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THE URBAN PLANNING ACT
(CAP. 355)

REGULATION

(Made Under Section 77 (1) (l))

URBAN PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS, 2018

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THE URBAN PLANNING ACT
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REGULATIONS

(Made Under Section 77 (1)(l))

URBAN PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS, 2018

PART I
PRELIMINARY

Citation	1. These Regulations may be cited as the Urban Planning (Control of Advertisements) Regulations, 2018.
Application	2. These Regulations are made to ensure that advertisements and associated structures are - (a) constructed and maintained to essential standards of public safety; and (b) complement or, at least, do not unreasonably detract from, desirable characteristics of the natural and built environment in which the advertisements are displayed.
Interpretation	3. In these Regulations unless the context otherwise requires:-
Cap. 355	“Act” means the Urban Planning Act; “Advertisement” means any word, letter, device, model, sign, placard, board, notice or representation whether illuminated or not, in the nature and employed wholly or in part for the purpose of the advertisement of proprietary article and without prejudice to the foregoing includes any hoarding or similar structure used or adapted for use for the display of advertisement, and references to the display of advertisements shall be construed accordingly: Provided that the following matters shall not be taken to mean advertisement- (a) anything employed wholly as a memorial; (b) a placard or other object borne by an individual or an animal; and

- (c) any advertisement displayed inside a building.
- “advertisement permit” means a permit issued under the provisions of these Regulations;
- “advertiser”, in relation to an advertisement, means:-
- (a) the owner of the site on which the advertisement is displayed;
 - (b) the occupier of the site, if different; and
 - (c) any other person who undertakes or maintains the display of the advertisement;
- and any reference in these Regulations to the person displaying an advertisement shall be construed as a reference to the advertiser;
- “illuminated advertisement” means any advertisement which is designed or adapted to be illuminated by artificial lighting directly or by reflection and which is so illuminated for purposes of the advertisement (whether continuously or from time to time);
- “Minister” means minister responsible for land use planning;
- “Planning authority” means planning authority referred to in section 7 of the Act.
- “site” means any land or building, other than an advertisement, on which an advertisement is displayed;
- “standard conditions” means the conditions specified in the Second Schedule;

PART II DISPLAY OF ADVERTISEMENTS

Requirement of
Permit for the
display of
Advertisements

4. A person shall not place or post or cause to be placed or posted any bill, sign, notice or advertisement in or in view of any street or thoroughfare or upon any bridge, tree, fence, pole, post or other structure or erection situated on any street, without an advertisement permit of the planning authority upon the terms and conditions attached to such permission.

(2) No person shall erect, fix, place or use, or permit to be used, any building, hoarding, framework, structure, or device for the purpose wholly or in part of advertisement, without first obtaining an advertisement permit of the planning authority, upon such conditions as the planning authority may prescribe.

Application for
permit

5.-(1) Any person who wants to erect, construct or display an advertisement shall make a written application in triplicate in a prescribed form (Form 1) to the planning authority.

(2) The applicant shall give sufficient details regarding the advertisement so as to enable the planning authority to give a fair decision.

(3) No application shall be processed unless a fee T.Shs. 30,000, prescribed by the relevant Planning Authority, has been paid by the applicant and all other conditions have been complied with.

Power to deal
with applications
for
Advertisement
Permit

6.-(1) The planning authority shall grant or refuse to grant an application within thirty days after receiving the application.

(2) The planning authority shall grant the application subject to such conditions as are necessary to keep an orderly environment in urban areas.

(3) Every grant of advertisement permit under this regulation shall be for a period fixed by the planning authority, and in any case not longer than five years.

(4) Decisions made as per sub regulation (1) shall be in prescribed forms.

(5) The decision by the Planning Authority under this regulation shall be guided by the following considerations:-

- (a) location, size and colour of the billboards;
- (b) traffic and pedestrian safety;
- (c) religious, cultural and moral character of the advertisement;
- (d) scenic beauty;
- (e) the preservation of the natural environment;
- (f) the preservation of natural monuments and archaeological sites;
- (g) general amenity; and
- (h) any other factor that the planning authority may consider necessary.

