

MUNICIPAL CORPORATION SOLAN H.P.

Advertisement Bye-Laws-2022- NOTIFICATION

Solan, the September, 2022

No. UD-SLN(A)-Hoarding(4)-44/2018—Whereas Municipal Corporation Solan made the Advertisement Bye-Laws-2022 in exercise the Power conferred by section 395 of the Himachal Pradesh Municipal Corporation Act, 1994(Act No. 12 of 1994).

Advertisement Bye – Laws – Solan Municipal Corporation

1. Title & Contents: (i) These Bye laws may be called the Municipal Corporation, Solan Outdoor Advertisement Bye-laws 2022.

(ii) These Bye laws shall come in to force with immediate effect within the limits of Solan Municipal Corporation after the notification by the Government of Himachal Pradesh in the official gazette. .

2. Definitions: In these bye laws unless the context otherwise requires:-

(i). “**Act**” means Himachal Pradesh Municipal Corporation Act, 1994.

(ii). “**Corporation**” means Solan Municipal Corporation (SMC henceforth).

(iii). “**Advertisement**” shall mean any work, letter, model, sign, device or representation supported on or attached to any post, pole, standard framework or other support wholly or in part upon or over any land, building or structure which or any part of which shall be visible against the sky from some point in any street includes all and every part of any such post, pole, standard frame work or other support. It shall also include any balloon parachute or other similar employed wholly or in part for the purpose of any advertisement announcement or direction upon or over any land, building or upon or over any street.

(iv). “**Advertisement Regulation Committee**” means Committee consisting of a) Addl. Commissioner/Joint Commissioner, Municipal Corporation, Solan,(b) Two Municipal Councillors nominated by the General House of SMC(c) Executive Engineer/Assistant Engineer Municipal Corporation, Solan, (d) Town Planner/Municipal Town Planner, Municipal Corporation, Solan (e) Executive Engineer (PWD), Solan,(f) Branch in-charge Advertisement, Municipal Corporation, Solan and(g) representative of concerned Highway Authority.

(v). “**Advertisement Zoning Plan**” means the numbered plan signed by the Commissioner and kept in this office defining the areas of special control and restrictions regarding the advertisement applicable to such areas.

(vi). “**Area of Special control**” means as area so defined in the advertisement zoning plan.

(vii). “**Enclosed Land**” shall mean the land which is wholly or for the most part enclosed within the hedge fence, wall or similar screen or structure and shall not include any railway station together with the yards and for Court thereof, whether enclosed or not, any public park, public garden or other land held for the use or enjoyment of the public.

(viii). “**Illuminated advertisement**” shall mean any advertisement with self luminous by an outside source of light, but not include an illuminated display of goods if such display:-

- (a). is of goods merely bearing labels showing the name of article of its manufacturer or of other; and
- (b). is made by lighting which is not, in the opinion of the Commissioner more than which is necessary to make the goods labels visible at night.

(ix). "**Name Plate**" shall mean an advertisement announcing the name of owner and or name of occupier of a building and/or name of a building upon which such advertisement is fixed, exhibited painted, pasted retained or displayed, provided that the size of the letters constituting such advertisement does not exceed 2" in height and the total area does not exceed 4 square feet.

(x). "**Structure**" shall include a post, pole, tree, bridge, embank and road surface and also a tramcar, omnibus and any other vehicle any movable, board used primarily as an advertisement or advertising medium.

(xi). "**Schedule**" means the schedule indicating the rate/fees for advertisements.

3. (A) Regulation and control of advertisement

No advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, boarding, frame, post or structure or place within the City without the written permission of the Commissioner granted in accordance with bye-laws made under this Act. Provided that no permission shall be required for any advertisement, which:-

(a) appears in newspapers, relates to public meeting, or to an election to Parliament or Legislative Assembly or the Corporation or to candidature in respect of such election; or

(b) is exhibited within the window of and building if the advertisement relates to the trade, profession or business carried on in that building; or

(c) relates to the trade profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale entertainment or meeting to be held on or upon or in the same; or

(d) relates to the name of the land or building upon or over which the advertisement is exhibited, or the name of the owner or occupier of such land or building; or

(e) relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration; or

(f) relates to any activity of the Government or Union of India or the Corporation.

