SPECIAL ISSUE

Kenya Gazette Supplement No. 3 (Kirinyaga County Acts No. 3)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KIRINYAGA COUNTY ACTS, 2024

NAIROBI, 16th April, 2024

CONTENT

Act—

PAGE

The Kirinyaga County Transport and Parking Act, 2024 1

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE KIRINYAGA COUNTY TRANSPORT AND PARKING ACT, 2024

No. 3 of 2024

Date of Assent: 4th April, 2024

Date of Commencement: See Section 1

ARRANGEMENT OF SECTIONS

Section

PART I — PRELIMINARY

1—Short title and Commencement.

2—Interpretation.

3—Objects and Purpose of the Act.

4—Application.

PART II — ADMINISTRATION

5—Role of Executive Committee Member.

6—Duty of Co-operation and Consultations.

7—Establishment of a Directorate.

8—Functions of the Directorate.

9—Kirinyaga County Non-Motorized Transport Guidelines.

10—Kirinyaga County Transport Planning Advisory Committee.

11—Kirinyaga County Transport Management Fund.

PART III — COUNTY ROADS

12—Identification of County Roads.

13—Private Roads.

14—Designation of Road Reserves.

15—Restriction of Activities on Road Reserves.

16—Road maintenance Standards.

17—Footways on Commercial Buildings.

18—Agency Agreements.

19—Power to enter Land.

20—Power to remove a Structure.

PART IV — PUBLIC ROAD TRANSPORT

21—Approval of Public Transport Infrastructure or Services.

22—Operating Licence.

23—Network of operating Routes.

24—Prohibited Actions.

25—Public Transport Vehicles' Terminals or Omnibus Stations and Fees Payable.

26—Passenger Picking and Dropping Terminals.

27—Parking bay Fees.

28—Display of Fares.

29—Prohibition on the use of Force or Intimidation.

30—Taxicab and Vehicle-for-Hire Business Permit.

31—Parking by a Taxicab and Vehicle-for Hire.

32—Motorcycle Transport.

33—Traffic Marshals.

34—Pedestrian-only Lanes and Roads.

35—Public Transport Vehicles only Roads.

36—Disruption of Traffic.

37—Designation of Truck Routes.

38—Closure of Roads.

PART V — COUNTY STREET PARKING

39—Designation of Parking Spaces.

40—Requirements for designated and reserved parking.

41—Special Parking Bays.

42—Parking Fee.

43—Parking on Public Road.

44—Parking and Stopping places for Public Transport Vehicles.

45—Prohibited Parking Areas.

46—Parking Permits and Charges.

47—Parking bays for Permit holders.

48—Executive Committee Member to direct road agencies on safe parking.

49—Licence for Off-street Parking.
50—Clamping Charges.
51—Power to tow away a Vehicle.
52—Loading and Unloading.
53—Use of Footways.
54—Parking of Motor Vehicles in Undesignated area.
55—Authorised Persons.
56—Offences related to Parking and Stickers.
PART VI — STREET LIGHTING AND ADVERTISEMENT
57—Street Lighting.
58—Sign or Billboards.
PART VII — FINANCIAL PROVISIONS
59—Funding.
60—Annual Estimates.
61—Accounts and Audit.
PART VIII — MISCELLANEOUS
62—Status of Non-motorized Transport
63—Regulations under the Act.
64—Offences.
65—Protection of County Government.
66—Repeal.
FIRST SCHEDULE — Omnibus stations Fees or Charges.
{Part IV S. 25}
SECOND SCHEDULE — Parking Fees or Charges.
{Part V S. 42}
THIRD SCHEDULE — Clamping Charges.
{Part V S. 50}

THE KIRINYAGA COUNTY TRANSPORT AND PARKING ACT, 2023

AN ACT of the County Assembly of Kirinyaga to provide for the administration of County transport; to make provisions for County roads, public road transport, taxicabs and vehicles-for-hire, transport, motorcycle transport, non-motorized transport, traffic management, parking, street lighting and for connected purposes

ENACTED by the County Assembly of Kirinyaga, as follows—

PART I —PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Kirinyaga County Transport and Parking Act, 2024 and shall come into operation upon publication in the *Kenya Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

"Affray" means a tussle or fight between two or more persons committed in a public place and creates a breach of peace;

"Authorised Officer" means an officer of the County authorised to enforce this Act or the Regulations there under;

"Committee" means the Kirinyaga County Transport Planning Advisory Committee established under Section 10 of this Act;

"Carriageway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder;

"Chief Officer" means the Chief Officer for the time being responsible for Roads & Transport in the County;

"Class" means the categorization of roads as assigned pursuant to the First Schedule of the Kenya Roads Act;

"Commercial Vehicle" has the meaning assigned to it under the Traffic Act;

"Executive Committee Member" means the County Executive Committee Member for the time being responsible for roads and transport unless otherwise specified;

"County" means Kirinyaga County;

"County Government" means the County Government of Kirinyaga;

"County Road" means a road classified as class D, E, F, G, K, L, P, R, S, T, U, W, UA, or UW under the first schedule of the Kenya Roads Act;

"Disability" includes any physical, sensory, mental, psychological or other impairment, condition or illness that has or is perceived by significant sectors of the community to have a substantial or long-term effect on an individual's ability to carry out ordinary day to day Activities;

"Driving Licence" means a valid licence to drive and/or operate a motor vehicle issued under the Traffic Act, and any document deemed to be a driver's licence by any rules made under the Traffic Act;

"Enforcement Officer" has the meaning assigned in the Kirinyaga County Inspection and Enforcement Services Act, 2023;

"Footway" means the part of a road constructed for the use by pedestrians;

"Fund" means the Kirinyaga County Transport Management Fund established under Section 11 of this Act;

"Heavy Commercial Vehicle" means a commercial vehicle whose tare weight exceeds six thousand seven hundred and twenty pounds;

"Intelligent Transport System" means the use of electronic based techniques to provide information and automatic control of road management; incident management; emergency management; public transport management; toll collection; fare payment; intersection control; recording offences; and traveler information;

"Mass Transit" means public transport designed to carry large numbers of passengers and shall include bus rapid transit and commuter rail;

