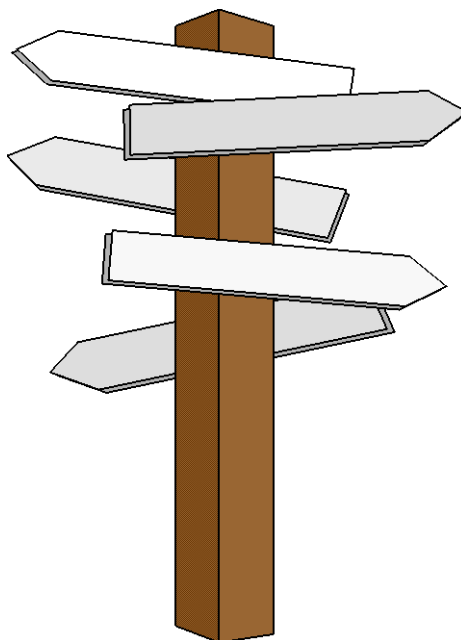




Donegal County Council

Policy on Unauthorised Advertisement Signs on Public Roads

**Developed by: Roads & Transportation
Strategic Policy Committee**



**Policy Adopted by Donegal County Council on: 31st May 2004
Policy to Come into Operation on: 1st June 2004**



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POLICY ON UNAUTHORISED ADVERTISEMENT SIGNS ON PUBLIC ROADS

1.0 Introduction

In accordance with the Roads Act 1993 and the Planning and Development Act 2000, advertisement signs along the public road require the approval of the County Council in the form of a licence or planning permission.

Unauthorised advertisement signs at various locations throughout the County, especially on the approach roads to the Towns and Villages are both unsightly and often hazardous to road users. In addition, these unauthorised signs clutter up both the roads and the footpaths and often hinder the reasonable use of the public road.

The following have responsibilities for dealing with unauthorised advertising signs on public roads:

1. Donegal County Council, Roads Section (under Roads Act)
2. Donegal County Council, Planning Section (under Planning and Development Act)
3. Donegal County Council, Environment Section (under Litter Act)
4. The Gardaí (under Roads Act)

This policy which is developed by the Roads & Transportation Strategic Policy Committee is intended to cover unauthorised advertising signs that are erected within the public road. Examples of some of the unauthorised signs include:

1. Small advertisement signs – normally tied or nailed to existing signs or poles;
2. Finger post B & B signs – normally erected along road verges;
3. Sandwich board advertisement signs – normally erected on footpaths;
4. Large billboard type signs- normally erected along road verges;
5. Large signs mounted on trailers- - normally erected along road verges;
6. Large signs mounted on vans- - normally erected along road verges; and,
7. Vehicles being advertised for sale along the public road.

For the purposes of this policy, the public road is defined by the definition in the 1993 Roads Act and includes the areas covering:

1. the paved roadway including travelled way and shoulders;
2. any unpaved public roadways;
3. any median areas or islands;
4. any roundabout islands;
5. any adjacent road verges;
6. any adjacent roadway side slopes that are part of the public right of way; and,
7. any footpaths.



This policy also applies to public car parks.

This policy does not cover unauthorised signs on private property. Such signs on private property are a matter for the Planning Authority to deal with. This policy does not change any of the responsibilities of Donegal County Council under the Roads Act but is intended to strengthen the Council's ability to enforce its responsibilities under the Act.

In addition, this policy does not change the responsibilities of Donegal County Council under the Planning and Development Act or the Litter Act, both of which give certain powers to the Council regarding unauthorised signs. This policy does not take away the prosecution rights of Donegal County Council.

By adopting this policy, the Members of Donegal County Council give it democratic endorsement.

It is important to note that the Gardaí also have powers under the Roads Act 1993 similar to the County Council and that this policy does not alter the Gardaí powers.

2.0 Statement of Policy

The Council will endeavor to ensure that the public road is kept clear of unauthorised advertisement signs in accordance with Section 71 of the Roads Act 1993.

3.0 Steps to be Taken by Council to Support Policy

The Council will take the following steps in an effort to help gain compliance with its Policy on Unauthorised Advertisement Signs:

- a) Council will place a once-off series of public advertisements on local radio and local newspapers within one month of adopting this new policy informing the general public of its intent to remove all unauthorised advertisement signs from public roads in the county starting on a stipulated date;
- b) After the initial once-off public advertisement campaign has been done, Council will remove without issuing any notices or warnings any future unauthorised signs from the public road;
- c) Council will remove and store or get some other person or body to remove and store any unauthorised signs for a period of one month after the date the owner has been notified or six weeks from the time it was removed, whichever is the longer;



- d) Council will notify the owner (where the owners name and address is reasonably identifiable) informing the owner that the sign has been removed and stored. This notice will give the whereabouts of the sign and require that it be claimed within one month of date of notice or else it will be disposed of. (A sample Notice To Owner is attached as Appendix “G”);
- e) Council will require a person recovering a sign to make a written declaration stating that they are the owner of the sign or they are there on the authority of the owner. In addition, the Council will require the person recovering the sign to pay the cost of the removal and storage before being able to recover it. (A sample Declaration Form is attached as Appendix “H” and a Schedule of Charges is attached as Appendix “I”); and,
- f) Council will dispose of unclaimed signs, after the expiry of the stipulated timeframe in the Notice to Owner, in accordance with Section 84 of the Roads Act 1993. The Council will attempt to sell unclaimed signs for the best price reasonably obtainable and the Council will deduct its costs for the removal, storage and sale of the sign. Any balance of monies over and above the Council costs will be paid to the Owner of the sign. If in the Council’s opinion, the unclaimed sign would cost more to sell than the sign is worth, then the Council will be free to do away with the unclaimed sign by another means and no money will be due to the Owner. In addition, if an unclaimed sign is offered for sale and nobody purchases the sign, the Council will be free to do away with the unclaimed sign by another means and no money will be due to the Owner.



