

SUBSIDIARY LEGISLATION 552.28**BILLBOARDS AND ADVERTISEMENTS
REGULATIONS**

2nd February, 2018

LEGAL NOTICE 36 of 2018.

1. The title of these regulations is the Billboards and Advertisements Regulations. Title.

2. (1) In these regulations, unless the context otherwise requires: Definitions.

"the Act" means the Development Planning Act; Cap. 552.

"advertisement" has the same meaning assigned by the Act;

"advertising vehicle" means a vehicle used or intended to be used for the displaying of an advertisement;

"the Authority" means the Planning Authority established by the Act;

"billboard" means any advertisement equal to, or larger than, six square metres (6m²) which is permanently or temporarily mounted on any structure whether free-standing or wall-mounted and which billboard is not directly related to the advertisement of products sold or activity conducted within the site of the billboard;

"enclosed land" means any land which is surrounded on all sides by a boundary wall, fence or marker as to provide or indicate an enclosed area of land;

"illuminated advertisement" means an advertisement which is designed or adapted to be illuminated by artificial lighting, whether directly or by reflection;

"permission" means, in relation to the display of an advertisement, permission granted by the Authority pursuant to these regulations;

"political advertisement" means any advertisement, including a billboard, which is used for the display of material which relates exclusively to a general election or to a referendum or a European Parliament election or to an election for local councils and which is displayed not earlier than three months before the date on which such election or referendum is to be held and not later than one week from the official announcement of the result of such election or referendum; and

"road" means a road established within the Local Plans or through a Planning Control (PC) application, or any road that is maintained by the Local Council or the transport authority wherein the public has free, unencumbered and unrestricted access;

(2) Any expression defined by the Act shall have, in these regulations, the same meaning as it has in the Act.

Advertisements.

3. (1) No advertisement shall be displayed 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 Authority given under these regulations and Schedules I and II, unless such an advertisement falls within the provisions of regulation 4.

(2) The holders of any permissions, licences or other authorisations permitting the display of billboards not falling under regulation 4 shall be obliged to apply with Transport Malta in order to obtain a licence from the said Transport Malta for which the yearly fee established in Schedule I shall apply, unless the billboard is located on the precinct of a sports facility, the income generated from the display of the billboard accrues to the registered club managing the sports facility and the billboard has no political content.

(3) An appeal from any notice issued in terms of article 97 of the Act relating to a billboard or an application for the permission of the Authority for the display of a billboard, shall not suspend the operation of the said notice.

Exemptions.

4. (1) Subject to the provisions of this regulation, the following advertisements shall be exempt from the requirements of permission:

(a) With the exception of unroofed areas within commuter terminals, an advertisement which is displayed on enclosed land and which is not visible from any road;

(b) 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;

(d) an advertisement required by any law or ordered by a competent court;

(e) an advertisement for a town or village feast, including sponsored advertisements, provided it is displayed for not more than 30 days prior to the date of the feast;

(f) a traffic sign;

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- (g) a sign announcing the name of any city, town or village displayed by a government or a local council;
- (h) 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 facade of a premises in which a use falling outside Class 1 of the Development Planning (Use Classes) Order is carried out provided the aggregate area of the advertisements is not more than 0.5 square metres, and it is fitted flat against the facade and is not a projecting sign; S.L. 552.12.
- (j) an advertisement displayed inside a roofed building;
- (k) an advertisement in the form of a flag displaying a company logo or name on the roof of any commercial building;
- (l) an advertisement approved as part of the Traffic Island Embellishment Scheme, provided it complies with the size limitations of the scheme of 1.2m by 30cm, and not more than two advertisements are displayed per traffic island;
- (m) an advertisement which forms an integral part of an aperture;
- (n) a billboard which has the consent of the President of the Republic and used exclusively for activities and events of the office of the President provided the Authority is notified of the location of the site and there are no more than ten (10) concurrent locations in the Maltese Islands;
- (o) up to two billboards advertising public and/or EU funded projects provided they are located within the site boundary of the project and are removed on completion of the project; and
- (p) Up to ten (10) billboards advertising activities organized by NGO's, which billboards are to be provided by Transport Malta (TM), and their use decided by a committee set up by the Minister.
- (2) Any advertisement referred to in sub-regulation (1) shall be constructed, affixed and displayed in such manner, as not to constitute a hazard to persons and shall not be fixed to any tree, shrub or rubble wall.
- (3) No such advertisement may be fixed to or placed on any pylon, pole, sign or other property belonging to a government or parastatal body without the permission of that body.

