

*Moshi Municipal Council (Environmental Protection Regulations of
Planting and Maintaining Trees and Protection of Vegetation)*

GOVERNMENT NOTICE NO. 115 published 7/5/99

THE LOCAL GOVERNMENT (URBAN AUTHORITIES)
ACT, 1982

(NO. 8 OF 1982)

BY-LAWS

Made under section 80

THE MOSHI MUNICIPAL COUNCIL (ENVIRONMENTAL PROTECTION,
REGULATIONS OF PLANTING AND MAINTAINING TREES AND PROTECTION OF
VEGETATION) BY-LAWS, 1999

PART I
PRELIMINARY

1. These By-laws may be cited as the Moshi Municipal Council (Environmental Protection, Regulations of Planting and maintaining trees and Protection of vegetation) By-laws, 1999 and shall be applicable within the whole area of jurisdiction of Moshi Municipal Council and shall be deemed to have come into operation on the 1st day of January, 1999.

2. In these By-laws, the following words, or expressions shall have the meanings hereby assigned to them unless the context otherwise requires

"The authority" means the Moshi Municipal Council.

"Director" means the Moshi Municipal Director or any other senior officer of the Council duly instructed.

"Council" means the Moshi Municipal Council

"Municipal Inspector" means any Municipal Inspector employed by the Council for the purpose of these By-laws.

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"Persons" includes a Corporation whether aggregate or sole.

"Vehicle" motor car or rickshaw, and includes any conveyance for the carriage of persons or goods however propelled or kept in motion,

"Authorised Officer" includes Municipal Director, any forestry officer, Municipal Inspector, any agricultural officer and any other person duly authorised.

"Tree" means a tree or permanent tree providing shadow within the area of the Council but does not include a banana tree.

"Resident" means a person who ordinarily resides within the area of jurisdiction of the Council.

"Building materials" include all forms of rock, stones, gravel, clay Volcanic ash or cinder, or other minerals being used for the construction of building, roads dams aerodromes or similar works.

3. These By-laws shall apply throughout the area of jurisdiction of the Council.

4. It shall be the duty of the authority to cause to be made from time to time inspection of all the area within its jurisdiction where nuisances exist calling for abatement under the powers of these By-laws for the purpose of abating the same and otherwise to enforce the powers vested in it relating to Environment Protection.

5. No matter (or) thing done by the Authority or by any Officer or any other person acting under its direction or acting under power conferred by these By-laws shall, if the matter or thing was done bona fide for the purpose of any provision of these By-laws Subject any of them personally to any liability, claim or demand whatsoever.

ART II

WATER POLLUTION

6.-(1) No person shall be permitted to wash any vehicle in any river, stream, water course, spring, well or other water supply within the area of jurisdiction of the Moshi municipality.

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(2) The Council shall authorise and issue a licence to any person or a body of person to establish and operate vehicle washing facilities within the area of jurisdiction of the Council.

(3) It shall be the duty of the person or body of persons operating any vehicle washing facilities to ensure that no water from the washing centre enters any river, stream, water course, spring or any other water supply within the area of jurisdiction of the Council as to create water pollution within the Municipality.

(4) Any vehicle which will be caught being washed in any river, stream, water course, spring or any other water supply shall be taken to the Municipal yard or Police station and the owner thereof will be penalised to a fine of 50,000/- (fifty thousand shillings) to retain back the said vehicle. If the offence is repeated by the same owner of the vehicle a penalty of 100,000/- (A hundred thousand shillings) will be imposed upon the habitual offender.

(5) The costs involved in taking the vehicle (in case of Break-Down means of carriage) to the yard and keeping it shall be imposed to the offender. Storage charges will be at the rate of TSh. 10,000/- (ten thousand shillings) per day per vehicle.

7.-(1) No person shall be permitted to bath, wash clothes, or clean utensils in any river, stream, water course, spring, well or other water supply within the area of the jurisdiction of the Moshi municipality.