4.0 Policy Recommendations and Approvals

- 4.1 This Unauthorised Advertisement Signs Policy has been approved by the Roads & Transportation Strategic Policy Committee as a recommendation to be presented to the General Purposes Committee for approval on:

29 January 2004

(Date that Roads SPC Approved the Policy Recommendation)

- 4.2 This Unauthorised Advertisement Signs Policy has been approved by the General Purposes Committee as a recommendation to be presented to full council for adoption on:

9 February 2004

(Date that GP Committee Approved the Policy Recommendation)

- 4.3 This Unauthorised Advertisement Signs Policy has been adopted by the Full-Council by way of adopting the GP Meeting Minutes at the Council Meeting on:

29 March 2004

(Date that Full-Council Adopted the Policy)

- 4.4 The Meeting Minutes from the Meeting Adopting this Unauthorised Advertisement Signs Policy have been adopted by the Full-Council at the Council Meeting on:

31 May 2004

(Date that Full-Council Adopted the Meeting Minutes which Adopted the Policy)

Date Policy Adopted by Donegal County Council: 31st May 2004

Date Policy to Come into Operation: 1st June 2004



APPENDIX "A"

BACKGROUND TO DEVELOPMENT OF POLICY

1.0 Introduction

This section of the Policy on Unauthorised Advertisement Signs provides the supporting background to its development. It is compiled from the previous discussions on this issue with the Committee, past presentations to the Committee, extracts from the Roads Act 1993 and extracts from the Planning and Development Act 2000.

2.0 Background

Over the past year, the Roads and Transportation Strategic Policy Committee (SPC) ranked making a policy on Unauthorised Advertisement Signs high on the list of Roads issues.

At the Committee meeting on 28 March 2003, the issue was discussed in some detail. Attached as Appendix "B" is the discussion document that was prepared by Mr. Mark Sweeney, Executive Engineer for that SPC Meeting.

3.0 Roads Act 1993

Section 71 of the Roads Act 1993 prohibits unauthorised signs on the public roads and empowers road authorities and the Gardaí to remove them. Section 71 of the Act is included in this document as Appendix "C".

The Act makes it an offence to erect, place or retain an unauthorised sign on a public road. The only exceptions are where the sign is authorised by law. Examples of this include signs which are exempted development or has planning permission.

The Road Authority may prosecute offences under Section 71 of the Roads Act 1993 which has a maximum penalty of £1,000 (€1,270) fine or six months imprisonment, or both. Both the person who erects the unauthorised sign and the person on whose behalf the unauthorised sign has been erected are guilty of an offence and may be prosecuted. In addition, a person who obstructs or impedes the Council in exercising its duties in removing unauthorised signs is also guilty of an offence.

The Act contains requirements on:

1. Removing unauthorised signs;
2. minimum duration of sign storage;



3. notices to be given to owner;
4. procedure for retrieving signs;
5. disposal of uncollected signs; and,
6. recovery of costs by Road Authority.

It is worth noting that Subsection 10 of Section 71 exempts posters or signs erected during elections or referenda from the provisions of Section 71. However, these posters, signs, etc. must be removed within seven days of the poll being taken. After seven days the provisions of Section 71 apply. This is similar to the provisions of the Litter Act.

Section 84 of the Roads Act 1993 provides for the Council selling unclaimed signs, apparatus, etc. which they removed from the public Road under the Roads Act. This Subsection ensures that the proceeds of the sale will be returned to the owner where the owner's whereabouts can be established. The Council is allowed to deduct any expenses incurred in removing, storing and arranging for the sale of the sign. Section 84 of the Act is included in this document as Appendix "D".

4.0 Planning and Development Act 2000

Section 254 of the Planning and Development Act 2000 states the provisions for Planning Authorities in the granting of licences for signs along public roads. Section 254 of the Act is included in this document as Appendix "E".

The Act sets out the process for applying for a licence for a sign, apparatus or other structure on a public road and the steps that the Planning Authority must take in making a decision on the matter.

5.0 Litter Pollution Act 1997

The Litter Act Section prohibits unauthorised signs on the public roads and empowers the Council to remove them and to issue fines. Sections 19 and 20 of the Act are included in this document as Appendix "F". The Environment Section of Donegal County Council is responsible for the duties under the Litter Act and in this regard a number of fines have been issued for unauthorised signs. This policy that is developed through the Roads & Transportation Strategic Policy Committee is intended to compliment the work of the Environment Section and in no way should it weaken the efforts and responsibilities of the Environment Section.



6.0 County Development Plan 2000

The current planning requirements for signage as set out in the Donegal County Development Plan 2000, Volume 2, Section 8, Supplementary Policy Guidelines and Technical Standards for Signage are attached as Attachment B in Appendix "B".

If the owner of an unauthorised sign wishes to apply for the consent of the Planning Authority, then they would also need to comply with the requirements of the County Development Plan.