(4) In the event that these conditions are not complied with, the Authority shall have the power to require, by notice served on the person displaying the advertisement and on the owner of the land on which it is displayed, 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, and pay the applicable fines:

Provided that where such an advertisement is displayed without the requisite permit and is affixed to or placed on any tree, shrub, rubble wall, pylon, 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.

(5) All billboards shall be duly certified by a qualified engineer and duly insured.

Non Applicability .

5. If the Authority is satisfied that it is necessary that the forms of advertisement described in regulation 4 should not be displayed unless permission is granted by the said Authority on application, it may give a direction that the said exemptions granted by regulation 4 shall not apply as specified in such direction.

Billboards.

6. (1) (a) Billboards, except those mentioned under regulation 4, may only be placed:

(i) on the precinct of a sports facility; and, or

(ii) on sites which are located contiguous to or within the perimeter of the roads;

which are covered by a permission.

(b) In determining development applications for the location of billboards, the Authority shall decide the roads where these are to be located and also the specific distance between consecutive billboards;

(2) All billboards of such dimensions as the Authority may determine, except those mentioned under regulation 4, shall bear the Authority's reference number for the permission. Such reference number shall be:

(a) affixed to the structure in order for it to be identifiable and shall not necessarily form an integral part of the advertisement; and

(b) be of such a form that it is permanently, clearly and legibly displayed; and

(c) in no case obstruct the advert.

For the purposes of this sub-regulation, the definition "Authority" may also include Transport Malta.

7. (1) Any permission or clearance given by the Authority under these regulations shall not exempt any person from the need to apply and obtain any permit or authorisation howsoever described as may be required by law.

Permission or Clearance.

(2) Transport Malta shall notify the Authority that an applicant has failed to pay the yearly fee payable to Transport Malta and the Authority shall have the power to execute all such necessary enforcement procedures in terms of the Act for which the permission from the said Authority has already been granted.

8. (1) In any of the circumstances specified in these regulations in which the Authority may serve a notice on the person displaying an advertisement and on the owner or occupier of the land on which it is displayed, the said Authority 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:

Serving of Notices and Enforcement Procedures.

Provided that where the owner of the land or advertising structure cannot be identified, the Authority shall first inquire with the company, organization or other body or person to which the advertisement refers to provide details of the owner of the said land or advertising structure within twenty-four (24) hours.

(2) The provisions of articles 94, 95, 97, 98, 99, 100 and 101 of the Act and anything which may be done thereunder shall apply and may be done with respect to other development:

Provided that in respect of advertisement, the application of the said provisions shall be subject to the following modifications:

(a) where the notice requires the removal of an advertisement, and the advertisement is not removed by the expiration of the stipulated period, the Authority 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 Authority in exercising its powers vested by these regulation. A notice requiring the removal of an advertisement within a period of not less than 3 days as specified in the notice, shall have effect on the expiration of the said period; and

(b) neither an appeal from any such notice or an application for the consent of the Authority for the display of

the advertisement shall suspend the operation of the said notice and upon the expiry of the period specified in the notice, the Authority may forthwith enter on the land and remove the advertisement, and article 100 of the Act shall apply accordingly.

(3) 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 seven (7) days of the removal of said advertisement and to take possession thereof upon the payment of such fees which shall be due in terms of these regulations, the Authority 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 said Authority.

SCHEDULE I- Fees due to Transport Malta
(Regulation 3)

The yearly fee due to Transport Malta shall amount to one thousand five hundred euro - (€ 1,500).

