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(PERMISSION AND REGULATING ADVERTISEMENT - BILL BOARDS) BYE-LAW, 2017

IN exercise of the powers conferred on the Sekoildi Takoradi Metropolitan Assembly by section 181 of the Local Governance Act, 2016 (Act 936), the following Bye-law is hereby made.

**Title**

I. This Bye-law may be cited as the Sekondi Takoradi Metropolitan Assembly (Permission and Regulating Advertisement — Bill boards) Bye-law, 2017 and shall apply to the area of administration of the Sekondi Takoradi Metropolitan Assembly (hereinafter called "the Assembly").

**Advertisements**

1. No advertisement shall be displayed or be illuminated in any place which is visible from the road, and no advertising vehicle may be placed on the road or on a place which is visible from the road, without the permission of the Assembly, unless it is an advertisement to which is of national importance, being advertisements which are exempted from the provisions of this regulation.
2. With respect to existing advertisements, the foregoing provisions of this Bye-law shall not apply unless the Assembly has either:
  1. served a notice on any person displaying an existing advertisement requiring such person to forward to the Assembly a copy of the permit, licence permitting such display, within a period specified in the notice; or
  2. published a notice in the Gazette requiring any person displaying all or any forms of advertisement, or any particular advertisement, or any such advertisements in any area or areas as may be specified in the notice, to forward to the Assembly a copy of the permit, license authorizing such display, within such time as may be specified in the notice.
3. In any such case as stated in section 3 of this Bye-law, if any person to whom the notice applies forwards to the Assembly a copy of the permit, license permitting the display of the advertisement, within the period specified in the relevant notice, such permit, license shall thereafter and for all purposes be deemed to be permission given by the Authority pursuant to these regulations.
4. Any existing advertisement which has been positioned on the road or in a place which is visible from the road without permit shall be removed by the Assembly without the need to issue an enforcement notice.
5. The Assembly shall surcharge the cost of the removal of the illegal signage to the person who mounted the illegal signage.

**Exemptions**

6. (l) •Subject to the provisions of this regulation, the following advertisements or the display thereof shall be exempt from the requirements of regulation 1 :
  1. an advertisement which is displayed on enclosed land and which is not visible from any road;
  2. an advertisement which is displayed on or in a vehicle which is normally employed as a moving vehicle and not on an advertising vehicle;
- c. a political advertisement;
  1. an advertisement required by any law or ordered by a competent court;
  2. an advertisement for a national or town or village feast, including sponsored advertisements, provided it is displayed for not more than thirty days prior to the date of the feast;
  3. a traffic sign;
  4. a sign announcing the name of any city, town or village displayed by a government or a local council;
  5. the national flag of any country or international organization or other locality flag provided there is no advertising of any commercial activity related to it; i. an advertisement displayed on the fascia or facade of a shop provided it is not more than 0.5 square meters in area, it is

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fitted flat against the facade or fascia and is not a projecting sign, and there are not more than two such advertisements per shop;

1. an advertisement displayed for the purpose of identification, direction or warning with respect to the land on which it is displayed and which advertisement is not illuminated, does not exceed 0.5 square meters in area, is not more than 3 meters above ground level and in which no letter, character or symbol is more than 0.5 meters in height;
  2. an advertisement relating to any person, firm or partnership carrying on a profession, business or trade at the premises where it is displayed which complies with the requirements and measurements set out in paragraph (i), and only if not more than one advertisement is displayed per street frontage in respect of the same person, firm or partnership; 1 an advertisement relating to an institution of a religious, cultural, recreational, medical or similar character, or to any hotel, bar or club, displayed at the premises of such institution, hotel, bar or club and which does not exceed 0.5 square meters in area or has any part of it more than 3 meters above ground level and in which no letter, character or symbol is more than 0.5 meters in height and only if not more than one advertisement per premises is displayed;
    1. an advertisement displayed inside a building;
    2. an advertisement in the form of a flag displaying a company logo or name on the roof of any commercial building, provided not more than two flags are displayed.
- (2) Any advertisement referred to in section 7(1) shall be such and shall be displayed in such manner as not to constitute a hazard either to traffic or to persons and shall not be fixed to any tree, shrub or rubble wall.
7. No such advertisement may be fixed to any pylon, pole, sign or other property belonging to any government or parasternal body without the permission of that body.
  8. In the event that these conditions are not complied with, the Assembly shall have power to require, by notice served on the person displaying it or on the owner of the land on which it is displayed, or both, the removal of the advertisement or the carrying out of such works as the said Authority may deem necessary, and the person or persons on whom such notice is served shall forthwith, or within the term stated in the notice, comply with the contents of the notice: Provided that where such an advertisement is displayed without the requisite permit and is affixed to any tree, shrub, rubble wall, mast, pole, sign or other property, the Authority may immediately enter the land and remove the advertisement, where it deems it expedient and necessary to do so in the interests of public safety or amenity, in lieu of the service of the notice referred to above.

