

OUTDOOR ADVERTISEMENT POLICY, 2010

Jammu Municipal Corporation, Town Hall, Jammu No.
MJ/PS/COM/499/ dt. 27-9-2010

1. The Spirit of the Policy

1.1 Road Safety and Aesthetics

The policy is based upon a careful review of studies on the safety of hoardings and it is for this reason that the outdoor advertising policy require to consider the location, design, size or type of sign along the routes, where the potential for conflicts with traffic safety is highest. It also requires enforcement measures to ensure that structures adhere to these stipulations.

The policy is based on the fact that while outdoor advertisements bring revenue to the city, it must be driven by considerations of safety and aesthetics as well.

1.2 Working for City Aesthetics

The policy is premised on the basis that advertisements are promoted primarily in parts of the city, which are commercial in nature: business, industrial and discouraged in residential areas.

2. Guiding principles: Outdoor Advertising Policy 2010

The guiding principles of the Outdoor Advertising Policy are as follows:

1. The policy for outdoor advertising is driven, not by revenue imperatives, but by city development imperatives. Therefore, in its implementation, it will be clear that outdoor hoardings are permitted only if they are not a road safety hazard or if they support the city's public service development and enhance its aesthetics.
2. **The policy will explicitly work to discourage visual clutter. This will be done** by increasing the space between the billboards and in restricting large billboards to select areas of the city.
3. The policy will actively promote **the large size billboards** in commercial areas
4. The policy will promote the use of advertising in what is commonly known as "street furniture". These are devices placed on public service amenities of the city like railway carriages, buses, commercial passenger vehicles, bus shelters, traffic booths, shelters, public toilets and public garbage

facilities, to name a few. This is done to improve the revenue viability of these public provisions. But it will be noted that the use of advertising space is not the primary function of the utility, it is its supporting function. Therefore, the city agency will ensure that the placement of the public utility is done keeping in mind its public purpose, not its advertising viability. In addition, the agency will ensure that the primary function of the "street furniture" is being maintained and if not then suitable punitive action must be taken against the advertising concessionaire.

5. The policy is judicious in ensuring that there is a differentiation between the use of commercial advertising and private advertising, where signage is used to identify the location of the owner of the building or the space within the building.

3. Control of Municipal Corporation

This is governed by provisions of section 115 to 119 of the Jammu Municipal Act. As per the provisions of the Municipal Corporation Act, 2000, prior permission of the Commissioner is needed to display any advertisement to public view.

"No person shall erect, exhibit, fix or retain or over any land, building, wall, hoarding, frame, post, kiosk/Bill Board (to be displayed on electric pole) or structure or upon or in any vehicle, any advertisement or display any advertisement to public view in any manner whatsoever in any place within the jurisdiction of the Corporation without the prior written permission of the Commissioner."

JMC is also responsible to collect taxes by section 115 of the JMC Act, from every person who displays any advertisement to public view in any what so manner visible from a public street or public place, with some exceptions as laid down in the Act.

JMC keeps a check on unauthorized and illegal outdoor advertising and has the powers to remove or prohibit the display of any such advertising. JMC can take punitive action against the violators by imposing a fine or imprisonment.

Section 118 of JMC Act 2000: "Whenever any advertisement is displayed in contravention of section 116 of the JMC Act, the same is actionable as per provisions of Section 119 and 384 of the JMC Act. The JMC has the authority to either give direction to the owner of property to dismantle, remove, spoil, deface or screen any unauthorized and illegal advertisement or JMC itself can take similar action."

No person except licensed or registered advertisers or agencies is allowed to undertake the display of advertisement on behalf of others. Persons or agencies who undertake the display of advertisement, enroll themselves as licensed or registered advertisers with the Corporation and furnish in this regard the required information, documents, surety, as may be determined by the Commissioner.

The approval on placement or location of any advertisement visible from public place, their sizes etc are all provided by JMC. JMC can alter, re-position or remove any hoarding as per the powers vested in them. The Commissioner's directions are final and binding on all outdoor advertisers.

4. General permission criteria for advertising devices

4.1 Outdoor advertising and Traffic Efficiency

The permission criteria for the display of advertising devices are intended to ensure that a high level of safety for road users is maintained and traffic efficiency is assured.