(6) Whenever the planning authority refuses to grant an application under this regulation it shall expressly state the reasons thereof, and base its refusal or rejection on sub regulation 5 above, and the Second Schedule to these regulations.

Application for
renewal of
advertisement
Permit

7.-(1) Within two months prior to the expiration of the permit, application may be made in a prescribed form for renewal thereof.

(2) Applications for renewal shall be subject to the same conditions as applications for permit

Standard
conditions of
display and
removal of
advertisements

8. Without prejudice to the foregoing provisions, the planning authority may grant an express advertisement permit whose display or removal shall be subject to the standard conditions as set out in the Second Schedule.

Advertisements
which may be
displayed without
permit

9. Subject to the provisions of these Regulations advertisements of the classes specified in the Third Schedule may be displayed without advertisement permit of the planning authority.

(2) The display of advertisements of the descriptions provided in the Third Schedule shall be subject to the following conditions.

(3) No such advertisements, other than an advertisement of Class I, shall contain letters, figures, symbols, emblems or devices of a height exceeding thirty centimetres.

(4) No such advertisement, other than an advertisement of Class I or Class V, shall be displayed so that the highest part of the advertisement is above one hundred and fifty centimetres from ground level.

(5) No such advertisement shall be illuminated except as follows.

(6) Advertisements of Class I, illuminated in a manner reasonably required to achieve the purpose of the advertisement.

(7) Advertisements of Class II or Class IV for the purpose of indicating that medical or similar services or supplies are available at the premises on which they are displayed, and illuminated in a manner reasonably required for that purpose.

(8) Save as mentioned below, no advertisement of Class III relating to a sale or other matter which is due to start or take

place on a specified date shall be displayed earlier than twenty-eight days before that date, and every advertisement of that Class shall be removed within fourteen days after the conclusion of the event or other matter to which it relates; but an advertisement of Class III relating to the carrying out on land of building or similar works may be displayed only while such works are in progress.

(9) In this Regulation:-

“business premises” means, save as mentioned below, any building normally used for the carrying on of any professional, commercial or industrial undertaking, or any building (other than an institution in respect of which advertisements of Class II(c) may be displayed) normally used for the provision therein of services to members of the public or of any association, and includes public restaurants, licensed premises and places of public entertainment, but in the case of any building used principally for residential purposes includes only that part of the building normally used as business premises;

“ground level” means, in relation to the display of advertisements on any building, the ground floor of that building;

“recreational” in relation to an institution shall not apply to an institution on the carrying on of sports, games of physical training primarily as a commercial undertaking.

PART III ENFORCEMENT

Contravention of
these regulations

10. Any person who contravenes any provision of these Regulations shall be:-

- (a) required to remove the advertisement at his own expenses; and
- (b) liable to a penalty not exceeding three hundred thousand shillings (300,000/-) recoverable through the court on *inter parties* application by the planning authority. Extra charge of 10,000 per day should be charged for not removing the advertisement after the order to remove.

Removal of
Advertisements

11.-(1) Subject to regulation 10, it shall be lawful for the planning authority, after issuing a twenty-four-hour notice, to remove or pull down any advertisement displayed in contravention of these Regulations at the defaulter's cost, and to enter upon any land or premises for that purpose.

(2) The cost incurred pursuant to sub-regulation (1) shall be recoverable in the Court on *inter parties* application by the planning authority. If defaulter will fail to comply shall be liable to a penalty not exceeding 300,000/= or imprisonment of not more than 1 year.

PART IV MISCELLANEOUS

Register of
applications

12.-(1) Every planning authority shall keep a register containing particulars of:-

- (a) any application made to the authority for express permit for the display of an advertisement, including the name and address of the applicant, the date of the application and the type of advertisement concerned;
- (b) any direction given under these Regulations relating to the application;
- (c) the date and effect of any decision of the planning authority on the application;
- (d) the date and effect of any decision of the Court on an appeal.

(2) The register shall include an index to enable a person to trace any entry in the register.

(3) Subject to paragraph (4), the register shall be kept at the principal office of the planning authority.

