

Advertisement (Registration and Regulation) Bye-laws, 2012

CHHATTISGARH

India

Advertisement (Registration and Regulation) Bye-laws, 2012

Rule

ADVERTISEMENT-REGISTRATION-AND-REGULATION-BYE-LAWS-20 of 2012

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F-5-13/18/2011, dated 7th August, 2012Last Updated 15th October, 2019Notification No.

F-5-13/18/2011 dated the 7th August, 2012. - In exercise of the powers conferred by section 432-A of the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956), the State Government, hereby makes the following Model Bye-laws under sub-section (23) of Section 427 of the said Act, for regulation of the trade/service of advertisements by Municipal Corporations in the State, namely :- (For Adoption by Municipal Corporations in Chhattisgarh)

1. Short title, extent and Commencement.

(1) These bye-laws may be called the Advertisement (Registration and Regulation) Bye-laws, 2012. (2) These Bye-laws shall be applicable in the area covered by the administrative jurisdiction of the Municipal Corporation of (name of the city) in Chhattisgarh. (3) These Bye-laws shall come into force, subsequent to notification by the Government, from the date of their adoption by the Corporation under Section 432-A (2) and/or section 432-A (3) of the Act, as applicable.

2. Definitions.

- In these bye-laws unless the context otherwise requires, - (a) "Act" means the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956) as amended from time to time; (b) "Advertisement" means the installation of a hoarding, made of metal, glass, flex or any other material, in public or private place, hung or suspended or affixed or fastened to a structure or scaffold, grouted or anchored to the ground or upon the terrace of a building or a wall, or post or electric pole or any other support, with or without any matter or message, for social commercial or any other purpose,

painted or imprinted thereon or not painted and imprinted thereon;Explanation. -(1)Scripting on walls are not included in the above.(2)Advertisements in the form of hoarding mounted on vehicles, whether automated or manually pedalled, are not included.(3)The prime signboard on a shop or establishment meant basically to display its name and address is excluded. Additional signboards on a shop or outside it, whether fixed or not fixed, will constitute advertisement through hoarding.(c)"Advertiser" means a person or agency registered as such under these bye-laws, and entitled to advertise in a specified zone, in the Municipal area.(d)"Commissioner" means the officer appointed as such in the Municipal Corporation.(e)"Corporation area" means the area within the administrative jurisdiction of the Municipal Corporation.(f)"Display" means passive or dynamic display of a hoarding, with or without illumination, in static, rotating or moving form, with or without audio accompaniment.(g)"Encouragement of Illegal Advertisement" means encouraging, by direct and indirect means, indulgence in advertisement in contravention of the provisions of these bye-laws or interfering in or obstruction the discharge of duties or exercise of power by the Commissioner and/or the superintendent in accordance with the provisions of these bye-laws;(h)"Hoarding" means a display board single-faced or multiple-faced, made of metal, glass, flex,, wood or any other material, fastened or unfastened, on ground or at a height, meant for commercial or non-commercial purpose, in use or not in use, painted or blank that has a perimeter of 20 feet or more in the case of individual hoarding, and 10 feet or more in the case of hoardings used in series on a road or elsewhere;(i)"Illegal Advertisement" means any advertisement, irrespective of purpose, displayed in contravention of the provisions of these bye-laws;(j)"Illegal Advertiser" means any person or agency who displays a hoarding in contravention of the provisions contained in these bye-laws;(k)"Illuminated" means lit up from inside or outside to enhance visibility of the content, especially during night;(l)"Superintendent" means the officer appointed as such in terms of bye-laws 4 of these bye-laws.

