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General Notice

KARASBURG TOWN COUNCIL

No. 594

2025

OUTDOOR ADVERTISING REGULATIONS: LOCAL AUTHORITIES ACT, 1992

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

M. VELDSKOEN

CHAIRPERSON OF THE COUNCIL

BY ORDER OF THE COUNCIL

Karasburg, 14 July 2025

SCHEDULE

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Definitions

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

“advertisement” means any written, graphic or pictorial representation of information which is erected or displayed outdoors for the purpose of conveying information about the existence of a product, service, an event, a place or anything of interest to any person but does not include a road traffic sign;

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

“auctioneer’s notice” means any written, graphic or pictorial representation of information which is temporarily displayed at any place for the purpose of conveying the fact that movable or immovable property, or both, is for sale by public auction and which notice does not exceed 0,5 square meter when displayed on Council property;

“Council” means the Karasburg Town Council which is constituted under section 6(1)(a) of the Act and includes any officer or employee of the Council on whom the Council has delegated or assigned any power, function or duty which is to be exercised or performed under these regulations;

“Council area” means the local authority area of the Karasburg Town Council;

“erf” means an erf as defined in section 1 of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018);

“estate agent” means an estate agent as defined in section 1 of the Estate Agents Act, 1976 (Act No. 112 of 1976);

“estate agent’s notice” means any written, graphic or pictorial representation of information which is temporarily displayed at any place for the purpose of conveying the fact that a residential property is for sale, to let or is being shown for promotion purposes and which notice does not exceed 0,5 square metre when displayed on Council property;

“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;

“road traffic sign” means a road traffic sign referred to in section 73 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“scheme” means the Karasburg Zoning Scheme prepared under section 44 of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018); and

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

Advertisements on Council property, streets and public places

2. (1) Subject to these regulations a person may not erect or display an advertisement or advertising sign on council property, a street or a public place situated in the council area, unless, he or she has been given written authority to do so by the Council.

(2) A person who wishes to apply for authority to erect or display an advertisement or advertising sign on council property, a street or a public place situated in the council area must complete the form approved by the Council and submit it to the Council.

(3) An application under subregulation (2) must, unless the Council otherwise determines, be accompanied by –

(a) a plan –

- (i) showing the site where the advertising sign is to be erected or displayed drawn to a scale not exceeding 1:500;
- (ii) showing the position of each surrounding building on the site, to which the advertising sign is to be attached and showing the position of installations of water, sewerage, storm water, drainage or electricity on the site; and
- (iii) showing the dimensions of the advertising sign in relation to the boundaries of the site;

(b) a drawing of the advertising sign which must –

- (i) show the information that will be displayed on the advertising sign including the colour of the proposed sign and whether the sign is to be illuminated; and
- (ii) be drawn to a scale not exceeding 1:10;

(c) a photograph of the site where the advertising sign is to be erected or displayed which photograph must show the proposed position of the sign;

(d) in the case of an advertising sign which is to remain on the site for a period exceeding 60 days, a certificate from a person registered under the Engineering Profession Act, 1986 (Act No. 18 of 1986) or from a person approved by the Council giving details to enable the Council to establish the ability of the proposed means of support of the sign to resist all loads and forces to which the sign may be exposed; and

(e) the payment of an appropriate tariff as determined by the Council.

(4) The completed application form, together with the documents, information and the fee must be submitted to the Council.

(5) On receipt of the completed application form, documents, information and the fee contemplated in subregulation (3)(e), 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.

(6) On receipt of an application made under subregulation (2) the Council may –

- (a) grant the application without imposing any condition;
- (b) refuse the application and provide the applicant written reasons for the refusal; or

- (c) grant the application and impose conditions, including conditions which restrict the period within which the advertisement can be erected or displayed, which are necessary and reasonable in the circumstances.

(7) Unless an application has been refused under subregulation (6)(b), the Council may retain any document which is submitted to it by a person making an application under this regulation.

