



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY –SECOND SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
WEDNESDAY 25TH OCTOBER, 2023 AT 9:30 A.M
ORDER OF BUSINESS

PRAYERS

1. Administration of oath
2. Communication from the chair
3. Messages
4. Petitions
5. Papers (*As listed in the Appendix*)
6. Notices of Motion (*As listed in the Appendix*)
7. Questions and Statements
8. **MOTION- REPORT BY THE SECTORAL COMMITTEE TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES ON THE STATUS OF GARBAGE COLLECTION AND MANAGEMENT IN THE COUNTY**

(Chairperson, Sectoral Committee on Tourism, Environment, Water and Natural Resources)

THAT, this House adopts the Report by the Sectoral Committee on Tourism, Environment, Water and Natural Resources on the Status of Garbage Collection and Management in the County, *laid on the Table of the House on 20th September 2023*.

9. **BILL- THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATIONS BILL, 2023**

A Bill for an Act of the County Assembly of Bungoma to provide for the regulation of outdoor advertisement and signage within Bungoma County and for connected purposes

(Chairperson, Sectoral Committee on Lands, Urban, Physical Planning and Housing)

(Second Reading)

10. **COMMITTEE OF THE WHOLE HOUSE ON THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2023**

(Chairperson, Committee of the Whole House)

APPENDIX

ORDER NO 5 - PAPERS

- I. Report by the Sectoral Committee on Gender, Culture and Social Welfare on the assessment of application of laws guiding the implementation of programmes by the Department of Gender and Culture.

(Chairperson, Sectoral Committee on Gender, Culture and Social Welfare)

- II. Report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the status and impact of dams, irrigation schemes and water pans in the County.

(Chairperson Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development)

ORDER NO 6- NOTICES OF MOTION

- I. **THAT**, this House adopts the Report by the Sectoral Committee on Gender, Culture and Social Welfare on the assessment of application of laws guiding the implementation of programmes by the Department of Gender and Culture.

(Chairperson, Sectoral Committee on Gender, Culture and Social Welfare)

- II. **THAT**, this House adopts the Report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the status and impact of dams, irrigation schemes and water pans in the County.

(Chairperson Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development)

THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2023

Notice is given that the Chairperson, Sectoral Committee on Lands, Urban, Physical Planning and Housing intends to move the following amendments to the Bungoma County Outdoor Advertising and Signage Control and Regulation Bill, 2023 at the Committee Stage

CLAUSES

CLAUSE 4

THAT, Clause 4(i) of the Bill be amended by deleting letter “b” immediately after the word “visual”

So as to read;

“(i) ensure protection of the environment from potential adverse impact from visual lights.”

CLAUSE 9

THAT, Clause 9(2) be amended by deleting the word “to” appearing immediately after the word “presented”

So as to read

“(2) No advertising sign may be connected to any electricity supply without the prior written permission of the electricity supply authority concerned and such permission shall, on request by an authorized official, be presented by the owner of the advertising sign concerned.”

CLAUSE 17

THAT, Clause 17(1) be amended by deleting “11” appearing after the word “section” and replacing it with “10”

So as to read;

“17(1) An advertising sign exempted in terms of Section 10(2) and relating to the development of a property and the disposal of property may be displayed, provided the following requirements are complied with-”

CLAUSE 18

THAT, Clause 18(1) be amended by deleting “10” appearing immediately after the word “section” and replacing it with “11”

So as to read;

“18(1) Notwithstanding section 11(t), a sky sign may be erected on a building where the main use is residential as long as the sign has no visual impact on the occupants of the building itself or any other building in the immediate area which is used for residential purposes.”

CLAUSE 19

THAT, Clause 19(1) and 19 (1)(d) be amended by deleting “14” and “14(5)” respectively appearing after the word “section” and replacing the same with “18” and “18(5)” in that order

So as to read;

“19(1) Every screen for a sky sign contemplated in section 18 shall comply with the following requirements-”

“(d) no vertical dimension of any screen may exceed one-and-one-half times the vertical dimension of a sky sign specified in section 18(5):”

CLAUSE 22

THAT, Clause 22(2) be amended by deleting “4” appearing after the word “section” and replacing it with “5”

So as to read

“(2)Every person to whom approval has been granted under section 5(2) in respect of an advertisement contemplated in subsection (1), but not exempted under section 9(2), shall comply with and ensure that the following requirements are complied with-”

CLAUSE 24

THAT, Clause 24(b) be amended by deleting “10” appearing after the word section and replacing it with “11”

So as to read

“(b) a third party advertisement may be painted directly onto any surface, subject to section 11(v)”

CLAUSE 25

THAT, Clause 25(f) be amended by deleting the word “of” appearing immediately after the word “period”

So as to read

“(f) a single sign not exceeding 6m² in extent per property on a vacant non-residential property, on which the words “for sale” or “to let” and the name, address and telephone number of the owner or his or her state agent are displayed or the word “sold” and the name, address and telephone number of the state agent concerned, may be displayed for a period not exceeding ninety days.”

