

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

**CENTRAL DISTRICT COUNCIL (ADVERTISEMENTS AND HOARDINGS)
BYE-LAWS, 2012**

(Published on 13th April, 2012)

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SECHEDULES

IN EXERCISE of the powers conferred by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the Central District Council hereby makes the following Bye-Laws —

1. These Bye-laws may be cited as the Central District Council (Advertisements and Hoardings) Bye-Laws, 2012. Citation

2. In these Bye-laws, unless the context otherwise requires — Interpretation

“advertisement” includes any notice, bill, placard, poster and similar publication;

“authorised officer” means the Council Secretary, a bye-law enforcement officer or any other employee of the Council duly authorised as such, in writing, by the Council Secretary;

“Council” means the Central District Council;

“council area” means a designated area within the Central District;

“hoarding” means any structure used as an advertisement or used for exhibiting any advertisement;

“owner” means, in relation to any lot or premise, the person in whose name the title to such lot or premise is registered and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such lot or premise;

“premises” means any building or part of the building, store, shop, tenement or other erection on or above the ground and the land occupied by the building, store, shop, tenement or other erection;

“public place” includes any public way or square or any public or communal land; and

“street” means any highway, public bridge, road, lane, footway, square, recreation ground, court, alley or passage, whether a thoroughfare or not, and includes any works or thing forming part of or connected with such street.

Application
Cap. 03:02

3. These Bye-laws shall apply to all planning areas of the Central District Council as set out in the Administrative Districts Act.

Exemption

4. (1) These Bye-laws shall not apply to any advertisement on any board, support or framework carried by any person or to hoardings which form a temporary part of any building operation shielding any work in progress for the purpose of advertising the said premises for sale.

(2) The Council may direct the person erecting such hoarding to remove it or reposition it for any reason set out in these Bye-laws.

Erection of
hoardings

5. (1) A person shall not erect a hoarding in any place within the council area without a permit issued by the Council.

(2) Any person who wishes to erect a hoarding may make an application to the Council for a permit in Form 1 set out in Schedule I, accompanied by the fees specified in Form 1 set out in Schedule II.

(3) A person who contravenes this bye-law commits an offence and is liable —

(a) for a first offence, to a fine not exceeding P3000, or to imprisonment for a term not exceeding one year, or to both; and

(b) for second and subsequent offences, to a fine not exceeding P5000, or to imprisonment for a term not exceeding two years, or to both.

Consideration
of application

6. (1) The Council may, where the applicant meets all the requirements, issue a permit for the erection of a hoarding.

(2) The Council may reject an application for the erection of a hoarding if it considers that the proposed hoarding —

(a) will be a distraction or visual obstruction to traffic, or will in any way interfere with the free movement of traffic, including pedestrians;

(b) is objectionable in substance, presentation or scale;

(c) will spoil the appearance of any improved or developed area set aside for industrial development, park or other recreational purpose; or

(d) will be offensive to any occupier or residential premises adjacent to, facing or abutting the site of the proposed hoarding.

(3) A permit obtained under this bye-law shall be valid for 12 months from the date of issue.

Erection of
hoarding in
gazetted area
of road reserve

7. (1) A person shall not erect a hoarding on either side of a road reserve in any gazetted area within the council area without a permit issued by the Council.

(2) Any person who wishes to erect a hoarding within a road reserve may make an application to the Council in Form 3 set out in Schedule I.

(3) An application made under this bye-law shall be treated in the same manner as an application made under bye-law 6.

(4) A person who contravenes this bye-law commits an offence and is liable to the penalty specified under bye-law 17.

8. (1) The owner or any person in receipt of any rent or profits from the use of any hoarding, shall maintain such hoarding in a proper state of repair and security to the satisfaction of the Council, failing which the Council may remove such hoarding at the expense of the owner, and in his default, of any person in receipt of any rent or profit from the use of the hoarding.

Maintenance
of hoardings

(2) The removal of the hoarding by the Council as referred to in sub bye-law (1) shall not relieve the owner from any penalty provided for under these Bye-laws.

9. (1) The owner of a hoarding shall exhibit and keep his name and address in a conspicuous position on the front of the hoarding and in such character as to be clearly legible.

Name and
address of
owner

(2) In case of change of ownership of a hoarding, any person acquiring ownership of the hoarding shall give written notice of such change to the Council within 30 days.

10. (1) A person shall not exhibit or cause to be exhibited any advertisement on any wall, fence, gate or any place visible from a street without a permit from the Council.

Permit to
advertise

(2) Any person who wishes to exhibit or cause to be exhibited any advertisement on any wall, fence, gate or any place visible from a street shall make an application to the Council for a permit in Form 2 set out in Schedule I accompanied by the fees specified in Form 2 set out in Schedule II.

(3) A person who contravenes this bye-law commits an offence and is liable —

- (a) for a first offence, to a fine not exceeding P3000, or to imprisonment for a term not exceeding one year, or to both; and
- (b) for second and subsequent offences, to a fine not exceeding P5000, or to imprisonment for a term not exceeding two years, or to both.

11. (1) The Council may, upon receipt of an application under bye-law 10, issue a permit in Form 2 set out in Schedule I.

Issue of permit
to advertise

(2) The Council may reject an application for a permit to advertise where the advert —

- (a) will be a distraction or visual obstruction to traffic, or will in any way interfere with the free movement of traffic, including pedestrians;
- (b) is objectionable in substance, presentation or scale;
- (c) will spoil the appearance of any improved or developed area set aside for industrial development, park or other recreational purpose; or
- (d) will be offensive to any occupier or residential premises adjacent to, facing or abutting the site of the proposed hoarding.