(8) Unless authorised by the Council, a person may not move, remove or alter an advertisement which was erected or displayed under this regulation, but the owner of that advertisement or a person authorised by him or her, may, for the purpose of maintaining or renovating that advertisement, move, remove or alter it.

(9) Subject to regulations 3(6) and 4(6) if an advertisement or advertising sign erected or displayed under this regulation is in a state of disrepair, is not being properly maintained or is erected or displayed in contravention of a condition imposed under this regulation, the Council may –

- (a) withdraw or amend the authority to erect or display that advertisement and advise the owner of that advertisement about the withdrawal or amendment in writing;
- (b) in writing, instruct the owner of that advertisement to repair or maintain that advertisement or to comply with any condition within a specified period;
- (c) if the owner of the advertisement or advertising sign fails to comply with an instruction given under paragraph (b), remove the advertisement or advertising sign or do any act to ensure compliance with the condition and recover the actual costs incurred from the owner of the advertisement; or
- (d) cause any advertisement or advertising sign removed in terms of paragraph (c) to be destroyed if not claimed within 30 days of such removal by or on behalf of the owner.

(10) Despite subregulation (9), and when it is reasonable and necessary, the Council may in respect of an advertisement or advertising sign erected or displayed under this regulation after giving 30 days written notice to the owner of that advertisement or advertising sign –

- (a) withdraw the authority to erect or display that advertisement or advertising sign;
- (b) amend or remove a condition which was imposed when the authority to erect or display was granted; or
- (c) impose a new condition for the erection or display of that advertisement or advertising sign.

Estate agents' notice

3. (1) An estate agent may display an estate agents' notice, subject to payment of the fee determined as contemplated in regulation 11, on sidewalks belonging to the Council without the prior approval of the Council.

(2) An estate agents' notice may only contain the following words –

- (a) “for sale”;
- (b) “to let”;

- (c) “on show”; or
- (d) “show house”,

and the name, logo and contact details of the estate agent displaying the notice.

(3) An estate agent may not display more than four estate agents’ notices in respect of a single residential property, and the notices may not be further than a radius of one kilometre or exceed three kilometres from the property advertised.

(4) An “on show” or a “show house” notice may not be displayed longer than 48 hours prior to the commencement of the showing.

(5) An estate agent’s notice must be removed not later than 48 hours after the letting, sale, or end time of the showing of the residential property.

(6) An estate agent’s notice may not:

- (a) exceed one metre in height measured from the average ground level immediately below the length of the notice or obscure motorists’ sight lines;
- (b) be displayed below 10 metres from the midpoint of the outside curve of a corner measured from the midpoint of such corner;
- (c) be made with a material which is not strong and durable;
- (d) have one notice above the other;
- (e) be displayed against a transformer casing, illuminated advertising signs, traffic lights or signs, structure wall, pillar or fence, excluding a fence of the residential property advertised, shelter, tree, refuse bin, bus shelter or lamp post;
- (f) have supports which are driven through a tarred or paved surface;
- (g) be displayed in such a way as to damage any service whether belonging to the Council or not;
- (h) be within one and a half metres from the driving surface of an adjoining street;
- (i) endanger or obstruct vehicular or pedestrian traffic; or
- (j) be displayed adjacent to any street.

(7) An estate agent’s notice displayed in contravention with these regulations must be removed by a person so instructed by the Council.

(8) The cost of removal of any notice in terms of subregulation (7) may be recovered from the estate agent displaying that notice.

(9) In these regulation the meaning of the words “display”, “displayed” and “displaying” in relation to an estate agent’s notice may include the following –

- (a) the driving of the supports of such notice into the ground;
- (b) the affixing of such notice to any structure in any way; and

- (c) the supporting of such notice by the ground, any artificial surface or any structure.

