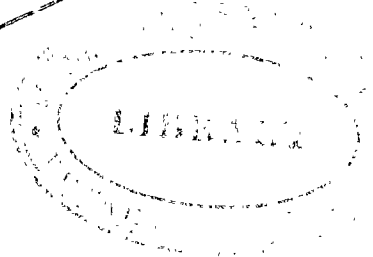


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SPECIAL ISSUE

Machakos County Gazette Supplement No. 4 (Acts No. 2)



REPUBLIC OF KENYA

**MACHAKOS COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2013

NAIROBI, 21st October, 2013

CONTENT

Act—	PAGE
The Machakos County Finance Act, 2013	7

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

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THE MACHAKOS COUNTY FINANCE ACT**No. 2 of 2013***Date of Assent: 14th October, 2013**Date of Commencement: 30th October, 2013*

PART I- PRELIMINARY PROVISIONS	4
PART II – ADVERTISING	19
PART III-BUSSINESS PERMITS	21
PART IV – LICENSING OF PREMISES AND TRADE.....	23
PART V – PUBLIC MARKETS AND STALLS	29
PART VI – PARKS AND OPEN SPACES.....	34
PART VII- DESIGNATED PARKING.....	39
PART VIII- PARKING PLACES AND OMNIBUS.....	45
PART IX- TAXI – CABS	49
PART X NON MOTORIZED TRAFFIC	62
PART XI – BUILDING PLANS	65
PART XII- RENTAL HOUSES.....	84
PART XIII – SLAUGHTER HOUSES	87
PART XIV – PRIVATE LEARNING INSTITUTION	90
PART XV- HAWKING	94
PART XVI – DRAINAGE AND SEWARAGE.....	97
PART XVII – QUARRYING	108
PART XVIII – SAND HARVESTING	112
PART XIX – POUNDS	114
PART XX – PUBLIC LAVARATORIES	116
PART XXI – RESTAURANT, EATING HOUSE, SNACK BAR AND CAFE	117
PART XXII – FOOD SHOPS AND STORES	133
PART XXIII –CONTROL OF HAMALI CARTS AND HAND CARTS IN PUBLIC STREETS	145

No. 2	<i>Machakos County Finance</i>	2013
PART XXIV – CONTROL OF GRAZING		146
PART XXV – SALE OF ICE-CREAM.....		147
PART XXVI – CONTROL AND LICENSING OF DOGS.....		151
PART XXVII – PREVENTION AND EXTINCTION OF FIRE AND FIRE BRIGADES		154
PART XXVIII – GENERAL NUISANCE		181
PART XXIX – POLYTHENE CARRY BAGS BAN		193
PART XXX – SOLID WASTE MANAGEMENT		193
PART XXXI – FILM MAKING, CULTURAL EVENTS AND ENTERTAINMENT		203
PART XXXII – TRAFFIC FLOW CONTROL		204
PART XXXIII – ENVIRONMENT AND LITTERING		207
PART XXXIV – ENFORCEMENT PROVISIONS		212
SCHEDULES		
FIRST SCHEDULE – DESIGNATED PARKING AREAS.....		215
SECOND SCHEDULE – TAXI CAB PERMIT		217
THIRD SCHEDULE – TAXI CAB DRIVER’S PERMIT.....		217
FOURTH SCHEDULE TAXI –CAB DRIVER PERMIT REQUIREMENTS		218
FIFTH SCHEDULE – APPLICATION FOR THE GRANT /RENEWAL OF PERMIT		219
SIXTH SCHEDULE – CHARGES FOR FIRE SERVICES		221
SEVENTH SCHEDULE – APPLICATION FOR SUPPLY OF WATER		223
EIGHTH SCHEDULE – FEES AND CHARGES		224

MACHAKOS COUNTY FINANCE ACT 2013

A Bill for

A Legislation by the County Assembly of Machakos to regulate and govern the taxes, duties, levies, charges, fees specified and to amend and align certain written laws relating to the collection and management of county revenues within the County of Machakos; to give effect to Section 21 of the County Government Act and Section 132 of the Public Finance Management Act; the raising or guaranteeing of any loan or its replacement, matters incidental to any of these matters and to set out county revenue raising measures for the county government.