"*Matatu*" means a public service vehicle having a seating accommodation for not more than twenty-five passengers exclusive of the driver, but does not include a motor car;

"Motor Car" means a motor vehicle having seating accommodation of not more than ten passengers excluding the driver and does not include a motorcycle;

"Motorcycle" means a two-wheeled vehicle operated by a motor with no pedals;

"Motor Vehicle" means any mechanically propelled vehicle, excluding any vehicle running on a specially prepared way such as a railway or tramway or any vehicle deriving its power from overhead electric power cables or such other vehicles as may from time to time by rules under the Traffic Act be declared not to be motor vehicles for the purposes of the Traffic Act;

"National Road" means a road classified as class A, B, or C under the First Schedule of the Kenya Roads Act;

"On the Spot Fine" means a fine payable to an Authorised Officer at the place of and at the time of the offence committed under this Act;

"Omnibus" means a public service vehicle having a sitting capacity for more than seven passengers exclusive of the driver, and includes any vehicle having seating accommodation for not more than ten passengers exclusive of the driver, whether or not such vehicle is licensed to be a public service vehicle;

"Omnibus station" means a space designated on a carriageway by a sign and/or road marking where a bus may lawfully stop to pick up and set down passengers;

"Park" bringing a vehicle to a halt and leaving it temporarily whether occupied or not;

"Passenger" means any person other than the driver seated in or on a bus, taxi-cab, motorcycle, bicycle, or any other motor vehicle;

"People with Limited Mobility" means people who have transport difficulties but might not regard themselves as being disabled. These include for example the elderly, expectant women, parents with young ones, passengers with luggage, visitors or tourists, and people with temporary impairment such as people with broken legs;

"Permit" means a permit issued under the provisions of this Act;

"Persons with Disabilities" include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

"Persons in Vulnerable Situations" which include persons with disabilities, older members of society, sick persons, children of tender age, nursing and expectant mothers;

"Public Road" means any public road within the meaning of the Kenya Roads Act, and includes any other road or way, car park, or footway on which vehicles are capable of travelling and to which the public has access;

"Public Service Vehicle" means any motor vehicle which—

(a) is licensed under the Traffic Act to ferry passengers for hire or reward; or

(b) plies for hire or reward or is let out for hire or reward; or

(c) is carrying passengers for hire or reward;

"Public Transport" means transport by any means that is available to the public, and includes services provided by a bicycle, tricycle, *tuk-tuk*, motorcycle, matatu, omnibus, bus, bus rapid transit, rail, light rail, and metro;

"Registered Owner" means an owner in relation to a vehicle that is the subject of a hire-purchase agreement or hiring agreement, including the person in possession of the vehicle under that agreement;

"SACCO" means Savings and Credit Cooperative which is a special type of co-operative offering financial services with a primary focus on mobilisation of funds and provision of affordable credit to its members who are both the owners and users.

"Station Supervisor" means the person appointed to manage, control, and supervise the omnibus station specified in such appointment and includes their authorised assistant;

"Taxicab" means any public service vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, which is registered under any laws relating to the licensing and operation of taxicabs to ply for hire from a taxi rank or other public place within the area where such laws are in force;

"Taxicab Meter" means a measuring device approved by the County and used in a taxicab to calculate a fare;

"Terminal" has the same meaning as omnibus station;

"Traffic Marshal" means an officer appointed or deployed to monitor and manage traffic entering and exiting a County road;

"Traffic Signs" means any sign, notice, signal, light, or other device erected or in any way displayed by or with the consent of the highway authority, to regulate, restrict, or prohibit traffic and vehicles of any kind, on a road provided that all traffic signs shall conform to any regulations as to size, colour and type which may be prescribed by rules made under the Traffic Act and under this Act;

"Trailer" means any vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motorcycle;

"Truck" means any motor vehicle designed, used, or maintained primarily for the transportation of property or goods;

"*tuktuk*" means a motor vehicle with three wheels propelled by an engine, and capable of carrying passengers or goods;

"Utilities" means services offered by any company for the supply of electricity, internet, gas, water or sewerage services;

"Vehicle-for-Hire" means any public service vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, such vehicle not being a taxicab or *matatu*;

Objects and Purpose of the Act

3. The object and purpose of this Act is to —

(a) provide adequate, accessible, safe, and efficient public transport facilities;

(b) facilitate the management, planning, development, and funding of County transport facilities and infrastructure; and

(c) provide a legal framework for County Transport and Parking to give effect to Part 2 of the fourth schedule of the Constitution of Kenya.

Application

4. This Act applies to County roads, public transport facilities and systems, taxicabs and vehicles-for-hire, transport, motorcycle transport, non-motorized transport, traffic management, parking, street lighting in the County.

PART II —ADMINISTRATION

Role of Executive Committee Member

5. (1) The Executive Committee Member shall be responsible for the efficient implementation of this Act.

(2) The Executive Committee Member shall be responsible for the—

(a) preparation of the County Transport Plan;

(b) preparation of the County Road Development Plan;

(c) construction and maintenance of County roads and drainages;

(d) regulation of parking on County roads;

(e) regulation of public off-street parking;

(f) smooth flow of traffic in the County;

(g) regulation of an integrated public transport system in the County;

(h) promotion of non-motorized transport; and

(i) determination of the contribution of developers to interventions necessary to mitigate traffic and transport impacts of development proposals.

Duty of Co-operation and Consultations

6. The Executive Committee Member and Authorised Officers, in carrying out functions under this Act, shall partner and cooperate with the—

(a) State Department responsible for matters relating to transport;

(b) Public Corporations with duties and responsibilities concerning transport;

(c) National Council for Persons with Disabilities; and

(d) other concerned Counties.

Establishment of a Directorate

7. (1) There is established in the County the Directorate responsible for County transport, roads, and parking.

(2) The Directorate shall be headed by a Director who shall be competitively recruited by the County Public Service Board on such terms and conditions as the County Public Service Board shall determine.

(3) The Director shall be responsible to the Chief Officer at the time being responsible for County transport, roads, and parking.