SCHEDULE II – Policy and Design Guidance
(Regulation 3)

***Billboards and
Advertisements***

ABSTRACT

The number of advertising billboards has been on the increase over the past decades. For this reason, the Planning Authority had issued several planning guidance to regulate this activity. The “Billboards and Signs” planning guidelines were issued in 1993, whereby billboards were allowed on a temporary basis. This procedure was suspended in 2003, followed by the publication of new planning guidelines in 2007, which recommended a number of fixed sites around Malta and Gozo, with the scope of limiting the number of billboards as well as improving the visual aspect of the said billboards.

This document provides guidelines for the installation of billboards and other outdoor advertising proposals to the Planning Authority, applicants and the general public.

BILLBOARDS AND ADVERTISEMENTS

1. Introduction

- 1.1 The display of outdoor advertisements is a common feature of modern commercial activity. Outdoor advertising can take many forms including billboards, signs, posters and placards. All these forms of advertising demand attention and seek to stand out from their surroundings. A balance needs to be struck between the advertisers' commercial interest to publicize their products and activities and legitimate concerns to protect the environment and to seek to blend such new development into its surroundings.
- 1.2 All outdoor advertisements affect the appearance of the building, structure or place where they are displayed. They are designed to communicate information or a message to passers-by and modern advertisements often seek to attract attention and to catch the eye with the use of bright colours and materials, large dimensions and illumination. Frequently they are sited in highly visible, prominent locations and busy roads. These features may create a visual conflict with the environment in which advertisements are displayed, particularly in urban environments of architectural or historic importance, residential areas and the open countryside.
- 1.3 Advertisements can add colour and vitality to an uninteresting scene, or screen an unsightly view. In general, however, they can only enhance a street scene or the environment in which they are situated if they are sympathetically designed and do not dominate their surroundings. Particular difficulties arise when advertisements are sited on or close to buildings. The appearance of a building can be spoiled by the choice of advertisement materials, colour, proportion and illumination that is alien to the building's design or fabric, inappropriate design of supporting structure or unsightly ancillary cabling, so that the advertisement appears brash, over-dominant or incongruous. Poorly sited advertisements may have an adverse impact on road safety by distracting drivers, interrupting visibility or giving confusing messages.
- 1.4 This document includes parameters and criteria for assessing such development permit applications, to ensure that outdoor advertising is of a high design standard that will not have a visual impact or affect road safety conditions.

2. General Principles for Locating Advertisements (Other than billboards)

2.1 In view of the likely impact on visual amenity, the environment in general and road safety, advertising will only be allowed in the following locations:

- Along arterial and distributor roads, subject to the clearance from Transport Malta;
- In business hubs and local centres – where these are within Urban Conservation Areas (UCA's) sensitively designed small-scale advertising panels, that blend in well with their surroundings should be utilised. Particular attention to a high standard of detail and design will be required. Such advertisements may be integrated into street furniture where possible, in order to minimize cluttering;
- In enterprise hubs (the industrial areas) where enterprises want to advertise their whereabouts, particularly if they are set back off the road. Simple direction signs will be appropriate in these situations, provided that the design of such signs is distinct from official road signage. Opportunities should be taken for businesses in the same location to combine their essential directional needs to avoid a proliferation of signs;
- In mixed-use areas where residential development is interspersed with shops or commercial uses, some poster advertising may be acceptable if it is carefully related to the scale of surrounding buildings and does not detract from residential amenities.

2.2 Outdoor advertisements will not be permitted where they are:

1. on or adjacent to Scheduled Properties, Sites or Areas.
2. on Grade 1 or 2 Listed Buildings.
3. outside the limits of development of towns and villages.
4. fixed or painted to rubble stone walls, trees or utility poles.
5. immediately adjacent to the coastline or where they would intrude upon views of the open sea.
6. associated with kiosks, because these facilities are often sited in locations where other forms of development would not normally be allowed.

7. at any location where, by reason of position, shape, wording or colour, it interferes with or obstructs the view of pedestrians and vehicular traffic or areas of high landscape/historic value.
8. confused with any authorized traffic sign, signal or device.