7.0 Recovery of Costs

The Roads Act 1993 clearly provides for the recovery of the costs by the County Council from the sign owner for removing and storing unauthorised signs under Subsection (6) of Section 71 which states:

"A sign, caravan, vehicle or other structure or thing removed and stored under this section shall be given to a person claiming it if, but only if, he makes a declaration in writing that he is the owner of the sign, caravan, vehicle or other structure or thing or is authorised by its owner to claim it and, at the discretion of the road authority or the (Garda) Commissioner, pays the amount of the expenditure reasonably incurred in removing and storing it."

It is proposed that the County Council will consider the sign owner's personal circumstances before deciding to recover its costs. However, it is anticipated that in all but exceptional cases, the Council will seek recovery of its costs.

A Schedule of Charges is attached as Appendix "I". It has been developed on the basis that there will be a set charge for removing each type of sign plus a daily storage charge. It is proposed to use these set charges instead of logging and tracking the actual specific costs for each sign. This will simplify the administration and reduce the time, resources and cost of implementing this policy. It is proposed that these charges will increase by 5% each year starting on the first day of January unless otherwise decided by the Council.

In special circumstances where a particular sign does not fit any of the categories on the Schedule of Charges or where the actual costs incurred in removing and storing the sign are significantly more than the charge listed, the Council may charge the actual cost involved. In such a case, the Council will provide the necessary backup supporting the actual charge.



If the sign is unclaimed after the expiry of the timeframe stipulated in the Notice to Owner, the Council will dispose of the sign in accordance with Section 84 of the Roads Act 1993 and the council will deduct any expenses incurred in removing, storing and arranging for the sale of the sign, where possible.

8.0 Development of Policy

The County Council recognise that there has been a proliferation of advertisement signs along many of the roads approaching our towns and villages. Many of these signs are both unsightly and often hazardous to road users. In addition, these unauthorised signs clutter up both the roads and the footpaths and often hinder the reasonable use of the public road.

It is also recognised that many businesses in the county use the signs as a means of advertising. While the County Council does not want to portray an anti-business message, it does recognise that it has obligations as both the Roads Authority and the Planning Authority for the county. The Council believes that it is possible to achieve a balance between the needs of the general public who use the public roads and the businesses who wish to advertise and that it is possible for the Council to fulfill its obligations under the Roads Act.

In order to be fair and reasonable to owners of unauthorised signs, with the introduction of this new policy, it is proposed that:

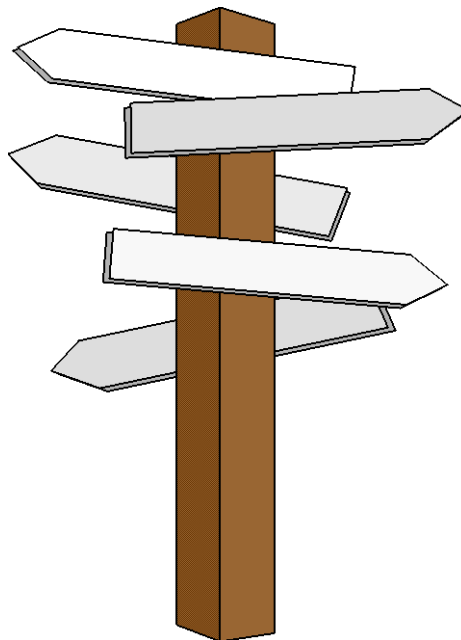
1. An extensive advertisement campaign be launched with the introduction of this policy to inform owners of the Council's intent to remove unauthorised signs; and,
2. A two-month grace period be given from the start of the advertisement period until the Council begins removing unauthorised signs. This should allow owners adequate time to remove their own signs and possibly store them until they obtain planning permission – perhaps at a different location. However, if an unauthorised sign is creating a hazard as determined by the Council, then the Council will remove the hazardous sign immediately.

It is believed that the new policy should be consistent with the Roads Act, the Planning and Development Act and the County Development Plan and that the formulation of the policy by the SPC Committee and subsequent adoption by full-council should serve to strengthen the efforts of the Council in dealing with unauthorised signs in a fair and reasonable manner throughout the county.



APPENDIX "B" DISCUSSION DOCUMENT

UNAUTHORISED ADVERTISMENT SIGNS
STRATEGIC POLICY COMMITTEE MEETING
FRIDAY 28TH MARCH 2003



Prepared by: Mr. Mark Sweeney
Executive Engineer
Donegal Electoral Area



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1.0 INTRODUCTION

The volume of unauthorised advertisement signs in the County seems to have increased over the past few years with complete disregard to the guidelines set out in the County Donegal Development Plan 2000. The signs range from small B & B signs to the larger advertisement signs for a product, a company or an event. These signs are being erected by the public at various locations throughout the County, especially on the approach roads to the Towns and Villages.

We ask that through the Strategic Policy Committee that a Council policy be established on a countywide basis to deal with these unauthorised signs.

2.0 BACKGROUND

These signs while being both unsightly and sometimes hazardous to road users clutter up both the approach roads to the Towns and Villages and the footpaths within them. In the past when signs that are erected on public property are identified as being unauthorised the Area Roads Offices have proceeded to remove them. The normal practice is to contact the sign owner directly or by way of a letter and ask them to remove it by a certain date or else it would be removed by Donegal County Council. (See Attachment - A for sample letter to sign owner).

We have found that in the past that this method leads to a number of issues from both parties concerned, namely Donegal County Council and the sign owner. The following sections outline the issues that we wish to discuss with the hope that a firm Policy can be established from same.