(4) The Director may be removed from office in accordance with the law.

(5) The Director shall be responsible for the day-to-day operations of the Directorate, and in particular, shall ensure that the functions of the Directorate are undertaken.

Functions of the Directorate

8. The functions of the Directorate shall include—

(a) to coordinate and develop a comprehensive transport and roads plan for the County;

(b) ensuring the implementation of policy and operational directions referred to the Directorate;

(c) to coordinate and assist in the balanced development and operation of transport facilities and services in the County;

(d) to undertake studies and analyse transport and road problems relating to any aspect of the same in the County;

(e) to implement collaborative linkages with National Government institutions and transport departments to ensure a coordinated implementation and master planning of the transport and road sector;

(f) to prepare plans, specifications, designs, and estimates for the construction of County roads, parking facilities, bridges and related infrastructure;

(g) to promote safety in all forms of County Public Transport including the transportation of hazardous material;

(h) recommending the budgetary estimates for better implementation of this Act;

(i) preparing periodic reports necessary for evaluating and monitoring the performance of the Directorate and an annual report to the Executive Committee Member;

(j) carry out such other activities and undertake such projects as may be necessary for the execution of its functions; and

(k) perform such other functions as may be assigned to by this Act or any other written law or assigned from time to time.

(1) The County Public Service Board may designate such number of Authorised Officers as may be necessary for the enforcement of this Act.

Kirinyaga County Non-Motorized Transport Guidelines

9. (1) The Executive Committee Member shall make guidelines for non-motorized transport in the County.

(2) The guidelines shall guide the design and provision of—

(a) safe roads;

(b) safe footpaths;

(c) cycle lanes;

(d) cycle parking;

(e) safe pedestrian crossings;

(f) access to buildings and social and educational facilities;

(g) access for persons with mobility disability; and

(h) safe movement of rickshaws and hand carts.

(3) No person shall construct any road, footway, or any part of any road, or any building or public facility without taking into account the prescribed design guidelines.

(4) The County Non-Motorized Transport Guidelines will be used to develop walking and cycling infrastructure, bicycle parking, car-free days, and other emerging trends in non-motorized transport.

(5) The County Non-Motorized Transport Guidelines developed in sub-section (1) shall be presented to the County Executive Committee and subsequently tabled in the County Assembly for approval.

(6) The approved County Non-Motorized Transport Guidelines shall be gazetted and published in the *Kenya Gazette*.

County Transport Planning Advisory Committee

10. (1) There is hereby established the County Transport Planning Advisory Committee.

(2) The members of the Committee shall be—

(a) the Executive Committee Member who shall be the Chairperson of the Committee and who shall provide Secretariat Services to the Committee;

(b) Chief Officer in charge of the County Directorate of Roads and Transport;

(c) Chief Officer in charge of the County Department of Physical Planning and Urban Development;

(d) Chief Officer in charge of Public Works, Infrastructure Development and Housing;

(e) County Attorney;

(f) Director in charge of Roads and Transport;

(g) three Members of the County Assembly nominated by the County Assembly;

(h) a representative of the Kenya Urban Roads Authority designated in writing;

(i) a representative of the Kenya Rural Roads Authority designated in writing;

(j) a representative of the National Transport and Safety Authority designated in writing;

(k) four persons representing the transport sector to be nominated by the Public Transport Services Operators who shall be appointed by the Executive Committee Member; and

(l) two persons who shall be of the opposite gender each representing the interests of Persons with Disabilities and the youth.

(3) The quorum for the conduct of business at a meeting of the Committee shall be any five members excluding *ex-officio* members of the Committee.

(4) The term of office for members appointed under sub-section (k) and (l) shall be three years, which may be renewed for one further term, after which the person shall retire from the Committee

(5) The Committee shall meet as often as may be necessary for the dispatch of its business but there shall be at least four meetings of the Committee in any financial year.

(6) The functions of the Committee shall be to advise the Executive Committee Member on issues of transport policy and planning.

(7) The Chairperson and members of the Committee shall be paid such remuneration or allowances in accordance with the prevailing circulars of the Salaries and Remuneration Commission.

(8) The Committee shall be established within thirty days of the enactment of this Act.

County Transport Management Fund

11. (1) The Executive Committee Member for Finance may in consultation with the County Executive Member for Transport establish the County Transport Management Fund.

(No. 18 of 2012)

(2) The Fund shall be established and managed in accordance with Section 116 of the Public Finance Management Act.

(3) The Fund shall be established for the purposes of—

(a) the implementation and operationalization of any project or programme contained in the County Transport Plan, County Road Development Plan, or County Non-Motorized Transport Guidelines developed and approved under Sections (5), (8), and (9) of this Act respectively;

(b) any operational expenses incurred in the collection of income sources set out under this Act.

PART III—COUNTY ROADS

Identification of County Roads

12. (1) The Executive Committee Member shall identify and classify the County roads by the criteria of—

(a) location;

(b) length of the road;

(c) class of the road;

(d) road number; and

(e) the road name.

(2) The Executive Committee Member shall submit the inventory of County roads to the County Transport Planning Advisory Committee and the same shall be tabled in the County Assembly for approval.

(3) The approved inventory of County roads in sub-section (2) shall be published by, and once approved it shall be gazetted and published in the *Kenya Gazette.*

(4) The Executive Committee Member may, by notice in the *Kenya Gazette,* amend the inventory and classification of roads from time to time.

Private Roads

13. (1) A land owner who constructs a road on their property may—

(a) only connect that road with a public road following the approval of the County; and

(b) seek the adoption of the County Government for the road to be declared a County public road.

(2) A private road shall not be adopted for the purposes of maintenance unless—

(a) its design and construction meets the standards required by the County Government; and

(b) the Executive Committee Member grants an approval.

Designation of Road Reserves

14. (1) A road reserve shall be the designated area at a fixed distance on either side of the center line of the road.

(2) The fixed distance in sub-section (l) may vary depending on the class of road.

Legal Notice No. 253 of 2021

(3) Notwithstanding the provisions of sub-sections (1) and (2), areas classified as road reserves shall comply with regulation 8 (3) of the Physical and Land Use Planning (General Development Permission and Control) Regulations.