3. Advertisements on Buildings (Other than billboards)

- 3.1 Advertisements can sometimes be successfully employed to temporarily screen building sites, which tend to be unsightly. In these cases, it is important to ensure that the building works are not unnecessarily protracted just to provide a means for the display of advertisements.
- 3.2 Separate guidance has been produced for advertisements on shops in the Development Control Design Policy, Guidance and Standards 2015 (DC15). In other cases, the display of advertisements will only be allowed on buildings where the following conditions are met:
 1. The advertisement must be in scale with the building and must not visually dominate it. It should be positioned and designed to appear as an integral feature of the building and should not project beyond the outline of the building.
 2. It should not obscure any features or details of architectural or historic interest.
 3. The materials must be sympathetic to those of the building;
 4. Normally, any advertisements should be sited in parallel with the party wall rather than at an angle to it.
 5. Advertisements on the roof of a building or near the roof line of a building will not be permitted.
 6. Where more than one advertisement is displayed on the same building there should be a clear relationship between the different advertisements in terms of size and positioning. A mix of different sizes or a display which occupies an entire wall, will not normally be appropriate.
 7. Advertisements on party walls should be clearly visible, unobstructed and comply with the above criteria.

4. Billboards

- 4.1 In assessing whether any particular site is suitable for the display of billboards, the general considerations should be traffic safety and the land use of the area, the scale and massing of existing buildings and whether there are any features of environmental, architectural or historic interest in the vicinity. The siting of billboards on very prominent sites, for example, on the skyline or on the roof of buildings or in places where a strategic view would be interrupted, will not be considered appropriate.

5. General Design Guidelines for Billboards

- 5.1 Billboards are to be constructed of permanent materials and are to be permanently attached to the ground, building or another structure by direct attachment to a rigid wall, frame or structure (refer to Figure I). Foundations and/or supporting structure should be underground (below site level). Technical specifications listed in Appendix A refer.

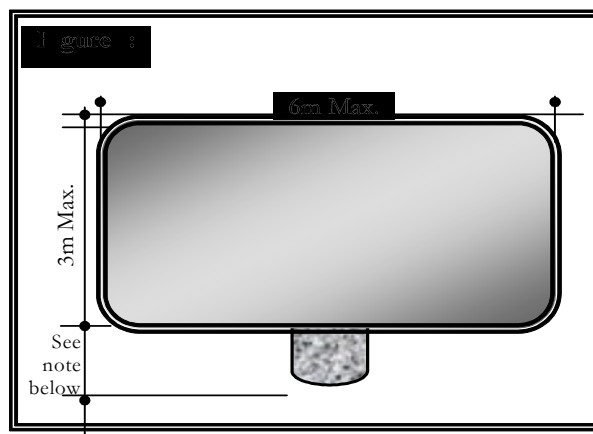


Figure I - Permanent Billboards & Dimensions

Note: The height of the structure supporting the billboard will depend on the following points:

- (a) The pedestrian activity in the area;
- (b) The location, topography/landscape of the area;
- (c) The aesthetics of the proposed billboards.

However, this does not imply that the height permissible is unlimited – each proposal will be assessed on its own merits and in relation to the site. See also Appendices A and B.

6. Electronic Billboards

- 6.1. Technology has advanced significantly for billboards to provide dynamic and realistic views, such as LCD Display and LED Lighting. There are two categories of electronic billboards - the Advanced Electronic Billboards, capable of presenting multiple views and objects that have realistic motion; and tri-vision signs providing one of three views with rotating cylinders and generate mechanical motion or movement (refer to Figure II).

