Outdoor Advertising in Public Space and its Legal System in Poland over the Centuries

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Abstract. Outdoor advertising has a significant impact on the public space. Advertising often impairs the value of cultural and natural heritage of the site and it affects the spatial order. On the other hand, advertisements indicate the location, promote a brand, mark, and image of the company, they are inherent and integral element of cities. Visual pollution is one of the issue in Poland now, but the issue of outdoor advertisements locating in space is not a new phenomenon. The problem, undoubtedly on a different scale, existed in the interwar period. Interwar Poland legislation system had provisions and restrictions imposed on advertisements owner. In present times, an attempt to solve above problems is the so-called “Act on Landscape Protection”, which introduces new tools for public space protection and allows to create an advertising code by municipalities. This article aims to assess the impact of advertising on the public space in the past and now. We compared Polish legal systems of locating advertisements in public space at interwar and present times. An expert approach was used in the impact assessment, while the whole study was based on the Leopold’s matrix method. The analysis shows that the overall impact of advertising restrictions in the city had a positive impact on the public space at interwar period and also might have a positive impact on the public space at present time.

1. Introduction
In Polish law, a public space is defined as an area of particular importance to meet the needs of residents, improve their quality of life and favourable social networking, due to area’s location and also functional and spatial characteristics[1]. Public space refers to a place that serves public interests[2], it can be defined also as an area in the city which is accessible, appealing, facilitating contact with other users of the city, aesthetic, and one which invites the people to meet, act and feel safe. From the perspective of the inhabitants of the cities and the users of public spaces, the most important feature of such spaces, is their multifunctionality, which allows their users to conduct various activities[3]. Correctly created multifunctionality is a possibility of implementing such different functions in the space like environmental protection or mass scale tourism[4,5]. Because of those, it should be developed in a harmonious, structured manner, taking into account all functional, socio-economic, environmental, cultural and compositional-aesthetic conditions and requirements.

Recently, governments of various countries have promoted different public programmes for urban improvement, which consider and recognise public space as relevant for the solution of urban problems and sustainable development e.g.[6–8]. In this way, through programmes related to public space development the administration intends to make a difference e.g. in urban life quality[9–11], green industrial[12],or ecosystems protection[13]. Researchers also recommend using new methods and
tools for space assessment and scenario preparation e.g. [14–20]. International cooperation of cities in the exchange of knowledge and good practices on the management of local resources, spatial planning and environmental management is very important [21].

In cities, public spaces are appropriated in a literal way, i.e. private space is isolated (by builders or property owners) from public spaces (legally or illegally), usually under the pretext of increasing the safety. Often, the appropriation of public space is observed in symbolic form, e.g. by placing inscriptions or advertisements on buildings, walls, fences etc. However, organizing public space is expressed through the incorporation of rules and signs facilitating the co-participation of a larger number of participants in it [22]. The quality of urban public space presumes, among other aspects, a balance between quantity, distribution and placement of the outdoor advertising [23].

Outdoor advertising has a significant impact on the public space. Advertising often impairs the value of cultural and natural heritage of the site and it affects the spatial order. On the other hand, the advertisements indicate the location, promote a brand, mark, and image of the company. Investors treat the outdoor advertising as a direct mean of communication about their products with customers. However, despite the increase in the number of enterprises, the issue of outdoor advertisements locating in public space is not a new phenomenon. The problem, undoubtedly on a different scale, existed in the interwar period.

This article aims to assess the impact of local law restrictions on the public space in the past and now. We compared Polish legal systems of locating advertisements in public space at interwar and present times. The paper presents and systematizes the types of outdoor advertising that have the greatest impact on aesthetics of the urban landscape. The form of public space protection in both period of time was characterized. The authors use the desk research method together with field inventory. The historical photos used in researches are available in National Digital Archives [24]. Assessment of the impact of local law restrictions on public space in interwar and present times is based on the Leopold’s matrix method.

2. Outdoor advertising in public space

We cannot imagine today’s cities without signs, banners, billboards or other advertising devices. Outdoor advertisements are inherent and integral element of urban landscape. Due to insufficient legal regulations, advertising often disturbs the cultural and natural values of a given place. Visual pollution and advertisements aggression is an everyday reality for the inhabitants of many cities. Stressfulness of advertising is a consequence of sensory overload, as well as the negative impact of advertising exposure for human health and also traffic safety [25]. In Poland, an attempt to solve above problems is the so-called “Act on Landscape Protection” (Act on amending certain acts in connection with the strengthening of landscape protection tools of 24 April 2015). The Act introduces the necessity to identify priority landscapes [26] and also introduces new tools for public space protection and allows to create an advertising code by municipality [27,28].

