

THE LOCAL AUTHORITIES ORDINANCE, 1996
THE LOCAL AUTHORITIES (ADVERTISEMENT) BY-LAWS, 2012

ARRANGEMENT OF BY-LAWS

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THE LOCAL AUTHORITIES ORDINANCE, 1996
THE LOCAL AUTHORITIES (ADVERTISEMENT) BY LAWS, 2012

[Made under sections 91(b) and 93]

In exercise of the powers conferred by sections 91(b) and 93 of the Local Authorities Ordinance, 1996 [**Cap. 20**] the Yang di-Pertua Negeri has made the following By-laws:

Citation, commencement and application

1. (1) These By-laws may be cited as the Local Authorities (Advertisements) By-laws, 2012, and shall, subject to paragraphs (2) and (3), apply to all local authorities in Sarawak.

(2) These By-laws shall come into operation on such date as the Minister may appoint by a notification in the Gazette.

(3) These By-laws shall not apply to the erection or exhibition of any advertisement -

(a) relating to elections conducted pursuant to the Elections Act 1958 [19]; or

(b) governed by or approved under any other written law.

Interpretation

2. (1) In these By-laws -

“advertisement” means any notification, sign, device, intimation or publication exhibited, displayed or erected for the purpose of bringing to the notice of the public any article, product, production, trade, business, profession, firm, corporation, organization, institution, place, building, premises, event, airship, electronic screen, bunting, fishtail, lighting board, activity or any other matter or information, on any boarding, board, roof, wall, paling, fence, tree, frame, signboard, plate, cloth, bar, pillar, post, wire, casing, balloon or any other structure or contrivance, or any part thereof, on, in or over any building, street or place of public resort, or on or over any land, and includes “advertisement hoarding” as defined in section 2(1) of the Buildings Ordinance, 1994 [**Cap.8**], business name signboard and directional sign;

“business name signboard” means any sign or device which displays the registered name or the registered trade mark of any person, firm, corporation or organization and the nature of the trade, business or profession carried on by such person, firm, corporation or organization and includes a directional sign displayed within a building;

“directional sign” means a display of any sign within a building intended to direct the way to business premises located therein;

“facade” means the exterior wall that faces the street;

“licence fee” means the licence fee payable under by-law 10;

“local authority” means any local authority constituted under or named in the First Schedule to the Local Authorities Ordinance, 1996 [Cap. 20];

“occupier” and “owner” shall have the same meaning assigned to them in the Local Authorities Ordinance, 1996 [Cap. 20];

“Ordinance” means the Local Authorities Ordinance, 1996 [Cap. 20];

“poster” means an advertisement not exceeding one square meter in size and which is not of a permanent nature;

“road” shall have the same meaning assigned to it in the Road Transport Act 1987 [Act 333];

“street” includes any road, square, footway or passage, service road, whether a thorough-fare or not, over which the public have a right of way, and also the way over any bridge, and also includes any road, backlane, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public have a right of way over it or not; and all channels, drains, ditches, open space and reserves at the side of any street shall be deemed to be part of such street.

(2) In these By-laws, reference to the person exhibiting any advertisement shall be construed as a reference to the person who himself or by his servant or agent exhibits or causes to be exhibited such advertisement and shall be deemed to include:

- (a) the owner or occupier of the land or building on which the advertisement is displayed; and
- (b) person, firm, corporation or organization to whose goods, trade, business, profession, events or other concerns, the publicity is given by advertisement.

Language of advertisement

3. (1) Where an advertisement in Bahasa Malaysia is exhibited together with any other language, the words or letters in Bahasa Malaysia shall be given prominence in term of size, colour and in more outstanding place than the words and letters or characters in the other language used, the size of which shall not exceed the measurement of those in Bahasa Malaysia.

(2) A person shall not exhibit or cause or permit to be exhibited any advertisement that does not comply with paragraph (1).

(3) If it appears to a local authority that words and letters in Bahasa Malaysia have been used incorrectly in any advertisement, it may by notice in writing order the person who has exhibited the advertisement to alter the advertisement so as to correct the error in such manner and within such time as the local authority may specify in the notice.