Figure II:

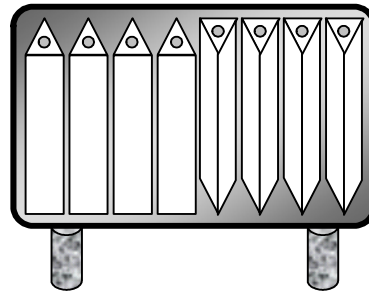


Figure II - Tri-Vision-type Billboards

- 6.2 Motion is a highly effective attention grabber and with electronic billboards this can happen in two ways. An Advanced Electronic Billboard display provides motion when its lit elements or pixels present an image in apparent movement across the display. An example is a high-resolution picture similar to a television image or video or a text message sliding in from the side, top or bottom. A tri-vision sign provides mechanical motion when its triangular elements rotate to present an alternate advertisement.
- 6.3 The motion component of an Advanced Electronic Billboard or tri-vision sign may be more of a distraction than the message content or pictorial arrangement. This possibility exists because a motion requires time and if a driver wants to see the entire movement for some inherent interest, then the driver will focus more on the motion display and less on the driving. Therefore coupled with the other criteria contained in this document, proposals for electronic billboards are only considered following the clearance from Transport Malta which shall include the following:
- Techniques of message display.
 - The transition time required.
 - Number of picture changes per minute.
 - Maximum Luminance at various times of the day/night.

- 6.4 Together with the criteria contained in this document, Advanced Electronic Billboards or similar technology will only be permitted where they do not give rise to unacceptable levels of light pollution and do not prejudice third party rights. Technical specifications listed in Appendix B refer.

7. Illumination

- 7.1 Illuminated advertisements should seek to minimise light pollution and if possible exploit solar energy. Such advertisements will only be permitted where:
1. The luminaire is discretely sited and designed to have a minimal impact, avoiding light pollution, visual intrusion and disturbance to the surrounding environment (e.g. flickering effects).
 2. Illumination is internal, or if external, oriented downwards and of limited brightness.
 3. Ancillary infrastructural requirements are to be duly factored into the relevant proposals and applications, and not allowed as an afterthought. Ancillary cabling should be located underground (and confined to existing made-up ground where impact of trenching is reversible) so as not to end up with unsightly overhead wires and poles.

8. Large-Scale Advertising

- 8.1 In predominantly commercial surroundings, the scale and nature of the buildings may be sufficiently large to accommodate large-scale advertising of more than 18 square metres without any adverse effects on visual amenity. Large poster hoardings may be considered in enterprise hubs (industrial areas), sport complexes and business hubs, provided the following criteria are met:
- Advertisement panels should normally be sited on the flank walls of buildings, but they should not be unduly dominant, and should be so designed and positioned as to be seen as an integral feature of the building.
 - Display panels should be in scale with the building on which they are sited and with adjacent buildings.
- 8.2 Large scale advertising will also be allowed on scaffolding that is being used in relation to construction sites, provided that the construction works are being carried out according to a valid development permit and without prejudice to site safety regulations. This type of advertising will be allowed on condition that:

1. Transport Malta clearance is obtained.
2. Does not go against any other condition imposed in the permit of the same development.
3. The advertisement is to be removed once the building is completed.

9. Road Safety

- 9.1 All advertisements are intended to attract attention and hence present a potential traffic safety hazard. On traffic islands and central strips advertisements will not normally be allowed. Together with the general principles for the location of advertisements described above, advertisements must conform to the road safety criteria set out by the Transport Malta (TM).

10. Minimum Submission Requirements

- 10.1 The following information must be submitted with all development planning applications:
1. Standard requirements (application forms, payment receipt etc).
 2. Site plan (scale 1:2500), showing coordinates.
 3. Block plan (scale 1:250) drawn on a surveyed plan, including site levels (rather than an enlarged site plan), clearly indicating orientation of proposed billboard/advert.
 4. Section through site and billboard to show the relationship of the billboard structure to street level
 5. Photomontage of billboard as seen from the road.
 6. Details of proposed billboard (i.e. size and dimensions) showing overall width, height, depth and colours (including support structure); details of proposed display movement, if any.
 7. Where embellishment is required, the extent of the scheme should be shown and details should be clearly indicated on plan, together with details of species to be planted and a schedule of maintenance.
 8. Where lighting is to be used, details should be provided as to the light source and type, whether static or intermittent and where the power source will come from – energy-efficient power sources will be encouraged (e.g. solar panels).