(4) The Director in charge of Roads shall ensure physical marks are placed on road reserves.

Restriction of Activities on Road Reserves

15. (1) Any road reserve designated under this Act shall have the effect of reserving the strip of land described in such notice for road purposes.

(2) No person shall undertake any activity on a road reserve except the construction of a road.

(3) Despite sub-section (2), the Executive Committee Member may permit limited use of the land reserved for road subject to such conditions as may be imposed.

(4) A person who contravenes this Section commits an offence and is liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or both.

Road Maintenance Standards

16. (1) The County Government shall maintain the roads for which it has jurisdiction to standards that the Executive Committee Member may from time to time determine.

(2) Any road agency shall maintain the roads under its jurisdiction to such standards as the Executive Committee Member may from time to time determine.

(3) Standards set under sub-sections (l) and (2) above may—

(a) vary by class of road; and

(b) include construction, drainage, and safety issues.

Footways on Commercial Buildings

17. (1) An owner of a commercial building may construct and maintain a footway next to a commercial building where the County Government—

(a) has designated an area next to the building for the construction of a footway; and

(b) has not constructed or has failed to maintain the footway.

(2) A person shall construct or maintain a footway under sub-section (1) (a) upon approval of the Executive Committee Member; and (1) (b) in accordance with any prescribed standards.

Agency Agreements

18. (1) Any road agency may enter into an agreement with the County Government to carry out works on any County road.

(2) If, in the opinion of the Executive Committee Member, any road under the jurisdiction of any road agency other than the County government, is unsafe in its design or operation, the Executive Committee Member shall notify the agency in writing requesting proposals to improve the road safety.

Power to Enter Land

19. An Authorised Officer of the County Government may enter any parcel of land to remove obstructions, except buildings, or execute any other works that may be required to remove—

(a) a safety hazard; or

(b) an obstruction of a road sign; and

(c) any obstruction to drainage.

Power to Remove a Structure

20. The Executive Committee Member may require any person controlling a structure or thing above or below a County Road to remove that thing at his cost or to allow the County Government to remove such a thing itself and to recover the cost from the person in control of that thing.

PART IV—PUBLIC ROAD TRANSPORT

Approval of Public Transport Infrastructure or Services

21. (1) A person who wishes to operate a public transport infrastructure or services within the County shall obtain consent from the Executive Committee Member.

(2) The owner of a public transport vehicle shall have the details of the driver and tout such as—

(a) telephone;

(b) passport-size photo;

(c) copy of Identity Card; and

(d) a Certificate of Good Conduct.

(3) The Executive Committee Member shall expeditiously process any application to operate public transport infrastructure or services in the County and may only withhold such application where—

(a) it conflicts with the approved transport plan of the County;

(b) it imposes costs on the County that the Executive Committee Member deems unreasonable; or

(c) the Executive Committee Member believes it may cause unreasonable disruption of public transport services in the County.

Operating Licence

No. 33 of 2012

22. No person shall drive a motor vehicle on a public road except under the authority and in accordance with the conditions of a licence issued in accordance with the National Transport and Safety Authority Act.

Network of Operation Routes

23. (1) The Executive Committee Member shall prepare a plan for a network of bus routes to operate to, from, and within the County.

(2) A person shall not operate a public service route in the County unless such person—

(a) dealing in the trade of public transport is registered with an entity that is incorporated under the Companies Act or registered as a SACCO;

(b) has a valid operation license issued by the National Transport and Safety Authority; and

(c) holds a route permit which has been issued or approved by the County.

(3) A route permit shall be granted to an operator provided that the proposed route—

(a) is part of the plan approved under sub-section (l);

(b) operation and performance standards and fares regime are agreed upon with the County;

(c) is operated by public transport vehicles that have permanent access to parking and maintenance facilities, and the address of these facilities is provided to the County; and

(d) is operated by a maximum of two companies, SACCOs, or operators.

(4) The driver of a public transport vehicle shall, when ferrying passengers for hire or reward, follow such routes as are laid down under sub-section (2).

(5) A person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or both.

Prohibited Actions

24. (1) The following actions are prohibited in a public service vehicle parking bays or designated parking areas—

(a) smoking;

Legal Notice No. 61 of 2009

(b) playing offensive or excessively loud music which qualifies to be noise under the Environmental Management and Coordination (Noise and Excessive Vibration Pollution) (Control) Regulations;

(c) using obscene or offensive language;

(d) committing an offensive act such as affray or breach of peace;

(e) interfering with the comfort of any passenger;

(f) not reaching its final destination as indicated on its Road Service Licence 'RSL';

(g) damaging County property;

(h) endangering the life of a passenger;

(i) mistreating and harassing passengers;

(j) interfering with the free will of a passenger to board the vehicle of choice;

(k) showing or displaying any pornographic material; or

(l) any other action prohibited by law.

(2) A person who contravenes sub-section (1) commits an offence and upon conviction is liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years, or both provided that if an offence under this Section is punishable under any other national law, then the provisions of the national law will apply.

Public Transport Vehicles' Terminals or Omnibus Stations and Fees Payable

25. (1) The Executive Committee Member shall designate and/or reorganize public transport vehicles' terminals or omnibus stations in the County.

(2) There shall be a fee payable for the allocation of an omnibus station as specified in the First Schedule of this Act or as may be amended by the Kirinyaga County Finance Act from time to time.

(3) The allocation of parking spaces by the Executive Committee Member is final.

(4) In designating terminals, the Executive Committee Member shall ensure that such terminals are part of an Integrated County Public Transport Network.

(5) The Executive Committee Member may amend the designation of any terminal or omnibus station for any existing or proposed public service route to align them with an Integrated County Public Transport Network.

Passenger Picking and Dropping Terminals

26. (1) A public transport vehicle shall only pick up or drop passengers at a designated terminal or omnibus station.

(2) No public transport vehicle from an unlicensed SACCO or Company shall operate within the County.

(3) A public transport vehicle authorised to operate in other Counties other than Kirinyaga County shall not pick up passengers within the County.

