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## *THE KERALA MUNICIPALITY (ERECTION OF ARCHES AND SETTING UP OF ADVERTISEMENT BOARDS IN PUBLIC STREETS AND PUBLIC PLACES) RULES, 1999.

[Translation in English of the Kerala Municipality (Erection of arches and setting up of advertisement boards in public streets and public places) Rules, 1999, published under the authority of the Governor.]
S. R. O. No. 601/99.-In exercise of the powers conferred by sub-section (1) of Section 565 of the Kerala Municipality Act, 1994 (20 of 1994) read with Section 369 and 375 thereof, the Government of Kerala hereby make the following rules, namely:-

## RULES

1. Short title and commencement.- (1) These rules may be called the Kerala Municipality (Erection of arches and setting up of advertisement boards in public streets and public places) Rules, 1999.
(2) They shall come into force at once.
2. Definitions.- (1) In these rules unless the context otherwise requires,-
(a) "Act" means the Kerala Municipality Act, 1994 (20 of 1994);
(b) "Council" means the council of a Town Panchayat, Municipal Council or Municipal Corporation;
(c) "Municipality" means a Town Panchayat, a Municipal Council or a Municipal Corporation;
(d) "Secretary" means the Secretary of a Municipality.
(2) Words and expressions used but not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.
3. Not to erect arches and set up advertisement boards without licence.- No person shall erect any type of arches or set up advertisement boards in or upon any public street, road or public place within the municipal area except with a licence of the Municipality.
4. Procedure for granting permission.-(1)Any person who intends to erect any arch or to set up any advertisement board mentioned in rule 3 shall submit application to the Secretary together with a plan showing the details of the arch or the advertisement board intended to be set up and shall remit the fees at the rate fixed by the Council in this regard under Rule 6 in the Office of the Municipality.
(2) The Secretary shall examine in detail the application and the plan received as per subrule (1) and shall ensure that the following conditions are complied with, namely:-
(a) No accident, inconvenience or traffic block shall be caused by the erection of the proposed arch or by setting up of the proposed advertisement board;

[^0](b) No injury shall be caused to public interest or to the general landscapr of the s area due to the erection of the proposed arch or the setting up of the proposed ativeniscamin? board;
(c) The advertisement boards intended to be set up facing the road or on thi sides of the road shall not obstruct the view so as to cause traffic block. No arches or advertisem notboushall be set up in places where there is a curve or a turning on the road, on any reason
(d) Pillars or other part of the arches shall not be erected in the road except onts ind so as to cause traffic block. The pillars of the arches to be erected in the roads tarred/conctely shall be outside the tarred/concreted portion and in no case the pillars shall be erected 1. . ditchisy. or otherwise the tarred or concreted portion. The pillars of the arches shall be at the extreme sitm, of the road. Where the roads have footpaths, the pillars of the arch or advertisement boind shall $L$ erected only outside the footpath;
(e) No damage whatsoever shall be caused to the road by the setting up of arches advertisement boards.
(3) In case where the applicant has complied with the conditions specified in sub rute f the Secretary may grant licence to set up the proposed arch or advertisement board subje 1 to whe following conditions,-
(a) The permission for the arches shall be for a short period. The licensee shall deposit the amount that may be required for demolishing the arches and other structures and for th. Repair of the roads, in the Municipality, in each case where permission is granted;
(b) In case any damage is caused to the roads by the erection of arches, the licernsee shall, immediately on demolition of the arches the-road shall be restored to its original condwin, by executing necessary repairs,
(c) If the licensee does not demolish the arches even after the specified time, thu Sunt retary shall take steps to demolish the same on the responsibility of the licensee and if damagel caused to the road, the road shall be restored to its original condition by executing necessuy repair works and the expenses may be recovered from the deposit amount and if there is may balance amount, that shall be refunded to the licensee. If the deposit amount is insufficient, the balance amount shall be recovered from the licensee and the same may be recovered fiomin the licensee by following the same procedures that are applicable for recovery of arrears of land revenue;
(d) If any accident is caused to any person on account of the erection of arches atd boards in the public street, its responsibility shall vest with the licensee and the licensee shall be responsible for giving compensation and the Municipality shall not have any responsibility in the matter.
(4) (i) The Secretary shall issue ficence subject to the conditions specified in sub-rule (3) and the said conditions shall be specified in the licence;
(ii) the licensee thall, before erecting the arches, furnish to the Secretary a writtrm consent deed in a stamp paper of specified value agreeing to abide by the conditions specified $\frac{1}{}$. the licence.
(5) Applications not complying with the conditions mentioned in subu rules (2) and (3) they be rejected and when so rojeoted the fees remitted as per sub-rule (1) shall be refunded to the applicant.
5. Power of the Secretary to demolish unauthorised arches and advertisement boards. - (1) The arches and advertisement boards erected without licence or erected contrary to the provisions of the licence shall be removed by the Secretary and the cost incurred for it shall be recovered from those who have erected or from those who are responsible for it:

Provided that where it is not possible to ascertain as to who have erected the arches and advertisement boards, the cost incurred for removing them shall be met from the Municipal Fund.
(2) In the cases of arches or advertisement boards erected contrary to the licence, the Secretary shall, before removing it, serve notice to the licensee to reinstate the same subject to the provisions of the licence within the time stipulated.
6. Levy of fees for erecting arches and setting up of advertisement boards.- The council may levy fees at the rate fixed by it for erecting arches and setting up of advertisement boards under these rules.
7. Interpretation of the Rules.- If any dispute or doubt arises in respect of the provisions of these rules, the same shall be referred to the Government for their opinion and the decision of the Government thereon shall be final.

## Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.) It has come to the notice of the Government that the tendency of erecting arches and setting up of advertisement board in public street and public places is increasing. The arches and advertisement boards so erected often cause motor accidents and other types of accidents and inconveniences, Government have decided to make rules as per sub-section (1) of Section 565 of the Kerala Municipality Act, 1994 (20 Notification is intended to achieve the above object.



[^0]:    * Published in K.G. Ex. No. 634 dt 22-4-2003, as G.O.(P) No. 106/2003/LSGD.