3. (B) Prohibition of Sticking, fixing hanging or painting bills, posters, advertisement, notice etc.

(i). Hoardings, advertisement/ banners will not be allowed in the acquired width of the National/ State highway and other scheduled road and footpath as they cause traffic hazard and are against the instructions of the Govt. of India and Hon'ble Court.

(ii). No Hoarding, advertisements should be put at the place which effects or endangers the growth of flora and fauna.

(iii). No hoarding, advertisement should be located in thickly wooded area and no any kind of hoarding should be placed on trees.

(iv). No hoarding, advertisement should exceed dimension size of 16 Sq. Meters.

(v). No hoarding, advertisement, banners should be put up in contravention of any law & rules against the guidelines notified by any department.

- (vi). No hoarding, advertisement should locate near a water source.
- (vii). No hoarding, advertisement should be in the form of writing, engraving, nailing and carving on any Natural or inanimate object.
- (viii). No hoarding, advertisement, banner will be allowed on the roofs of buildings, except with the permission of Commissioner MC Solan.
- (ix). Only sign of premises are allowed up to 3 Sq m. between slab and lintel of the building to the occupier/ owner.
- (x). Directional sign to Govt. offices religious places will be allowed by the Corporation, The type, size and location of these shall be also approved by the Corporation. The SMC has to keep in view requisite site clearness, so that there is no traffic hazard due to installation of such board.
- (xi). The Corporation shall provide notice board for the purpose of sticking, fixing or hanging posters, notice and advertisement, which shall be available for use on an application to be made to the Commissioner on payment of fee provided for in these byelaws.
- (xii). No hoarding, advertisement should be located/ positioned on a sharp turn, "U" turn and blind turns.
- (xiii). The beauty of nature for matters such as hills, rivers, trees and rock should not be destroyed by indiscriminate installation of commercial advertisement.
- (xiv). No writing/ defacing of retaining walls and parapets could be allowed.

4. Outdoor advertisement and road safety criteria

An advertisement device may be considered a traffic hazard:-

- (a). If it interferes with road safety or traffic efficiency;
- (b). If it interferes with the effectiveness of a traffic control device (eg. traffic light, stop or give way sign);
- (c). Distracts a driver at a critical time (e.g. making a decision at an intersection);
- (d). Obscures a driver's view of a road hazard (e.g. at corners or bends on the road);
- (e). Gives instructions to traffic to "Stop", "halt" or other (e.g. give way or merge);
- (f). Imitates a traffic control device;
- (g). Is a dangerous obstruction to road or other infrastructure, traffic, pedestrians, cyclists or other road users;
- (h). Is in an area where there are several devices and the cumulative effect of those devices may be potentially hazardous; and
- (i). If situated at locations where the demands on driver's concentration due to road conditions are high such as at major intersections or merging and diverging lanes;
- (j) Name of advertisement agencies should be mention on every hoarding board.

5. Control of the physical characteristics of advertising devices shall be as follows:-

(a). Advertising shall not contain flashing red, blue or amber point light sources which when viewed from the road, could give the appearance of an emergency service or other special purpose vehicle warning light's.

(b). All lighting associated with the Advertising Device shall be directed solely on the Advertising Device and its immediate surroundings.

(c). External illumination sources shall be shielded to ensure that external 'spot' light sources are not directed at approaching motorists.

(d). Illumination of advertising device is to be concealed or be integral part of it.

(e). Upward pointing light of the device shall not be allowed, any external lighting is to be downward pointing and focused directly on the sign so that glare does not extend beyond the Advertising Device.

(f). The average maintained luminance shall be reduced to 0.5 candela or all together shut, after 2300 hours (11pm) and sunrise by automatic timing devices.

(g). Non-static illuminated Advertising Devices (flashing lights) are not permitted within the boundaries of municipal roads.