Visual pollution is one of the issue in Poland now, but the problem existed in the interwar period also. So, you can ask the question: “Does outdoor advertising was an equally unregulated sphere of activity, what today?” The answer is: “No, it is not”. Interwar Poland legislation system had provisions and restrictions imposed on advertisements owner [29]. Furthermore, aesthetic level of advertisers’ awareness can be considered much higher than today.

2.1. Types of advertisements

In the urban space, we can distinguish different kind of advertisements devices. That can be: advertising banner, billboard, counter display, exhibition showcase, advertising coffer, advertising mural, neon, sign, people stopper/swing sign, pylon, window graphic advertisement, net advertising etc. For the purposes of this article, the advertisements were divided into 5 groups.

2.1.1. Free-standing advertisements. Free-standing advertisements are advertising board or device, detached, permanently attached to the ground tower-like structure, non-illuminated or illuminated,
with horizontal exhibition space (figure 1, figure 2, figure 3). This kind of advertisements is located in places with high traffic, including pedestrians. Billboards and pylons are the examples of free-standing advertisements, but in interwar time the main type of advertisements was poster placed on special advertising column.

2.1.2. Advertisements on building façades. Advertisements on building façades are advertising board or device, illuminated or non-illuminated, with horizontal exhibition space (figure 4, figure 5, figure 6, figure 7). This kind of advertisements is located by pedestrian route and in open urban space.

2.1.3. Large format advertisements. Large format advertisements include net advertising, renovation wraps and also murals. Advertisements can be displayed on the fabric or soft plastic material or painting made directly on the wall using art techniques. It can be placed on the scaffolding or equipment of the construction site.
2.1.4. Signs. Signboards or advertising devices inform users about the offices or agencies found inside a building, installed on the façade of the building e.g. the frieze, semaphore, sign painted, glued. In the interwar period, this type of advertisements were also neon’s - fluorescent light, made of glass tubes filled with inert gas, forming a string of advertising content or visual composition integrated into the advertising message.

2.1.5. Portable advertisements. Portable advertisements are spatial removable form of advertisement, containing advertising content or information intended for temporary exhibition, aimed at presenting business, product or cultural offer, e.g. exhibition, promotional and advertising stands, stumbling, balloons, gates, blow-up tents and rack, flags.

2.2. Rules and conditions for placing advertisements in public space

2.2.1. Interwar period. In the interwar period, rules and conditions for placing advertisement in public space are described in “Advertising Application Guide”, published by the Polish Telegraphic Agency Publishing House in 1936[40]. The chapter entitled “Advertising taxes” shows additional fees depending on the type of advertisements. Each type of advertisements was taxed by the municipality in which it was located, or by the State Road Fund - if the advertisement was by the roadside, outside the built-up area. Exempt from these charges were only the advertisements located on building facades belonged to the advertisement owner.
Besides, there were a tax of advertisements, signs and announcements in urban space implemented in 1923. Legislators determined the types of outdoor advertising and the maximum tax rates for them. Municipal council could specify the rules for advertising fee e.g. divide the streets into classes and therefore differentiate tax rates. For advertisements with artistic value, the tax was 20-50% lower.

2.2.2. Present period. In today Polish law are a lot of acts regulated (with a greater or lesser extent) advertisements placing in space. These resolutions define the forms of space protection. Among them can be distinguish forms of monument protection, protection resulting from the construction law, local spatial development plan and also cultural reserve area in city centers.

A new act of law is Act on Landscape Protection. It obliged local territorial self-government units to define the rules and conditions for placement of street furniture, signboards and other advertisement carriers and fencing. The aim of the discussed local legislation act is, in particular, to define urban space (with zoning) used for the display of advertisements along with the determination of the size, quality standards and type of construction materials from which signboards and other advertising devices may be produced (more: [41]). Act on landscape protection was inserted new type of charges – advertising fee. It is extra payments to right-of-way occupation fee, consist of the constant and variable part. The constant section is a lump sum payment, regardless of a surface of billboard or advertising device. The variable part depends on a surface of billboard or advertising device (more: [28,42]).

3. Results and discussions
We've analysed the direction and level of impact of limiting certain types of outdoor advertising on public space at interwar and present times. Types of advertising have been previously defined and described. An expert approach was used in the impact assessment, while the whole study was based on the Leopold's matrix method, which is widely used in environmental impact assessment. Each score in the matrix is supported by justification. The analysis proves that the overall impact of advertising restrictions in the city had a positive impact on the public space at interwar period and also might have a positive impact on the public space at present time (Table 1).