(4) Any part of the register which relates to land within a particular part of the area of the planning authority may be kept at a place within or convenient to that part of the planning authority's area.

(5) Every entry in the register consisting of particulars of an application shall be made within 14 days of the receipt of the application.

(6) The register shall be open to the public for inspection during office hours for a fee prescribed by the planning authority or the Minister.

Appeals

13. Any applicant for the grant of an advertisement permit, under these Regulations, who is aggrieved by the decision of the planning authority in respect thereto, may within thirty days of being notified of that decision lodge an appeal to the Court which, after taking into consideration any written or oral submissions of the parties, shall determine the matter.

Transitional provisions

14.-(1) Subject to sub-regulation (2), the display of existing advertisements or the use of existing sites shall continue until the expiration of the period for which permission to display the advertisements or to use the sites was granted, unless removal or discontinuance is required under any provision of the Act or of these Regulations.

(2) Any existing advertisement being displayed or any existing site being used on the date of coming into force of these Regulations shall be exempted from the provisions of these Regulations for a period of one year there from.

Operation of these Regulations

15. These Regulations are in addition to, and do not derogate from other laws about the control of advertising.

FIRST SCHEDULE

FORMS

(Made under regulation 5)

FORM 1

[] Application for Permission to Display Advertisements

[] Application for Renewal to Display Advertisement

To: THE PLANNING AUTHORITY (Name of Planning Authority)

I/We hereby apply for permission to display the advertisements described in this application.

Name :
(State whether Individual/organization)

Physical Address of Applicant
(block letters)

Postal AddressPostal Code.....

Telephone No. Cell phone No.....E-mail.....

If submitted by agent on behalf of the applicant:

Name of agent.....

Physical Address of Agent.....

Postal AddressPostal Code.....

Telephone No. Cell phone No.....E-mail.....

Locality in which advertisement is intended to be displayed.....

Plot No. Block No. Road/Street.....location

Description of advertisement.....

Dimensions of advertisement.....

SKETCH OF PROPOSED LOCATION OF ADVERTISEMENT

Signature of Applicant/Agent

Date

cc. Ward Executive Officer

cc. Mtaa Executive Officer

FORM 2

NOTICE OF PERMISSION / RENEWAL TO DISPLAY ADVERTISEMENT

Application No.

NAME OF THE PLANNING AUTHORITY:.....

☐ Notice of Permission to Display Advertisement

☐ Notice of Renewal to Display Advertisement

TO:

Permission is hereby granted to you to display for a period of from
..... the advertisement described in your application dated
..... and shown on the sketch submitted therewith.

Such display is subject to the conditions set out hereunder.

CONDITIONS

At the expiration of the period of display you shall be required to discontinue and remove the said advertisement.

In addition to the conditions set out above you are required to observe the standard conditions of display and removal.

STANDARD CONDITIONS

Regard shall at all times be had to the interests of public safety, that is to say to the safety of persons who may use any road, railway, waterway (including any coastal waters) dock, harbour or airfield affected or likely to be affected by any display of advertisements and in particular consideration shall be given whether any such display is likely to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or navigational aid.

Removal shall be effected in a manner satisfactory to the Planning Authority (Name).

Name:Signature.....

Designation:Mobile.....E-mail.....

Date

cc. Ward Executive Officer

cc.Mtaa Executive Officer

FORM 3

NOTICE OF REFUSAL OF PERMISSION TO DISPLAY ADVERTISEMENT

Application No.

NAME OF THE PLANNING AUTHORITY:.....

TO:

You are hereby refused permission to display the advertisement set out in your application datedand shown on the sketch submitted therewith for the reasons given below -

.....
.....
.....

Name:Signature.....

Designation:Mobile.....E-mail.....