3. Regulation of Advertisement.

(1)From the date these bye-laws come into force, all advertisement in the Corporation area in contravention of the provisions contained herein shall be illegal and liable for removal and confiscation without notice and without prejudice to other penalties and punishment under these bye-laws, and/or the Act and/or any other law as may be applicable.Provided that the Commissioner shall have the power to allow a start-up grace period of forty-five days after the bye-laws come into force to enable current advertisement, legal or illegal, to ensure compliance with the provisions contained herein :Provided further that the Commissioner may, for general information, publish a notice of the above bye-laws having come into force for two days in such two daily newspapers which are in the approved list of Government for advertisement purpose and which have circulation in the Corporation area, and affix a copy thereof in conspicuous place in the office of the Municipal Commissioner and cause an announcement in the Corporation area on the loud speaker.Provided also that no shortcoming on the part of the Commissioner in respect of action recommended in second Proviso shall provide reason to any advertiser or person for failure to comply with the provisions of these bye-laws.(2)Practice of advertisement or display of hoarding(s) in contravention of these bye-laws shall constitute an offence in terms of section 248 of the Act, and shall be punishable under section 434 accordingly.(3)The punishment under clause (2) shall be without prejudice to any other penalty/fine that may be imposed under the Act/or any other law for the time

being in force.

4. Appointment of Superintendent.

(1) Within fifteen days of these bye-laws coming into force, the Commissioner shall appoint an officer not below the rank of an Executive Engineer as Superintendent for executing, under his overall guidance, the purpose of these bye-laws. (2) Till such time as a Superintendent is appointed, and, thereafter, if a Superintendent is not appointed under clause (1) within the prescribed time, the Commissioner shall be deemed to be the Superintendent under these bye-laws till such time as another officer is appointed.

5. Powers, duties and functions of the Commissioner.

(1) Apart from the general powers vested in him under the Act, for the purpose of enforcement of these bye-laws, the Commissioner shall have the following powers :- (a) To appoint Superintendent under bye-law 4, and to instruct the Superintendent to act in specific cases in accordance with the provisions of law. (b) To approve, with or without changes, the plan for division of the corporation area into advertisement zones as prepared by the Superintendent. (c) To categorize and designate the zones as 'No Advertisement Zone' and 'Regulated Advertisement Zone'. (d) To prescribe the maximum number of hoarding for each of the regulated advertisement zones, separately for roadside, roof-top and central verge, and to land-mark the location, position, orientation, size and other relevant particulars of the hoardings for each zone. Explanation. - For doing the above, the Commissioner may obtain the view of professionals and others as may be necessary in this opinion. (e) To confiscate hoarding and all other paraphernalia in respect of illegal hoardings and to quantify punishment for illegal advertisers. (f) To take cognizance of encouragement of illegal advertisement and to act against the offenders according to the provisions of these bye-laws and/or any other law as may be applicable. (g) To fix upset price for bids inviting offers from eligible persons for advertisement rights on land/building belonging to Government or the local body. (h) To accept or reject any or all offers received under clause (g) above. (i) To fix the floor-rates for rent in respect of roof-top advertisement on private and other property. (j) To prescribe the process and manner of inviting bids, subject to the provisions contained in clause (6) of bye-law 7. (k) To prescribe the technical norms for ensuring stability of the hoardings and public safety involved therein. (l) To do all that may be necessary to give effect to the purposes of these bye-laws.

6. Powers, duties and functions of the Superintendent.

(1) In enforcing these bye-laws, the Superintendent shall act under general instructions of the Commissioner, and shall exercise the following powers, and do the following acts :- (a) To chart out the zones for the purposes of these bye-laws and to get the same approved by the Commissioner. (b) To support the Commissioner in the process of inviting bids for advertising rights on the basis of zone and/or cluster of zone for regulated advertisement zones. (c) To report to the Commissioner in writing any attempt by any body to set up hoardings in the no-advertisement zone(s), and to give effect to the orders of the Commissioner in this regard. (d) To receive complaints from advertisers regarding attempts by unauthorized elements to set up hoardings in their allotted