ENACTED by the County Assembly of Machakos, as follows—

PART 1 PRELIMINARY PROVISIONS

1. This Act may be cited as Machakos County Finance Act, 2013. Short Title

2. The provisions of various Parts of this Act shall come into operation on the 14th day from the date of assent. Commencement

3. In this Act unless the context otherwise requires: Interpretation

“**Accounting Officer**” means the person designated in writing by the County Executive Committee Member for Finance and Revenue Collection to be responsible for managing the finances of the County Government entities as specified in the appointing letter.

“**Advertisement**” means the use and/or display any word, letter, model, sign, placard, board, notice or representation whether illuminated or not in the nature and employed wholly or in parts for the purpose of promotion of a product or article by a proprietor and without prejudice to the foregoing includes any hoarding or similar structure used or adapted for use for the display of sale promotions accordingly; provided that any advertisement put inside a building or private properties shall not be included.

“**Advertisement Device**” means (a) bill boards including large outdoor advertising structures in high

traffic areas such as alongside busy roads and roundabouts (b) business advertising which involves placing promotional material, commercial brands, campaign messages on public places including transport vehicles (c) banners placed on lamp columns or erected posts across the roads (d) mobile bill boards (e) posters placed on walls and other permitted structures (f) street advertising done on pavements and on street furniture (g) Taxi advertising done on taxis (h) walls cape advertising done on walls (i) digital signage on LCD or projected images on public environment (j) neon light advertising which includes the use of electrified , luminous tube lights.

“**Authorized officer**” means an officer empowered in writing to carry out a specified responsibility or exercise a specified power under this act.

“**Building**” means any structure or erection and part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted and includes any boundary wall, screen wall, fence, hoarding or water or drainage work and any part thereof;

“**Building operations**”- includes though not limited to putting up buildings partly or in whole, rebuilding operations, structural alterations or additions to buildings and other similar operations and the making of access roads, railways, water works, sewerage and drainage works, electrical and telephone installations and any road works preliminary to, or incidental to the erection of buildings;

“**Bundle waste**” includes tree plants, shrubs, bush trimmings, newspapers, magazines, cartons or solid waste securely tied as a package not exceeding one meter in length or 15 kilograms in weight;

“**Bulk waste**” includes large appliances, machines, furniture, and other solid waste (other than construction or demolition debris or dead animals with weights or volumes greater than those allowed for bundle waste or dustbins);

“**Business**” means a concern carrying on the occupation of –

(a) a regulated trade; (b) importing or exporting

goods; (c) commission agent or indent agent; (d) manufacturer's representatives; (e) produce dealer or produce broker; (f) business broker or management consultant; (g) insurance agent; (h) estate agent; or (i) any other occupation, whether similar to any of the foregoing or not, which the County Executive Committee Members may, by order, declare to be an occupation for the purposes of this definition;

“Business Permit” means any authorisation writ issued to any business or trade concern under Part III of this Act.

“Charge” an amount of money levied and payable as fees;

“Chief Fire Officer” means the person appointed by the County as Chief Fire Officer of the County.

“Clamp” means a metallic instrument used to lock the wheels of a vehicle to immobilise;

“Clinical waste” includes any waste which consists wholly or partly of human or animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, swabs or dressings or syringes, needles or other sharp instruments and any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice or the collection of blood for transfusion being waste which may prove hazardous to any person coming into contact with it;

“Company” means a business entity registered and or issued with an incorporation certificate in accordance with the provisions of the Companies Act or the Business names Act or any other Law Subsisting in the Republic of Kenya at the time conferring Corporate Entity Status and perpetual succession under the Laws of Kenya;

“Complete Cold Mix” means a product which is capable of manufacture into ice-cream with the addition of water only, is sent out by the manufacturer in air-tight containers, and has been made by evaporating a liquid mixture which has already been subjected to heat treatment comparable with the processes prescribed in this Act;

“Vehicle” includes any engine propelled automobile, motor car, motor cycle, tractor, trailer, wagon or cart

whether for Public Service or private;

“County Motor Vehicle” means a vehicle owned by the County or the time being leased by the County Government for sole and exclusive use of the County;

“County waste” means waste which is the responsibility of the County whether under this Act or under any other law to collect treat and otherwise dispose off.