3.0 SIGN TYPES

There are various types of signs currently being erected on both private and public property. It is a matter for the Planning Office to deal with unauthorised signs erected on private property but any unauthorised signs erected on public property have to be dealt with by the Area Roads Offices. The types of signs that we have encountered to date are as follows;

- Small advertisement signs – normally tied or nailed to existing signs.
- Finger post B & B signs – normally erected along road verges.
- Sandwich board advertisement signs – normally erected on footpaths.
- Large billboard type signs- normally erected along road verges.
- Large signs mounted on trailers- - normally erected along road verges.
- Large signs mounted on vans- - normally erected along road verges.



4.0 ISSUES

4.1 DONEGAL COUNTY COUNCIL ISSUES

When a sign that is erected on public property has been identified as unauthorised and the Area Roads Office proceed to remove it, the following are a list of issues that have arisen in the past regarding same;

- 4.1.1 The cost and time involved in informing the sign owner of your intention to remove it because it is an unauthorised sign.
- 4.1.2 The size of the sign and the necessary time and equipment required for removal of it to the council stores.
- 4.1.3 The labour and plant costs involved in removing the signs.
- 4.1.4 The amount of available space in council stores for the storage of these signs.
- 4.1.5 The length of time that the signs should be stored for so they can be reclaimed.
- 4.1.6 The labour, plant and disposal costs involved in breaking up the signs that have not been reclaimed and removal to a dumpsite.
- 4.1.7 The lack of available funds in our maintenance budgets to cover the cost of the works involved.
- 4.1.8 The collection of money paid to Donegal County Council by sign owners who reclaim their signs.
- 4.1.9 The redistribution of these funds back into the areas that the funds were collected in so as to offset the costs charged to the area's maintenance budget.
- 4.1.10 The time involved in contacting the sign owner. If the sign is advertising a sale for the very next day, by the time you contact the sign owner and allow him 24 hours to remove the signs the sale could be over.
- 4.1.11 Are there any circumstances when the erection of advertising signs should be allowed. For example if a sign is advertising a special event such as the Special Olympics or a festival that will help promote tourism in an area, should we be removing the signs?
- 4.1.12 Is the council liable for any damage that may occur to signs during their removal or storage.
- 4.1.13 The litter problems that the small advertisement signs which are not being removed are causing.



The above-mentioned issues outline the need for a specific council policy for the removal of unauthorised signs.

4.2 SIGN OWNERS ISSUES

We have found in the past that when unauthorised signs have been removed the sign owner usually will contact the council office with the following issues;

- 4.2.1 If a B & B sign is removed the owner generally complains about the poor tourism season to date.
- 4.2.2 They claim that the only way of securing passing trade is by individually advertising their B & B along the roads or on footpaths outside their dwellings.
- 4.2.3 The sign owner generally expresses a reluctance to pay to reclaim their signs from council stores.
- 4.2.4 If any signs are damaged during their removal the sign owner could look for compensation.
- 4.2.5 They claim that they were unaware that planning permission was required for the erection of such signage.

5.0 CURRENT PLANNING REQUIREMENTS

The current planning requirements for signage is as set out in the Donegal County Development Plan 2000, Volume 2, Section 8, Supplementary Policy Guidelines and Technical Standards for Signage. See Attachment B for details.

6.0 DRAFT RECOMMENDATIONS

We would like the committee to consider the following draft recommendations as a means to deal with the issue relating to unauthorised signs.

- 6.1 The council to undertake an advertisement campaign to inform the public of the current planning requirements relating to signs. The public should also be made aware of the council's policy regarding unauthorised signs.
- 6.2 Agreement of a suitable fee to be charged to the sign owner who wishes to reclaim their sign. The fee should relate to the size and type of sign that was collected and stored.
- 6.3 Agreement as to how long the signs should be stored for before disposal.
- 6.4 Specific funding to be made available for the policing of this issue.
- 6.5 Agree on what type of promotional signs (if any) are allowed to be erected on the approach roads to Towns and Villages.



- 6.6 Agreement on whether or not the sign owner should be contacted or not prior to removal of same. Consideration should be given to the type of unauthorised sign in question.
- 6.7 Agreement as to how the council is to deal with any damage claims to unauthorised signs as a result of their removal and storage by the council. (Perhaps the council's solicitors could advise us on this issue).

7.0 CONCLUSION

To conclude, we feel that if a countywide policy can be agreed as to how the issue regarding unauthorised signs is to be dealt with, then the existing unsightly and sometimes hazardous situations on the roadside verges can be overcome.



8.0 ATTACHMENT A



Sample Warning Letter (Only to be used when considered necessary)

Mr\Ms\Mrs _____

Date: _____

Ref: _____

Re: Removal of Unauthorised Advertisement Sign.

Dear Sir\Madam

I am writing to you regarding the placement of a mobile advertisement sign at _____, on the footpath along the _____ Road (____). The placement of any such structure/advertising sign requires Planning Permission. This sign must be removed immediately. Should this sign still be in place by _____, it will be removed by the Council and taken to the Council Depot at _____.

The mobile sign will not be released until such time as the cost of removing same is reimbursed to Donegal County Council. The cost of removal of any such signage is €____. Signage will be stored in the Council depot for a period of _____ weeks after which the sign will be disposed off.

Should the mobile sign or any other signage be erected at a later date in the same location or any other location along lands under Council control, the signage will be removed by the Council without warning and you will be held liable for all costs involved.

I trust the above matter will be dealt with immediately. Should you have any queries on the above matter you can contact me at (____) _____.

