

Mberengwa Rural District Council Advertising By-Laws, 2023

Title

1. These by-laws may be cited as Mberengwa Rural District Council Advertising By-laws, 2023.

Interpretation

2. In these by-laws —

“advertisement” means any poster, banner, placard, bill board, notice or device employed for the purpose of advertising on or off the wall;

“Council” means the Mberengwa Rural District Council;

“public place” means any thoroughfare, building, open space or other place of any description to which the public or any section of the public have access, whether on payment or otherwise and whether or not the right of admission thereto is reserved;

“road” means any street, highway or other road to which the public or any section of the public has access, whether it is a declared road or not, and includes bridges, pontoons and ferries over which a road passes, and any drift in the line of such road and all approaches, cuttings, embankments, subways, culverts, drains, kerbs, fences, parapets, guards, grid-iron tracks and any other work or thing forming part or connected with or belonging to such road.

"road furniture" means any tree, street pole or service or other Council installation or property along the road;

Advertisements for which permission of council is required

3. (1) No person shall, without the permission of the council, place, exhibit or display, or cause to be placed, exhibited or displayed, upon a road or public place any advertisement, whether—
 - a) in a stationary position; or
 - b) building or perimeter wall; or
 - c) on a sandwich board, vehicle, or other movable device; or
 - d) reflecting position or wall; or
 - e) any movable device not in transit and between the place where it is not ordinarily kept and the place not approved by the council for the exhibition or display of the advertisement thereon:

Provided that the permission of the council shall not be required in terms of this section where—

- (i) any normal business advertisement is painted on or fixed to the body of an omnibus or commercial vehicle;

- (ii) any sandwich board, vehicle or other movable device is in transit between the place where it is ordinarily kept and the place approved by the council for the exhibition or display of the advertisement thereon;
 - (iii) the placing, exhibition or display of any advertisement upon a road or public place is permitted in terms of the Regional, Town and Country Planning (Advertisements) Regulations, 1976, published in Rhodesia Government Notice 917 of 1976, or in terms of a local plan or approved scheme as defined in the Regional, Town and Country Planning Act [*Chapter 29:12*].
- (2) No person shall erect or place an advertisement on a building, land or public place without paying advertisement fees prescribed by Council from time to time.

Positions where advertisements are prohibited

4. No person shall place, exhibit or display any advertisement—
- (a) on any electricity standard, parking metre standard, tree, traffic sign, bridge, road furniture, traffic circle, traffic island belonging to or under the control of the Council; or
 - (b) in such a position as to cause any hazard or obstruction to drivers or pedestrians; or
 - (c) in such a position as to cause a nuisance to adjoining property owners and public; or
 - (d) on any building, land, road, public place prohibited by Council for such advertisement.

Advertisements relating to local event or to election or referendum

5. The council may permit any person—
- (a) to display on a municipal poster board an advertisement of any local event; or
 - (b) to display Zimbabwe Electoral Commission advertisements relating to any local or national election or referendum—
 - i) on trees which are situate on any road; and
 - ii) on portable boards in stationary positions where no hazard or obstruction will be caused to drivers or pedestrians.

Permission of council

6. (1) Any person who wishes to obtain the permission of the Council for the purposes of section 4 or 5 shall make application in writing thereof to the Council setting out details of the advertisements concerned, their number and their intended location.
- (2) Upon receipt of an application in terms of subsection (1), the council may—
- (a) grant permission subject to such conditions as it may impose; or
 - (b) refuse to grant permission.
- (3) Council may at any time restrict the number of advertisement signs on any building, land, road which falls under the administration of the council or public place.
- (4) The council may at any time revoke any permission granted in terms of subsection (2) or alter any conditions imposed in connection with the grant of such permission;
- Provided that before invoking any condition in terms of subsection (2), Council shall cause the holder of the permit to show cause why his/her/its permission should not be revoked or altered.

(5) Where the council has revoked any permission granted in terms of subsection (2), the applicant shall be responsible for the removal of the advertisements.

(6) Council may charge a fee for the application and a deposit charge against the possible cost of removal should the applicant fail to remove advertisements as required by section 8.