Licensing of advertisement

4. No person shall erect or exhibit or cause to be erected or exhibited within the areas under the jurisdiction of any local authority any advertisement, other than those exempted under by-law 26, without a licence issued by the local authority under by-law 7.

Advertisement erected or exhibited without licence

5. Where the local authority approves the retention of any advertisement which has been erected or exhibited without a licence, a fee equal to five times the prescribed licence fee for such advertisement shall be payable in respect of the licence whenever issued.

Application for licence

6. (1) Application for a licence to erect or exhibit advertisement shall be in Form A of the First Schedule and shall be accompanied by-

- (a) two copies of a sketch showing full details of the advertisement;
- (b) where applicable, a site or location plan showing the location of the advertisement; and
- (c) where applicable, a plan of the advertisement hoarding or structure and certified under by-law 16 of the Building By-laws in the Fourth Schedule to the Buildings Ordinance, 1994 [*Cap. 8*] as well as a copy of receipt indicating that the fee for consideration of plan under Schedule A of the Building By-laws has been paid.

(2) Where an advertisement is to be affixed to a building, the local authority may, in addition to the requirements under paragraph(1), require the applicant to submit a written assessment by a registered architect or engineer as to the structural soundness of the advertisement, the structural stability of the building or that part of the building to which the advertisement will be affixed.

(3) The local authority may require an applicant to deposit with it such sum not exceeding five thousands ringgit.

(4) Subject to by-law 8, every licence shall be valid for twelve months from the date of issue or renewal or for such longer period as the local authority may approve.

(5) An application for renewal of a licence shall be submitted before the date of expiry of the licence and shall be accompanied by the prescribed fee.

(6) The issue or renewal of any licence under these By-laws shall be at the discretion of the local authority and may be subject to such conditions and restrictions as the local authority may deem fit to impose.

Issue or renewal of licence

7. The local authority may issue or renew a licence to exhibit an advertisement in Form B of the First Schedule.

Licences not transferable or assignable

8. Licences issued under these By-laws shall not be transferred or assigned to any person or disposed of in any manner without the prior written approval of the local authority.

Temporary licence

9. Nothing in these By-laws shall prevent the local authority from granting a temporary licence for a period not exceeding three months for the exhibition or erection of any advertisement for the purpose of announcing any local event of a religious, educational, charitable, cultural, political, social, recreational or commercial character or in relation to any other temporary matters, subject to the payment of the fee prescribed in the Second Schedule and such conditions as the local authority may impose.

Licence fee and rental

10. (1) The licence fee payable for the type of advertisement specified in the first column of the Second Schedule may be calculated on a monthly basis and shall be at the rate prescribed in the second column of that Schedule.

(2) Where an advertisement is to be erected, displayed or exhibited on any building, structure or land owned or maintained by the local authority or vested in the local authority, the licensee shall be required in addition to the licence fee, to pay such rental as may be determined by the local authority.

(3) The local authority may, subject to any direction issued by the Minister, remit in whole or in part the licence fees payable for any type of advertisement under these By-laws, depending on the circumstances and the locality of the advertisement to be displayed.

Suspension or revocation of licence

11. (1) The local authority may at any time suspend or revoke any licence provided that the local authority shall give notice in writing of its intention to do so to the licensee to require him to make representation to the local authority within such period as may be specified in the notice why such licence should not be suspended or revoked.

(2) Where a licence is revoked, the person exhibiting the advertisement shall remove the advertisement to which the licence relates within fourteen days from the date of revocation of his licence.

Refund of deposit

12. Subject to any expenses incurred by the local authority under by-law 23, the deposit under by-law 6(3) shall be refunded to the person exhibiting the advertisement after the expiry or revocation of his licence and the removal of the advertisement.

Display of business name signboard

13. (1) No business name signboard shall be exhibited or displayed on the façade of the floor of any building which is not permitted by the title condition of the land to be used for office, commercial or industrial purpose.

