\$1500.00
8b	- Any other signs such as estate agent boards, posters, on premises signs, etc; cost per sign	Per Event	N\$300.00
9	Licence fee/annum: Approved Billboards ≤ 24m ²	Twelve Months	N\$500.00 / annum
10	Licence fee/annum: Approved Billboards > 24m ²	Twelve Months	N\$1000.00 / annum
12	Trailer Advertising	24-Hour Day	N\$50.00
13	Vehicular Advertising (3rd party)	24-Hour Day	N\$100.00

Note: The above fees do not cover 'tendered advertisement'. i.e. advertisements put out on tender by Council and awarded under a fixed contract such as illuminated street name advertisements, litter bins, suburban name signs, bus shelter signage, etc.