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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

ANNOUNCEMENT MADE UNDER SECTION 268 OF THE MUNICIPAL COUNCILS ORDINANCE OF AUTHORITY 252 WHICH SHALL BE READ ALONG WITH SECTION 02 OF PROVINCIAL COUNCILS CONSEQUENTIAL PROVISIONS ACT, No 12 OF 1989

THE following by-law that has been composed according to the authority conferred to Colombo Municipal Council by Section 267 of the Municipal Councils Ordinance and according to Authority No. 252 read along with the Sub-section 272(6) of the same ordinance has been approved under decision No. 736 on 28.12.2009 by Mr. Omar Surek Karmil appointed for the operation of powers of the Colombo Municipal Council and accomplishment of the functions and duties of the Colombo Municipal Council. I, Prasanna Ranatunga, the Chief Minister and the Minister of Finance and Planning, Law and Order, Education, Land, Local Government and Provincial Administration, Electricity and Power, Manpower and Employment and Economic Promotion of the Western Province Provincial Council hereby announce that the said by-law is approved by me as per Section 268 of the Municipal Council Ordinance of Authority 252 read along with Section 02 of Provincial Councils (Consequential Provisions) Act, No. 12 of 1989.

PRASANNA RANATUNGA,
Chief Minister and the Minister of Finance
and Planning, Law and Order, Education,
Land, Local Government and Provincial
Administration, Electricity and Power,
Manpower and Employment and Economic
Promotion of the Western Province Provincial Council

06th June, 2011,
Chief Ministry of the Western Provincial Council,
Shrawasthri Mandiraya,
Colombo 07.

Advertisements, Decorations and Posters

1. These by-laws may be cited as the Colombo Municipal Council Advertisement, Decoration and Poster by-laws

Advertisements

2. When the display of any advertisement has commenced before or after the date on which these by-laws came in to force will be subject to the conditions and requirements laid down in these advertisement by-laws.

3. No person shall display any advertisement or cause any advertisement to be displayed within the administrative limits of the Council so as to be visible from any street, road, canal, lake, sea or the sky except under the authority of a license issued in that behalf by the Commissioner.

Provided, however, that the proceeding provisions of these by-laws shall not apply to any of the following advertisement unless such advertisement is an illuminated advertisement :-

- (a) An advertisement relating to any entertainment, the net proceeds of which are to be used for the purpose of approved charity, welfare of disable persons or school children ;
 - (b) An advertisement relating to any entertainment to be held in the premises upon which such advertisement is displayed and fixed exclusively within such premises ;
 - (c) An advertisement relating to a religious, political or government without any commercial advertisement ;
 - (d) “To let” or “For sale” advertisement for the purpose of selling, leasing out, renting out of any property or vehicle where the size of the advertisement is limited to a maximum of 4ft x 3ft in size ;
 - (e) A domestic name plate ;
 - (f) An advertisement on a vehicle indicating the name and address of the owner of such vehicle ;
 - (g) An advertisement displaying the name, address and the nature of the trade or business carried on in the premises upon which such advertisement is displayed.
4. Every application for a license to display any advertisement shall be made to the Commissioner, in the form provided by the Council, at least twenty one (21) days before the date on which the display of the advertisement is intended to commence. The decision taken on application received, shall be notified to the applicant before lapse of the said twenty one (21) days.

Provided, however, that the Commissioner may on special circumstances entertain any such application which is not made within the time limit specified in the preceding provisions of this paragraph, for Government related activities, public massages and for short term advertisements duration of which is one (01) month or less. Short advertisements include banners, pennants, cutouts or advertisements displayed on hoardings.

5. Every application made under by-law 4 above these by-laws shall consist of :-
- (a) The application in the specified form issued by the Council ;
 - (b) The plans, drawings, specifications and such other particulars as may be prescribed by the Commissioner ;
 - (c) A site plan drawn to a scale of not less than 1 : 1000 in relation to the location of the structure on which the advertisement is proposed to be displayed ;
 - (d) Amendments, if any, of such plan, drawing or specification to conform to these by-laws ;
 - (e) A plan showing the location of the advertisement in relation to the adjoining streets and prominent land marks ;
 - (f) In case the applicant is not the owner on which the intended advertisement to be displayed, a letter of consent addressed to the Commissioner signed by the legal owner of the premises.

(g) Such other information as may be prescribed by the Commissioner from time to time for the purpose of granting approval for the display of the advertisement.