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9. Details of structure and foundation.

11. Standard Conditions

- 11.1 The following are the conditions to be imposed in all development permits issued on billboards:

- (a) This development permission covers the installation of a billboard designed and oriented as indicated on the approved drawings. The graphic design shall not exceed or extend beyond the area of the billboard.
- (b) The billboard hereby permitted shall be removed without any compensation, in case of any works that might be affected in view of future infrastructure works, road widening or other projects that are in the public interest.
- (c) Where the billboard is required to be removed, the removal shall be carried out to the reasonable satisfaction of the Planning Authority.
- (d) This consent is subject to review if the billboard is deemed by the Authority to cause a threat to public safety or a traffic hazard, having regard to any development plans and any other material considerations, and the Planning Authority may at any time, serve a notice requiring the billboard to be removed and the site returned to its condition prior to the display of the billboard.
- (e) Any structure or hoarding erected or used principally for the purpose of displaying the billboard hereby permitted shall be maintained in a safe and clean condition.
- (f) The billboard hereby permitted shall not be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, or aid to navigation by water or air, or so as to otherwise render hazardous the use of any means of travel.

- 11.2 The following condition is applicable where it is apparent that soft or hard landscaping, will be affected by the excavation of the billboards' supporting concrete block:

- This development permission is subject to a bank guarantee of € X,XXX (xxx xxx euro) in favour of the Planning Authority to ensure that the landscaped area, affected by the excavation for the installation of the concrete supporting block, is reinstated to the original state. If the affected landscaping is, in any way, irreparably damaged, the bank guarantee shall be

forfeited in favour of the Planning Authority. The bank guarantee shall be released once the works have been carried out to the satisfaction of the Planning Authority.

12. Application of Policy Document

- 12.1 As with other planning policy documents, the Policy set out above must be considered and applied within the context provided by other policies. (For the full text of these policies, see the Official Manual on the Planning Authority's website at <http://www.pa.org.mt>). The policies in this document do not supersede these other policies, but are supplementary to them, and provide more detailed guidance where this is absent from these other policy documents.

Appendix A

Transport Malta technical conditions for the placing of non-electronic Billboards

1. Preferably, billboards should not be placed within 50 meters of approaching junctions having all turning movements, or pedestrian crossings so as not to pose any hazards.
2. There is to be a minimum clear distance of 500mm between the overhang of any billboards and outer kerb or carriageway. This width is increased to 600mm where there is a cross fall or camber or where there is a central reservation, and increased to 1200mm on high speed roads (80km/h).
3. A minimum clear width of 1200mm is to be allowed on the footpath for the free passage of pedestrians.
4. A minimum clear height of 2100mm is to be allowed provided that there are no cyclist paths and a clear height of 900 – 1500mm is to be allowed if there is no footway and there is no pedestrian movement or cyclists.
5. Billboards or any of their attachments or supports are not to cause glare.
6. The supports of any billboards are not to obstruct or deviate the flow of storm water runoff.
7. Preferably they should be placed on the nearside of the road and only placed on the far side where it is a one-way street or dual carriageway with a centre strip.

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8. Billboards are not to be located on any part of the carriageway;
 9. The sighting of any billboard should not be such that it impairs the sightlines to any directional, hazard or any signs or any traffic lights, pelican crossing beacons and pedestrian crossing belisha.
 10. The size of any billboard shall not be less than six square metres (6m²) and is not to exceed 3000mm by 6000mm, placed transversely except for cases of adverts on bridges and tunnels.
 11. Preferably, the longitudinal distance of 50 meters is to be left between successive billboards of the same facing.
 12. The size of the lettering of billboards and signs is to be such that it is easily legible and be very concise.
 13. Material displayed on the billboard may not be offensive or contrary to public decency or public security or otherwise against the public interest.
 14. No damages are to be incurred to any soft or hard landscaping on site.
 15. Third party rights are not to be affected.
 16. The application of any billboard should be accompanied with an architect's report ensuring stability within all weather conditions, as well as an insurance policy covering third party rights.
 17. A valid TM licence should be placed at all times on the billboard structure and easily visible for inspection.
 18. Width and height clearance of tunnels and bridges is not to be compromised.
 19. The owner/operator of the billboard has the full responsibility for the maintenance and upkeep of the billboard and its structure at all times.
 20. Illumination is permitted on an advertisement or advertising sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited.
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Appendix B
Transport Malta conditions for the placing of electronic advertising billboards:

1. Preferably, electronic billboards or advertisements should not be placed within 150 meters of junctions having all turning movements, or pedestrian crossings so as not to pose any hazards.
2. Preferably, a clear distance of 150 meters is to be left between successive electronic billboards.
3. Only one (1) electronic screen is to be allowed at a single location.
4. The duration of the message being displayed is recommended to be at least 8 seconds. To minimise distractions one is to reduce the chance that a driver will see more than one display on approach by applying the following formula to work out the display time to be compared to a minimum of 8s or whichever the greater:

$$\text{Minimum Display Time (s)} = \frac{\text{Sight Distance to Electronic Billboard (m)}}{\text{Speed Limit (m/s)}}$$

5. The transition time between messages is not to be more the 1 second. For electronic signs the complete screen display should change instantaneously.
6. Message sequencing is not to be allowed on electronic billboards.
7. Brightness is to be adjusted in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public. The brightness level is not to exceed 300 candela/m² during the day and 100 candela/m² during the night.
8. Electronic screens shall have default design to freeze the display if a malfunction occurs.
9. The display is to contain static messages without movement such as animation, flashing, scrolling, intermittent or motion videos.
10. A minimum clear width of 1200mm is to be allowed on the footpath for the free passage of pedestrians.
11. A minimum clear height of 2100mm is to be allowed provided that there are no cyclists and a clear height of 900 – 1500mm is to be allowed if there is no footway and there is no pedestrian movement or cyclists.

12. Electronic billboards or signs or any of their attachments or supports are not to cause glare.
 13. The supports of any billboards are not to obstruct or deviate the flow of storm water runoff.
 14. Preferably they should be placed on the nearside of the road and only placed on the offside where it is a one-way street or dual carriageway with a centre strip, wide enough to include a billboard.
 15. Electronic billboards are not to be located on any part of the carriageway.
 16. The siting of any billboard should not be such that it impairs the sightlines to any directional, hazard or warning signs or any traffic lights, pelican crossing beacons and pedestrian crossing belisha.
 17. The support of any billboard must be stable in all weather conditions.
 18. Electronic billboards are to be located only at approved locations.
 19. The size of any billboard shall not be less than six square metres (6m²) and is not to exceed 3000mm by 6000mm, placed transversely.
 20. Preferably, a clear distance of 75 meters is to be left between electronic billboards/signs and other non-electronic billboards.
 21. The size of the lettering of billboards and signs is to be such that it is easily legible and be very concise.
 22. Material displayed on the billboard may not be offensive or contrary to public decency or public security or otherwise against the public interest.
 23. No damages are to be incurred to any soft or hard landscaping on site.
 24. Third party rights are not to be affected.
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Appendix C

Definitions

"**ELECTRONIC ADVERTISEMENT**" means an advertisement which has an electronically controlled, illuminated display surface, which allows all or a portion of the advertisement to be changed or illuminated in different ways.

"**LUMINANCE**" is a measure of how bright an illuminated area appears to the human eye and is measured in candela/m².

NOTE: A footcandle meter is also known as a lux meter. It measures the amount of light arriving at the meter (illuminance) as opposed to an absolute measurement of the amount of light emanating from a light source or light sources (luminance). A footcandle is a measure of lumens (light rays) that fall on one square foot area. Lux is the metric equivalent of a footcandle.

In contrast, a candela meter measures the amount of light emanating from a specific light source (luminance). It measures candelas (a measure of luminance or brightness) emanating from a specific light source. It excludes ambient light (which may include light from many sources) from the measurement. The OAAA does not recommend using standard candela levels and/or the use of a candela meter to measure the brightness of digital billboards.