(2) Any person who contravenes or fails to comply with this paragraph shall be guilty of an offence and if convicted shall be liable to a fine not exceeding T.Sh. 5,000/- (five thousand shillings) or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.

PART III

REGULATIONS OF PLANNING AND MAINTAINING TREES

8.-(1) Every resident who owns a surveyed plot or holds Land under the grant of Right of Occupancy or in accordance with Customary Law relating to land tenure shall be liable to plant trees on such area as indicated in the First Schedule to these by laws. The distance between electric poles and the tree so planted shall not be less than five (5) metres.

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9. -(1) Any planted or growing tree in any area under the jurisdiction of the Council shall not be cut, uprooted, or tempered with in any manner by any person without a written permit of the Council or Authority of Forestry Officer approved by the Council.

(2) No person shall cut or uproot or temper in any manner without a permit from the council tree growing within 30m from the river banks or a radius of 20 of water spring.

(3) Trees felling or pruning or uprooting permits shall be charged as described in the Second Schedule to these by laws.

10. Any person who occupies an area or piece land under the jurisdiction of the Council on which there are planted or growing trees shall be liable to maintain such trees by keeping such area/plot clean and free from weeds.

11. Any person who occupies an area or piece of land under the jurisdiction of the Council and such area/piece of land is surrounded by hedges or fence shall be liable to maintain such hedges or fence by cutting and or trimming the same.

12. Where in the opinion of the Council the circumstances so required the Council may by resolution order any person or category of persons to increase the number of trees in such area/piece of land as it deems fit.

13. An authorised officer or employee of the Council duly authorised in writing may at all reasonable times enter upon any area for the purpose of inspection and for ensuring compliance with these by-laws.

14. All forest produce being sold within the area of jurisdiction of the Council at areas specified by the Council will be charged fees as prescribed in Third Schedule to these by-laws.

15. Any person who contravenes or fails to comply with any of the provisions of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding shillings ten thousand or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

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PROTECTION OF VEGETATION

16.-(1) No person shall will-fully or negligently cause any bush or grass fire, or fell, cut, burn, injure or remove any standing tree, shrub, bush, seedling or any part thereof within the jurisdiction of the authority except by and in accordance with the written permission previously sought and obtained from the Authority.

(2) It is prohibited to cause fire, clear or destruct vegetation, gather honey of forest produce without the permit of the Authority.

(3) Any person who contravenes this condition shall be guilty of an offence and shall be liable on conviction to a fine not exceeding (30,000/-) thirty thousand shillings or to a term of imprisonment not exceeding six months or to both fine and imprisonment.

FIRST SCHEDULE

- (a) Residents in low density areas shall plant and maintain at least ten trees .
- (b) Residents in medium density areas shall plant and maintain at least four trees.
- (c) Residents in High Density areas shall plant and maintain at least four trees.

SECOND SCHEDULE

- (a) Felling reserved trees.....5,000/- m³ of
round wood
- (b) Felling unreserved trees.....1,000/- m³ of
round wood
- (c) Pruning/Uprooting.....500/- T.Shs/tree.

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THIRD SCHEDULE

(A) COLUMN ONE	COLUMN TWO
<i>Produce</i>	<i>Cess</i>
1. Firewood.....	1.000 tsHS/M ³
2. Charcoal (Retailers).....	500 TSh/Monthly
3. Charcoal (Wholesalers).....	100 TSh/Bag
4. Timber (Hardwood).....	200 TShs./m ³

The Common Seal of the Moshi Municipal Council was hereunto affixed in pursuance of a resolution passed at a meeting of the Council duly convened and held on the 11th day of March 1999 and the same was so affixed in the presence of:-



DENNIS N. CHUWA.
Mayor Moshi Municipal Council

SHAIBU Z. MUYINGA,
Municipa Director

I APPROVE

Dodoma,
23rd April, 1999

KINGUNGE NGOMBALE-MWIRU (MP).
*Minister Regional Administration and
Local Government*