zones, and to take corrective action in this regard in accordance with these bye-laws.(e)To maintain a roster of the authorized advertisers in a manner as may be prescribed, and maintain a record of all matters and documents relating to or covered under these bye-laws.(f)To demand and receive royalties, rents, penalties and all dues under these bye-laws into the Corporation account.(g)To inspect the hoardings to verify their safety and stability and, if not satisfied, to order and enforce needful corrective measures :Provided that in the case of hoardings of perimeter over 50 feet, or hoardings installed or meant to be installed at sensitive places or in sensitive manners, the Superintendent shall require the Advertiser to obtain and produce specific certificate regarding safety and stability from a qualified structural engineer.Explanation. - in the event of a dispute regarding which points/places/ manners are sensitive, the opinion of the Commissioner shall be final and binding.(h)To issue notice (s) for removal of illegal hoardings and if the notice does not bring forth the desired action, to cause removal and confiscation of the illegal hoarding, and initiate further action for imposition and realization of fine/penalties.(i)To file, if and when necessary, FIRs with the police and/or complaints with other appropriate authorities for action against illegal advertisers and those that encourage it.(j)To disseminate the object and purpose of these bye-laws by whatever means, as often as possible, as widely as possible to promote safe advertisement in the Corporation area.(k)To ensure that all the advertisements in the Corporation area are in accordance with these bye-laws.(l)To receive applications from owners of private lands and buildings in the regulated advertisement zone for permission to install hoarding at specific places and to grant permission after site inspection and satisfaction regarding structural stability and neighbourhood safety, security and subject to payment of advertisement tax at rates as may be prescribed under Section 132 (6) (1) of the Act and current rate at that time.

7. Procedure prescribed for advertisement.

(1)From the date these bye-laws come into force, the procedure to be followed for advertisements in Corporation area shall be as provided in this bye-law.(2)The Commissioner shall cause division of the Corporation area into zones for the purpose of advertisement.Explanation. - A zone may be a geographical area consisting of one or more wards or a stretch of road from point A to point B.(3)There shall be two categories of zones as follows : (a) No Advertisement Zone; and (b) Regulated Advertisement Zone.(4)When dividing the Corporation area into zones under clause (2) above, the Commissioner shall categories it under either of the two categories described in clause (3).(5)No advertisement shall be allowed in the No advertisement zone.(6)For assigning rights to advertise on land/building belonging to Government or the local body situated in the Regulated Advertisement Zone, the Commissioner shall invite sealed offers from registered advertisers in a manner that conforms to the standard practices for inviting tenders as contained in the guidelines of the Central Vigilance Commission and/or as prescribed by the State Government.(7)The offers under clause (6) be invited on zone basis, or on the basis of clusters of zones.(8)The offers shall be invited for a specified time, not exceeding five years.(9)The Commissioner, shall determine and disclose before the bids are invited, the maximum number of hoardings and the type of hoardings for every zone. The notice inviting offers under clause (6) and (7) shall indicate the maximum number of hoardings that may be installed in the zone.(10)The best bidder shall be granted the right to set up hoardings in the zone(s) he has been selected for, at the points and according to the particulars prescribed by the Commissioner under clause (d) of bye-law 5 subject to his executing an

undertaking and making payments to the Municipal Corporation against royalty and all other dues.

8. Bidders to furnish undertaking.

(1) Every bidder competing for advertisement rights shall be required to furnish an undertaking on non-judicial Stamp Paper of appropriate value, according to the prescribed manner, in the format given in Appendix A attached to and forming part of these bye-laws. (2) Failure to submit the undertaking and/or refusal to do so shall summarily render the bid as null and void and earnest money deposited shall be forfeited by the Corporation.

9. Encouragement of illegal advertisement.

(1) Encouragement of illegal advertisement and/or illegal display of hoardings shall constitute an offence in terms of section 248 of the Act, punishable in terms of section 434. (2) The punishment under clause (1) shall be without prejudice to any other penalty/fine that may be imposed under the Act and/or any other law for the time being in force.

