

Bhubaneswar Municipal Corporation Tax on Advertisements Regulations, 2006

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Rule

BHUBANESWAR-MUNICIPAL-CORPORATION-TAX-ON-ADVERTISEMENTS of 2006

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Bhubaneswar Municipal Corporation Tax on Advertisements Regulations, 2006Published vide Notification O.G.E. No. 1093 dated 3.8.2006In exercise of the powers conferred by Section 657, read with Section 242 and Section 659 of the Orissa Municipal Corporation Act, 2003 (Orissa Act 11 of 2003) and having been approved and confirmed by Government, the Corporation do hereby make the following regulations, namely :-

1. Short title & commencement.

(1)These regulations may be called the Bhubaneswar Municipal Corporation Tax on Advertisements Regulations, 2006.(2)They shall come into force on the date of their publication in the official Gazette of the State.

2. Definitions.

(1)In these regulations, unless the context otherwise requires,-(a)"Act" means the O.M.C. Act, 2003.(b)"Corporation" means the Bhubaneswar Municipal Corporation constituted under the provisions of the Act.(c)"Form" means a form appended to these regulations.(d)"Section" means Section of the Act.(2)Words and expressions used but not defined shall have the meaning as assigned to them in the Act and Rules.

3. Prohibition of erection, exhibition, fixation, retention or display of advertisement without written permission of the Commissioner.

- No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosks, structure, vehicle, neon-sign or sky-sign, any advertisement or display any advertisement to public view in any manner whatsoever in any place within the jurisdiction of the Corporation without the prior written permission of the Commissioner.

4. Prohibition of erection, exhibition, fixation, retention or display of advertisements historic public building.

- No person shall erect, exhibit, fix, retain or display or cause to be erected, exhibited fixed, retained or displayed any advertisement so as to cause damage to the amenities or obstruct the view of any historic public building or buildings of national importance, monument or public garden, etc.

5. Prohibition of erection, exhibition, fixation, retention or display of advertisements.

(a)On roads-No person shall erect, exhibit, fix, retain or display or cause to be erected, exhibited, fixed, retained or displayed any advertisement on any land, building which may be opened to the view of traffic causing distraction to motorists thereby endangering public safety.(b)On temples, mosques, gurudwaras, churches and other such religious places and lands & buildings within one hundred meters of such religious places.(c)Within one hundred meters of Schools & Colleges & other Educational Institutions.(d)On cremation grounds or lands and buildings within one hundred meters of cremation grounds.(e)Near any fly-over, railway over-bridge, water tank, communication tower, transmission tower or land and buildings within one hundred meters of such fly-over or railway over-bridges.(f)On any other street, road, crossing, junction, place, area, locality or part thereof as may be decided by the Commissioner from time to time, in public interest for reasons to be recorded in writing.

6. Manner of display of advertisement on vehicles.

- No vehicle used for the purpose of advertisement shall display any advertisement in a manner different from that as approved by the Commissioner.

7. Prohibition on advertisement by broadcast.

- No person shall broadcast any advertisement except on Radio or Television without the written permission of the Commissioner.

8. Defacement of the sign or mark or letter of advertisement prohibited.

- No person shall deface or cause to be defaced any sign or mark or letter or words that, shall have been put by the Commissioner on the advertisements erected, exhibited, fixed, retained or displayed in token of their having been permitted or approved by him and of the tax having been collected thereon.

9. Advertisement on hoarding.

(1)The advertisement on hoarding-(a)shall not be of more than 20' height from the ground level.(b)shall not project, or be on or over the public passage beyond the general store or buildings in the street for which a regular location has been prescribed.(c)shall not exceed the size approved by the Commissioner.(d)shall not be put up or executed on the right of any road, provided that, advertisement hoardings may be put up or erected adjacent to or near the footpaths of the roads, if such hoardings run parallel to the road and are otherwise permitted by the Commissioner.(2)The base of the hoarding shall be at a height of 5' from the ground level and shall be at proper alignment, in conformity with other hoardings and at a distance of at least 10' from any other hoarding.