CLAUSE 28

THAT, Clause 28 be amended as follows:

- i. 28(4) be amended by deleting the word “in” appearing after the word “impounded” and deleting “2” appearing after the word “subsection” and replacing it with “3”

So as to read

“(4) Any transit advertising sign impounded pursuant to subsection (3) shall be kept by the department for a period of thirty days from the date of impoundment, and an authorized official shall, in writing, notify the owner of such sign of the impoundment if the address of the owner can be ascertained”

- ii. 28(5) be amended by deleting “2” appearing before the word may and replacing it with “3” and by deleting “5” appearing before the word “subject” and replacing it with “4”

So as to read

“(5) An owner of a transit advertising sign impounded pursuant to subsection (3) may claim such sign within the period specified in subsection (4) subject to payment of a prescribed fee.”

- iii. 28(6) be amended by deleting “3” appearing before the word destroy and replacing it with “5”

So as to read

“(6) The Department may, if an advertising sign is not claimed by its owner within the period of thirty days referred to in subsection (5), destroy or otherwise dispose of the advertising sign concerned.”

- iv. 28(7) be amended by deleting “4” appearing after the word “subsection” and replacing it with “5”.

So as to read

“(7) The Department may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (5).”

CLAUSE 29

THAT, Clause 29 be amended in sub clause (11) by deleting “1” appearing after the word “subsection” and replacing it with “10”

So as to read

“(11) The county government may recover the prescribed fee contemplated under subsection (10) from any owner who does not claim his or her poster as contemplated in that subsection.”

CLAUSE 30

THAT, Clause 30 of the Bill be amended;

- i. In sub clause 2 by deleting “28” appearing after the word “section” and replacing it with “29”;

So as to read

“(2) The provisions of section 29(6) (a), (b), (c), (e), (f) and (g), read with the necessary changes, shall apply in respect of any poster contemplated in this section, provided that such poster need not be placed in a frame.”

- ii. In sub clause (3) of the Bill be amended by deleting “28” appearing after the word section and replacing it with “29”.

So as to read

“(3) The provisions of section 29(8) read with the necessary changes shall apply in respect of posters not complying with the provisions of this section.”

CLAUSE 31

THAT, Clause 31(6) be amended by deleting “1” appearing after the word “subsection” and replacing it with “5”

So as to read

“(6) If a notice served in terms of subsection (5) is not complied with, the Department may, by notice in writing, require the owner of the advertising hoarding at his or her own cost to display a community message specified by the department, until that owner displays an advertisement on the hoarding concerned.”

CLAUSE 35

THAT, Clause 35(1) be amended by deleting “33” appearing after the word “section” and replacing it with “34”

So as to read

“(1) If any written comments representations or objections have been received in respect of an application from any interested party contemplated in section 34, the Department shall consider all such comments, representations and objections before taking a decision on the application.”

CLAUSE 36

THAT, Clause 36(3) be amended as follows:

that the word “section” appearing before “3” be replaced with the word “subsection” and “3” appearing after the word “section” be deleted

So as to read

“(3) If the owner of an advertising sign fails to submit an application in terms of subsection (2) within sixty days after being notified in terms of the date of an agreement in terms of subsection (1) or of a notification in terms of subsection (2), the advertising sign concerned shall be considered to be erected or displayed without such approval.”

CLAUSE 37

THAT, sub-clause (c) be amended by deleting it in its entirety and replacing it with the following, “by running a copy of the notice through the electronic media or through a newspaper of nationwide circulation”

So as to read

(c) “by running a copy of the notice through the electronic media or through a newspaper of nationwide circulation”

THAT, sub-clause (h) be amended by deleting the words “sixteen” and “managing” appearing after the words “atleast and “the” respectively and substituting therefor the words “eighteen” and “manager” in that order

So as to read

“(h) if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least eighteen years of age, at the place of business of such partnership, firm or association or if such partnership, firm or association has no place of business by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the manager or other controlling body of such association, as the case may be.”

CLAUSE 39: Appeals

THAT, Clause 39 be amended by deleting the word “department” in its entirety and replaced with “the County Executive Committee Member”

So as to read

“(1) A person whose rights are affected by a decision by an authorized official in terms of or for the purposes of this Act, may appeal against that decision to the County Executive Committee Member, by lodging a written notice of appeal, specifying the grounds of appeal, within twenty-one days of the date on which he or she was notified of that decision.”

“(2) The County Executive Committee Member shall commence consideration of the appeal and take a decision thereon within a reasonable time.”

“(3) The County Executive Committee Member shall forthwith after a decision has been taken in terms of subsection (2), notify the appellant thereof in writing.”

“(4) An applicant contemplated in subsection (1) may, on being notified of a decision in terms of subsection (2), apply in writing for reasons for the decision,

and the County Executive Committee Member shall furnish written reasons to the applicant.”

NEW CLAUSE

THAT, the Bill be amended by inserting a new clause immediately after clause 2- and re-numbering Clause 3 as 4 onwards

So as to read

“3. Objects and purpose of the Act

“The object and purpose of the Bill is to regulate outdoor advertising and signage control, and in particular, to-

(a)provide for regularization of applications and approvals on advertising signs in the county;

(b)provide for requirements, exemptions and prohibitions for advertising signs;

(c) make provisions for specific advertising signs for example signs suspended under verandas or canopies, signs on verandas or canopies over public street, project signs, pylon signs for on- premise advertising etc.”

CLAUSE 1: SHORT TITLE:

THAT, the short title be amended by deleting the words, “and regulation” immediately after the word “control”

So as to read

“THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL BILL, 2023”