

**SPECIAL ISSUE**

*Nakuru County Gazette Supplement No. 20 (Acts No. 8)*



REPUBLIC OF KENYA

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**NAKURU COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2017**

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**NAIROBI, 23rd May, 2016**

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**THE NAKURU COUNTY OUTDOOR ADVERTISING ACT, 2016**

**No. 8 of 2016**

*Date of Assent: 16th May, 2016*

*Date of Commencement: 6th June, 2017*

**ARRANGEMENT OF SECTIONS**

*Section*

- 1—Short title.
- 2—Interpretation.
- 3—Offences.
- 4—Application and Revocation of Permit.
- 5—Department Fee.
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**THE NAKURU COUNTY OUTDOOR  
ADVERTISING ACT, 2016**

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

**ENACTED** by the County Assembly of Nakuru as follows—

**1.** This Act may be cited as the Nakuru County Outdoor Advertisement Act, 2016. Short title

**2.** In this Act unless the context otherwise requires— Interpretation

“advertisement” means any word, letter, devise, model, sign, placard, board, notice or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of the advertisement of the proprietary articles and without prejudice to the foregoing includes any hoarding or similar structure used or adopted for use for the display of advertisement, and references to the display of advertisements shall be construed accordingly: provided that any advertisement displayed inside a building shall not be included;

“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;

“authorized officer” includes—

- (a) the holder of the office of county chief officer in a county department; or
- (b) in case of a department that is not assigned or under direct administration of a county chief officer, the head of that department; and
- (c) any other public officer appointed by the County Public Service Board to be an authorized officer with respect to a specified public body including a city or urban area”;

“County Chief Officer” means a county chief officer appointed under section 45 of the County Government Act;

“Department” means department of Physical Planning and Development;

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

“Director” director means the person for the time being holding the office of the Director to the Directorate of Physical Planning and Development and includes his deputy and any other officer of the department authorized by the county chief officer in writing for the purpose of this Act.

3. (1) A person shall apply for a permit made in writing to the directorate and shall be accompanied by a plan or sketch showing, to the satisfaction of the Directorate, 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) Notwithstanding the provisions of 3(1), 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 County Revenue Fund in respect of every permit issued under this Act such fees as may be determined by the department from time to time.

Advertisement fee.

5. (1) A permit issued under this Act shall expire upon lapse request period and shall be removed forthwith.

Expiration of permit.

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

(3) 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.

6. (1) The director may at any time by notice in writing 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 display of any advertisement or use of any advertising device would be likely to injure the amenities of, or to disfigure, any neighbourhood, or for any other reason it may deem fit;
- (c) before cancellation of a permit, the holder shall be given one week notice to rectify the advertisement contemplated in clause 7(b).

7. (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 other person whom any written law vests functions of the maintenance of law and order.

Production of permit on request

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

8. Section 7(1) shall not apply to—

Removal of advertisement

- (a) public notices exhibited at places of public worship or hospitals;
- (b) advertisements within the windows and doors of premises indicating the name and business of the person occupying such premises;
- (c) displays by owners of buildings, shops or offices showing the name and occupation of the occupiers which displays should contain letters not exceeding 0.3 m (12 inches) in depth and not more than 6 words in cases of shops and in the case of an office, a notice board displayed at the ground floor entrance not exceeding 0.3 sq. m. (3 sq. ft.) total for all occupiers; and
- (d) any advertisement displayed within a building or on land or building not visible from a street.

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 conviction—

Exemptions of this Act.

- (a) in the case of a first offence, to a fine not exceeding one hundred thousand 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 one hundred thousand shillings, or to imprisonment for a term not exceeding two 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 five hundred thousand shillings or to an imprisonment term not exceeding one year, or both.

General penalty.