“County” means the area under and/or within the jurisdiction of Machakos County Government.

“County Government” means the County Government of Machakos.

“County engineer” means the person for the time being holding the office of County Engineer in the County, and includes his or her deputy and any other authorized officer.

“County Planner” - Means a Planner to the County and includes any person duly authorized by him or her and/or by the County to act on his or her behalf.

“County Modern Toilet Convenience” means a public lavatory closet or urinal established and maintained by the County or in partnership with any other person or entity.

“Development” means-

- (a) the making of any material change in the use or density of any building or land or the sub-division of any land which for the purpose of this Act is classified as class “A” development; and
- (b) the erection of such buildings or works and the carrying out of such building operations, as the minister responsible may from time to time determine and/or approve, which for the purposes of this Act is classified as class “B” development: Provided that:-
 - (i) the carrying out of works for the maintenance of improvements or other alteration, of or addition to, any building where such alterations or addition does not exceed 10% of

the floor area of the building measured on the date this Act becomes applicable to the area in which that building or land is situated;

- (ii) the carrying out by a competent authority of any works required for the construction, maintenance or improvement of a road, if the works are carried out on land within the road reserves;
- (iii) the carrying out by the County of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including breaking open of any street for that purpose and the installation of services by the County; shall not constitute development for the purposes of this Act: provided further that the County within seven days, after completion of works carried out as in subparagraph (iii), restore the site to conditions that would not be injurious to users and the environment;

For the avoidance of doubt, it is hereby declared that for the purpose of this Act

- (a) the deposit of refuse, scrap or waste materials on land involve a change of use thereof;
- (b) the use of two or more dwellings of a building previously used as one dwelling constitutes class "A" development;
- (c) the erection of more than one dwelling or shops or of both dwelling and shop on one plot constitutes class "A" development;
- (d) the display of any advertisement constitutes class "A" development;
- (e) the use of any buildings or land within the cartilage of a dwelling for any purpose incidental to the enjoyment of the dwelling constitutes class "A" development;

"Director of Environment" means the person at the time being holding the office of the director of environment for the County and includes his or her deputy or a person

appointed by the County to be in charge of environment matters at any particular time.

“Domestic Waste” means normal household waste produced in a residential building used wholly as a private dwelling. If any trade is carried on in a residential building or any part thereof the whole of the waste arising therefrom shall be considered as trade waste;

‘Drain’ - Means any drain used for the drainage of one building only, or of premises within the same cartilage and made merely for the purpose of communicating therefrom with a receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed.

‘Dwelling’ means a building or any part or portion of a building used or constructed, adapted or designed to be used for human habitation as a separate tenancy or by one family only, whether detached, semi-detached or separated by walls or by floors from adjoining buildings, together with such out buildings as are reasonably required to be used and enjoyed therewith, and shall any residential flat or apartment;

‘Erection of any building means: (a) The putting up of any addition to an existing building; (b) The refurbishing or alterations of any part of an existing building; (c) The re-erection of any building or part of a building when an external wall of that building or part of a building has been destroyed or pulled down or burned down or damaged either wholly or partially; (d) The roofing over of any space between walls or buildings; (e) The changing of the purpose or purposes for which a building or part of a building or appurtenances of a building are used; (f) The using for human habitation of any building which has not been previously used for that purpose; (g) The increasing or the reducing of the number of dwellings or separate tenancies or occupancies in a building; (h) The using of any building in a manner different from that shown on the plan thereof approved by County whether before or after the date on which this Act becomes operative and whether or not it is proposed to execute any alterations or work in connection with the proposed change; (i) The carrying out of any water service

or drainage work.

“**Estate Officer**” means the person for the time being holding the office of estate officer of the County;

‘**External wall**’ means an outer wall or vertical enclosure of a building not being a party wall, whether or not adjoining a wall of a another building;

“**Fire Brigade**” means the entity designated by the County Government to combat and/or deal with fire incidences or undertake extinction of fires within the County under the Directorship of the Chief Fire Officer, his officials and Firemen.