(4) A public transport vehicle authorised to operate in other Counties other than Kirinyaga County shall only drop passengers in a designated parking bay allocated by the County.

(5) A person who contravenes this Section commits an offence and is liable on a first conviction to a fine not exceeding twenty thousand or to imprisonment for a term not exceeding one month, or to both; for a second or subsequent conviction, to a fine not exceeding fifty thousand or to imprisonment for a term not exceeding three months, or to both.

Parking Bay Fees

27. (1) A registered owner of a public transport vehicle using a bus station shall pay the parking bay fees as prescribed in the Kirinyaga County Finance Act.

(2) A person shall park a public service vehicle at a parking bay for the purpose of picking up and dropping off passengers upon payment of the required fees payable by the Kirinyaga County Finance Act.

(3) A person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months, or to both.

Display of Fares

28. (1) A fare guide will be displayed at a location in the vehicle that is visible to all passengers.

(2) A passenger shall not be required to pay a fair that exceeds the amount displayed on the vehicle.

(3) A public service vehicle operator shall notify the Executive Committee Member of any changes to the published fare guide.

Prohibition on the Use of Force or Intimidation

29. (1) No person through the use of force, intimidation, or threats shall prevent—

(a) any person from obtaining or engaging a public transport vehicle;

(b) a driver of a public transport vehicle from picking or dropping off passengers; or

(c) operation of any public transport vehicle that is lawfully operated.

(2) A person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months, or to both.

Application for Taxicab and Vehicle-for-Hire Business Permit

30. (1) The operator of a taxicab or a vehicle-for-hire shall obtain a Taxicab or Vehicle-for-Hire Business Permit as the case may be.

(2) The Taxicab or Vehicle-for-Hire Business Permit sticker must be displayed on the taxicab or vehicle-for-hire.

(3) Any person desiring to obtain a permit under this Section shall pay an application fee of two thousand shillings.

(4) The application for a Taxicab and Vehicle-for-Hire Business Permit shall be in the form of an official letter addressed to the Executive Committee Member.

(5) The applicant shall attach evidence of the installation of a taxicab meter for purposes of determining fare chargeable by the taxicab or vehicle-for-hire operator.

(6) A person who contravenes this Section shall pay a penalty of five thousand shillings.

Parking by a Taxicab and Vehicle-for-hire

31. (1) The operator of a taxicab or a vehicle-for-hire shall not park the taxicab upon any roadway other than within a taxi zone unless such taxicab is displaying a "Not for Hire" sign and the operator is out of the taxicab.

(2) A person who contravenes this Section shall pay a penalty of two thousand shillings.

Motorcycle Transport

32. (1) A motorcycle operating for commercial purposes shall obtain a permit issued by the County Government.

(2) Any motorcycle carrying passengers for commercial purposes shall operate in legally registered groups or SACCOs and each group shall have a distinct colour mark given by County Government.

Traffic Marshals

33. (1) A Executive Committee Member may designate any Authorised Officer to service as a Traffic Marshal for the purpose of this part.

(2) A Traffic Marshal shall, when pursuing their duties wear a required uniform and carry such identification and authorization.

(3) The duties and functions of Traffic Marshals shall be—

(a) to collect fees and charges set out under the Kirinyaga County Finance Act;

(b) manage traffic flow on the County roads; and

(c) perform any other duty of an Authorised Officer.

(4) Traffic Marshals shall discharge their duties in accordance with the Kirinyaga County Inspection and Enforcement Services Act, 2023.

Pedestrian-Only Lanes and Roads

34. A road sign with a pedestrian-only sign, including the footways and carriageway, shall be for the exclusive use of pedestrians, and no motorized vehicle or pedal cycle shall enter or ply on such road.

Public Transport Vehicles-Only Roads

35. (1) Where a road is signed with a public transport vehicle only sign, no motorized vehicle other than a public transport vehicle operated on an approved route may enter or ply that road.

(2) Despite sub-section (l), the following vehicles are exempt—

(a) police cars and motorcycles;

(b) ambulances; and

(c) fire engines.

Disruption of Traffic

36. (1) A person shall not park or allow to be parked a public transport vehicle in a non-designated parking area.

(2) A public transport vehicle, when picking or dropping off passengers, shall not—

(a) traverse a pedestrian crossing when picking up or dropping a passenger; or

(b) park in a designated parking place longer than is required.

(3) The County Government shall establish lay-bys for public transport vehicles in transit to pick and drop passengers and such vehicles shall not park or block the entrance or exit of the lay-by.

(4) A person who violates this Section commits an offence, and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding eight months, or to both.

Designation of Truck Routes

37. (1) No truck above the gross vehicle weight indicated shall enter any road where a lorry ban sign is erected.

(2) The County Government may designate—

(a) certain roads as truck routes through the erection of Class B advisory signs; or

(b) any part of any County road or area as a truck park.

(3) No truck unloading goods shall park in any place except a place designated as a truck park.

(4) The County Government may levy a charge on trucks parking in a designated truck park.

Closure of Roads

38. (1) The Executive Committee Member may order a County road to be closed for a certain period of time in any direction for any class of traffic.

(2) Prior to effecting any closure, the Executive Committee Member shall—

(a) publish and publicize the proposed order; and

(b) consider written submissions on the proposed order.

PART V — COUNTY STREET PARKING

Designation of Parking spaces

39. (1) The Executive Committee Member in-charge of Transport shall—

(a) ensure that the limits of a motor vehicle and motorcycle parking space shall be marked on the road, by lines, studs, or such other indication as the Executive Committee Member may determine having regard to both the interests of traffic and the interests of owners and occupiers of adjoining property;

(b) appoint an Enforcement Officer or any specified person to effect the moving, in case of emergency, of vehicles left in a designated parking place, or the moving of vehicles left in a designated parking place in contravention of this Section; and

(c) impose parking charges or fees to be paid using prescribed methods in respect of a vehicle left in a designated parking place calculated in accordance with this Act.

[CAP 403, s.72G(1)(c), s.72J(b)]

(2) Any person who, whether he is the driver of a vehicle or not, contravenes any provision under this Part, shall in addition to the surcharges imposed under this Act, be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings, or in the case of a second or

subsequent offence to a fine not exceeding ten thousand shillings, in accordance with the Traffic Act.