An advertising device may be considered a traffic hazard

- * If it interferes with road safety or traffic efficiency.
- * If it interferes with the effectiveness of a traffic control device.
- * If it distracts, obscures the drivers view
- * Is a dangerous obstruction to road or other infrastructure, traffic, pedestrians, cyclists or other road users?
- * Is in an area where there are several devices and the cumulative effect of those devices may be potentially hazardous.

The traffic hazard potential of an advertising device varies depending on its size, location, luminance and background. The hazard generally diminishes, the further the device is away from the road. The advertisement devices have been categorized as per the Policy 2010:

| | |
|-------------|---|
| Category 1: | Large-format advertisements, mainly fixed on billboards/unipoles and bridge and flyover panels; |
| Category 2: | Advertisements mounted on public amenities, like public toilets, garbage collection points etc; |
| Category 3: | Fleets and transport related infrastructure; |
| Category 4: | Advertisement devices for self-advertising in commercial areas |

The application of control on physical characteristics is intended to minimize the level of driver distraction.

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

- * Advertising Devices shall not use shapes that could potentially result in an Advertising Device being mistaken for an official traffic sign.
- * 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,
- * All lighting associated with the Advertising Device shall be directed solely on the Advertising Device and its immediate surroundings.
- * External illumination sources shall be shielded to ensure that external 'spot' light sources are not directed at approaching motorists.
- * Illumination of advertising device is to be concealed or be integral part of it.
- * Any light source shall be shielded so that glare does not extend beyond the Advertising Device.
- * This permission criterion is not intended to apply to variable message displays used by road authorities for traffic management. Variable message displays located at bus stops or similar places where messages are directed at, and intended for, pedestrians (not motorists) are excluded but this should not be displayed by any commercial agency / advertising source.

4.2 Content Criteria for Outdoor Advertisement

The policy will be based upon self-regulatory controls and JMC shall take action to modify or remove any Advertising Device that contravene the Advertising Industry's Code of Ethics, (refer List of Negative Advertisements) or that otherwise causes a traffic hazard.

List of negative advertisements—

- * Advertisement Containing 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 the Advertisement Council of India or by law
- * Advertisement glorifying violence
- * Destructive devices and explosives depicting items
- * Advertisement of Weapons and related items (such as firearms, firearm parts and magazines, ammunition etc.)
- * Advertisements which may be defamatory, un law fully threatening or unlawfully harassing
- * Advertisements which may be obscene or contain pornography or contain an "indecent representation of women" within the (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 3 and some Category 4 devices which are directed at pedestrians), text elements on an Advertising Device face should be easily discernible to traveling motorists. This will minimize driver 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 letters 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 is 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 20% of the signage area, unless otherwise permitted by the JMC.

4.3 Structure Criteria for Outdoor Advertising

Advertising Device structures including the foundations, for categories 1 and 2 devices, shall be designed and checked for extreme wind conditions, extreme rainfall, earthquakes, soil bearing capacity etc and shall comply with relevant Indian structural design standards, codes of practice and the policy guidelines. The designs shall be certified by an experienced and practicing structural engineer and shall be submitted to the JMC before start of work at the site. 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 for colours laid out earlier in this policy.

Official road furniture such as official signs and delineator guideposts 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.

4.4 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 that there is no safety or traffic risk. A copy of the electrical contractor's test certificate shall be provided to the Department.

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.

4.5 Conservation Areas for Outdoor Advertising

There are certain areas where advertising may be inappropriate due to the nature of the surrounding area. Under this policy advertising will not be allowed in the following areas:

- * National Parks / Sanctuaries, Forests etc
- * Historical monuments, cremation grounds, graveyards etc
- * Heritage areas
- * All religious places, like Temple, Mosque, Church and Gurudwara etc.
- * Educational Institutions.

Exceptions to the above restrictions may apply in special circumstances. For example for tourist service/accommodation businesses, advertising devices may be permitted as part of a regional tourist plan.

In rare and exceptional circumstances, applications would be considered on a case-by-case basis by the JMC.