(h). Moving, rotating or variable message Advertising Devices are not permitted within the municipal boundaries as these cause a statistically significant distractive influence on motorist's response times to external stimuli.

However, this permission criterion is not intended to apply to variable message displays used by road authorities for traffic management or for displaying other corporate information. Variable message displays located at bus stops or similar places where messages are directed at- and intended for pedestrians (not motorists) are excluded.

6. Outdoor hoarding and their content criteria :-

The Municipal authority may take action to modify or remove any Advertising Device that contravenes the following negative advertisements or that otherwise cause a traffic hazard.

List of negative advertisements:-

- Nudity
- Racial advertisements or advertisements propagating caste, community or ethnic differences
- Advertisement promoting drugs, alcohol, cigarette or tobacco items
- Advertisements propagating exploitation of women or child
- Advertisement having sexual overtone
- Advertisement depicting cruelty to animals
- Advertisement depicting any nation or institution in poor light
- Advertisement casting aspersion of any brand or person
- Advertisement banned by any law enacted by the Government of India.

- Advertisement glorifying violence

Advertisement that exploits the national emblem, or any part of Constitution of India, or the person or personality of a national leader or a state dignitary.

- Destructive devices and explosives depicting items.
- Any psychedelic, laser or moving displays
- Advertisement of Weapons and related items (such as firearms, firearm parts and magazines, ammunition etc.)
- Advertisements which may be defamatory, trade libellous, unlawfully threatening or unlawfully harassing • Advertisements which may be obscene or contain pornography or contain an "indecent representation of women" within the meaning of the Indecent Representation of Women (Prohibition) Act, 1986.
- Advertisement linked directly or indirectly to or include description of items, goods or services that are prohibited under any applicable law for the time being in force, including but not limited to the Drugs and Cosmetics Act, 1940, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Indian Penal Code, 1860; or
- Any other items considered inappropriate by the municipal bodies.

For all categories of devices (except Category of devices which are directed at pedestrians), text elements on an Advertising Device, face should be easily discernible to travelling motorists. This will minimize driver's distraction. Additionally, a sign shall be quickly and easily interpreted so as to convey the required advertising message to the viewer and reduce the period of distraction. The content or graphic layout exhibited on advertising device panel shall avoid hard-to-read and overlay intricate typefaces and have letter styles that are appropriate. Under no circumstances should device contain information in text sizes which would necessitate the driver or passenger in a moving vehicle to stop, read and/or note down, which detrimental to the smooth flow of traffic and distracting for the driver. All signs shall be so designed as to maintain a proportion where, as a general rule letters should not appear to occupy more than 2% of the sign area unless otherwise permitted by the municipal bodies.

7. Prohibited areas and areas of special control and restrictions there-on:

The Commissioner may:-

- (a) by order prohibit the erection, exhibition, fixation, retention or display of any or any class of advertisements in any street road or public park or park thereof or in any place or public resort;
- (b) regulate the erection, exhibition, fixation, retention or display any advertisements, in any manner in the prohibited areas and areas of special control, in accordance with the regulations indicated in the Advertisement Zoning Plans of the said areas.

Explanation:- The restrictions indicated in the advertisement zoning plans shall be in addition to those mentioned in the other clauses of the bye-laws.

8. Classification of advertisement devices.

The categories of the advertisement devices:-

Category 1: Large-format advertisement, mainly fixed on bill boards / uni poles and bridge and flyover panels.

Category 2: Advertisement mounted on public amenities, like public toilets, garbage collection points etc.

Category 3: Fleets, fliers and transport related infrastructure.

Category 4: Advertisement devices for self-advertising in commercial areas.

9. Outdoor advertising and structure criteria

- Advertising Device structures including the foundations, for categories 1 and 2 devices, shall be designed and checked for extreme wind conditions, earthquakes, soil bearing capacity etc. and shall comply with relevant Indian structural design standards, codes of practice and Bye laws guidelines. The designs shall be certified by an experienced and practicing structural engineer.
- The supporting structure shall have a non-reflective finish to prevent glare. The device structure shall be well maintained at all times. It shall be painted in colours that are consistent with, and enhance the surrounding area and will be compliant with the criteria or colours laid out earlier in the Bye laws.
- Official road furniture such as official signs and delineator guide-posts shall not be used as the supporting structure of an advertising device.
- The name of the Advertising Device license holder should be placed in a conspicuous position on the device.