“**Fire fighting Purposes**” means the purpose of the extinction of fires and included the protection of life and property;

‘**Film Making**’ means the production of video film or photography;

‘**Film maker**’ means the producer and/ or Director of a certain film production;

“**Foundation bed**” means the natural geological formation or solid ground at or over the bottom of the foundation trenches and on which the foundation is laid;

“**Government Motor Vehicle**” means a vehicle owned by the Government of Kenya and registered as a Government of Kenya vehicle; Government motor vehicle is in use in Machakos.

“**Hamali Cart**” means a wheeled cart for the carriage of goods propelled by human energy.

“**Hand Cart**” means a two or three wheeled cart for the carrying of goods propelled by human energy.

“**Hawking**” means a person who carries on either of the following businesses, whether as a principal, agent or employee:-

- (a) the sale of or exchange of goods wares, merchandise or refreshment, to place oneself in any street or public place or unenclosed land (other than in shop premises approved as such by the County) or to go about in street or public places or from premises to premises for purposes

of carrying on trade and promotion of sale of items; or

- (b) the sale or exchange, or the offer of or exposing for sale or exchange, of goods ware merchandise to refreshment, but does not include the seeking or taking or orders for subsequent delivery of goods, wares merchandise or refreshment to premises for the purpose of re-sale or trade by any of the means aforesaid.

“Hazardous Waste” means waste which is toxic, flammable, corrosive, radioactive, explosive or otherwise dangerous, and shall also include motor oil, diesel fuel gasoline (petrol), paint, solvents, dry cells and vehicle batteries, pesticides, and infectious or medical wastes from hospitals and clinics, metallic and / or oily sludge’s or solvents from commercial and industrial establishments, asbestos materials, radioactive wastes, and any such like waste which possess characteristics that make them hazardous to human beings or to the environment.

“Hazardous Waste Audit” means verification of records of hazardous waste disposal by an authorized institution or authority.

“Inspector” means an officer of the County authorized and/or empowered by the Accounting Officer to control and supervise a certain activity.

“Licensee” means the holder of a valid license;

“Licence” means a permit issued by the County under this Act for any specified activity.

“Licensing Authority” means any entity or department of the Central Government of the County Government empowered to issue permits or licenses for carrying out a particular or specified authority under any law.

“Management Board” means the Board at that time managing any of the County Institution or facility on behalf of the County.

“Market Master” means the person appointed in writing by the County to control and supervise the Public Market specified in the instrument of his or her

appointment.

“Medical Officer of Health” means the person for the time being holding the office of the Officer of Health of the County and includes his or her deputy and/ or the public health officer of the County

“Monthly License” means a license issued under this Act on a monthly basis (renewable monthly).

“Non-Motorized Vehicle” means an animal or human drawn vessel used for the carriage of goods or persons and shall include bicycles.

“Occasional License” means a license valid only on the date or time frame specified therein and not valid upon lapse of the time frame unless with express permission from a county officer or a duly authorized officer

“Occupier” includes any person in actual occupation of premises or residential dwelling subdivided and let to lodgers or various tenants each lodger or tenant thereof,

“Open Space” means a street, road, pathway or open ground;

“Owner” means:-

- (a) means a person in whose name a property is registered under the relevant Act;
- (b) the person in whose name a vehicle is registered under the Traffic Act, and in relation to a vehicle which is subject of a hire purchase agreement or hiring agreement, includes the person who is in possession of the vehicle under that agreement;

“Parking Permit” means a permit issued by the County authorizing the owner of a vehicle to use a designated parking place;

“Parking space” means a space in a parking place, which is provided for parking of a single vehicle;

“Parks Superintendent” means the person for the time being holding the office of parks superintendent in the County department responsible for the parks.

“Parks” means any open space managed by the County for temporary resting, recreation purposes or public

access at a fee of free;

“Passenger” means a person carried in a motor vehicle or non-motorized vehicle or bicycle for hire or reward.

“Permit Holder” means a business entity authorized by the County to conduct business within its jurisdiction.

“Permit” means a document or permit issued by the County to a person or entity as authority to conduct business within its jurisdiction.

“Permit License” means any permit given under Part IV of this Act.

“Person” includes a company, association or other body of persons whether incorporated or un -incorporated

“Ply for hire” means and includes-

- (a) standing on any taxi rank;
- (b) standing or travelling whilst exhibiting a “For Hire” notice or any other word or sign implying that the vehicle is a taxi cab.