Requirements for Designated and Reserved Parking

40. (1) A person shall not put up a sign post or any other sign in a designated parking space stating that the parking is reserved without the prior consent of the Executive Committee Member and on payment of fees or charges prescribed under the Second Schedule of this Act or as may be amended by the Kirinyaga County Finance Act from time to time.

(2) A person shall not park in a designated parking space in such a manner that the vehicle stands in, or traverses over another parking space; or on any line, stud, or other indication marking the limits of a parking space.

(3) A person who contravenes this Section commits an offence.

(4) A vehicle shall not be parked on a pavement or other non-designated parking place.

(5) A vehicle parked on pavement or other non-designated parking place shall be towed to the designated yard at the owner's cost.

Special Parking Bays

(No. 1 of 2019)

(Cap 403)

41. (1) The Executive Committee Member shall designate parking bays for—

(a) the reserved parking of petroleum tanker vehicles in accordance with Section 99 of the Energy Act; and

(b) the parking of heavy commercial vehicles as classified under the Traffic Act.

(2) A person driving a petroleum tanker vehicle or a heavy commercial vehicle shall not park the vehicle in an area other than that which is designated for parking such vehicles.

(3) Despite sub-section (2), a person may park a petroleum tanker vehicle or a heavy commercial vehicle outside the designated areas for the purpose of loading or offloading goods where —

(a) the loading or offloading process is continuous;

(b) the goods are of such weight that they cannot be reasonably conveyed otherwise than by means of a vehicle;

(c) the vehicle is parked as near as possible to the loading or offloading site; and

(d) the loading or offloading Activity is carried out promptly.

(4) A person who contravenes this Section is liable to a penalty of one hundred thousand shillings.

(5) A person who fails to pay the fine under this Section commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings, to imprisonment for a term not exceeding one year, or to both.

(6) In addition to the penalty, an Authorised Officer may seize the motor vehicle and such vehicle shall only be released to the owner upon payment of the required penalties, or fines where applicable.

Parking Fee

42. Parking shall be strictly in areas designated as such at a parking fee specified under the First Schedule of this Act or as may be amended from time to time by the Kirinyaga County Finance Act and reviewed annually by the Executive Committee Member for different areas within the County.

Parking on Public Road

43. (1) A person shall not park or permit a vehicle to be parked on a public road contrary to a traffic sign or in a manner that impedes the flow of traffic.

(2) A person who violates this Section commits an offence, and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding eight months, or to both.

Parking and Stopping Places for Public Transport Vehicles

44. (1) A public transport vehicle shall not, without prior authority by the County Government, be parked in any place other than a designated 'public transport vehicles' terminal or omnibus station.

(2) This Section shall not apply to a public transport vehicle parked at a terminal or omnibus station for the sole purpose of dropping and picking up passengers.

(3) A person who violates this Section commits an offence, and is liable on conviction to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding nine months, or to both.

Prohibited Parking Areas

45. (1) A person shall not park a motor vehicle in any other area other than a designated parking area.

(2) Unless legally permitted, a person shall not stop or park a vehicle—

(a) at an intersection nearer than ten meters to the projection of the curb line immediately ahead or immediately to the rear;

(b) within ten meters on the approach to a stop sign or give way sign;

(c) within ten meters of the approach to a pedestrian crossing;

(d) on a footway;

(e) facing oncoming traffic;

(f) on any bridge or approach to any bridge;

(g) in a passenger loading or unloading space posted as such by a traffic control device except when taking or discharging passengers;

(h) on any portion of a public road posted with the sign 'No Parking';

(i) on any space posted as a fire lane except for emergency vehicles; or

(j) on any space posted for disabled persons parking unless such vehicle is designated as a disabled person's vehicle; or (l) in such a manner to obstruct an emergency exit.

(3) A person shall not park a vehicle, or permit a vehicle to be parked, on private property without permission by the owner of such property or a person having lawful possession or control.

(4) A person shall not put up a sign post or any other sign in a designated parking space stating that the parking is reserved without the prior consent of the Executive Committee Member and on payment of the prescribed fee as provided from time to time.

(5) A person shall not park in a designated parking space in such a manner that the vehicle stands in, or traverses over another parking space; or on any line, stud, or other indication marking the limits of a parking space.

(6) A trailer shall not be parked on a public road unless attached to a vehicle by which it maybe propelled or drawn, and when so attached, the trailer shall be deemed to be part of the vehicle and subject to the provisions pertaining to vehicles.

(7) A vehicle that is not a taxicab shall not be parked in an area designated as a taxi zone.

(8) A person who violates this Section commits an offence, and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding eight months or both.

Parking Permits and Charges

46. (1) Where a vehicle is parked in a space where payment is required the owner or operator of the vehicle shall make payment for the entire duration the vehicle is parked in that space and display the receipt issued thereof in a conspicuous manner at the windscreen of the subject vehicle.

(2) An operator or owner of a vehicle shall not park or permit to be parked any vehicle on the roadway or public place for any longer than the Authorised duration.

(3) A parking permit issued for a particular vehicle shall not be used for a vehicle other than the one whose registration number appears on a parking permit.

(4) Parking fees shall not be payable the whole day on Sundays, Public Holidays, and after 2.00 pm on Saturdays.

(5) A person operating a commercial private parking business within the County shall also obtain a permit from the Executive Committee Member to carry on such business under the provisions of a Single Business Permit issued as per the Kirinyaga County Business Licensing Act.

Parking Bays for Permit Holders

47. (1) The Executive Committee Member may declare that a designated parking bay or bays may only be used for the parking of vehicles, motorcycles for permit holders and Persons with Disabilities.

(2) The County Government may issue a permit to a person for a period not less than three months on payment of a fee if that person has—

(a) a residence or business close to the 'permit holders only' bays; and

(b) no means of parking a vehicle within the curtilage of the building that houses that residence or business.

(3) Any vehicle parked in a permit holder bay shall visibly display a valid permit on its windscreen and any person who fails to display such a permit commits an offence.