Removal of advertisements

7. (1) Any person granted permission to display an advertisement, for an event shall remove all advertisements within twenty-four hours after the event.

(2) Council may remove an advertisement-

- a) erected without the approval of the District Engineer/ Council Planner
- b) which does not comply with the provisions of these by-laws; or
- c) which in the opinion of the District Engineer/Council Planner is a danger to traffic or the public; or
- d) which is possessed of an intensity of illumination which in the opinion of the District Engineer/Council Planner disturbs or is likely to disturb the occupiers of adjoining property or the public; or
- e) which is a projecting sign which projects over any street vested in the Council; or
- f) which is not paid for and up to date with its billboard fees approved by Council.

(3) The Council may, at any time, by written notice serve the owner of the advertisement, which such advertising sign has been erected, require him or her to remove such signs from the building or land or public place concerned or to alter such advertising sign in the manner indicated on the notice.

Provided that the District Engineer or Council Planner shall give twenty-four hours written notice on the owner to remove or obliterate the advertising sign from the building or land or public place concerned or to alter such advertising sign in the manner as he or she deems fit.

(4) Any person who fails to comply with this section shall be liable to pay the cost of the removal of advertisements by the council.

Nature, size and materials of advertisements

8. (1) No person shall display an advert that—

- (a) is immoral or offensive;
- (b) is likely to promote unlawful behaviour;
- (c) is likely to tarnish the image of the council;
- (d) contains hate language.

(2) No person shall erect an advertisement that—

- (a) is more than the size prescribed and approved by the District Engineer/Council Planner.
- (b) has been constructed using materials not approved by the District Engineer/District Planner;
- (c) is not certified by the District Engineer/Council Planner.

Offences

9. Any person who obstructs an authorised official to exercise his or her duties and contravenes these by laws shall be guilty of an offence and liable to a fine not exceeding level (four) 4 and imprisonment for a period not exceeding three (3) months or both such fine and imprisonment.

*FIRST SCHEDULE:
ADVERTISING OFFENCES AND PENALTIES*

Item	Section of by-law	Description of an offence	Penalty fee (Level)
1	3(1)	Place, exhibit or display, or cause to be placed, exhibited or displayed, upon a building, land, road or public place any advertisement without the permission of the council	Level 3
2	3(2)	Erect or place an advertisement on a building, land, road or public place without paying advertisement fees prescribed by Council.	Level 3
3	4(a)	Place, exhibit or display any advertisement on any electricity standard, parking metre standard, tree, traffic sign, bridge, road furniture, traffic circle, traffic island belonging to or under the control of the council	Level 3
4	4(b)	Place, exhibit or display any advertisement in such a position as to cause any hazard or obstruction to drivers or pedestrians	Level 3
5	4(c)	Place, exhibit or display any advertisement in such a position as to cause a nuisance to adjoining property owners and public	Level 2
6	4(d)	Place, exhibit or display any advertisement on any building, land, road, public place prohibited by Council for such advertisement	Level 2
7	7(1)	Fails to remove all advertisements within twenty four hours after the event.	Level 3
8	7(3)	Fails to remove an advertisement after written notice from Council	Level 3
9	8(1)(a)	Display an advert that is immoral or offensive	Level 2
10	8(1)(b)	Display an advert that is likely to promote unlawful behavior	Level 2
11	8(1)(c)	Display an advert that is likely to tarnish the image of the council	Level 3
12	8(1)(d)	Display an advert that contains hate language	Level 2

13	8(2)(a)	Erect an advertisement that is more than the size prescribed and approved by the Director of Engineering Services/Town Engineer	Level 2
14	8(2)(b)	Erect an advertisement that has been constructed using materials not approved by the Director of Engineering Services/Town Engineer	Level 2
15	8(2)(c)	Erect an advertisement that is not certified by the Director of Engineering Services/Town Engineer	Level 3
16	9	Obstructs an authorized official to exercise his or her duties	Level 2

Standard Scale of Fines

<u>Level</u>	<u>Dollars(US)</u>
1	5
2	10
3	20
4	100
5	200
6	300
7	400
8	500
9	600
10	700
11	1000
12	2000
13	3000
14	5000