Auctioneer's notice

4. (1) An auctioneer may display an auctioneer's notice, subject to payment of the fee determined as contemplated in regulation 11, on sidewalks belonging to the Council without the prior approval of the Council.

(2) An auctioneer's notice may not contain information other than the words "public auction", or in the case of a sale in execution by order of Court the words "sale in execution", the date, time and place of the auction and the name, logo and contact details of the auctioneer displaying the notice.

(3) An auctioneer may not display more than four auctioneer's notices in respect of a single residential property, and the notices may not be further than a radius of one kilometre or exceed three kilometres from the property advertised.

(4) An auctioneer's notice may not be displayed longer than 48 hours prior to commencement of the auction.

(5) An auctioneer's notice must be removed not later than 48 hours after the auction to which the notice relates.

(6) An auctioneer's notice may not –

- (a) exceed one metre in height measured from the average ground level immediately below the length of the notice or obscure motorists' sight lines;
- (b) be displayed below 10 metres from the midpoint of the outside curve of a corner measured from the midpoint of such corner;
- (c) be made with a material which is not strong and durable;
- (d) have one notice above the other;
- (e) be displayed against a transformer casing, on illuminated advertising sign, traffic light or sign, structure wall, pillar or fence, excluding a fence of the residential property advertised, shelter, tree, refuse bin, bus shelter or lamp post;
- (f) have supports which are driven through a tarred or paved surface;
- (g) be displayed in such a way as to damage any service whether belonging to the Council or not;
- (h) be within one and a half metres from the driving surface of an adjoining street;
- (i) endanger or obstruct vehicular or pedestrian traffic; or
- (j) be displayed adjacent to any street.

(7) An auctioneer's notice displayed in contravention with these regulations must be removed by a person so instructed by the Council.

(8) The cost of removal of any notice in terms of subregulation (7) may be recovered from the auctioneer displaying that notice.

(9) In these regulation the meaning of the words “display”, “displayed” and “displaying” in relation to an auctioneer’s notice must include the following –

- (a) the driving of the supports of such notice into the ground;
- (b) the affixing of such notice to any structure in any way; and
- (c) the supporting of such notice by the ground, any artificial surface or any structure.

Advertisements or advertising signs on other property

5. (1) Subject to regulations 2, 3, 4 and 6, a person may not, in the council area, erect or display an advertisement or an advertising sign in or on any place, unless authorised to do so in writing by the Council.

(2) A person who wishes to obtain the written authorisation contemplated in subregulation (1) must comply with the procedures laid down in regulation 2 and any authorisation granted by the Council may be granted and used in accordance with that regulation.

Authorised advertisements or advertising signs

6. (1) Despite regulation 5, a person may erect or display an advertisement or advertising sign at any place other than the places referred to in regulation 2 if –

- (a) that advertisement or advertising sign falls under subregulation (2);
- (b) that advertisement or advertising sign is not prohibited by regulation 7;
- (c) that advertisement or advertising sign complies with regulation 8; and
- (d) the owner of the property on which that advertisement or advertising sign is to be erected or displayed has consented in writing to the erection or display of that advertisement or advertising sign.

(2) Subject to subregulation (1), a person does not require the Council’s authority before they can erect or display any of the following advertisements or advertising signs –

- (a) an aerial advertisement or advertising sign if the advertisement or advertising sign does not cause environmental pollution or produce excessive noise;
- (b) an advertisement or advertising sign showing the street number of a place or an advertisement or advertising sign showing the name and address of the occupant or owner of a place if that advertisement or advertising sign does not exceed half a square metre in area;
- (c) an advertisement showing the name, logo, address and telephone number of –
 - (i) a resident occupation referred to in the scheme;
 - (ii) a person to whom under the scheme, consent use has been given by the Council;
 - (iii) a person who has been engaged to give security services at the place or a neighbourhood watch body; or