#### Non-applicability

9. If the Assembly is satisfied that it is necessary that the forms of advertisement described in regulation 2 should not be displayed unless permission is granted by the said Assembly on application, it may give a direction that the said exemptions granted by regulation 2 shall not apply to as specified in such direction.

#### Applications

11. (1) Any person who wishes to display an advertisement for which the Assembly's permission is required, shall apply to the Assembly for the said permission. Such application is to be made according to the procedures established by the Assembly and against the payment of any such application fees as may be imposed by the said Authority.
  1. Billboards, except for political billboards, may only be placed at such designated sites as are established by the Assembly.
  2. Advertisements, other than billboards, may only be placed at such designated sites which are established by the Assembly or such other sites as may be allowed by the said Assembly.
  3. All applications for advertisements, including billboards, shall be submitted to and be processed by the Assembly.
  4. When permission to display an advertisement is issued by the Assembly, the applicant shall, in addition to such fees payable to the said Assembly, also pay a yearly license fee to the Assembly as established.
  5. All billboards, as well as advertisements of such dimensions as the Assembly may determine, shall bear the Assembly's reference number for that permission. Such reference number shall be:
    1. affixed to and shall form an integral part of the advertisement; and
    2. of such a form that it is permanently, clearly and legibly displayed.

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## Review

12. (I) Every permission granted pursuant to these regulations, at sites deemed by the Assembly to be threat to public safety or a traffic hazard, shall be subject to review having regard €6 any developmental plans and to any other material considerations.
  1. The Assembly may, through a review of the subsidiary policy approved under the Act, remove a designated site from the list of designated sites, and by notice served on any person displaying an advertisement, require an advertisement to be removed therefrom.
  2. The notice mentioned under section 2 shall indicate the time within which such requirements shall be complied with, which time limit shall lie at the Assembly's discretion.

## Permission or Clearance

13. Any permission or clearance given by the Assembly under these regulations shall not exempt any person from the need to apply and obtain any permit or authorization howsoever described as may be required by law.

## Serving of Notices

1. ( I ) In any of the circumstances specified in these regulations, in which the Assembly may serve a notice on the person displaying an advertisement or on the owner or occupier of the land on which it is displayed, the said Assembly may, where it deems it more expedient to do so, or where it is not possible to discover the identity of the person displaying the advertisement or of the owner or occupier of the land, serve the notice on the company, organization or other body or person to which the advertisement refers or which advertises any product, service or event related to such company, organization, body or person either directly or indirectly.
  1. Where the notice requires the removal of an advertisement, and the advertisement is not removed by the expiration of the stipulated period, the Assembly shall have the right to remove the said advertisement itself and the company, organization or other body or person to whom or to which the advertisement refers shall be liable for payment of the expenses incurred by the said Assembly in exercising its powers vested by these regulations. Furthermore, in the event that the company, organization or body or person to whom or to which the advertisement refers fails to claim the said advertisement within 7 days of the removal of the said advertisement and to take possession thereof upon the payment of such fees which shall be due in terms of these regulations, the Assembly shall have the right to dispose of such advertisement in any such manner as it may deem fit and the company. Organization or body or person to whom or to which the advertisement refers shall have no right at law to claim any damages of whatsoever nature from the Assembly.

## Offence and Penalty

2. ( I ) Whoever contravenes any of the provisions of this Bye-law commits an offence and shall be liable on summary conviction to a fine of not less than 100 penalty units and not exceeding 250 penalty units, or to a term of imprisonment not exceeding six months, or to both.
  1. There shall be a further fine of 25 penalty units for each day on which the offence is continued after written notice of the conviction has been served on the offender in the case of a continuing offence.
  2. The Assembly may dismantle any billboards after the offender has been notified but has failed to rectify the situation after two months.
  3. Alternative to penalty 15(2) above, there shall be a minimum spot fine of CJHÉ 200. 00 to be exacted where necessary by authorized officers of the Assembly and for which an appropriate receipt shall be issued.