5. Summary of permissibility of different category of advertising devices

5.1 Summary for Category-1 Devices

| S.No. | Description of Device | Status | |
|-------|---|---|---------------|
| | | Permitted Subject to General and Specific Permission Criteria | Not Permitted |
| 1.1 | Billboard / Unipoles / Bipoles | | |
| i. | Industrial Area | Permitted | |
| ii. | Commercial Area | Permitted | |
| iii. | Recreational Area | Permitted | |
| iv. | Crematoriums and Burial Grounds | | Not Permitted |
| v. | Transportation Areas like Airport / Railway stations / Bus stations, etc. | Permitted | |
| vi. | Other areas like Residential area, Institutional, Heritage, Monuments, etc. | | Not Permitted |
| vii. | On Rooftops of Residences | | Not Permitted |
| 1.2 | Building Wraps | | |
| i. | Commercial Area | Permitted | |
| ii. | Recreational Area | Permitted | |
| iii. | Other areas like Residential area, Institutional, Heritage, Monuments, etc. | | Not Permitted |

5.2 Summary for Category — 2 Devices

| S.No. | Description of Device | Status | |
|-------|---|---|---------------|
| | | Permitted Subject to General and Specific Permission Criteria | Not Permitted |
| 2.1 | Public Amenity mounted devices: Garbage and Toilet facilities | Permitted | |
| i. | Residential Area | Permitted | |
| ii. | Commercial Area | Permitted | |
| iii. | Recreational Area | Permitted | |
| iv. | Public Parks, Gardens etc. | Permitted | |
| 2.2 | Roof mounted devices in Residences | | Not Permitted |

5.3 Summary for Category — 3

| S.No. | Description of Device | Status | |
|-------|--------------------------------|---|---------------|
| | | Permitted Subject to General and Specific Permission Criteria | Not Permitted |
| 3.1 | Bus Shelter | Permitted | |
| 3.2 | Landscape Advertising Devices | Permitted | |
| | Fence Advertising Devices | Permitted | |
| | Devices mounted on Tree Guards | Permitted | |
| 3.3 | Traffic Barricading | Permitted | |

5.4 Summary for Category — 4

| S.No. | Description of Device | Status | |
|-------|---|---|---------------|
| | | Permitted Subject to General and Specific Permission Criteria | Not Permitted |
| 4.1 | Footway and Roadside vendor sign for self advertising | Permitted | |
| 4.2 | Real Estate Sign | Permitted | |
| 4.3 | Welcome Sign | Permitted | |
| 4.4 | Construction Sign for self advertising | Permitted | |

6. Special Provisions for Display of Advertisements

| S.No. | General Description | Description of Device | Specific Parameters | Conditions |
|--------|----------------------------|---|--|--|
| I. 6.1 | Advertisement on Hoardings | Hoardings on Streets, Footpaths, Roof Terraces or Grounds | Standard Size Hoardings 12 x 12 feet 8 x 12 feet | Placement of Hoardings Since bus stations are major traffic generating points, location of hoardings is recommended at all Bus Station and few other important locations which are abutting the major roads and National Highways. |

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|--|--|--|--|--|
| | | | | <p>General Conditions</p> <p>The size of hoarding shall be proportional to the general average width of the butting road. Back to back placement of hoarding shall be permitted. The average height of the base of the hoarding should not obstruct safe movement of pedestrians or vehicles.</p> <p>The structural design of the foundation / footing shall be in accordance with the present norms and shall be necessarily approved by the authorized structural engineer and to the extent that the hoarding shall with stand maximum wind pressure etc. The minimum distance between two hoarding hall be so maintained that the proposed hoarding does not obstruct the existing hoarding. As far as possible, uniformity of size and alignment thereof in a particular locality / road shall be maintained.</p> |
|--|--|--|--|--|

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| a) 6.7 | Devices mounted on Tree Guard | | | Signs shall be square advertising plates of the specified measurements. The advertiser shall make sure to plant, maintain, prune and water the plant without causing any damage to the tree guard or the tree guard advertising sign. No illumination in any form shall be permitted on the tree guards advertising signs. |
| a) 6.8 | Traffic Barricading | | | Advertising sign shall be an integral part of the frame. The advertising strip can be reflecting in nature. No traffic booth/ traffic shelter / traffic umbrella shall be allowed to affix the advertisement. |

7. Permission criteria

All on premises advertising devices/ business/trade signs should be restricted to commercial areas and authorized business/trade establishments within institutional areas.