(2) A business name signboard may be affixed to, or painted or embossed on, the façade or the frontage wall of the floor or erected within the compound area of the building where such trade, business or profession is carried out.

(3) A business name signboard which projects more than sixty centimetres but not exceeding one metre over a street shall be erected not less than five metres over the road measured in a vertical line from the road to the lowest part of the business name signboard: Provided that in the case of vertical display or exhibition of business name signboard, its lowest part shall not be lower than the first floor of the building.

(4) Paragraphs (1) to (3) shall apply only to buildings having not more than four storeys.

(5) (a) Subject to any other provisions of these By-laws, a business name signboard shall display only one identification logo or symbol as may be approved in writing by the local authority.

(b) Without prejudice to subparagraph (a), where any other type of advertisement is displayed together with a business name on the same signboard or device, the person exhibiting the advertisement shall pay, in addition to the

licence fee payable for the business name signboard, such licence fee as specified for that type of advertisement in the first column of the Second Schedule.

Business name signboards on buildings, factories, etc.

14. Applications for the erection, display or exhibition and the design of business name signboards to be affixed on buildings of or exceeding five storeys in height, factories, places of public resort or other business operation shall be decided by the local authority in such manner as it may deem fit or appropriate, having regard to environment, amenity, safety and public interest.

Location, height, projection, etc., of advertisements

15. Except as provided under by-laws 13 and 14, the location, position, design, device, height and projection of any advertisement shall be as determined by the local authority.

Display of poster

16. (1) No poster shall be displayed or exhibited except on the poster stand provided by the local authority or on any other structure approved by the local authority.

(2) The local authority may, for the purpose of repairing, repainting or cleaning any poster stand, remove any poster and notwithstanding that there may be any unexpired period of the licence, no amount of licence fee shall be refunded to the licensee.

Obstructions forbidden

17. No advertisement shall be exhibited or affixed in such a position or in such a manner as to obstruct the lighting, ventilation or access to any building or to obscure or obstruct any window or fume-exhaust placed on the outer wall of the building, or to obstruct and hinder the interpretation of any road traffic sign or aids to navigation by water or air.

Identification sign or name

18. The local authority may, on application and subject to a design certified either by a registered architect or engineer as safe, allow identification sign or name to be affixed or painted or embossed on a building.

Safety of advertisement structures

19. (1) Any structure, or advertisement hoarding together with any fixtures to a building or part of a building or on any land, erected for the purpose of displaying any advertisement shall be certified structurally sound by a registered engineer for the period of the licence in the form as set out in the Third Schedule and if required by the local authority, such certification shall include the structural soundness of the advertisement and the structural stability of the building or part of the building supporting the advertisement.

(2) Any plans submitted under this by-law shall comply with the requirements of the Building By-laws in the Fourth Schedule to the Buildings Ordinance, 1994.

(3) The local authority may in any particular case exempt the applicant from the requirement of paragraph (1).

Maintenance of advertisements

20. (1) The local authority may by notice in writing order the person exhibiting any advertisement to repair, replace or clean the advertisement or to take any maintenance measures within such time as may be specified in the notice.

(2) If the design or device of a licensed advertisement are likely to cause danger, confusion or nuisance to the public when the advertisement is being displayed or exhibited, the local authority may by notice in writing order the person exhibiting the advertisement to change or alter the design or device within such time as may be specified in the notice.

Notice to remove unlicensed advertisements, etc

21. (1) The local authority may by notice in writing order the removal of any advertisement, including any structure or advertisement hoarding erected specially for the advertisement and exhibited without a licence or in contravention of any of these By-laws, or where the display of any advertisement is in furtherance of an illegal trade, business or undertaking.

(2) Such notice shall be served upon the owner or occupier of the land or building on which such advertisement is exhibited and on the person who has caused it to be exhibited (if he is not the owner or occupier and is known by the local authority) and shall be complied with by such owner or occupier or person within such period as may be specified in the notice.