Yours faithfully



9.0 ATTACHMENT B



EXCERPT FROM COUNTY DEVELOPMENT PLAN 2000

8.0 Supplementary Policy Guidelines and Technical Standards No. 8:- Signage

Goal

A clear uncluttered signage system which efficiently effectively and safely guides road users and welcomes and informs visitors and local residents.

Objectives

- Priority to a clear, effective and safe directional signage system for road users and for access to public facilities and other attractions.
- Provision of welcome, information and interpretative signage and associated facilities.
- Development of more distinctive signage throughout the county and use of signage to make the Irish language and cultural heritage more visible in the landscape.
- Avoidance of cluttered approach roads.

Policy, Proposals and Programmes

The signage policy framework covers both public and privately erected signs, in the following categories

- Directional
- Welcome/information/interpretative
- Advertising

All policies are based on the following general principles

- Use of colour coding and symbols to provide quick and easy recognition.
- In Gaeltacht Areas the statutory requirements for use of Irish and English will be followed, and the signage recommendations of the Baile Beo policy will be implemented.
- Signage should respect the architectural environment of National Monuments, important structures areas of civic amenity, and the natural environment of views and prospects of special amenity value and interest.

Signage Policy No. 1:- Directional Signage

No.1A General Purposes Directional Signage

This category relates to signage guiding road users in general and includes traffic signage, scenic/tourist drives and street/place names.

The road signage model developed under the Inishowen Pilot Scheme will be implemented throughout the county over a five year period.

An integrated network of scenic drives, incorporating existing and additional



routes will underlie the Council's approach and signage for these and existing routes will be based on distinctive logo's/symbols.

Street and place names in well established and newly established parts of towns and villages will be clearly marked and traditional/older names, now often forgotten will be used where appropriate.

Name plates will be provided on local roads in rural areas.

(2) Facilities and attractions Directional Signage

This category covers finger post directional sign posting for public facilities i.e. post office, hospitals, health clinics, libraries, public toilets, landfill sites, swimming pools, airport, industrial estates etc.

Tourist attractions (Heritage Centres, Museums, Interpretative Centres etc.)
Community Facilities (Community Centres, Sports facilities)

Public and Community facility fingerpost signs must use an agreed colour (black and white) and tourist attraction fingerpost signs must use the standard brown and white colour. Logo's/symbols must be a dominant element of the sign.

One finger post sign only within the speed limit area for each facility/attraction within that area will be the norm.

For facilities/attractions outside a speed limit area, fingerpost directional signs (in required colours) will be permitted at appropriate junctions within an 8km radius of the facility/attraction.

(3) B & Bs, Guesthouses, Hotels

(1) Rural Areas (Outside speed limits)

- **Directional Finger Post Sign (brown and white) at critical road junctions within 8k of premises.**
- **Separate poles to be provided and shared with other permitted signage.**
- **The Council will provide the pole and the sign will be provided by the business. Signs must be manufactured by a DOE approved company. A once off licence fee of £100 must be paid by the applicant.**

(2) Within Speed Limit Areas

- **Individual business directional signs will not be permitted within speed limit areas.**
- **Town/Village Information Point. (see below)**

(3) On approach roads to Towns/Villages (Both inside and outside speed limit).



- **No individual signs**
- **Advance lay-bys with provision for joint and individual advertising.**

Signage Policy No. 2 :- Welcome, Information, Interpretation Signage

The provision of name/welcome, information and interpretation signage forms a significant part of the Council's overall signage policy.

No. 2A Name/Welcome Signs

At entry points to the County and to towns and villages within the county, the name/crest of the particular place should be the dominant element. At County entry points, no other signage will be permitted. Existing entry point signs will be replaced.

A pilot scheme of entry point information lay-bys will be explored.

At town/village entry points, the name sign should dominate, other signs i.e. Tidy Towns, Town Twinning etc. should be combined or located separately in advance information lay-by.

In rural areas, the Council will initiate a pilot scheme to identify and erect name plaques for townlands.

No. 2B Information Signs

The Council will initiate an information signage system, for public private and community business information through

- (a) Pilot scheme of Entry Point information lay-bys referred to above.
- (b) Advance information lay-bys outside larger towns.
- (c) Information points in public car parks in towns and villages.

No. 2C Interpretative Signs

Interpretative Signs at areas of interest and historic significance, views and prospects.

Signage Policy No. 3:- Advertising Signs

Advertising Signs (provide no directional value) will not be permitted in the open country side or approach roads to towns and villages. This includes large advertising hoardings and advance advertising for commercial facilities in towns and villages. Such signs will be permitted in advance lay-bys only.



APPENDIX "C"

SECTION 71 OF ROADS ACT 1993

SECTION 71

Unauthorised signs, caravans, vehicles, etc. on public roads.

71.—(1) (a) Any person who, without lawful authority or the consent of a road authority—

(i) erects, places or retains a sign on a public road, or

(ii) erects, places or retains on a public road any caravan, vehicle or other structure or thing (whether on wheels or not) used for the purposes of advertising, the sale of goods, the provision of services or other similar purpose,

shall be guilty of an offence.

(b) A consent under *paragraph (a)* may be given by the road authority subject to such conditions, restrictions or requirements as it thinks fit and any person who fails to comply with such conditions, restrictions or requirements shall be guilty of an offence.

(2) Without prejudice to the liability of any person under *subsection (1)*, where there is a contravention of that subsection in the case of any sign or advertisement, the person on whose behalf the sign or advertisement is exhibited shall be deemed also to have contravened that subsection.

