

GOVERNMENT NOTICE No. 90 published on 9/3/2018

THE URBAN PLANNING ACT
(ACT NO. 8 OF 2007)

—————
REGULATIONS

—————
(Made under section 77(1)(r))

—————
THE URBAN PLANNING (URBAN FARMING) REGULATIONS, 2018

—————
ARRANGEMENT OF REGULATIONS

1. Citation and Application
2. Interpretation
3. Obligation of the planning authority
4. Restrictions on Urban Farming
5. Contravention of these Regulations
6. Revocation

—————
SCHEDULES

THE URBAN PLANNING ACT
(CAP. 355)

REGULATIONS

(Made under section 77(1)(r))

THE URBAN PLANNING (URBAN FARMING) REGULATIONS, 2018

Citation and application	<p>1.-(1) These Regulations may be cited as the Urban Planning (Urban Farming) Regulations, 2018.</p> <p>(2) These Regulations shall apply to urban farming activities in a planning area declared by the Minister under section 8 of the Act.</p>
Interpretation Cap.355	<p>2. In these Regulations, unless the context otherwise requires:-</p> <p>“Act” means the Urban Planning Act;</p> <p>“livestock” means domestic animals, namely cattle, camel, donkey, rabbit, sheep, goats, pigs or horses raised for home use or for profit especially on a farm;</p> <p>“pet” means an animal that is kept in the home for companion or guard or guide purposes and not for its meat or any other product that it may produce;</p> <p>“planning authority” has the meaning ascribed to it under section 7 of the Act;</p> <p>“poultry” means domesticated fowls such as chickens, turkeys, ducks, guinea fowl, pheasant, ostriches, pigeons or geese kept primarily for meat and eggs;;</p> <p>“urban farmer” means any person who practices farming within continuous or outside continuous built-up urban areas</p> <p>“continuous built-up area” means the land within the peri-urban or urban fringe areas;</p> <p>"urban farming" means the carrying out of plant and animal husbandry activities in urban area. , as provided in First Schedule , However Planning Authorities in consultation with the Director may deliberately allow or establish agro-forestry plantation(s) within any zone in urban areas.</p>

Obligation of the planning authority

3. Every planning authority may-
- (a) receive, consider, grant or refuse application for urban farming permits;
 - (b) support the setting up of urban farmer markets;
 - (c) assist urban farmers in acquiring land, seed, fertilisers, chemicals, extension services and other agricultural inputs;
 - (d) promote the participation of urban farmers and urban agro-based industries at international and national agricultural or industrial exhibitions including but not limited to Nanenane Day;
 - (e) provide water for urban agricultural purposes when water is available and Authority has the means to do so; including water for irrigation, watering of animals and processing of urban agricultural produce.

Restrictions on urban farming

4.-(1) From the date of coming into effect of these regulations, no farming activity shall be allowed in areas other than those zoned for urban farming and upon grant of urban farming permit in accordance with the Forms prescribed in Second Schedule to be obtained from the Authority.

Cap. 191

(2) In practising urban farming, urban farmers shall adhere to the provisions of the Environmental Management Act, and regulations made there-under and shall ensure that their activities or produce do not:-

- (a) pose a health hazard;
- (b) cause environmental harm, pollution or environmental dégradation;
- (c) create nuisance within the urban area.

(3) No person shall operate urban farming involving the use of pesticides along river banks, and all related hazardous lands (swampy areas, water sources or steep slopes) within the zone of thirty (60) metres from each side of the river bank and not less than fifteen (15) meters in streams.

(4) No person shall, except where that person practises zero grazing, graze animals in an urban entity.

(5) No person shall be allowed to practise urban farming activities within built up areas which are not zoned for urban farming purposes.

(6) Any person who keeps livestock within an urban area shall take measures to ensure that:-

- (a) the keeping and grazing of livestock shall not cause damage to natural grass and vegetative cover to the extent of preventing such grass or vegetative cover from regenerating;
- (b) keeping and grazing of livestock shall not cause damage to the natural soil and vegetative cover to the extent of causing soil erosion;
- (c) any livestock that is kept on any piece of land does not exceed the carrying capacity of that piece of land;
- (d) disposal of animal waste shall not cause environmental pollution.

(7) Any person who is engaged in cultivation of crops within an urban area shall take measures to ensure that:

- (a) such cultivation of crops does not cause environmental degradation;
- (b) the use of chemicals and fertilisers does not cause pollution of ground water sources or surface water sources including dams, rivers, wells, aquifers or any other water source or damage to soils, grass, trees, plants or any other vegetative cover; and
- (c) such cultivation affects ecologically sensitive areas including the banks of any naturally defined stream or river, wetland, aquifer or any natural watercourse.