Removal of objectionable advertisements

22. (1) Without prejudice to by-law 21, the local authority may by notice in writing order the removal of any advertisement whatsoever displayed on or by means of any advertisement hoarding, structure or fixture if the local authority considers such advertisement objectionable in regard to its subject, language, design, device, location, environment, or having regard to public safety or public interest.

(2) Such notice shall be served upon the owner or occupier of the land or building on which the advertisement is exhibited and on the person who has caused it to be exhibited (if he is not the owner or occupier and is known to the local authority) and such owner or occupier or person shall comply with such notice within such period as may be specified in the notice.

Failure to comply with notice

23. (1) Where the owner or occupier of any land or building or any other person fails to comply with a notice after service on him under by-law 20, 21 or 22, the local authority or its officers may at all reasonable times enter into such land or building to perform the work as specified in the notice or remove the advertisement.

(2) The expenses incurred for the work performed or the removal under paragraph (1) shall be borne by the person exhibiting the advertisement, and the local authority may, without prejudice to any other remedy, deduct such expenses from any deposit paid by that person under by-law 6(3).

(3) If any prosecution is brought against any person under by-law 28 in respect of the failure to comply with a notice served on him under by-law 20, 21 or 22, the Court if it convicts that person shall, in addition to any other penalty which it may impose, direct him to pay the expenses incurred by the local authority for the work performed or the removal of the advertisement under paragraph (1) and any other Order as the Court deems fit.

Applicant for licence responsible for failure

24. (1) The responsibility for the collapse or failure of any structure, advertisement hoarding or fixture connected with the displaying of advertisement whether in the course of construction or after its completion, shall prima facie lie with the applicant who submitted the application for the licence.

(2) Notwithstanding that an advertisement has been approved by the local authority or has exempted the applicant from the requirement of by-law 19(1), the local authority shall not be liable for any injury caused to any person by the collapse or failure of the structure, advertisement hoarding or fixture for the advertisement.

Protection against damage or injury

25. The local authority shall not be liable for any damage or injury caused by it or its servants or agents in carrying out the provisions of these By-laws.

Exemption for licence

26. (1) There shall be exempted from the operation of by-law 4 of the following:

(a) an advertisement not exceeding one square metre in area, advertising a sale of or letting of land or building where the advertisement is exhibited on the land or property for sale or let:

Provided that not more than one such notice of sale or letting shall be exempted in respect of any one property; and

Provided further that where the advertisement exceeds an area of one square metre, the excess area shall be subject to licence fee as set out in item 1(b) of the Second Schedule;

(b) a building or civil engineering contractor's or any sub-contractor's signboard not exceeding four square metres in area where the signboard is erected on the property upon which any building or civil engineering work is being carried out; and not more than one such signboard shall be exempted in respect of any one project:

Provided that where the signboard exceeds an area of four square metres, the excess area shall be subject to licence fees set out in item 1(b) of the Second Schedule;

(c) name of a building.

(2) Notwithstanding that no licence is required for any advertisement under this by-law, such advertisement shall be subject to other provisions of these By-laws.

Exemption of by-laws

27. The local authority may grant exemption from any provision of these By-laws to any person, company, firm, society or organization or any building, structure or locality or for any religious, educational or charitable activities, as the local authority deems fit.

Penalty

28. Any person who contravenes any of the provisions of these By-laws or fails to comply with any conditions imposed on the licence commits an offence:

Penalty, a fine not exceeding five thousand ringgit and imprisonment not exceeding six months, and, in the case of a continuing offence, a further fine not exceeding two hundred ringgit for each day during which the offence continues.

Revocation and savings

29. (1) The following By-laws are revoked with effect from the date of the coming into force of these By-laws -

(a) City of Kuching North (Advertisements) By-laws, 1999 [Swk. L.G 63/1999];

(b) City of Kuching South (Advertisements) By-laws, 2003 [Swk. L.G 40/2003];

(c) Local Authorities (Advertisements) By-laws, 2005 [Swk. L.G 47/2005];
and

(d) Bintulu District Council (Advertisement) By-laws, 1962 [Vol. X, p. 455].