- (iv) a person who at the place, is doing an activity which has been approved in writing by the Council,

in an area zoned as residential under the scheme, as long as the advertisement or advertising sign does not exceed one square metre in area and only one advertisement is erected or displayed on each erf;

- (d) an advertisement or advertising sign showing the name, logo, address and telephone number of –

- (i) a resident occupation referred to in the scheme;
- (ii) a person to whom, under the scheme, consent has been given by the Council;
- (iii) a person who has been engaged to give security services at the place, or a neighbourhood watch body; or
- (iv) a person who at the place, is doing an activity which has been approved in writing by the Council,

in an area zoned general residential or undetermined and which is predominately used or is intended to be used for residential purposes under the scheme, as long as the advertisement erected or displayed on each erf does not exceed two square metres in area, and unless the person concerned is engaged to give security services at the place or is a neighbourhood watch body, only one advertisement is erected or displayed on each erf;

- (e) a sign in an area zoned as business, restricted business, garage, industrial or special under the scheme, and where business is the primary use as defined in the scheme, as long as the height of that advertisement or advertising sign does not exceed five metres above the natural ground level and does not go above the roof level of any building which is situated in that area;
- (f) a sign in an area zoned as office or special under the scheme, and where business is not the primary use as defined in the scheme, as long as the height of that advertisement or advertising sign does not go above the roof level of any building which is situated in that area and the area of that advertisement does not exceed two square metres;
- (g) a sign in an area zoned as institutional, undetermined, municipal or reserved for government, cemetery or transport and communication under the scheme, as long as it complies with the requirements of paragraph (d);
- (h) a sign in an area reserved as private open space under the scheme, as long as the height of that advertisement or advertising sign does not go above the roof level of any building which is situated in that area and does not exceed 10 square metres in area;
- (i) a sign where construction is taking place for the duration of the construction and that advertisement or advertising sign –
 - (i) shows the name and particulars of the person carrying out the construction;
 - (ii) shows the name and particulars of the person on whose behalf the construction is being carried out; and

- (iii) does not exceed 10 square metres in area;
- (j) a sign displayed by a candidate during presidential, parliamentary, regional council or local authority elections as long as that advertisement or advertising sign –
 - (i) is erected or displayed at the residence or office of the candidate;
 - (ii) is erected or displayed for the duration of the election; and
 - (iii) does not exceed 10 square metres in area;
- (k) a sign displayed in the interior of a building as long as that advertisement or advertising sign is not visible from a street or public place;
- (l) a sign contained in a book, newspaper or pamphlet or similar items, as long as the distributor does not litter any place situated within the council area; or
- (m) a sign affixed to a person or vehicle, excluding a vehicle used exclusively for the purposes of advertising or displaying an advertisement or advertising sign, as long as that advertisement or advertising sign does not cause public nuisance or disrupt the flow of traffic.

Prohibition on erection or display of advertising signs

7. (1) A person may not, in the council area, erect or display an advertising sign, unless that person has obtained the written authorisation of the Council to do so.

(2) Subregulation (1) does not apply to an advertising sign exempted in terms of regulation 6.

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

Conditions applicable advertising signs

8. (1) A person who, under these regulations, erects or displays an advertising sign or causes such sign to be erected or displayed must –

- (a) ensure that the sign is securely erected or displayed so as to not cause damage to property, plants, animals or persons;
- (b) take measures to prevent damage which may be caused to the sign or its supporting structure;
- (c) ensure that electrical cables or conduct pipes which are connected to that sign are safe and covered in such a manner that they do not cause danger to property, plants, animals or persons;
- (d) comply with the law that governs the supply of electricity or electrical wiring of premises in the council area;
- (e) obtain the written authorisation of the Council before connecting an advertisement or advertising sign to any electricity supply point of the Council; and

- (f) comply with any law that governs the construction of buildings in the council area.

(2) The owner of the property on which the advertisement or advertising sign is erected or displayed and the owner of the advertisement or advertising sign are both responsible for the installation, maintenance, control and removal of the advertisement or advertising sign.

