Bill for Introduction into the Nakuru County Assembly —

Nakuru County Outdoor Advertisement Bill, 2014 .......................... 1
THE NAKURU COUNTY OUTDOOR ADVERTISING BILL, 2014
ARRANGEMENT OF CLAUSES

Clauses
1—Short title
2—Interpretation
3—Offences
4—Application and Revocation of Permit
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6—Expiration of Permit
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THE NAKURU COUNTY OUTDOORS
ADVERTISING BILL, 2014

A Bill for

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

ENACTED by the Nakuru County as follows—

1. This Act may be cited as Nakuru County Outdoor
Advertisement Act, 2014.

2. In this Act unless the context otherwise requires—

"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. 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.

4. (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 propose 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.

(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.

5. 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.

6. (1) A permit issued under these By-laws shall expire upon lapse request period and shall be removed immediately thereafter.

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

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

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

(b) where 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 deems fit.

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

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

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

10. This Act shall not apply to—
   
   (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.

11. 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

   (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.
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 15th April 2014

HON. MICHAEL WANGOMBE NGESHU,
Nakuru County Executive Committee Member in charge of trade.