(3) Notwithstanding any other enactment, an authorised person may remove a sign, caravan, vehicle or other structure or thing to which *subsection (1)* applies.

(4) An authorised person may store, or procure the storage of, a sign, caravan, vehicle or other structure or thing removed by him under *subsection (3)*.

(5) Where the name and address of the owner of a sign, caravan, vehicle or other structure or thing removed and stored under this section can be ascertained by reasonable inquiry, the road authority or the Commissioner shall serve a notice upon the owner informing him of its removal and storage and of the address of the place where it may be claimed and recovered, requiring him to claim and recover it within one month of the date of the service of the notice and informing him of the statutory consequences of his failure to do so.

(6) A sign, caravan, vehicle or other structure or thing removed and stored under this section shall be given to a person claiming it if, but only if, he makes a declaration in writing that he is the owner of the sign, caravan, vehicle or other structure or thing or is authorised by its owner to claim it and, at the discretion of the road authority concerned or



the Commissioner, pays the amount of the expenditure reasonably incurred in removing and storing it.

(7) The road authority concerned or the Commissioner may dispose, or procure the disposal, of a sign, caravan, vehicle or other structure or thing removed and stored under this section if—

(a) the owner of the sign, caravan, vehicle or other structure or thing fails to claim it and remove it from the place where it is stored within one month of the date on which a notice under *subsection (5)* was served on him, or

(b) the name and address of the owner of the sign, caravan, vehicle or other structure or thing cannot be ascertained by reasonable inquiry.

(8) A sign, caravan, vehicle or other structure or thing shall not be disposed of under this section within six weeks of the date of its removal under this section.

(9) In this section—
"authorised person" means—

(a) a person authorised in writing by a road authority for the purposes of this section,

(b) a member of the Garda Síochána;

"sign" includes any sign, hoarding or other structure used for the purposes of advertising.

(10) This section shall not apply to a sign which relates to a presidential election within the meaning of the Presidential Elections Act, 1937, a general election or a bye-election, within the meaning, in each case, of the Electoral Act, 1923, a local election, a referendum, within the meaning of the Referendum Act, 1942, or an election of members of the European Parliament, unless the sign has been in position for seven days or longer after the latest day upon which the poll was taken for the election, bye-election or referendum concerned.



APPENDIX “D”

SECTION 84 OF ROADS ACT 1993

SECTION 84

84. – Where a road authority or the Commissioner become entitled to dispose or procure the disposal of anything removed from a public road under this Act, then the authority or Commissioner shall be entitled to sell the thing for the best price reasonably obtainable and upon doing so shall pay to the person who was the owner (where the name and address of such owner can be ascertained by reasonable inquiry) of the thing at the time of its removal a sum equal to the proceeds of such sale after deducting therefrom any expenditure reasonably incurred by the authority or the Commissioner in its removal, storage and sale.



APPENDIX “E”

SECTION 254 OF PLANNING AND DEVELOPMENT ACT 2000

SECTION 254

Licensing of appliances and cables, etc., on public roads.

254.—(1) Subject to *subsection (2)*, a person shall not erect, construct, place or maintain—

- (a) a vending machine,
- (b) a town or landscape map for indicating directions or places,
- (c) a hoarding, fence or scaffold,
- (d) an advertisement structure,
- (e) a cable, wire or pipeline,
- (f) a telephone kiosk or pedestal, or
- (g) any other appliance, apparatus or structure, which may be prescribed as requiring a licence under this section,

on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

(2) This section shall not apply to the following—

- (a) an appliance, apparatus or structure which is authorised in accordance with a planning permission granted under *Part III*;
- (b) a temporary hoarding, fence or scaffold erected in accordance with a condition of planning permission granted under *Part III*;
- (c) the erection, construction, placing or maintenance under a public road of a cable, wire or pipeline by a statutory undertaker.

(3) A person applying for a licence under this section shall furnish to the planning authority such plans and other information concerning the position, design and capacity of the appliance, apparatus or structure as the authority may require.

(4) A licence may be granted under this section by the planning authority for such period and upon such conditions as the authority may specify, including conditions in relation to location and design, and where in the opinion of the planning authority by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or



relating to the road, the appliance, apparatus or structure causes an obstruction or becomes dangerous, the authority may by notice in writing withdraw the licence and require the licensee to remove the appliance, apparatus or structure at his or her own expense.

(5) In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to—

(a) the proper planning and sustainable development of the area,

(b) any relevant provisions of the development plan, or a local area plan,

(c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and

(d) the convenience and safety of road users including pedestrians.

(6) (a) Any person may, in relation to the granting, refusing, withdrawing or continuing of a licence under this section or to the conditions specified by the planning authority for such a licence, appeal to the Board.

(b) Where an appeal under this section is allowed, the Board shall give such directions with respect to the withdrawing, granting or altering of a licence under this section as may be appropriate, and the planning authority shall comply therewith.

(7) Development carried out in accordance with a licence under this section shall be exempted development for the purposes of this Act.

(8) A person shall not be entitled solely by reason of a licence under this section to erect, construct, place or maintain on, under, over or along a public road any appliance, apparatus or structure.

(9) Subject to *subsection (10)*, any person who—

(a) erects, constructs, places or maintains an appliance, apparatus or structure referred to in *subsection (1)* on, under, over or along any public road without having a licence under this section to do so,

(b) erects, constructs, places or maintains such an appliance, apparatus or structure on, under, over or along any public road otherwise than in accordance with a licence under this section, or

(c) contravenes any condition subject to which a licence has been granted to him or her under this section,
shall be guilty of an offence.

