

SPECIAL ISSUE

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

Bungoma County Gazette Supplement No. 9 (Bills No. 8)



REPUBLIC OF KENYA

***BUNGOMA COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2014

NAIROBI, 14th November, 2014

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**THE BUNGOMA COUNTY OUTDOOR
ADVERTISING BILL, 2014**

ARRANGEMENT OF CLAUSES

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THE BUNGOMA COUNTY OUTDOOR ADVERTISING BILL, 2014

A Bill for

AN ACT of the Bungoma County Assembly to provide for regulation on permits, fees and fines for advertisements and for related purposes

ENACTED by the Bungoma County Assembly, as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Bungoma County
Outdoor Advertising Act, 2014.

Short title.

2. In this Act, unless the context otherwise requires—

Interpretation.

“advertisement” includes any notice, Billboard, poster,
picture or any other printed or written advertisement
matter;

“advertising device” includes any board, framework,
screen, signboard, flag, banner, or lamp or neon signs or
any other fixture or device used or constructed for the
purpose of advertisement;

“Department” means the Directorate of Urban
Planning and Development;

“Permits” means a permit issued under the provisions
of this Act; and

“Director” means the person for the time being
holding the office of the Director to the Directorate of
Urban Planning And Development and includes his
deputy and any other officer of the Department authorized
by the Director in writing for purpose of this Act.

3. (1) A person may apply for a permit made in
writing to the Director and shall be accompanied by a
plan or sketch showing, to the satisfaction of the
Director, the position of the proposed advertising device or
notice, its dimensions and the method of execution, and
stating the material of which it is to be constructed, its
colour and such other information as the Department may
require.

Application and
revocation of permit.

(2) The Department may refuse a permit in any case
where, in its opinion, the display of an advertisement or the

use of an advertising device would be likely to effect injuries to the amenities of, or to disfigure any neighbouring, or for any other reason it may think proper, or may grant a permit subject to such terms and conditions relating to the construction, nature and erection of advertising device as it deems fit.

4. There shall be paid to the Department in respect of every permit issued under this Act such fees as may be determined by the Department from time to time.

Department fee.

5. (1) A permit issued under this Act shall expire upon lapse of the approved period and shall be removed immediately thereafter.

Expiration of permit.

(2) A person who fails to comply with subsection (1) commits an offence.

6. The Department may at any time by Notice to the holder, cancel a permit for—

Cancellation of permit.

(a) contravention of any of the terms and conditions thereof or any of the provision of this Act; or

(b) where in its opinion the continued discipline of any advertisement or use of any advertising device would be likely to injure the amenities of, or to disfigure, any neighborhood, or for any other reason it may deem fit.

7. (1) A person who is granted a permit under this Act shall on demand at any reasonable time produce such a permit(s) to the Director or to any Police officer.

Production of permit on request.

(2) A person who contravenes or fails to comply with the provisions of this commits an offence.

8. The Director may without notice cause to be removed or put down and disposed of any advertising device erected, fixed, placed, maintained, displayed or used in contravention of this Act.

Removal of advertisement.

9. A person who is guilty of an offence under the provisions of this Act where no penalty has been specified shall be liable upon on conviction —

General penalty.

(a) in the case of a first offence, to a fine not exceeding one million shillings or to an imprisonment term not exceeding six months, or to both; or

- (b) in the case of a second or subsequent conviction, to a fine not exceeding twenty million shillings, or to imprisonment for a term not exceeding twenty years, or to both.

10. A person who, in any street or public place, erects, fixes, places, maintains, displays or uses or permits to be erected, fixed, placed, maintained, displayed or used, any advertising device without first obtaining a permit, or otherwise than in accordance with the terms and conditions of such a permit commits an offence and shall be guilty upon conviction to a fine not exceeding twenty million shillings or to an imprisonment term not exceeding ten years.

Offences.

11. This Act shall not apply to—

Limitation of this Act.

- (a) public notices exhibited at places of public worship or hospitals;
- (b) advertisements within the windows of premises indicating the name and business of the person occupying such premises;
- (c) name boards of reasonable dimensions relating to private residential premises; or
- (d) advertisements in or on motor vehicles.

MEMORANDUM OF OBJECTS AND REASONS

This Bill provides for a legislative framework for outdoor advertising in Nairobi County.

The Bill provides for the following provisions; short title, interpretation, offences, application and revocation of Permit, department fee, expiration of Permit, cancellation of Permit, producing of permit on request, removal of advertisement, limitation of this Act and general penalty.

Dated the 10th November, 2014.

FREDRICK WANYONYI,
Member of County Assembly, Bungoma County.

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