6. No person shall erect or cause to be erected any structure and/or hoarding to be used for the purpose of displaying and advertisement or advertisements, within the administrative limits of the Council, unless an authority of a license issued in that behalf by the Commissioner for advertising.
7. Where the Commissioner approves an application submitted under by-law 4 above, the license shall not be issued to the applicant, until the requisite fee is paid to the Council.
8. Where a license to display an advertisement is issued to any person, the Commissioner shall direct such person to insert the reference number of the license and such other particulars the Commissioner shall deem necessary, on every copy of that advertisement.
9. No person shall display or cause to be displayed an advertisement including structure and/or hoarding for the advertisement deviated from the size 20ft (Horizontal) x 10ft (Vertical) and off rectangular shape within any reservation of roads owned and/or maintained by the Council. The ground clearance of these advertisement structure and/or hoarding shall be 2.5 meters and the distance clearance of these advertisement structure and/or hoarding shall be 1.5 meters away from the edge and/or the kerb line of the road.
10. No person shall display or cause to be displayed and advertisement on gazetted traffic signs, its posts and traffic signal heads/posts.
11. No person shall display or cause to be displayed any advertisement its structure and/or hoarding without keeping a minimum clearance height of 2.5 meters above the ground.
12. No person shall display or cause to be displayed any advertisement its structure and/or hoarding obstructing the scenic view of historical buildings, buildings with cultural value, greenary areas, public parks, children's play grounds, monuments, statutes, religious places, burial grounds, diplomatic missions and educational buildings.
13. No person shall display or cause to be displayed any advertisement, which is unsightly, objectionable, or injurious to the users of the locality.
14. No person shall display or cause to be displayed any advertisement illuminated with neon lights or any advertisement flickering, running, flashing, or any advertisements flickering, running, flashing which adversely distract the view of the drivers.
15. No person shall display or cause to be displayed any advertisement including its structure and/or hoarding justifiably violating the rights of property owners to enjoy reasonable property frontage, ventilation and natural lights.
16. No person shall display or cause to be displayed any advertisement including its structure and/or hoarding on ground to be visible from top of another advertisement.
17. No person shall display or cause to be displayed any advertisement including its structure and/or hoarding in a place where advertising is prohibited by the Council, Government or any other authorized statutory organization.
18. No person shall display or cause to be displayed any advertisement including its structure and/or hoarding within or facing the road reservations of Independence Mawatha and Galle Face Center Road.
19. No person shall display or cause to be displayed any advertisement including its structure and/or hoarding on centre medians, roundabouts, traffic diversion islands, on lamp posts, on telecommunication posts, within public parks including children play grounds and such other properties providing services to the common public within

the road reservations of roads owned and/or maintained by the Council unless such properties are maintained by an advertiser on a sponsorship program and specifications of such advertisement are approved by the Commissioner.

20. No person shall display or cause to be displayed any advertisement resembling road or traffic signs.
21. No person shall display or cause to be displayed any sky sign not approved by Commissioner.
22. Notwithstanding any thing contrary to these by-laws, the Commissioner shall have the power and authority to introduce suitable specifications applicable only for advertising projects given on tender incorporated with a sponsorship program or for short term advertising programs of one month or less. Short term advertisements include banners, pennants, cutouts and/or advertisements displayed on hoardings.
23. No person shall within the road reservation of the administrative limits of the Council :-
 - (i) Carry or cause any other person to carry, any advertisement displayed on any board, support or framework ;
or
 - (ii) Use any wireless, gramophone, record players, musical instrument, bell or other instrument for the purpose of displaying and announcing any advertisement unless such advertisement is approved by Commissioner.
24. (1) Where any advertisement depicts an object which is unsightly or objectionable and offends public morals, the Commissioner may, by written notice, order the person causing the display of such Advertisement to stop such display within a time to be specified by the Commissioner in such notice.
- (2) Any person on whom a notice under sub paragraph (1) of this by-law is served, shall comply with such notice within the time specified therein and a such person fails to stop such display the Commissioner shall have the right and authority to remove such advertisements forthwith whether it is on Council land or not and the cost incurred thereon shall be recovered from such person and he or she is liable to pay such cost.
25. The owner or lessee of any hoarding used for the display of Advertisements shall :-

Maintain such hoarding in a proper state of repair to the security and safety of persons passing by such hoarding during and after the installation of such hoarding and responsible for the safety of surrounding persons or properties ; and

Exhibit his name, address, Municipal reference number in clear and legible characters in a conspicuous place on the front side of such hoarding.
26. (1) where in any Municipal area an advertisement campaign is commenced, continued, resumed or completed without a valid license or contrary to any terms or conditions set out in the license, the Commissioner may, in addition to any other remedy available under these by-laws, by written notice require the person who is executing or has executed such campaign or has caused it to be executed on or before such day as shall be specified by the Commissioner in such notice not being less than 7 days from the date thereof :-
 - (a) To cease such advertisement activity forthwith ; and
 - (b) To demolish, dismantle, alter or erase such advertisement
- (2) it shall be the duty of the person on whom a notice is issued under sub paragraph (1) of this by-law, to comply with any requirement specified in such notice ;