- * No sign shall be attached in any way to trees or shrubs.
- * No Trade and Business sign, messages, posters or printed material of any nature shall be pasted onto any supporting column, pillar or post.
- * On Premise Advertising Device in any form shall not obstruct any pedestrian movement (vertically and laterally), fire escape, door or window openings

- * No On Premise Advertising Device shall be in any form or manner interferes with openings required for light and ventilation.
- * No trade and business sign shall be in any form or manner interfere with fire safety transit/exit space requirements and prescribed norms.
- * All On Premise Advertising Device should under no circumstances reflect activity/activities other those undertaken within the premises.
- * No sign shall contain additional advertising -promoting products or services other than approve use of the premises or site irrespective of whether that product or service is provided, sold or available on the site.
- * All On Premise Advertising Device must have the compulsory required information as under:
 - (i) Name of the trade and business
 - (ii) Shop/Premise number
- * All On Premise Advertising Device must conform to the prevailing laws with regard to decency, decorum, social harmony etc.
- * All On Premise Advertising Device must conform to structural/ architectural discipline of the surface / edifice / building / open areas.
- * Materials used and all On Premise Advertising Device should be non-polluting, fire resistant and injury proof.
- * The cabling and conduit should be concealed from view of the sign and any supporting structure from all angles, including visibility from the street level and nearby higher buildings.
- * No sign under any circumstances shall be supported from, hung or placed on other signs. Each sign should be self-supporting or fixed securely with the architectural structure.
- * The sign information should be kept to a minimum in the interest of both aesthetics and traffic safety.
- * Where subordinate information is allowed, the name or use of the business shall be the dominant message on the sign. No supplementary (as in by lines, product specifications, selling propositions) and subordinate information (addresses, telephone numbers, and other such details) which seeks the

attention of drivers along vehicular stretches will be allowed as they present a traffic hazard.

* All permitted signs would attract levies payable as outlined by the JMC.

8. Implementation of the policy

8.1 Strategy for Authorized Existing Devices

JMC had permitted and authorized the display of Outdoor advertising at various locations prior to drafting and actual implementation of the policy. There is a possibility that some of them may not be in accordance to the policy currently drawn.

It is important for JMC to apply the policy uniformly all across Jammu so that there is a consistent, aesthetical, functional and safe outdoor advertising. However the caution has to be taken as of the contracts and agreements that JMC would have signed with authorized and registered advertisers, the sudden or abrupt termination of the contracts or agreements would lead to unnecessary legal hassles. The norms applicable under this policy once it is approved can be relaxed for the companies / firms with whom the agreement have already been signed.

8.2 Regulation, enforcement and removal of unauthorised advertising devices

Any unauthorized and non-conforming device installed at any location, property, vehicle, bridge, building etc shall be removed. No leniency shall be shown towards any violator or unauthorized device. There will be strict adherence to policy 2010.

8.3 Legal Action — Penalty

Legal proceedings may be undertaken for an unauthorized Advertising Device (in addition to removing the device). The unauthorised advertisement will be removed immediately, at the cost of the advertiser, for which no legal notice is required to be given. Whoever contravenes any of the above mentioned provisions shall be punishable with fine to Rs. 1000/- for every day during which the offence continues. All legal action can be taken which falls in the jurisdiction of Jammu court. Action can be taken, apart from others provision under the J&K prevention of defacement of Public property act,

8.4 Arbitration

Any controversy or dispute arising out of the permission granted to the advertiser, for display of advertisement in the JMC area shall be

referred to sole arbitration of the Commissioner, JMC or any other officer nominated by him in this behalf either by himself or on party's request. There shall be no bar to the reference of dispute to the arbitrator or such officer as nominated by the Commissioner even if the said officer might have dealt with the matter is transferred or vacates his office or is unable to act for any reason, the Commissioner, JMC shall be competent to appoint another person to act as an arbitrator, who shall be entitled to proceed with the reference from the stage at which it was left by his predecessor.

No person other than the one nominated by the Commissioner, JMC shall act as arbitrator. The decision of the Commissioner or the arbitrator nominated by him, shall be final and binding on the party (ies). The limitation for filing claims for arbitration is 30 days from the expiry of the contract period and in case no claim is filed within this period; it shall be presumed that there is no claim/dispute. The party invoking the arbitration clause shall specify the dispute or disputes, to be referred to arbitration under this clause together with the amount or amounts claimed in respect of each dispute.