“Polythene carry bags” means any plastic bag used for packaging, storing, carrying or dispensing any article or commodity.

“Polluter pays principle” means the partial compensation for the treatment of polluting waste discharged into the sewers of receiving waste water management authority as provided for in the Water Act 2002, Environmental Management and Coordination Act or any discharge regulation in force.

“Poultry” means any domestic bird or birds capable of domestication like fowls, ducks, geese, chicken, turkeys, peacocks, ostriches and guinea fowls.

“Premises” includes (a) land, (b) commercial buildings, (c) houses, flats, rooms, bungalows or maisonettes belonging to and rented for residential purposes by the County (d) vehicles, (e) railway carriage or (f) other conveyances and tents, (g) vans, (h) structures of any kind, (i) drains, (j) open places, covered or enclosed, whether maintained or not under statutory authority, of any

place within the limits of the County.

“Public Health Committee” means the duly constituted committee that handles public health matters of the County.

“Public Places” means places accessible to the general public like pavements, roads, buildings and parks whether free of charge or for a fee.

“Residential Dwelling” means building, flat or any structure used as a private dwelling and includes undeveloped or partially developed land allotted for residential purposes;

“Regulated trade” means - (a) wholesale or retail trade; (b) catering; (c) laundering or dry-cleaning; (d) hairdressing; (e) beauty culture; (f) shoe repairing; (g) motor vehicle repairing; (h) cinematograph film exhibition; (i) advertising; or (j) the sale by a manufacturer of goods manufactured by him;(k) any other business designated as a regulated trade by the County or the Central Government.

“Recommended thickness” means a thickness of not less than 30 microns

“Revenue Officer” means an officer of the County authorized in writing by the County to collect revenue

“Sand” means any of these loose granular materials between 1-4mm in diameter that results from the broken rocks and consists of particles smaller than gravel but courser used in mortar, glass, abrasive foundry moulds and buildings; or any soil containing 85% or more of sand a maximum of 10% of clay.

“Sand Harvester” a person who by himself or herself or through his agent gathers or collects sand for purposes of sale or own use.

“Sealed” means sealed by an official of the County duly authorized by the city engineer to do so;

“Solid Waste” means County waste material generated by domestic households, institutions, commercial establishments, and industries, and all litter and clandestine piles of such wastes;

“Stock” means domesticated animals notably

including though not limited to:- cattle, poultry, pigs, sheep or goats, rabbits, etc;

“**Street**” includes any street, road, highways, path, sanitary lane, sand lane, thoroughfare or public space to which the public have access and includes a bridge over which a roadway runs

“**Taxi-cab**” means a public service motor vehicle constructed or made to carry a limited number of passengers, excluding the driver, which is licensed under this Act to ply for hire and for the purposes of this Act shall include *tuktuks* and *boda boda* motorcycles licenced to ply for hire or operate as taxis;

“**Taxi rank**” means any one of the places prescribed by the County under the provisions of part IX of this Act as a waiting bay for taxi vehicles.

“**Trade Waste**” means all commercial and industrial waste arising from trading of industrial or industrial output or business or in the provision of services and includes all waste which is not domestic refuse within the meaning of this Act;

“**Transporter**” means any individual or firm in the business or system of transporting goods, people or loads from one place to another

“**Unlicensed Hawking**” means any person who:-
(a)Hawks in the County area without a valid business permit or, (b) being the holder of a business permit hawks in the County area otherwise than in accordance with the terms and conditions thereof, shall be guilty of an offence.

“**Vendor**” means any person who sells goods or products or articles or commodities in the streets of the County

“**Waste management service charge**” means the charge determined by the County from time to time either of its own motion or on a proposal from a Waste manager as a waste management services charge;

“**Waste management**” includes cleansing, removal, collection, transport, separation, treatment and or disposal of waste in accordance with this Act; or any other relevant legislation

“Waste operator” means an entity licensed by the County to carry out waste management operations within the County;

“Waste treatment” includes sorting, separation, recycling, bulking, or other activity formal or informal which changes the quantity and or composition of waste pending final disposal whether or not carried out with a view to extracting useable elements;

“Waste water” means any water which passes from any premises into a tank, pit, drain, or sewer from any closet, bath or wash basin situated or appendage to such premises.