(10) (a) A planning authority may, by virtue of this subsection, itself erect, construct, place or maintain, on, under, over or along a public road any appliance, apparatus or structure referred to



in *subsection (1)*, and it shall not be necessary for the planning authority to have a licence under this section.

(b) Nothing in this subsection shall be construed as empowering a planning authority to hinder the reasonable use of a public road by the public or any person entitled to use it or as empowering a planning authority to create a nuisance to the owner or occupier of premises adjacent to the public road.

(11) Where a planning authority is not the road authority for the purposes of national or regional roads in its area, it shall not grant a licence under this section in respect of any appliance, apparatus or structure on, under, over or along a national or regional road or erect, construct or place any appliance, apparatus or structure on, under, over or along a national or regional road except after consultation with the authority which is the road authority for those purposes.



APPENDIX "F"

SECTIONS 19 AND 20 OF LITTER POLLUTION ACT, 1997

SECTION 19

Prohibition of articles and advertisements on and defacement of certain structures, etc.

19. – (1) Where any structure or other land, door, gate, window, tree, pole or post is in or is visible from a public place, a person who is not the owner, occupier or person in charge thereof shall not –

(a) exhibit or cause to be exhibited thereon any article or advertisement, or

(b) carry out or cause to be carried out any defacement thereof by writing or other marks,

unless the person is authorised in advance to do so in writing by such owner, occupier or person in charge or by or under any enactment.

(2) A person shall not place advertising material on a mechanically propelled vehicle in a public place without the prior consent of the person who owns, or is in charge of, the vehicle.

(3) Without limiting the liability of any other person under *subsection (1)* or *(2)*, where there is a contravention of that subsection in relation to–

(a) an advertisement that pertains to a meeting or other event, the person who is promoting or arranging the meeting or event, or

(b) any other advertisement, the person on whose behalf the advertisement is exhibited,

shall be deemed also to have contravened that subsection.

(4) A local authority may, on such terms and conditions as may be agreed upon by it and the occupier concerned, in the case of an article, advertisement or defacement in its functional area in relation to which there is a contravention of *subsection (1)* –

(a) by its employees or agents, remove or obliterate all or a part of the article or advertisement or, as the case may be, remove or otherwise remedy the defacement, and

(b) for those purposes, by its employees or agents, enter on the structure or other land concerned or the structure or other land on which is situated the door, gate, window, tree, pole or post concerned.

(5) In a prosecution of a person in relation to a contravention of *subsection (1)* it shall not be necessary for the prosecution to show and it shall be assumed, in the absence of evidence to the contrary, that the person was not the owner, occupier or person in charge of the structure or other land, door, gate, window, tree, pole or post to which the contravention relates and was not authorised as referred to in *subsection (1)*.



(6) A person who contravenes or is deemed to have contravened *subsection (1) or (2)* or who obstructs or impedes a local authority or its employees or agents acting in the exercise of the functions conferred on a local authority by *subsection (4)* shall be guilty of an offence.

(7) A prosecution shall not be brought in a case in which an offence under this section is alleged to have been committed in relation to an advertisement if—

(a) the advertisement is exempted development within the meaning of the Local Government (Planning and Development) Act, 1963, or is a notice displayed or erected in pursuance of a requirement by or under any enactment, or

(b) the advertisement—

(i) advertises a public meeting, other than an auction, or

(ii) relates to a presidential election within the meaning of the Presidential Elections Act, 1993, a general election or a bye-election, within the meaning, in each case, of the Electoral Act, 1992, a local election within the meaning of the Local Government Act, 1994, a referendum, within the meaning of the Referendum Act, 1994, or an election of representatives to the Assembly of the European Communities,

unless the advertisement has been in position for 7 days or longer after the day specified in the advertisement for the meeting or the latest day upon which the poll was taken for the election, bye-election or referendum concerned.

(8) In this section and in *section 20*—

"occupier" in relation to a door, gate, window or tree, means the occupier of the structure or other land on which the door, gate, window or tree, as the case may be, is situated and, in relation to a pole or post, means the owner of the pole or post;

"structure" has the meaning assigned by the Local Government (Planning and Development) Act, 1963.

SECTION 20

Powers of local authorities regarding articles and advertisements on, and defacement of, certain structures, etc.

20. – (1) Where any structure or other land, door, gate, window, tree, pole or post situated in the functional area of any local authority is in or is visible from a public place and it appears to the local authority that it is in the interests of amenity or of the environment of an area that any article or advertisement exhibited thereon should be removed or any defacement thereof by writing or other marks should be removed or otherwise remedied or that other specified steps



should be taken in relation to the article, advertisement or defacement, as the case may be, the local authority may serve a notice on the occupier requiring the occupier–

- (a) to remove the article or advertisement, or remove or otherwise remedy the defacement, or to take other specified steps in relation to the article, advertisement or defacement, as the case may be, and
- (b) to take other specified steps to prevent a recurrence of the exhibition or defacement, as the case may be.

(2) A notice under *subsection (1)* shall–

- (a) identify the structure or other land, door, gate, window, tree, pole or post to which it relates,
- (b) state, the grounds on which it is issued, and
- (c) specify the time, not being a period of less than 7 days, within which it is to be complied with.