(4) Any permit granted does not guarantee the holder a parking space.

(5) The Executive Committee Member shall provide marked designated parking slots for persons with disabilities.

Executive Committee Member to Direct Road Agencies on Safe Parking

48. If in the opinion of the Executive Committee Member, the parking of vehicles at a location on a road not under the jurisdiction of the County government constitutes a traffic congestion or safety hazard the Executive Committee Member may write to the agency responsible for that road directing that parking be regulated in a manner that reduces that hazard.

Licence for Off-Street parking

49. (1) No person shall own or operate an off-street car park that is accessible to the public for reward unless granted an off-street parking licence by the County.

(2) An application for an off-street car park licence shall be made to the Executive Committee Member in the prescribed manner and shall include—

(a) the proposed number of car parking spaces;

(b) proposed hours of operation;

(c) proposed car parking charges;

(d) number of proposed spaces for vehicles transporting drivers or passengers living with disabilities; and

(e) the prescribed fees under the First Schedule.

(3) An off-street car park licence shall not be granted if its operation is likely to create traffic congestion.

(4) In granting a licence, the Executive Committee Member may place conditions on—

(a) the number of car parking spaces to be operated;

(b) the opening hours of the car park;

(c) the charges for parking;

(d) the duration of effect of the licence; or

(e) number of spaces for vehicles transporting drivers or passengers living with disabilities.

(5) A licence may be granted for a period of not less than two years and not exceeding five years.

(6) The following entities operating public off-street car parks are exempted from the requirements of this Section—

(a) government offices;

(b) parks,

(c) schools, universities, and vocational training colleges and institutes.

Clamping Charges

50. (1) An Authorised Officer may authorize the clamping of a vehicle if the vehicle is parked—

(a) in a non-designated parking area;

(b) in an unauthorised reserved parking;

(c) without evidence of payment of parking fees; or

(d) in a manner that contravenes the provisions of this Act.

(2) A clamped vehicle shall be unclamped and released upon payment by the owner or operator of the prescribed fee under the Third Schedule of this Act or as may be amended by the Kirinyaga County Finance Act from time to time.

(3) Where the owner of a clamped vehicle does not pay the prescribed fee under the Kirinyaga County Finance Act within a prescribed period, the Authorised Officer may cause it to be towed to a designated yard, at the owner's cost.

(4) The following shall be exempted from the provisions of this Section—

(a) police vehicles while on duty;

(b) ambulances while on duty;

(c) fire service vehicles while on duty;

(d) a motor vehicle waiting only for so long as is necessary to enable a person to board or alight from the vehicle;

(e) a motor vehicle parked by reason of its breakdown for a period not exceeding two hours; or

(f) a motor vehicle bearing an Authorised parking sticker issued by the County Government.

Power to Tow Away a Vehicle

51. (1) Any vehicle parked contrary to provisions of this Act, or which has broken down at a place not designated for parking, shall be removed within the hour by the owner, failing which it shall be towed away by authorised officers at the owner's expense.

(2) When a vehicle breaks down on a road, the owner shall place an authorised hazard sign at least ten meters behind the vehicle.

Loading and Unloading

52. (1) A person shall not park a vehicle on any road unless designation for parking otherwise permits, except for the following purposes—

(a) the loading or unloading of goods from a commercial vehicle for a reasonable period; or

(b) the loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a reasonable period.

(2) Despite sub-section (l), no person, while loading or unloading passengers or goods, shall park in such a manner as may obstruct the passage of other vehicles.

(3) Notwithstanding sub-section 1(a) and (b), the allowed period for loading and unloading shall be prescribed for in the Regulations.

Use of Footways

53. (1) A footway shall only be for use by pedestrians.

(2) A person shall not drive, park, or erect a structure, on a footway.

(3) A person who contravenes this Section shall pay a penalty of ten thousand shillings.

Parking of Motor Vehicles in Non-Designated Area

54. (1) A person driving a motor vehicle shall not park the vehicle on any part of a County road that has signs or markings indicating that parking is prohibited at the time of the day or that day of the week.

(2) A person shall not use a parking bay other than for the purpose of parking a motor vehicle and in accordance with such conditions as may be prescribed by the Executive Committee Member.

(3) A person who contravenes this Section shall pay a penalty of ten thousand shillings.

(4) Where the owner of a motor vehicle contravenes this Section, the Executive Committee Member may cause the motor vehicle to be seized and such vehicle shall only be released to the owner upon payment of the required penalty and charges.

Authorised Persons

55. (1) The County Government shall designate Authorised Officers to be in charge of designated parking places.

(2) An Authorised Officer may be assisted by a uniformed parking assistant.

(3) Every parking assistant shall wear an identification badge and shall report to the Authorised Officer.

Offences Related to Parking and Stickers

56. (1) A person who—

(a) with intent to defraud, interferes with the writings or marks on a parking permit already issued;

(b) without authority of the Executive Committee Member uses a parking space or any other open space for the purpose of advertisement or business;

(c) willfully damages the vehicle clamp or any of its parts;

(d) without the authority of the Executive Committee Member to remove or attempts to remove a clamp from a clamped vehicle;

(e) willfully parks in a parking place reserved for persons living with disabilities; shall pay a penalty of ten thousand shillings.

(2) A person who fails to pay the penalty shall be guilty of an offence and the motor vehicle shall be clamped and towed to the County Government yard at the owner's cost and shall be liable to a fine of ten thousand shillings or to imprisonment for a term not exceeding one year, or to both.

(3) A person who contravenes the provisions of this Act in relation to late payment of the seasonal stickers after ten days from the due date shall pay a penalty of two thousand shillings.

(4) A person who parks any motor vehicle having not paid daily charges as prescribed by this Act or as amended by the Kirinyaga County Finance Act shall pay the daily charges required and additionally pay a penalty as follows—

(a) one thousand five hundred shillings for a vehicle;

(b) five hundred shillings for a motorcycle and tuk-tuk.

(5) A person who fails to pay the penalty under sub-section 4 shall have the vehicle/motorcycle/tuk-tuk clamped and towed to the County yard at the owner's cost.