“Waste” includes any substance which constitutes a scrap material or an unwanted surplus substance arising from the application of any process and any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoilt and for the purposes of this Act anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved.

‘Water Service Works’ means the construction, installation, laying, connection, fixing and alteration of water pipes, fittings or installations or appliances used or to be used in connection with any building of which to the whole or part is used or intended to be used for human habitation.

“Water way” includes channel, harbour, cannels, ports and any part of water (river, dam);

“Way Leaves” shall be defined as that space or strip of land that is exclusively used for overhead, underground, ground level service lines for power lines, telephone lines, water pipes, sewer lines, ducts or any other space, conducting and or conveyancing such services but not exclusively confined to the same owned by an individual company private, parastatals or otherwise any person who would claim exclusive ownership of such conveyances as carriages or space.

4. This Act will apply within the area of jurisdiction of the County Application

PART II - ADVERTISING

5. (1) Before commencement of any business within the County, every person or proprietor of a business shall apply and receive a business permit for the Business he/she intends to undertake and mode of advertising the business;

Application, for grant
of business permit

(2) Every application for a permit shall be made in writing to the Accounting Officer/ Authorized Officer and shall be accompanied by a plan or sketch showing to the satisfaction of the Accounting Officer/Authorizing Officer, the position of the proposed advertising device or notice, its dimensions and the method of erection and standing, the material of erection and stating the material of which it is to be composed or constructed, its colour and such other information as the County may require.

(3) The County Government may refuse a permit in any case where, in its opinion, the display of an advertisement or the use of an advertising device would be likely injuriously or affect the amenities or may grant a permit subject to such terms and conditions relating to the construction, nature and erection of advertising devices as it may think fit. The County Government need not give any reasons for any refusal or conditioned attached to any license.

6. There shall be paid to the County Government in respect of every permit issued under this part the appropriate fees as per the approved fees and charges. The County shall have the discretion to determine the fees payable from time to time.

Fees

7. Every permit issued under this Act shall expire on the 31st day of December of the year for which it is issued unless cancelled prior to such expiry irrespective of which date or time of the year the license had been obtained.

Expiry of permit

8. The County Government may from time to time by notice to holder thereof, cancel a permit for contravention of any of the terms and conditions thereof or any of the provisions of this part or where in its opinion the continued display of any advertisement device would likely affect or is injuriously the amenities of, or to disfigure any neighbourhood or for any other reason it may think fit.

Cancellation of permit

9. (1) Any person can apply for the use of any

Application for

2013

Machakos County Finance

No. 2

advertising device using the application form that may be prescribed by the County Government from time to time and upon paying the prescribed fees

advertising device

(2) Any person who uses an advertisement device without the making an application for its use and paying the prescribed fees for it shall be guilty of an offence

10. Any person who, being the holder of a permit fails to maintain in good repair and in a proper and safe condition any advertising device authorized there under shall be guilty of an offence under this Act.

Maintenance of advertising device

11. (1) Any person who is granted a permit under this Acts shall on demand and within Twenty Four (24) hours produce such permit to the Accounting Officer/ Authorizing Officer or to County Inspector, County Askari or Police Officer.

Production of advertisement permit

(2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence under this Act.

12. (1) The Accounting Officer/Authorizing Officer can without notice or under lawful order cause to be removed or pulled down and disposed off of any advertisement or advertising device erected, fixed, placed, maintained, displayed or used in contraventions of this Act.

Removal of advertising devices

(2) Any person whose advertisement device has been removed as provided in paragraph (1) above may apply to the County for the recovery of the impounded device upon payment of enforcement charges and penalties within Thirty (30) days.

(3) Upon the lapse of the Thirty (30) days, the County shall have the discretion to destroy, dispose off or auction such advertisement device.