The incidence and magnitude of the positive impact of restrictions on the public space at interwar time significantly outweigh the negative impact of restrictions. Primarily, the number of advertisements located by roadside was limited because of the high fees for the State Road Fund. There were no illegal advertisements. A small number of advertisements had an impact on road safety, it reduces the level of distraction of vehicle drivers. Advertisements located at city space was very attractive, they reached a wide range of viewers and attracted the attention of space users. However, they introduced vibrant colours to the landscape. Because of the tax and special rules, advertising owners paid attention on the quality of advertisements.
### Table 1. Analysis of the impact of advertising restrictions on public space at interwar and present time

| Type of advertisement | Impact of the limitation | Description | Impact of the limitation | Description |
|-----------------------|--------------------------|-------------|--------------------------|-------------|
| Free-standing advertise-ments | +++                      | reaches a wide range of viewers, introduces vibrant colours to the landscape, attracts the attention of space users, high fees for the State Road Fund (a small number of ads by roadside) | ++                      | reaches a wide range of viewers, high costs caused by exposition space, used mainly by large companies, freestanding, light emitting, introduces vibrant colours to the landscape, distracts drivers, a lot of ads by roadside (many of them are illegal) |
| Advertisements on building façades | ++                      | reaches a wide range of viewers, introduces vibrant colours to the landscape, attracts the attention of space users, disturbs the architecture of buildings | ++                      | reaches a wide range of viewers, high costs caused by exposition space, introduces vibrant colours to the landscape, distracts drivers |
| Large format advertisements | +++                      | reaches a wide range of viewers, introduces vibrant colours to the landscape, attracts the attention of space users, no light emission, covers the wall of a building, disturbs the architecture of buildings and near area | +++                      | reaches a wide range of viewers, high costs caused by exposition space, used mainly by large companies, increases advertising competition, introduces vibrant colours to the landscape, distracts drivers, covers the wall of a building, covers the windows, blocks daylight to the rooms, may perform the functions of orientation in space |
| Signs                  | +                        | indicates the place of business, disturbs the architecture of buildings, may negatively affect the company environment | -                        | indicates the place of business, disturbs the architecture of buildings, may negatively affect the company environment |
| Portable advertisements | +                        | draws attention to pedestrians, may perform the functions of orientation in space, can fit in the city landscape | +                        | an obstacle located on the sidewalk, draws attention to pedestrians, may perform the functions of orientation in space, can fit in the city landscape |

**Legend:**

- Direction of the impact: + positive, - negative
- Level of impact: + weak, ++ medium, +++ strong
At present times, the new local law will might have a positive impact on the public space. The analyses have shown the restrictions with reference to free-standing, large format and advertisements on building façades will have a big, positive impact on public space. Those types of advertisements are the biggest problem in landscape, but they are also the most desirable by advertisers. Because of Act on landscape protection, the number of potential recipients for outdoor advertising may decrease. Large billboards and advertising nets are rented for advertising purposes often by large companies (because of costs). By limiting the number and size of advertisements, smaller businesses might be able to better compete for customer’s attention. This will also reduce the visual pollution and the amount of light in the city. By removing the bright colours in the landscape, the aesthetics of the city will improve. The rules of signs placing may have negative aspect for public space. The signs indicate the place of business, If business owners get big restrictions to mark their branches, they may be unseen at urban space. Inflexible surface frames can make difficulties to match signs to the architecture of buildings.

4. Conclusions
From today's point of view, it is difficult to objectively assess the aesthetics of interwar advertisements - the effect of nostalgia works here. However, advertisers were paid attention to aesthetics of advertisement and the regulatory system was well developed in interwar Poland. Contemporary outdoor advertising regulations in Poland are not effective. The act of landscape protection significantly improves those regulations. One of its main objectives is to control the visual pollution. It is important that advertising fulfils its original informational function. Its’ excess may cause information noise, which affects the urban landscape, and also does not benefit the entrepreneurs. New kind of local law (Rules and conditions for placement of street furniture, signboards and other advertisement carriers and fencing) and new kind of payment (advertisement fee) are similar solution to interwar rules. Municipalities are working on the indicated solutions, resolutions are designed to regulate the amount, size, and diversity of advertising in space, which should improve the landscape and the quality of life in the city. The analysis shows that restriction on advertising had a positive impact on the public space at interwar period and also might have a positive impact on the public space at present time. Reducing the number of large billboards and net advertising will positively affect at the public space aesthetics, also urban life quality and public user’s space perception.

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