8.5 Jurisdiction

All disputes shall be subject to the jurisdiction of the courts of Jammu only.

8.6 Indemnity

A licensee/sign owner/applicant (licensee) shall be required to indemnify the JMC for the designated Advertising Device and activities located within the boundaries of JMC. The licensee shall indemnify the JMC against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon the JMC which arise as a result of the installation of an Advertising Device. The advertiser shall always be responsible for any injury or damage caused to 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 JMC in respect of any such claim or claims.

8.7 Insurance

The Licensee shall provide evidence of public liability insurance for the advertising Devices and activities located within the boundaries of JMC. During the term and at its sole cost and expense, the licensee shall obtain and keep (in full force and effect in the joint names of the licensee and the JMC) a public liability insurance policy for their respective rights, interests and liabilities to third parties in respect of accidental

death of, or accidental bodily injury to, persons; or accident damage to property.

8.8 Appeals

Among other things, a person whose interests are affected by a decision relating to an Advertising Device may lodge such an appeal. Before lodging an appeal, the affected person shall seek a review of the decision.

The JMC shall provide a statement of reasons for the decision.

9. Procedure for grant of permission

The following procedure will apply for grant of permission for erection, exhibition, fixation, retention or display of any advertisement:

1. Every person desiring to erect, exhibit, fix, retain or display an advertisement shall send or cause to be sent to the Commissioner an application for permission. The said application form duly completed in all respects shall be submitted or cause to be submitted by the applicant in the Office against a proper receipt. The Commissioner may after making such inspection as may be necessary and within thirty days after the receipt of the application, grant, refuse, renew or cancel the permission, as the case may be, in accordance with the provisions of the Act, and the Bye-laws made there under.
2. No application shall be considered by the Commissioner, if it is not submitted in the prescribed Performa along with all the documents as are required by the Commissioner from time to time. Any application submitted in any other form shall be deemed to be rejected without any notice and no person shall exhibit, erect, fix or retain upon or over any land, building, wall etc. any advertisement and display any advertisement to public view on the basis of the same.

* There shall be no deemed permission even after the expiry of 30 days of the submission of application in the prescribed Performa along with all the documents.

* If any tax on advertisement and penalty is not paid within stipulated time after the demand notice, the same shall be recoverable as an arrear of tax and the permission shall be deemed to be terminated. The Commissioner shall be at liberty to remove the hoardings, etc.

* If any advertisement erected, exhibited, fixed or retained on any land and building unauthorized and in contraven-

tion of provision of the Act and the bye-laws framed thereunder, such advertisements or hoardings shall be removed by the Commissioner without any notice whatsoever and expenses regarding removal of such unauthorized advertisement or hoardings shall be recovered from the concerned as per JMC Commissioner instructions.

10. Revenues

10.1 Tax to be paid in advance

The tax on each advertisement shall be payable in advance for the concerned financial year.

All dues shall be payable in cash or by pay order or by demand draft.

10.2 Commercial advertising fee for Category-1, 2, 3

The Concession fee/commercial advertising fee, shall be decided through a transparent tendering process.

For the following devices under category-2 the commercial advertising charges shall be applicable as specifically mentioned below:

- I. *Informal Advertising Display Board*: The device meant for informal advertising is subject to the discretion of JMC Commissioner to allow pasting of any advertisement after charging fees.
- II. *Banner*: The Commercial Advertisement fee on banner devices shall be only regulatory charges of Rs100/sft/day shall be applicable on banner signs.
- III. *Fleet advertising*
 - a. for company owned / hired vehicles : The commercial advertisement charges payable per vehicle per month shall be:

| | |
|---------------------|-------------------|
| Light Motor vehicle | = 1000/- day |
| Heavy Motor Vehicle | = 2000/- per day. |
 - b. *Service and Delivery vehicles*: The commercial advertisement charges payable for service and delivery vehicle per month shall be Rs 540 per sqm/month/per vehicle or Rs 20000/- per vehicle per month.

10.3 Revenue from category-4 devices

No signage will be allowed beyond the length of the shop and the width of sign on shop front/ facade shall not be more than 75% of the total surface area of the shop front. Fees shall be charged by the JMC @ of Rs. 100/- sft per month for extra area used for signage.