10. Repeal and saving.

- All bye-laws corresponding to these bye-laws and in force immediately before the commencement of these bye-laws are hereby repealed in respect of matters covered by the bye-laws : Provided that any order made or any action taken under the bye-laws so repealed shall be deemed to have been made or taken under the corresponding provisions of these bye-laws. Appendix-A Undertaking [To be submitted by the Advertiser-applicant, to Superintendent appointed under bye-law 4 of these Bye-laws on Non-Judicial Stamp Paper Under bye-law 7 (10) of the Advertisement (Registration and Regulation) Bye-laws, 2012] In consideration of the Municipal Corporation of..... granting to me/us advertisement rights in terms of bye-laws 7 of the Advertisements (Registration and Regulation) Bye-laws, 2012, for safe practice of the trade/business of advertisement ' in..... zone (s) in the Corporation Area of..... I/we named below solemnly undertake and state as follows :

1. That I/we shall at all times display hoardings with utmost safety and only after ensuring full security and stability of the hoarding;

2. That I shall obtain third party insurance for a fair amount to secure myself against liability arising from any fatality, injury or damage, whether by accident, acts of god, or my own negligence, that may be caused to any person or property attributable to the display of advertisement by me at any place in the Corporation area;

- 3. That notwithstanding anything stated or contained in clause 2 above, I/we take sole and complete responsibility upon me/us for all liability arising from any fatality, injury or damage, whether by accident, acts of god, or my own negligence, that may be caused to any person or property attributable to the display of advertisement by me at any place in the Corporation area;**
- 4. That I/we shall display advertisement only in such number, places and manner as prescribed by the Commissioner, and that does not disturb or obstruct traffic or pedestrian movement, nor hurt their vision through glare, blinding light or in any other manner, and, if such a threat is discovered or communicated to me/us by the Superintendent in writing, I/we shall forthwith take corrective measures to the satisfaction of the Superintendent.**
- 5. that after a threat under clause 4 above is communicated to me/us by the Superintendent in writing, if I/we fail to take corrective measures within 72 hours, for any reason whatsoever, the Superintendent will be at liberty to correct the fault and/or remove the hoarding and I/we shall be liable to pay all costs and fine as may be demanded in writing by the Corporation in this regard;**
- 6. That before displaying hoarding at any spot and/or before erecting a structure/scaffold for supporting display of a hoarding. I/we shall ascertain particulars of the owner of the land/building, obtain due permission from him/her in writing, and only after settlement and payment of rent and other charges, if any, I/we shall proceed with the display of hoarding and/or erection of the scaffold/support for the same.**
- 7. That in respect of serial display of hoardings on central verge on poles belonging to the electricity or other department, I/we shall duly obtain permission from the department/authority concerned and only after settlement and payment of rent and other charges, if any, I/we shall proceed with the display of hoarding.**
- 8. That I fully understand and accept that the Corporation has no responsibility for any person pasting and/or otherwise defacing and/or damaging the hoarding displayed by me in the Corporation area, and that I/we shall not hold the Corporation liable for this but reserve our rights to take action according to law against the person responsible for such**

defacing and/or damage.

9. That if and when the Superintendent desires to inspect the post and/or the supporting structure of the hoarding, I/we shall at our cost organize such inspection;

10. That if and when the Superintendent directs in writing to produce certificate regarding stability and safety of any hoarding and/or the supporting structure, I/we shall at our cost organize to obtain and produce such certificate to the full satisfaction of the Superintendent.

11. That I/we shall pay to the Corporation Hoarding Fee as may be prescribed and applicable, duly and within the prescribed time in accordance with bye-law 8 of the Advertisement (Registration and Regulation) Bye-laws, 2012.

12. That I/we have read and understood the object, intent and purpose of the Advertisement (Registration and Regulation) By-laws, 2012, that I/we have noted all requirements under these bye-laws, and that I/we fully submit to these bye-laws for full and proper compliance;

13. I/we understand and accept that in the event of our willfully acting in contravention of the provisions contained in these bye-laws, the Commissioner may take appropriate steps to get me/us blacklisted in the entire State;

14. That for the purpose of all notice and other correspondence, my/our contact details are as below;

Name :

Designation :

Address :

Telephone Number (mob/LL) :

Fax No. (If any) :

E-mail :

Signed by me/us in my/our own hand and delivered to the Corporation on..... day of.....20
at in the presence of the witnesses named below. Authorised Signatory Full Name and
Designation Witness:

1. 2.