Date

cc. Ward Executive Officer

cc. Mtaa Executive Officer

SECOND SCHEDULE

STANDARD CONDITIONS

(Made under regulation 5 and 8)

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any track sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. No permit shall be granted by the planning authority to any person or institution or agency to erect an advertisement on roadsides, round-about, road junctions which is likely to block traffic visibility or obscuring visibility to motorists and pedestrians or distract road users, and may cause unnecessary accident if so erected.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

THIRD SCHEDULE

(Made under regulation 9(2))

CLASSES OF ADVERTISEMENTS FOR WHICH ADVERTISEMENT PERMIT IS NOT REQUIRED

CLASS I

FUNCTIONAL ADVERTISEMENTS OF LOCAL/PLANNING AUTHORITIES, STATUTORY UNDERTAKERS AND PUBLIC TRANSPORT UNDERTAKERS

Advertisements displayed wholly for the purposes of announcement or direction in relation to any of the functions of a local/planning authority or to the operation of a statutory undertaking or of a public transport undertaking engaging in the carriage of passengers in a manner similar to that of a statutory transport undertaking; being advertisements which are reasonably required to be displayed in the manner in which they are displayed in order to secure the safe or efficient performance of those functions, or operation of that undertaking, and which cannot be displayed as such, or in such a manner, under the provisions of this regulation relating to advertisements of any other of the specified classes.

CLASS II

MISCELLANEOUS ADVERTISEMENTS RELATING TO PREMISES ON WHICH THEY ARE DISPLAYED

1. Advertisements for the purpose of identification, direction or warning with respect to the land or buildings on which they are displayed, and not exceeding 30 x 60 centimetres in area in the case of any such advertisement.
2. Advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed, limited to one advertisement, not exceeding 30 x 60 centimetres in area, in respect of each such person, partnership or company, or, in the case of premises with entrances on different road frontages, one such advertisement at each of two such entrances.
3. Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, or to any hotel, inn or public house, club, boarding house or hostel situate on the land on which any such advertisement is displayed: limited to one advertisement, not exceeding 60 x 90 centimetres in area, in respect of each such premises or, in the case of premises with entrances on different road frontages, two such advertisements displayed on different road frontages, of the premises.

CLASS III

CERTAIN ADVERTISEMENTS OF A TEMPORARY NATURE

1. Advertisements relating to the sale or letting of the land on which they are displayed; limited, in respect of each such sale or letting, to one advertisement consisting of a board (whether or not attached to a building) not exceeding 60 x 90 centimetres in area, or of two conjoined boards, together not exceeding 90 x 120 centimetres in area; no such advertisement, when displayed on a building, to project further than one meter from the face of the building.
2. Advertisements announcing a sale of goods or livestock, and displayed on the land where the goods or livestock are situated or where the sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding the sales; limited to one advertisement not exceeding 90 x 120 centimetres in area at each place where the advertisements may be displayed.
3. Advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such work; limited to one advertisement not exceeding 60 x 90 centimetres in area on each road frontage of the premises in respect of each contractor or sub-contractor, or firm of contractors or subcontractors, carrying out the work.
4. Advertisements announcing any local event of a religious, educational, cultural, political, social or recreational character and advertisements relating to any temporary matter in connection with an event or local activity of such a character, not in either case being an event or local activity promoted or carried on for commercial purposes limited to a display of advertisements occupying an area not exceeding a total of 90 x 120 centimetres on any premises.
5. Advertisements relating to any demonstration of agricultural methods or processes on the land on which they are displayed; limited, in respect of each such demonstration to a display of advertisements occupying an area not exceeding a total of 90 x 120 centimetres, no one of which exceeds 30 x 60 centimetres in area, the maximum period of display for any such advertisement to be two years.

CLASS IV

ADVERTISEMENTS ON BUSINESS PREMISES

Advertisements displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, the goods sold or services provided, and the name and qualifications of the person carrying on such business or activity or supplying such goods or services, on those premises. However, the space which may be occupied by such advertisements on any external face of a building shall not exceed one-twelfth of the overall area of that face up to a height of four meters from ground level; and the area occupied by any such advertisement, however affixed to a building shall be computed as if the said advertisement as a whole were displayed flat against the face of the building.

*CLASS V
FLAG ADVERTISEMENTS*

Any advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a building or within the cartilage of a building and which bears no inscription or emblem other than the name or device of a person or persons occupying the building.

Dodoma,
14th February, 2018

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