(3) A permit obtained under this bye-law shall be valid for 12 months from the date of issue.

12. A person shall not exhibit or cause to be exhibited on any hoarding or on any wall, fence, gate or other place any advertisement that is not placed on or attached or affixed to such hoarding, wall, fence, gate or place in a secure, neat and orderly manner.

Advertisement
to be secure

Removal of advertisement

13. (1) Where an advertisement exhibited on any hoarding or on any wall, fence, gate or other place is defaced or is in an unsightly, torn or detached condition, the owner of the hoarding, wall, fence, gate, or place and in the owner's default, the person on whose behalf the advertisement is exhibited, and in his default, any person in receipt of rent or profit from the use of the hoarding, wall, fence, gate or place, shall on receiving notice in writing to that effect from the Council, remove the advertisement within the time specified in the notice.

(2) Where the advertisement is not removed as required under sub bye-law (1), the Council may remove the advertisement at the expense of the owner, and in his default, the person on whose behalf the advertisement is exhibited, and in his default, any person in receipt of rent or profit from the use of the hoarding.

Furnishing name and address

14. The owner, and in his default, any person in receipt of any rent or profit from the use of any hoarding, shall, when required by the Council, furnish the name and address of a person on whose behalf any advertisement on the hoarding is exhibited.

Obstructing view of traffic

15. (1) A person shall not erect any hoarding or cause to be exhibited any advertisement near any road in such manner or place as to obstruct the view of traffic.

(2) A person who contravenes this bye-law commits an offence and is liable to the penalty specified under bye-law 17.

Appeals

16. Any person aggrieved by the decision of the Council under these Bye-laws may appeal to the Minister.

Offences and penalties

17. A person who contravenes any of these Bye-laws where no penalty is provided commits an offence and is liable —

- (a) for a first offence, to a fine not exceeding P2000, or to imprisonment for a term not exceeding one year, or to both; and
- (b) for a second and subsequent offence, to a fine not exceeding P5000, or to imprisonment for a term not exceeding two years, or to both.

SCHEDULE I

Form 1
(bye-law 5 (1))



APPLICATION FORM FOR PERMIT TO ERECT A HOARDING

Name of Applicant-----

Postal and Physical Address -----

----- Telephone-----

Plot No. ----- Ward-----

Type of activity/Business-----

Description of Hoarding-----

Illuminated

Non-illuminated

Board size: Length -----Width -----Sign area-----

Clearance height from the ground-----metres. Total height-----metres.

Distance from road centre-----metres

Duration of Permit-----

Signature of the Applicant

Date

OFFICIAL

PERMIT

Permit is hereby granted to erect a hoarding per application made as above.

Amount paid in fees-----Pula (P-----).

Name of issuing Officer----- Designation-----

Date-----

REVENUE OFFICE

Amount paid----- O/R No. -----Date-----

Signature of Revenue Officer-----

OFFICIAL STAMP

Form 2
(bye-law 10 (2))



**APPLICATION FORM FOR PERMIT TO USE A WALL, FENCE, GATE OR
OTHER PLACE FOR EXHIBITION OF ADVERTISEMENTS**

Name of owner of wall, fence, gate or other place-----

Name of Applicant-----

Postal and Physical Address of Applicant-----

-----Telephone-----

Plot No. ----- Ward -----

Description of advertisement-----

Illuminated

Non-illuminated

Situation-----

Type of activity/Business-----

Duration of Permit-----

Signature of the Applicant

Date

OFFICIAL

PERMIT

Permit is hereby granted to advertise per application made as stated above.

Amount paid in fees-----Pula (P-----).

Name of issuing Officer----- Designation-----

Date-----

REVENUE OFFICE

Amount paid----- O/R No. ----- Date-----

Signature of Revenue Officer -----

OFFICIAL STAMP

OFFICIAL

Council Roads Department

Date received-----

Remarks: Application is

Recommended

Not recommended

Reasons if not recommended-----

PERMIT

Permit is hereby granted to erect a hoarding per application made as above.

Amount paid in fees-----Pula (P-----).

Name of issuing Officer----- Designation-----

Date-----

REVENUE OFFICE

Amount paid----- O/R No. ----- Date-----

Signature of Revenue Officer -----

OFFICIAL STAMP

SCHEDULE II

Form 1
(bye-law 5 (1))



LEVY FOR HOARDINGS AND PERUSAL FEES

<i>Item</i>	<i>Fee</i>
1. Hoardings of area of, and greater than 10m ²	P550/year/site
2. Hoardings of area less than 10m ²	P150/year/site
3. Hoardings of area of, and greater than 10m ² for less than 1 year.....	P300
4. Hoardings of area less than 10m ² for less than 1 year.....	P 50
5. Perusal fee.....	P10/site applied for

Form 2
(bye-law 10 (1))



ADVERTISEMENT AND PERUSAL FEES

1. Advertisements of area greater than 10m².....P550/year/site.
2. Advertisements of area less than 10m².....P150/year/site.
3. Mobile/trailer advertising..... P20/day/cart,
carriage or other
vehicle.
4. All advertisements of area less than 10m² for less than 7 days..... P50 for first
50 copies or
less + P50
refundable
upon removal.
5. All advertisements of area less than 10m² for 7days or more..... P60 for the first
but less than one year month + P10/month/
additional
month
6. All advertisements of area of, or more than 10m² for
7 days or more..... P80 for the first
but less than one year month + P30/month/
additional
month
7. Perusal fee.....P10/site applied for

MADE this 6th day of March, 2012.

G.S. DIPHOLO,
Council Secretary,
Central District Council.

Approved this 27th day of March, 2012

PETER L. SIELE,
Minister of Local Government.