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SPECIAL ISSUE

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REPUBLIC OF KENYA

**TAITA –TAVETA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

NAIROBI, 29th November, 2014

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Taita–Taveta County Outdoor Advertising Bill, 2014

**THE TAITA –TAVETA COUNTY OUTDOOR ADVERTISING
BILL, 2014**

A Bill for

AN ACT of the Taita –Taveta City County Assembly to provide for the regulation of outdoor advertising and for connected purposes

ENACTED by the Taita –Taveta City County Assembly, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Taita –Taveta 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

“county executive committee member” means the county executive committee member for the time being responsible for matters relating to urban planning and development;

“Department” means the Taita –Taveta City County department for the time being responsible for matters relating to urban planning and development; and

“Director” means the person for the time being holding the office of the Director of the Department, and includes his or her deputy and such other officer of the Department authorized by the Director in writing for purpose of this Act.

3. This Act shall not apply to—

Limitation in application.

- (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.

PART II—OUTDOOR ADVERTISING

4. (1) A person shall not display any advertisement unless the person holds a permit issued under this Act.

Permit to display advertisement.

(2) An application for a permit shall be made to the Director in writing, and shall be accompanied by—

- (a) a plan or sketch showing the position of the proposed advertising device or notice;
- (b) the dimensions of the proposed advertising device or notice, and the method of execution;
- (c) the material of which the proposed advertising device or notice is to be constructed and its colour; and
- (d) such other information as may be prescribed.

(3) A permit may be granted subject to such terms and conditions relating to the construction, nature and erection of advertising device as may be necessary.

(4) A permit shall not be issued in any case where the display of an advertisement or the use of an advertising device is likely to effect injuries to the amenities of, or to disfigure any neighbourhood, or for such other reason as may be prescribed.

5. There shall be paid in respect of every permit issued under this Act such fees as may be prescribed.

Permit fees.

6. A permit issued under this Act shall be valid for one year from the date of issue. Duration of permit.

7. A permit may be cancelled where— Cancellation of permit.

(a) there is contravention of any of the terms and conditions of the permit, or of any of the provisions of this Act; or

(b) the continued display of any advertisement or use of any advertising device is likely to injure the amenities of, or to disfigure, any neighbourhood.

8. (1) A person who is granted a permit under this Act shall, upon being so required at any reasonable time, produce the permit to the Director or to any police officer. Production of permit on request.

(2) A person who fails to produce a permit contrary to subsection (1) commits an offence

9. 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.

PART III—MISCELLANEOUS

10. A person who, in any street or public place— Offences.

(a) 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;

(b) without a permit, draws, wheels or drives any vehicles or carries any board or placard used solely or chiefly for the purpose of exhibiting advertisements;

- (c) without a permit for the purpose of outdoor advertising, distributes any hand bill or other paper,

Commits an offence and shall be liable upon conviction to a fine not exceeding two million shillings or to imprisonment

11. A person who is convicted of an offence under this Act where no penalty has been specified shall be liable—

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.

12. (1) The county executive committee member may make regulations generally for the better carrying into effect the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the regulations made under this Act may prescribe for—

- (a) prohibiting or controlling the display of advertisements and advertising devices in or in view of any street or other public place or in such places or in such manner or by such means as would, in the opinion of the department, be likely to affect injuriously the amenities of or to disfigure any neighbourhood; and

- (b) regulating the use and passage of advertising vans, sandwich boards, lanterns, flags, screens or other moveable advertising devices;
- (c) regulating the distribution of handbills in or along any street or other public places;
- (d) controlling street decorations, and prohibiting or controlling the erection and removal of temporary platforms, seats and other structures for the use of the public at any meeting or entertainment or for the accommodation of spectators at any procession;
- (e) regulating the size of the billboards and the number that may be erected on a road reserve;
- (f) the procedure and manner of issuing a permit for outdoor advertising and application for such a permit.; and
- (g) such fees and expenses as may be payable for any permit or other authorization relating to outdoor advertising to be issued under the Act.

MEMORANDUM OF OBJECTS AND REASONS

The objective of this Bill is to provide a legal framework for the regulation of outdoor advertising in the Taita –Taveta City County.

The Bill prohibits any form of advertising, save for specified instances, unless a person holds a permit for that purpose. It stipulates the procedure for applying for a permit and the requirements to be satisfied. It similarly stipulates circumstances under which a permit may be cancelled and when it needs to be produced upon request being made to do so.

It sets out acts or conduct which constitutes offences under the Bill and confers the county executive committee member with the power to make regulations for the better carrying into effect the provisions of the Bill once enacted into law.

The enactment of this Bill shall not occasion additional expenditure of public funds as its implementation will be undertaken by the already existing structures in the Taita –Taveta city county government.

Dated 29th November, 2014

Hon. RAYMOND MWANGULA
Member of the County Assembly

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