10. Outdoor advertising devices and electrical connection

The electrical connections and components in all Advertising Devices shall be in accordance with relevant Indian Standards and designed to ensure there is no safety or traffic risk. No generator running on diesel / petrol / kerosene or any bio fuel, causing noise, air or water pollution would be allowed for providing power for illumination of any outdoor advertising device.

10.1 Electricity from renewable energy sources.

To promote conservation of electricity, if the illumination at outdoor advertising devices draws power from alternate renewable resources like solar power, such advertisement devices the licensee fee/charges will be half of the actual fee.

11. Permissibility of different category of advertising devices

As per schedule-I

12. Specific conditions

(a) No advertisement /hoarding should be placed in such a way that obstructs the mountain and valley view of Solan. If such case is found, the Commissioner can impose a penalty as he deems fit not exceeding a sum of twenty thousand rupees and remove the said advertisement.

(b) All advertisements outside the business area or the building which houses the business can be erected only after permission from the Corporation.

13. Limitation for Disposal of Applications:-

Every application received as per provision of these byelaws shall be acknowledged and the decision on it shall be taken within 30 working days from the date of receipt. If the decision is not taken within the prescribed period, it will be presumed that the required permission is granted subject to payment

of due advertisement tax and license fee of the land use charges, wherever applicable and compliance of other clauses of Byelaws.

14. Procedure to grant permission

All advertisements, over the size of 50 sq. feet, permitted over the Municipal land / building shall be through tenders. The tenders can be of single or more hoardings. The tender shall be invited by a committee to be headed by Commissioner or by his representative or in the exceptional circumstances by private experts. The committee shall fix the following minimum things before the tender;

- (a) reserve price
- (b) location of the site/sites
- (c) size of advertisement
- (d) past revenue collection
- (e) number of sites
- (f) period of tender.

The advertisement right shall be given for a period of 3 years or as may be decided by the Solan Municipal Corporation. It shall be terminable at one month notice without assigning any reason. In the event of default of any terms, the same shall be terminable forthwith without any notice. The tender bid will include the advertisement tax and rent for use of Municipal Corporation Land/Property. However, payment of service tax or any other State/Central tax will be borne by the tendering agency / individual.

15. Procedure for obtaining permission - For grant of permission in respect of advertisement of private property:

The application for permission from the Commissioner shall be accompanied with the following documents:-

1. Written no objection certificate from the landowner of the person, legally authorized to accord such NOC.
2. Three copies of plan showing the location, norms and size of the advertisement / hoarding etc. and a copy of the advertisement to be displayed.
3. The design and the structure shall be certified by a experienced and practicing Structural Engineer who shall certify the safety aspect from the point of view of its foundations which can bear extreme wind conditions, earthquakes, soil bearing capacity and shall comply with relevant India structural design standards policy and guidelines framed from time to time.
- 4.No NOC. will not issued who violate these by laws .

16. Fees on Advertisements

1. The advertisement fee shall be payable in advance annually / quarterly / monthly basis as the case may be fixed by the Corporation from time to time provided that if the rate of fee is chargeable on annually, quarterly or monthly basis, the fractions thereof shall be construed accordingly.
2. New Advertisement shall not be exhibited unless the advertisement fee in advance as per the condition of sanction is deposited.

3. Full monthly fee shall be chargeable if the advertisement duration is for more than 10 days. A month for this purpose shall be the calendar month-provided that where advertisement are to be displayed for part of a year and the fees fixed in the schedule are for one year, the fees payable part of the year shall be calculated on quarterly basis.

4. The fees shall be paid by the advertiser to the Solan Municipal Corporation before the erection of the advertisement.

16.1 Calculation of fees

The advertisement fees should be calculated on the basis of the following factors:

- (a). Category of the advertisement
- (b). Size of the advertisement
- (c). Location of the advertisement

The value of the factors shall be decided by the general house of the Solan Municipal Corporation for the first time and future amendments can be done by the Advertisement Regulations committee.