(3) An occupier on whom a notice under this section is served may, within such time as may be specified in the notice, make submissions in writing to the local authority concerned regarding the terms of the notice and the authority, after consideration of any such submissions, may amend the notice.

(4) An occupier on whom a notice under *subsection (1)* has been served shall, within the time specified in the notice, comply with its terms.

(5) Where an occupier contravenes *subsection (4)*, the local authority concerned may, by its employees or agents–

- (a) give effect to the terms of the notice, and
- (b) where necessary for that purpose, by its employees or agents enter on the structure or other land concerned or the structure or other land on which is situated the door, gate, window, tree, pole or post concerned,

and may recover the expenditure reasonably incurred by it in so doing from the occupier as a simple contract debt in any court of competent jurisdiction.

(6) A local authority may, upon such terms and conditions as may be agreed upon by it and the occupier concerned, in the case of an article, advertisement or defacement to which *subsection (1)* applies–

- (a) by its employees or agents remove the article or advertisement or remedy the defacement or, as may be appropriate, take other steps in relation to it, and



(b) for those purposes, by its employees or agents, enter on the structure or other land concerned or the structure or other land on which is situated the door, gate, window, tree, pole or post concerned.

(7) An occupier who contravenes *subsection (4)* or a person who obstructs or impedes—

(a) a local authority or its employees or agents acting in the exercise of the functions conferred on a local authority by *subsection (5)* or *(6)*, or

(b) a person or the person's employees or agents while engaged in complying with the terms of a notice issued under *subsection (1)*,

shall be guilty of an offence.

(8) In a prosecution for an offence in respect of a contravention of *subsection (4)*, it shall be a defence to show that the exhibition of the advertisement concerned was in accordance with a permission under Part IV of the Local Government (Planning and Development) Act, 1963.

(9) Any development, within the meaning of the Local Government (Planning and Development) Act, 1963, carried out pursuant to a notice issued under *subsection (1)*, shall be exempted development within the meaning of that Act.



APPENDIX "G" SAMPLE NOTICE TO OWNER

Date: _____

Mr/Ms/Mrs _____

Ref: _____

Subject: Notice of Removal of Unauthorised Advertisement Sign
(Describe Sign)

Dear Sir/Madam:

I am writing to you regarding your advertisement sign which had been placed at _____
_____ along the _____ Road (_____). The placement of any such
structure/advertising sign requires the consent of the Planning Authority and according to our
records, this sign does not have the required consent and is considered to be unauthorised.

This letter is being sent in accordance with our responsibilities under Section 73 of the Roads
Act 1993 and to inform you that this sign has been removed by the County Council on _____
and is stored at _____.

You may collect your sign after providing a declaration that you are the owner by completing the
attached Declaration Form and paying a charge to the Council for removing and storing the sign.
The amount payable will be in accordance with the attached Schedule of Charges. Signage will
be stored in the Council depot for a period of one month from the date of this letter or six weeks
since it was removed, whichever is longer, after which time, the sign will be disposed off.

Should you have any queries on the above matter or wish to make arrangements to collect your
sign, please contact me at (____) _____.

Yours faithfully

Attachments:



APPENDIX "H" SAMPLE DECLARATION OF OWNER

I, _____ with an address at _____
_____ declare that:

- I am the owner of the advertisement sign
- I am authorised by the sign owner by means of attached letter from the owner to claim the advertisement sign

described as _____
_____ and which
was placed at _____. I have inspected
this sign which has been removed by the Council and is in storage at the Council Depot and I am
satisfied that the sign has not been damaged by the Council. I have paid the amount of € _____
requested by Donegal County Council and wish to retrieve the sign.

(Signature) (Date)

(Name in BLOCK CAPITALS)

THIS PART OF FORM FOR DONEGAL COUNTY COUNCIL USE ONLY:

The sign described above has been released to the above mentioned person on _____
and the charge due to the Council has been paid (attach the receipt).

(Signature) (Date)

(Name in BLOCK CAPITALS) Charge Collected to be
Received to Job code: _____



APPENDIX "I" SCHEDULE OF CHARGES

Type of Sign	Description of Sign	Removal Charge	Daily Storage Charge per Square Meter
Type I	Sandwich Board set on Ground/ Footpath/ Pavement	€50.00	€5.00
Type II	Sign Panel Attached to Existing Post/Pole/Wall	€50.00	€5.00
Type III	Sign Panel Mounted on its Own Post(s)	€75.00	€7.00
Type IV	Sign Panel Mounted on Mobile Trailer	€100.00	€9.00
Type V	Signs printed on Parked Cars, Vans, Lorries, etc.	See Note 1 Below	€9.00

Notes:

1. Removal charge to be based on actual costs which might involve a low loader and lifting equipment.
2. Daily Storage Charge will not commence until five working days after the date Notice to Owner has been issued informing them of whereabouts of sign. Storage Charges will be computed based on working days.
3. Area of Sign for calculating storage charges to be based on total area of signage on a single side. Area to be rounded down to nearest square meter but minimum charge for one square meter shall be charged for signs that are smaller than one square meter.
4. In special circumstances where a particular sign does not fit any of the categories on Table 1 or where the actual costs incurred in removing and storing the sign are significantly more than the charge listed, the Council may, at its discretion, charge the actual cost involved.
5. Total Charge to Sign Owner is Removal Charge plus charge for Daily Storage for relevant number of working days that the sign is stored.
6. These charges shall increase by 5% each year starting on the first day of January unless otherwise decided by the Council.