

# Outdoor advertisements and advertising systems – building permits

The construction or substantial modification of outdoor advertisements and advertising systems within built-up areas requires a building permit.

The following are excluded and may be freely built or modified:

1. signs falling under the provisions of road traffic legislation or similar signs that are used to identify business premises or similar facilities;
2. signs for business premises, as required by law, up to 1 m<sup>2</sup> in size, as well as signs displaying the trade names of construction contractors working on construction sites for as long as such work is being carried out;
3. outdoor advertisements and advertising systems for voter groups promoting elections to general representative bodies, to the European Parliament or to the governing bodies (representative bodies) of statutory associations of employers, employees or professionals, provided that they are posted no earlier than 4 weeks before the election; this also applies to elections to the office of Federal President and within the context of referendums, plebiscites and popular consultations on the basis of provincial or federal provisions and European citizens' initiatives;
4. outdoor advertisements and advertising systems for temporary use at individual sporting, cultural or not-for-profit events.

## Documents required

The building permit application must be submitted to the competent authority in writing. The application must indicate the nature, location, scope and intended use of the building project. The following documents must be enclosed with the application:

- proof of ownership or right to build on the site or, where the applicant is not the owner or does not have the right to build, the consent of the owner or the holder of the right to build;
- the plans, calculations and descriptions needed to assess the building project (see Sections 2 and 3 of the Building Application Regulation [Baueingabeverordnung], Provincial Law Gazette [LGBI.] No 62/2001, as amended);
- proof that the site is connected to a public thoroughfare in a legally enforceable manner in accordance with Section 4(2) of the Construction Act [Baugesetz];
- a list of neighbours, indicating the addresses and property numbers of the neighbouring plots, where this information is not included in the site plan.

## Dates and deadlines

**Deadline for implementation:** the building permit will cease to be valid if work on the building project has not begun within 3 years of the date on which it enters into force or if the work that has already begun is suspended for more than 3 years without an extension to the validity of the building permit.

The validity of the building permit will be extended for 3 years at a time upon written application, unless there are grounds for refusal under Section 28(3) of the Construction Act. The application for an extension must be submitted before the building permit expires.

## Costs and payments

- Administrative charges under the Provincial Administrative Charges Regulation [Landesverwaltungsabgabenverordnung], *LGBl.* No 78/2014, as amended (tariff item 16);
- Fees pursuant to Section 14, tariff items 5, 6 and 7 of the Fees Act [Gebührengesetz], Federal Law Gazette (*BGBl.*) No 267/1957, as amended.
- If a hearing regarding the construction project is held: commission fees on the basis of the Municipal Commission Fees Regulation [Gemeindekommissionsgebührenverordnung], *LGBl.* No 28/2005, as amended / Provincial Commission Fees Regulation [Landeskommissionsgebührenverordnung], *LGBl.* No 12/2005, as amended.

## Online forms

- **To the Mayor**
- **To the district authority**

## Legal basis

Section 18(2), Section 22(1) and Sections 24 and 28 of the Construction Act (*LGBl.* No 52/2001), as amended

## Procedure and outcome

The building permit application must be submitted to the competent building authority. The authority may hold an oral hearing (including an on-site inspection). During the hearing, all persons and authorities involved will be given the opportunity to assert their rights and interests. A decision on the building permit application will be made.

## Requirements

The building permit must be granted if the nature, location, scope, form and use of the building project comply with the provisions of building and land-use planning legislation and if other public interests, in particular those relating to safety, health, transport, protection of monuments, energy saving and the economic use of property and land (Section 2(3)(a) of the Land Use Planning Act [Raumplanungsgesetz], *LGBl.* No 39/1996, as amended), are not in opposition to the project.

The building permit must be refused if these conditions are not met and cannot be met through the imposition of time limits, requirements or conditions.

## Further information

In order to protect the locality and the landscape, the municipal council may, by means of a regulation, stipulate that outdoor advertisements and advertising systems may only be implemented in a specific form and size and may only (or may not) be erected in specific locations in the municipality.

The authority reserves the right to immediately remove any announcements and advertising systems that do not have a permit where such a permit is required under the Construction Act. The authority must immediately summon the owner of the removed object to collect it. If the owner or their whereabouts are unknown, the authority must post a notice on the official municipal bulletin board to the effect that the object can be collected.

## Competent body

Building authority (**mayor, district authority**)

Information on the municipalities that have transferred their jurisdiction under construction law to a district authority can be found in the **Transfer Regulation [Übertragungsverordnung] (LGBI. No 11/2004, as amended)**.

## Authentication and signature

A signature is required.

## Appeals

A decision may be appealed against. The appeal must be submitted in writing within 4 weeks to the authority that issued the decision. The time limit begins on the date of delivery of the written decision or, in the case of an oral notification, on the date of the latter.

The appeal must also indicate the decision against which it is directed and include the relevant authority, the basis for asserting unlawfulness, the form of order sought, and the information required in order to assess whether the appeal has been filed in time. An appeal is no longer admissible if, after the issuance or announcement of the decision, the party expressly waives the appeal.

Moreover, all decisions must contain instructions on the right of appeal, including information on the authority with which the appeal must be filed and the corresponding deadline.

## **Assistance and troubleshooting services**

**Single point of contact for Vorarlberg**

## **Body responsible for the content**

Department of Land Use Planning and Construction Law [Abteilung Raumplanung und Baurecht]

## **Last updated**

30.11.2020

## **Data protection information**

**Information under the General Data Protection Regulation**

## **Contact details**

### **Land use planning and construction law**

Landhaus, 6901 Bregenz

Office: Landhaus, 6900 Bregenz

T +43 5574 511 27105

F +43 5574 511 927195

**[raumplanung@vorarlberg.at](mailto:raumplanung@vorarlberg.at)**

**Public opening hours:** PUBLIC OPENING HOURS for in-person visits: Monday to Friday from 08:00 to 12:00; afternoons with prior agreement. Closed on statutory public holidays and non-business days. Outside of these hours, visitors must be collected at the entrance and accompanied again to the exit. **OFFICE HOURS** for receiving written submissions: Monday to Thursday from 08:00 to 12:00 and from 14:00 to 17:00; Friday from 08:00 to 12:00 and from 13:00 to 14:00. From 08:00 to 12:00 on Shrove Tuesday, Good Friday, 24 December and 31 December, unless these days fall on a Saturday or Sunday.

## **Feedback forms**

**Feedback on the information services**

**Feedback on barriers in the internal market**