17. Functions of the Advertisement Regulation Committee

(I). The advertisement Regulation Committee shall identify the area of special control and prepare advertisement / zoning plans indicating the categories of advertisement devices permissible in different areas of Special Control.

(II). In case any practical difficulty arises with respect to implementation of these byelaws of the zoning plans, the matter shall be referred to advertisement regulation committee who shall on reference consider and make suitable recommendations to the Commissioner for the decision.

18. Penalties

Whoever contravenes any of these bye-laws Shall be punishable with time which may extend to Ten thousand Rupees and when the contravention is continuing one, with further time which may extend to Rupees 500/- for every day, after the first day during which such contravention continues.

19. Arbitration

If any dispute regarding advertisement holdings arises between corporation authorities and any other person concerned with such advertisement holdings, such dispute may be referred by both parties to the Deputy Commissioner Solan, who shall be sole arbitrator.

20. Jurisdiction

All disputes shall be subject to the jurisdiction of the Civil Courts at Solan only.

21. Indemnity

A licensee/sign owner/applicant (licensee) shall be required to indemnify the Municipal Authority for the designated Advertising Device and activities against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon the Municipal Authority which arise as a result of the installation or existence of an Advertising Device. Such licensee/sign owners/applicant (licensee) shall always be responsible for any injury or damage caused or suffered by any person or property arising out of or relating to the display of device / advertisement and the consequential claim shall be borne by the advertiser who will also indemnify and safeguard the Municipal Authority in respect of any such claim or claims.

22. Removal of Illegal holdings

In case any holdings are found illegal, the Commissioner may order its immediate removal subject to giving seven days prior notice. Removal shall be done by the Corporation, whose cost shall be borne by the defaulter himself. However, in case any holdings poses danger to the safety of general public requirement of serving seven days prior notice shall be dispensed with.

23. Insurance

- The Licensee in case of Category 1 and 2 Advertising Devices shall provide a public liability insurance policy for their respective rights, interests and liabilities to third parties in respect of accidental death or bodily injury to person(s) or damage to property.

The public liability Policy of Insurance shall be for an amount as specified by Municipal Authority for any single event (or such higher amount as may be notified in writing by the Municipal Authority from time to time) and on the terms as specified by the Municipal Authority.

24. Appeals

(a). Appeal against any decision of the Commissioner relating to display of advertisement or any matter related thereto shall lie before, Director Urban Development Department.

(b). Before lodging an appeal, the affected person shall seek a review of the decision.

25. If there is any contradiction between these bye-laws and any judgment passed by Hon'ble Apex court or High Court of Himachal Pradesh, then decision of Hon'ble court shall prevail over these bye-laws.

26. When a person desires to remove the advertisement, he will put the space as it was before.

Schedule-I Permissibility of different category of advertising devices 9.1 Category 1- Devices

9.1 Category 1- Devices		
Sr. No	Description of device	Status
	Permitted Subject to General and Specific Permission Criteria.	Not Permitted
1.1	Billboards/Unipoles/Bipoles	
I.	Industrial Area	Permitted
II.	Commercial Area	Permitted
III.	Recreation Areas	Permitted
IV.	Crematoriums and Burial grounds	Not Permitted
V.	Transportation areas like airports/rail terminals/bus terminals/truck terminals etc.	Permitted
VI.	Other areas like residential area, Institutional, heritage, monument etc.	Not Permitted
VII	On roof tops of residences	Not Permitted, except with the permission of Commissioner, SMC
VII I.	On mobile vans for purposes of advertising	Not Permitted
1.2	Trivision	
I.	Railway Bridge Panels	Permitted

II.	Flyover Panels	Permitted
1.3	Building Wrap	
I.	Commercial Area	Permitted
II.	Recreation Areas	Permitted
III.	Other areas like residential area Institutional, heritage, monument etc, including mixed land use.	Not Permitted