- (3) (a) Where in pursuance of a notice issued under sub paragraph (1) of these By-law, any such advertisement campaign is not stopped or any not erased, within the time specified in the notice, the Commissioner may take action to remove such advertisement after serving the notice on the person, if such person fails to comply with such notice the Commissioner shall have the right and authority to remove such advertisements forthwith whether it is on Council land or not and the cost incurred thereon shall be recovered from such person and he or she is liable to pay such cost determined by the Commissioner.
- (b) If such person appeals requesting time to demolish, or remove such advertisements, the Commissioner may, if he thinks fit, postpone the operation of the order for such time, not exceeding one month subject to levy of a Service Charge other than such cost of aforesaid determined by the Commissioner.

Decorations

27. No person shall decorate or cause to be decorated any street, public place or any ground or playground within the administrative limits of the Council for any political, social, religious, charitable, educational or cultural purposes without prior written sanction obtained in that behalf by the Commissioner.
28. Every application for such sanction shall be made to the Commissioner at least 7 days prior to the date on which the decoration is done, Provided, however, that the Commissioner may on special circumstances entertain any such application which is not made within the time limit.
29. Every application shall contain the following :-
- (a) Name of the applicant ;
- (b) The name of the street, road, playground or public place to be decorated ;
- (c) Nature of decoration and the duration and any other information as the Commissioner shall deem necessary.
30. Upon the receipt of an application the Commissioner may determine the amount to be deposited with the Council before the sanction is granted to secure the removal of the materials used for the decoration and the applicant shall deposit such amount, as determined by the Commissioner.
31. If and when such applicant fails or neglects to remove the materials used for the decoration within a reasonable time depending on the nature of the decoration the aforesaid the Commissioner may take necessary action to remove such decoration and deposit made by him/her shall be forfeited and he or she shall not be entitled for a refund of such deposit.

Posters

32. No person shall paste, affix or exhibit any poster within the administrative limits of the Council other than in the places provided for that purpose by the council.
33. The poster referred to above shall bear the name and address of the printer and/or the publisher.

Miscellaneous

34. Notwithstanding anything contrary to these By-laws the Commissioner shall have the right and authority to call for tenders where and when necessary for allocating spaces for advertising on properties belonging to or maintained by the Council.
35. The fee to be levied and payable by the applicant of any advertisement or advertisements shall be determined by the Commissioner based on the report of the Municipal Assessor which shall be final and conclusive.

36. Any person who acts in contravention of any of the provisions of these By-laws shall be guilty of an offence, and shall on conviction be liable in case of a first offence to a fine not exceeding One Thousand Rupees (Rs. 1,000), in case of a second or subsequent offence to a fine not exceeding Two Thousand Rupees (Rs. 2,000) and in the case of continuing offence, to an additional fine not exceeding Two Hundred and Fifty Rupees (Rs. 250) for every day during which the contravention is continued after conviction or after service of a written notice by the Commissioner directing attention to such contravention. Nothing contained in this provision shall prevent the Commissioner from removing any unauthorized advertisement or hoarding, decorations or posters erected or fixed whether it is on a private premises or on a land belonging to the Council or State and to recover the cost incurred for such removal from the person responsible.

37. In these By-laws, unless the context otherwise requires :-

“Advertisement” includes any word, letter, number, sign, placard, board, notice, device, model or representation in the nature of or used wholly or partly for the purpose of advertisement, over or resting up on any land, building or structure :

“Banner” means a display made out of fabric or polythene of which longer measurement displayed horizontally ;

“Pennants” means a display made out of fabric or polythene of which longer measurement displayed vertically

“Cutouts” means a display which has a frame on all four side

“Commissioner” means the Municipal Commissioner of the Council

“Council” means the Municipal Council of Colombo

“Domestic name plate” means purely the name of individual which does not indicate any profession or business.

“Hoarding” means any structure, support, post, board, wall, cause or any other contrivance erected or used for the purpose of displaying any advertisement ; and

“Sky-sign” means any word, letter, model, sign, device or representation used, for the purpose of advertisement and supported or attended to any post, pole, standard, framework or other support on over any land, building or other structure, and wholly or partly visible against the sky from some point in any street, road, canal or lake and includes any balloon, parachute, trailer or other similar device used wholly or partly for the purpose of advertisement on or over any land, building, structure, street or road ;

“Decoration” means any decoration made with cloth, paper, polythene, trees, leaves of a tree or trees, creepers or flowers ;

“Poster” means a hand bill, writtern or painted notice, picture or placard pasted ;

Advertisement (Colombo Municipality) By-laws, 1948 published in the *Gazette* No. 9939 dated 21st January, 1949 is hereby rescinded.