(6) A person who parks any motor vehicle/motorcycle in such a way as to obstruct the free flow of traffic or pedestrians shall pay a penalty of five thousand shillings.

PART VI — STREET LIGHTING AND ADVERTISEMENT

Street Lighting

57. (1) The County Government shall install and maintain street lights on all its roads.

(2) In installing the street lights, the County Government shall prioritise the roads guided by the criteria of—

(a) the volume of traffic;

(b) the volume of pedestrians;

(c) safety; and

(d) security.

(3) Any national Government road agency shall install and maintain street lights on roads under its jurisdiction within the County to standards and criteria that the Executive Committee Member may from time to time determine.

Sign or Billboards

58. (1) No sign, advertisement, or billboard may be erected on a road or a footway or within a road reserve except—

(a) on approval by the Executive Committee Member; and

(b) upon payment of a prescribed fee under the Kirinyaga County Finance Act.

(2) No sign, advertisement, or board may be erected on a street/public lighting pole except—

(a) on approval by the Executive Committee Member on an application made through a prescribed form; and

(b) upon payment of a prescribed fee under the Kirinyaga County Finance Act.

PART VII — FINANCIAL PROVISIONS

Funding

59. (1) Activities towards the realization of the objects of this Act as performed by the Directorate and the County Transport Planning Committee shall be financed by the County Transport Management Fund and through appropriated provisions from the relevant County Department.

(2) Finances and accounts of the Directorate and the County Transport Planning Committee shall be administered and managed in accordance with

the provisions of the Public Finance Management Act and the Public Finance Management (County Governments) Regulations.

Annual Estimates

60. At least three months prior to the commencement of each financial year, the Executive Committee Member shall cause to be prepared the estimates of revenue and expenditure of the Directorate, County Transport Planning for the year.

Accounts and Audit

61. The Directorate and the County Transport Planning Committee shall cause to be kept all proper books and records of account and income, expenditure and assets, and shall cause the accounts to be audited within a period of three months after the end of each financial year.

PART VIII—MISCELLANEOUS

Status of Non-Motorized Transport

62. (1) Every two years the Executive Committee Member shall prepare and submit to the Assembly a report on the status of non-motorized transport in the County.

(2) In preparing the report the Executive Committee Member shall have regard to—

(a) the demand for non-motorized transport;

(b) the stock and quality of infrastructure devoted to non-motorised transport; and

(c) such activities that have been implemented to foster and - encourage the use of non-motorised transport, particularly - cycling and walking within the County.

Regulations under the Act

63. The Executive Committee Member may make Regulations for the efficient administration and implementation of this Act.

Offences

64. (1) A person is guilty of an offence if they—

(a) willfully damage a public transport facility;

(b) being an Authorised Officer knowingly refuses to enforce the provisions of this Act;

(c) publicly graze and herd livestock on County roads.

(2) A person who is guilty of an offence under this Act for which no penalty is otherwise provided shall be liable for a first offence, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term, not six months; for a second or subsequent offence, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months.

(3) All offences under this Act shall be in accordance with the relevant laws of Kenya.

Protection of County Government

65. The exercise by the County Government of its powers under this Part shall not render the County Government liable in respect of any loss or damage to any vehicle or the contents or fittings thereof under this Act.

Repeal

66. The Kirinyaga County Omnibus Stations and Parking Act, 2016 is hereby repealed.

FIRST SCHEDULE

Omnibus stations fees or charges *(Part IV S. 25)*

S/No.	Omnibus Size	Charge (KSh.)
1.	1-7 passengers	2,000 per month
2.	8-10 passengers	2,000 per month
3.	11-18 passengers	3,000 per month
4.	19-35 passengers	4,500 per month
5.	over 35 passengers	5,000 per month

SECOND SCHEDULE

Parking fees or charges *(Part V S.42)*

S/No.	Item	Unit of Measure	Charges (KSh.)
1.	Saloon Car	Per day	50
		Per month	600
		Per annum	4,000
2.	Saloon car (taxi)	per day	50
		Per month	750
3.	Pickups	Per day	50
		Per month	750
		Per annum	4,000
4.	Lorry	Per day	100
		Per month	2,000
		Per annum	20,000
5.	Trailer & Semi-trailers	Per day	200
		Per month	4,000
		Per annum	30,000
6.	Surcharge on non-matatu parking area penalty	Per day	2,600
7.	Reserved Parking		
	Saloon cars/pickups/matatus	Per annum	15,000
		Per month	1,500
	Lorries/Buses	Per annum	20,000
		Per month	2,000

THIRD SCHEDULE

Clamping charges *(Part IV S. 50)*

S/No.	Item	Unit of Measure	Charges (KSh.)
1.	Matatu (14 seater) impounded for first 7days	Per vehicle	1,500
	After 7 days	Per day	1,000
2.	Taxi impounded for the first 7days		1,000
	After 7 days	Per day	500
3.	Other vehicles impounded for the first 7 days	Above 7 tons	5,000
	Other vehicles impounded for the first 7 days	Below 7 tons	4,000
	After the 7th day	Below 7 tons per day	1,000
	After the 7th day	Above 7 tons per day	1,500
4.	Impounded tuk-tuk for the first 7 days	Per tuktuk	500
	Next 7 days	Per day	250
5.	Impounded motorcycle for the first 7 days	Per motorcycle	300
	Next 7 days	Per day	150
6.	Towing charges upto 1 ton (Day)	Within the Sub-counties	2,000
7.	Towing charges upto 1 ton (Night)	Within the Sub-counties	2,000
8.	Towing charges above 1 ton (Day)	Within the Sub-counties	2,500
9.	Towing charges above 1 ton (Night)	Within the Sub-counties	2,500
10.	Towing charges buses/trailers (Day)	Within the Sub-counties	3,500
11.	Towing charges buses/trailers (Night)	Within the Sub-counties	3,500
12.	Unclamping charge	For vehicles under 7 tonnes	1,000
13.	Unclamping charge	For trucks, buses, and other vehicles over 7 tonnes	2,000
14.	Clamp tampering charges		5,000