

Statutory Instrument 242 of 2023.

[CAP. 29:15

Masvingo City Council (Advertising) By-laws, 2023

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ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister responsible for Local Government and Public Works has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], approved the following by-laws made by Masvingo City Council:—

*Title*

1. These by-laws may be cited as Masvingo City 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 Masvingo City 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 through an order.

*Positions where advertisements are prohibited*

- 4.(1) 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. (1) The council may permit any person—
- (a) to display on a council 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 an 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 and give reasons.

(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.

(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 of expiration of the event.

(2) Council may remove an advertisement—

- (a) erected without its approval;
- (b) which does not comply with the provisions of these by-laws; or
- (c) which in the opinion of the council is a danger to traffic or the public; or

- (d) which is possessed of an intensity of illumination which in the opinion of the council 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, requiring him or her—

- (a) remove such advertisement from the building or land or public place concerned; or
- (b) alter such advertisement in the manner indicated on the notice:

Provided that the council shall give twenty-four hours written notice on the owner to remove or alter the advertisement from the building or land or public place concerned.

(4) Where any person fails to comply with this section, council shall remove the advertisement and the owner of the advertisement shall be liable to pay the cost of the removal of such advertisements by the council.

(5) Any person who obstructs a council official during the course of his or her duty, in terms of this section, shall be liable to a fine as specified in section 9 of these regulations.

*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 specified and approved by the council;
- (b) has been constructed using materials not approved by the council;
- (c) is not certified by the council.

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*Offences*

9. Any person who contravenes any prohibition or obligation imposed in terms of these regulations shall be liable to a fine specified in an order of council.