(2) Notwithstanding paragraph (1), any licence issued under any of the revoked By-laws shall continue to be valid and enforceable as if it is issued under these By-laws until the expiry of the period of such licence or unless revoked by the local authority under these By-laws.

(3) Subject to any other written law, any business name signboard erected and exhibited immediately before the coming into force of these By-laws, shall be deemed to have been exempted from the provisions of these By-laws:

Provided that the owner of such business premises shall register the business name signboard with the local authority concerned within a period of twelve calendar months of the coming into force of these By-laws or within such extended period as may be approved by the Minister.

(4) Notwithstanding paragraph (3), in the interest of amenity, environment, safety or public interest, the local authority may require any person, firm, corporation or organization to take such corrective or remedial measures in respect of any such business name signboard as the local authority may direct.

I, of
..... certify
that I am the owner of this land/building and that I have given consent to this application

Date:

.....
Signature

THE LOCAL AUTHORITIES (ADVERTISEMENT) BY-LAWS, 2012

FORM B

ADVERTISEMENT LICENCE
(By-law 7)

Receipt No: File Reference:

Name

Address

.....

is licensed by the(name of local authority) to exhibit the
following advertisements:-

- (a)
- (b)
- (c)
- (d)
- (e)

at

.....

commencing from to

subject to the following conditions:

.....

.....

Date:

.....
....(Chief Administrative Officer)
..... (name of local authority)

SECOND SCHEDULE

LICENCE FEES (By-laws 9 and 10)

Type of Advertisement	Fee Payable			
		City Council/Municipal Council	District Council	
1 Advertisement (other than business name signboard and advertisement on electronic board or any non-print device) of over one square metre in size: measured over the area for the display of the advertisement and includes such superficial area of framework or support.	(a)	For the first 20 square metres or part thereof	RM100.00 for every square metre per year	RM70.00 for every square metre per year
	(b)	For every additional square metre or part thereof	RM70.00 per year	RM50.00 per year
2 Small advertisement (other than business name signboard and poster); advertisement not exceeding one square metre in size	(a)	For the first single advertisement	RM80.00 per year	RM60.00 per year
	(b)	For every additional advertisement of the same design	RM15.00 per year	RM12.00 per year

3	Business name signboard	(a)	For the first five square metres or part thereof per signboard	RM25.00 per application	RM20.00 per application
		(b)	For every additional square metre or part thereof per signboard	RM50.00 per application	RM35.00 per application
4	Posters	(a)	For the first 100 posters	RM50.00 per month	RM35.00 per month
		(b)	For every additional 100 posters or part thereof	RM25.00 per month	RM15.00 per month
5	Temporary advertisement (other than poster)	(a)	For the first square metre or part thereof	RM20.00 per month	RM15.00 per months
		(b)	For every additional square metre or part thereof	RM10.00 per month	RM8.00 per month

6 Advertisement by means of electronic or any non-print device	(a)	For the first 10 square metres or part thereof	RM2,000.00 per year	RM1,500.00 per year
	(b)	For every additional square metre or part thereof	RM50.00 per year	RM35.00 per year
	(c)	For every set of device producing non-measurable advertisement	RM1,000.00 per year	RM750.00 per year

THIRD SCHEDULE

THE LOCAL AUTHORITIES (ADVERTISEMENT) BY LAWS, 2012

CERTIFICATION OF STRUCTURAL PLANS

(For endorsement on plans to be submitted for approval)

(By-law 19(1))

I/webeing a registered Engineer, have carried out a study and inspection of the proposed/existing advertisement hoardings or structure for the erection and display of advertisements or signboard as shown in the structural plan submitted to the local authority.

2. I/we do certify that the existing/proposed advertisement hoardings or structure shall be structurally sound for the period of and I/we hereby accept full responsibility accordingly.

Date:

.....
Signature of Engineer
Firm/Company Chop

Made by the Yang di-Pertua Negeri this 13th day of June, 2012.

By Command,

.....
DATO SRI WONG SOON KOH,
Minister for Local Government and Community Development