10. Procedure for grant of permission for erection, exhibition, fixation, retention or display of advertisement.

(a)Every person desiring to erect, exhibit, fix, retain or display an advertisement shall apply to the Commissioner for permission in the Form available in Corporation Office or Unit Cells at each Ward of the Corporation against payment of fees of Rs. 100. The said application form duly filled in all respects shall be submitted by the applicant in the Unit Cell or BMC Office, against a proper receipt. The Commissioner may, after making such inspection as may be necessary and satisfied of the land status and within thirty days after the receipt of the application grant/ refuse/ renew or cancel the permission, as the case may be, in accordance with the provisions of Act, and the Regulations made thereunder.(b)The Commissioner may disapprove an advertisement among others, on the ground that, its contents or the manner of its display is unsuitable from the considerations of public safety, traffic hazards or aesthetic design, or otherwise offensive and in bad taste and offensive to public sentiments.(c)Every license shall be for a period of one year except in the case of sites used for temporary congregations including fairs, festivals, circus, yatra, exhibitions, sports events or cultural social programmes.(d)If any tax on advertisements is not paid within the stipulated time after the demand notice,the same shall be recovered as arrears of tax and the permission granted shall be deemed to have been terminated. The Commissioner shall be at liberty to remove such hoardings.(e)If any advertisement is erected, exhibited, fixed or retained on any land and building unauthorisedly and in contravention to the provisions of the Act, and the Regulations made thereunder, such advertisement or hoarding shall be removed by the Commissioner, without any notice whatsoever and expenses for the removal of such unauthorized advertisement or hoarding shall be recovered from the advertiser or exhibitor concerned at the rate of Rs.5000 per advertisement or hoarding for size up to 100 Sq.ft & Rs. 7000 for sizes larger than 100 Sq. ft., as per the provisions of law.(f)The Commissioner shall cause to maintain a register showing the licenses

issued under the Act and the Regulations.

11. Tax to be paid in advance.

- (i) The Tax on each advertisement shall be payable in advance for the financial year concerned as per the charges specified in the schedule to these regulations.(ii)All dues shall be payable in cash or by Pay Order or Demand Draft.

12. Licensed or registered advertisement.

(a)No person except licensed or registered advertisers or agencies shall be allowed to undertake display of advertisements on behalf of other persons or agencies, but shall enroll themselves as licensed or registered advertisers with the Corporation by furnishing the required information, documents, security as may be determined by Commissioner and shall pay the license fee or registration fee and security deposit as may be determined by the Commissioner from time to time.(b)Persons intending to entrust the work of displaying advertisement on their behalf shall not entrust it to any unlicensed or unregistered advertiser.(c)A licensed or registered advertiser shall before displaying or causing the display of advertisements, satisfy himself that, the tax due thereon has been paid to the Corporation and the Commissioner's approval obtained thereof.(d)All licensed or registered advertiser shall maintain proper record of advertisements displayed by him and produce the same whenever required for inspection by the Commissioner or any other officer authorized by him.

13. Penalty.

(a)Whoever contravenes any of the provisions of the these regulations and terms and conditions on the subject or fails to comply with the order of direction lawfully given shall be punishable with a fine of Rs. 100 per day till which such contravention continues. The contravention of these regulations shall be dealt with and punishable as per the provisions of the Act provided under Section 246.(b)Any other action including blacklisting of the defaulting agency or advertiser may also be taken as the Corporation may decide on the recommendation of the Commissioner.

14. Regulations to be available for inspection and purchase.

(a)A copy of these regulations shall be kept at the Corporation Office and during office hours shall be open free of charge for inspection by any inhabitant of Bhubaneswar.(b)The copies of the regulations shall be kept at the Corporation Office or Unit Cells of each Ward for sale to the public at the cost to be decided by the Corporation.Form[See regulation 10(1)]Sold to.....Vide M.R. No...../Date.....ToThe Municipal Commissioner/Deputy Commissioner, Bhubaneswar Municipal CorporationSubject- Application for permission to display advertisement as required under Advertisement Regulations under O.M.C. Act, 2003.SirI/We intend to display advertisement on behalf of in Bhubaneswar Municipal Corporation area, as per the following particulars

- 1. Name of the Applicant:**
- 2. Name of the Company/Firm:**
- 3. Status of Applicant (individual/Company) :**
- 4. Permanent Address :**
- 5. Present Address :**
- 6. Telephone No.(if any): Office..... Res.....**
- 7. Description of site on which the advertisement is intended to be displayed:**
- 8. Size of the advertisement to be displayed:**
- 9. Date from which the advertisement is intended to be displayed:**
- 10. Document enclosed :**

(a)Copy of allotment letter/consent letter from allotting authority:(b)Copy of matter / advertisement to be displayed.

11. Certified that :-

(i)I/We are registered as licensed advertiser with Bhubaneswar Municipal Corporation and my/our licence is valid up to.....(ii)The display of advertisement does not violate any of the provisions of O.M.C. Act, 2003 and regulations made thereunder. The relevant provisions of the O.M.C. Act & regulations have been read and understood & I/We shall abide by the same.(iii)I/We undertake to pay all the taxes charges, rates, etc under the provisions of the O.M.C. Act & regulations made thereunder.

12. I/We, undertake that I/we shall be responsible for any injury or damage caused to any person or property due to the advertisement & the consequential claim(s) shall be borne by me/us and I/we shall indemnify & safeguard the interest of Bhubaneswar Municipal Corporation for the losses, damages, etc. vide clause (5) and pay fine as per the Regulations.

DateSignature of Applicant