Contravention
of these
Regulations

5. Any person who contravenes any provision of these regulations commits an offence and shall on conviction be liable to a fine not exceeding three hundred thousand shillings (300,000/-) which may be recovered through the Court on *inter parties* application by the planning authority.

Revocation
G. N. No. 215
of 2001

6. The Town and Country Planning (Urban Farming) Regulations of 2001 are hereby revoked.

EXPLANATORY NOTE

- Horticulture: Garden cultivation.
- Viticulture: Grape growing.
- Floriculture: Cultivation of flowers.

Urban Planning (Urban Farming)

GN. No. 90 (contd...)

Stirpiculture:	Breeding or special stocks or strains.
Arboriculture:	Cultivation of trees and shrubs.
Silviculture:	Tree growing.
Apiculture:	Bee-keeping.
Sericulture:	Silk-worm breeding.
Menagerie:	Collection of wild animals in captivity for display.
Vivarium:	Artificially created place for keeping animals in nearly their natural state.
Terrarium:	Vivarium for terrestrial animals.
Aviculture:	Bird rearing/keeping.
Aviary:	Large cage or building for keeping birds.
Agriculture:	Cultivation of crops or rearing of animals.
Aquaculture:	Cultivation of crops or rearing of animals in water.
Aquarium:	Artificial pond or tank, usually transparent for keeping live animals or plants.
Pisciculture:	Artificial rearing of fish.
Serpentaria:	Snake farms.

FIRST SCHEDULE

(Made under regulation 2)

The purpose of urban farming:

Farming shall be permissible in urban areas for the purposes of providing household food security, alleviating poverty, creating employment, establishing and sustaining agricultural businesses within urban areas for urban greening and beautification, for wastewater recycling or for any other purpose that is not inconsistent with the provisions of these regulations.

Urban Farming Includes:

- (a) cultivation of crops including horticulture, viticulture, floriculture, plant stirpiculture including medicinal and cosmetic herbs;
- (b) rearing of animals including cattle, goats, sheep, pigs, poultry, rabbits, pets, horses and animal stirpiculture;
- (c) forestry including arboriculture, silviculture, apiculture and sericulture;
- (d) (wildlife keeping including zoos, zoological gardens, menageries, vivaria, terraria, aviculture and aviaries;
- (e) aquaculture including pisciculture, fishponds and aquaria;
- (f) serpentaria including snake parks and crocodile farms;
- (g) farm homesteads: the carrying out of any activities in (i) to (v) in association with residential accommodation.

Urban Planning (Urban Farming)

GN. No. 90 (contd...)

SECOND SCHEDULE

(Made under regulation 4)

FORM 1

THE URBAN PLANNING AND RURAL PLANNING (URBAN FARMING) REGULATIONS 2018
APPLICATION FOR URBAN FARMING PERMIT

- (a) name of applicant:.....
- (b) address of applicant:
- (c) telephone no:..... fax no. (if any)
- postal code.....
- (d) land for which permit is sought:.....
- (e) date, time and duration of urban farming activities:
- (f) description of urban farming activities:
- (g) approximate land area proposed to be used:
- (h) my interest in the land is
- (i) i enclose two copies of plans illustrating the proposal
- (j) measures proposed to ensure that no damage will be caused to the amenities, trees and the environment generally.

Date:

Signature of Applicant:.....

cc. Ward Executive Officer
cc. Mtaa Executive Officer

Urban Planning (Urban Farming)

GN. No. 90 (contd...)

FORM 2

THE URBAN PLANNING (URBAN FARMING) REGULATIONS 2018
NOTICE OF GRANT OF URBAN FARMING PERMIT

Date:

TO:

Name:.....

Address:

Dear

NOTICE is hereby given that your application (.....) received on..... was considered by thePlanning Authority on And an urban farming permit was granted subject to the following conditions.....

Yours sincerely, Authorized Town Planner

Name.....Signature.....

Mobile Phone.....Postal Code.....

Date.....

*cc. Ward Executive Officer,
cc.Mtaa Executive Officer.*

Urban Planning (Urban Farming)

GN. No. 90 (contd...)

FORM 3

THE URBAN PLANNING (URBAN FARMING) REGULATIONS 2018
NOTICE OF REFUSAL OF URBAN FRMING PERMIT

Date:

TO:

Name:.....

Address:

Dear

NOTICE is hereby given that your application (.....) received on..... was considered by thePlanning Authority on And urban farming permit was refused due to the following grounds.....

.....

.....

Yours sincerely Authorized Town Planner

Name.....Signature.....Mobile

Phone.....Postal Code.....

Date.....

cc. *Ward Executive Officer,*
cc. *Mtaa Executive Officer.*

Dodoma,
14th February, 2018

WILLIAM V. LUKUVI,
*Minister for Land, Housing and
Human Settlement Development*