

GOVERNMENT NOTICE No. 142 published on 22/4/94

THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT,
1982
(No. 8 OF 1982)

BY-LAWS

Made under section 80

THE BUKOBA TOWN COUNCIL (REGULATIONS OF PLANTING, MAINTAINING AND
PROTECTING TREES) BY-LAWS, 1993

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| Title and
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mence-
ment | 1. These By-laws may be cited as the Bukoba Town Council
(Regulation of Planting, Maintaining and Protecting Trees) By-laws,
1993 and shall be deemed to have come into effect on the first day of
January, 1993. |
| Definition | 2. In these By laws:—
“Council” means the Bukoba Town Council;
“Authorised Officer” includes the Town Director, Town Solicitor and
any officer in the Department of Natural Resources, Agricultural
Officer and any other person authorised to act for the Council for the
purposes of these By-laws;
“Farm” means a lease or a farm or Customary right in an area not
declared a planning area;
“Forest Reserve” means an area prescribed by the Council specifically
for planting trees;
“Hazard Area” includes hill slopes, spring walls, river sources, ravines,
flood areas, specified beach etc; |

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“Town” means the area of jurisdiction of the Bukoba Town Council as may from time to time be Constituted;
“Resident” means an inhabitant who ordinarily resides within Bukoba Town Council;
“Tree” means a tree or shrub or fruit trees growing within the Town;
“Specified Area” encompasses a hazard area, a forest reserve, a garden, a park, fauna viewing park, river valley, streets, open spaces, lake, beaches;
“Forest ordinance” means the Forest Ordinance Cap. 389 of the laws;
“Forest Rules” means the forest rules and Regulation made pursuant to and in directions of the Forest Ordinance as they may be made from time to time under section 30 of the Forest Ordinance.

3.—(1) Subject to the provisions of sub-section (2) of this By-law, these By-laws shall apply through-out the area of jurisdiction of the Council.

(2) Where in the opinion of the council circumstance so require the Council may by resolution, modify the application of any of the provisions of these By-laws to or in relation to any area or in relation to any person or Category of persons in such a manner as the Council may deem fit and may likewise exempt any person or group of persons from all or any of the provisions of these By-laws.

Applica-
tion
Notifica-
tion and
Exemp-
tion

4. Any tree growing in a specified area shall be the property of the Council.

Owner-
ship of
trees in
specified
area

5. The Council may from time to time prescribe an area whose trees may be cut, provided that a hazard area shall not be prescribed for such purpose.

Council to
Specify
area
where
trees may
be felled.

6. Every resident who holds land under the grant of a right of occupancy or in accordance with Customary law pertaining to land tenure shall plant trees as set out in the schedule to these By-laws.

Duty to
plant trees

7. Every person who has planted trees and owns any area of land on which trees are raised shall keep such area clean and free from weeds.

Duty to
maintain
trees

8. Save with the written authority of the Authorised officer or for the purpose approved by the Council, on person shall:—

Protec-
tion Re-
striction
on felling,
cutting or
uprooting
of trees

(1) wilfully fell or uproot or cause to be felled, cut or uprooted any tree or trees;

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- (2) wilfully or negligently kindle or cause to be kindled any fire which he has reasonable cause to believe may spread so as to destroy or devastate any tree or trees;
 - (3) purposely build in a hazard area and if he does so the Council shall order the person to vacate the area and may prosecute him;
 - (4) intentionally resides, cultivates or mow grass on hazard areas or temper with the natural floor of such areas;
 - (5) the fees for various tree produce are set out in the second schedule to these By-laws.
- Inspection** 9. An Authorised Officer may at all reasonable times enter upon any area or property for the purpose of inspection and for ascertaining Compliance with the provisions of these By-laws.
- Offence for failure to put off a fire** 10. Any person residing or is within the proximity of specified area that is on fire, who refuses, fails, neglects to combat the fire or to report of the same to the Council, or nearest Police Station within the shortest reasonable time shall Commit an offence.
- Offence** 11. Any person who revages or grazes animal on trees in any specified area or any trees grown in pursuit of these By-laws shall commit an offence.
- Penalty** 12. Any person who contravenes or fails to comply with any of the provisions of these By-laws shall be liable on conviction to a fine not more than five thousand shillings or to imprisonment for the term not more than six months or to both such fine and imprisonment.

FIRST SCHEDULE

Made under section 6

- (a) Residents in Low and Medium Density areas shall plant, maintain and protect not less than ten trees or such number of trees as the Authorised Officer shall direct.
- (b) Residents holding farms under the grant of Right of occupancy shall plant, maintain and protect trees not less than twenty.
- (c) In habitants who cultivate food or cash crops on the slopes shall plant trees in a space of not more than fifteen paces from each of the grown trees.
- (d) Owners of surveyed plots in High Density areas shall plant, maintain and protect not less than four trees or such number of trees as the Authorised Officer shall direct.

SECOND SCHEDULE

Made under section 8(5)

- (a) Fees for felling of trees falling under:—
- (i) Class one — 1m³ 20,000/-
 - (ii) Class two — 1m³ 15,000/-
 - (iii) Class three — 1m³ 12,000/-
 - (iv) Class four — 1m³ 5,000/-
 - (v) Class five — 1m³ 2,000/-
- of the forest rules and Regulations

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(b) Fees for selling of forest produce:—

(i) One bag charcoal	100/-
(ii) One bundle fire wood	10/-
(iii) One m ³ timber	400/-
(iv) One bundle roots	20/-
(v) One seedling	50/-
(vi) One pole	5/-
(vii) One bundle bark or fibre	20/-

The Seal of the Council was hereunto affixed to **these By-laws** in pursuance of a resolution passed at a meeting of the **said Council** duly convened and held on 28th day of December, 1992, in the **presence of**:—

HON SAMWEL N. **LUANGISA** (MP),
Chairman
Bukoba Town Council

DOMITIAN F. S. **BUKURU**,
Town Director
Bukoba Town Council

I APPROVE

Dodoma,
24th November, 1993

HON JOHN SAMWEL **MALECELA** (MP),
Prime Minister and First
Vice-President