Powers of Council

9. (1) Where an advertisement or advertising sign may be or is a danger to property, animals or persons, the Council may, under section 93 of the Act, serve a written notice on the owner of the advertisement or advertising sign, if known, or on the owner or occupier of the erf or property on or from which the advertising sign is erected or displayed.

- (2) A notice referred to in subregulation (1) must –

- (a) inform the recipient about the nature of the complaint;
- (b) instruct the recipient to remove or maintain the advertisement or advertising sign referred to in subregulation (1) within a period specified in the notice; and
- (c) inform the recipient that –
 - (i) if the recipient fails to remove or maintain the advertisement or advertising sign referred to in subregulation (1) within the period specified in the notice, the Council may remove the sign to ensure compliance with the instruction given under paragraph (b) and may recover from the recipient costs incurred by the Council in connection with any action so taken; and
 - (ii) where any sign is removed as contemplated in subparagraph (i) that the sign may be returned to the owner if the owner or the recipient –
 - (aa) gives the Council a written undertaking not to erect or display the advertisement or advertising sign after the sign is so returned or to comply with the conditions imposed under these regulations by the Council; and
 - (bb) pays to the Council the costs contemplated in paragraph (c)(i).

(3) Subregulations (1) and (2) apply with the necessary changes where a person displays or erects an advertisement or advertising sign in contravention of these regulations.

Reconsideration of Council's decision

10. (1) A person who is aggrieved by a decision of the Council made under these regulations may, within 14 days of receiving that decision, apply to a committee constituted for this purpose, for the reconsideration of the decision.

(2) An application made under subregulation (1) must be in writing and must specify the grounds on which the decision is to be reconsidered.

(3) On receipt of an application made under subregulation (1), the committee must reconsider the Council's decision and may –

- (a) confirm the decision;

- (b) rescind the decision; or
- (c) rescind the decision and impose conditions which are necessary and reasonable in the circumstances.

(4) The chairperson of the committee must, within 30 days of receiving an application made under subregulation (1), notify the applicant in writing of the decision the committee has made under subregulation (3).

Fees

11. Unless the Council otherwise determines under section 30(1)(u) of the Act, the fees payable for advertisements or advertising signs are approved by the Council from time to time.

Offences and penalties

- 12.** (1) A person who –
- (a) in the council area, erects or displays or causes to be erected or displayed an advertisement or advertising sign in contravention of these regulations;
 - (b) contravenes or fails to comply with an instruction or requirement set out in a notice issued under these regulations and served on him or her under section 93 of the Act;
 - (c) intentionally makes a false statement when making an application under these regulations;
 - (d) contravenes or fails to comply with any provision of these regulations, other than a provision contemplated in paragraph (a) or a condition imposed under these regulations; or
 - (e) threatens, resists, hinders or obstructs any officer or employee of the Council in the performance of his or her functions under these regulations,

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

(2) In a prosecution for an offence under these regulations, unless evidence to the contrary is adduced –

- (a) the owner of land or a premises from which the advertisement or advertising sign was or is erected or displayed is considered to have erected or displayed that sign or to have caused it to be erected or displayed;
- (b) any person who alone or together with any other person was responsible for organising or was in control of any meeting, function or event to which a sign relates, is considered to have erected or displayed in connection with such meeting function or event or to have caused it to be so erected or displayed; or
- (c) any person whose name appears on an advertisement or advertising sign is considered to have erected or displayed that advertisement or advertising sign or to have caused it to be erected or displayed.

Savings

13. (1) Anything which was done prior to the commencement of these regulations is deemed to have been done under these regulations and is valid for all purposes.

(2) An advertisement or advertising sign which lawfully existed at the date of commencement of these regulations, but which does not conform to these regulations must be removed or be made to conform within 12 months from the date of commencement of these regulations.