13. Nothing in this Part shall apply to:-

Exemptions

- (a) Public notices exhibited at public worship and hospital
- (b) Advertisements within the windows of premises, the name, and business of the person occupying such premises
- (c) Name boards of reasonable dimensions relating to

private residential premises

PART III BUSINESS PERMITS

14. (1) A person shall not engage in or carrying out any trade occupation or business unless such person has applied for registration and obtained a permit for carrying out such business, trade, occupation or profession. Business permit

15. (1) Every registration for a business permit under this Act shall be in the form to be obtained from the Accounting officer/Authorized Officer and the registration is for a new business permit or for renewal of an existing Business permit. Registration permit

(2) If the registration is for a new business permit, it shall be delivered to the Accounting Officer/authorized Officer **NOT** less than **THIRTY** days before the date which shall be specified in the registration form, upon which it is desired that, trading, business activity or occupation shall begin.

(3) If the registration is for a renewal of an existing business permit, it shall be delivered to the Accounting officer/Authorized officer before 30th November of the year preceding that to which the registration relates provided that upon payment of registration of a late registration fee of the amount prescribed in the permit fee structure, the Accounting officer/Authorized officer shall accept registration made after 30th November.

(4) Registration forms shall be completed by the person registering and the Accounting officer/Authorized officer may refuse accept any registration form which does not comply with the all requirements of this Act or which does not give all the required information.

16. A permit fee shall be paid, upon issuance of every business permit, as per the chosen single business permit fee structure from the pre-approved tariff provided that during the transition permit year, the permit shall be as per fee adjusted for the "Five per cent" pre-approved increase. Fees

17. (1) Enforcement Officers or any other person duly authorized by the County in writing may, at any reasonable time enter any premises whether having business permit under this Act or not, to make inspections, enquiries or perform any conditions attaching to any business permit Inspection

issued or transferred under this Act are being observed.

(2) Any person who hinders, obstructs, interferes with or prevents Enforcement Officers or any other person duly authorized in writing by the County in exercising his or her powers under paragraph (1) of this Act or refuses to give information or gives false information or misleading information to any such officer in the course of such inspection or inquiries shall be guilty of an offence.

18. Every person to whose business a permit has been issued or transferred under this Act shall on demand by Enforcement Officers or any other Officer authorized by the County produce such business permit for inspection by such an officer within shortest time possible and not more than twenty four hours from the time of such demand

Production of permit

19. (1) Every certificate of incorporation and business permit issued under this Act shall be exhibited in a prominent and conspicuous place in the premises to which it relates to or a copy certified as a true copy by the issuing authority in case the original is lost, defaced or secured in a safe or Bank.

Display of permit

(2) If it does not relate to the premises, such business permit shall be carried by the person required by this Act to be provided with such business permit.

(3) Any person who fails to comply with sub paragraph (1) above shall be guilty of an offence.

PART IV – LICENCING OF PREMISES AND TRADE

20. (1) A person shall not engage in or carry any trade, occupation or business, at any premises within the jurisdiction of the County unless such premises are permitted for the purpose of carrying on such trade, occupation or business;

Premises to be permitted

(2) Any person who contravenes or fails to comply with the provisions of this Part shall be guilty of an offence.

21. (1) Every application for a permit license under this Part shall be in the prescribed form to be obtained from the Accounting Officer or Authorized Officer, and the applicant for a new permit license or renewal of a current

Application for permit license

permit license shall fill the form in detail, provided that the County may, in any particular case require any applicant to submit or supply such further information as the County may require in addition to the information prescribed in the form;

(2) If the application is for a new permit license it shall be delivered to the Accounting Officer or Authorised Officer or his or her appointee not less than thirty days before the date, which shall be specified in the application, upon which it is desired that trading, manufacturing or storing shall begin;

(3) If it is an application for renewal of an existing permit, it shall be delivered to the Accounting Officer/Authorised Officer or his/her appointee before 1st September of the year preceding that to which the application relates;

Provided that upon payment by the applicant of a late application fee which shall be subject to revision from time to time by the Executive Member for Finance or his/her appointee shall accept an application after 1st September for late processing;

(4) Application forms, shall be completed and signed by the applicant and the Accounting Officer/ Authorised Officer or his/her appointee may refuse to accept any application which does not comply with the requirements of this Part.

22. (1) The County at its own discretion may on any grounds as specified under this Part issue or refuse to issue a permit; Form and issue of permit

(2) A permit under this Part shall be in such form as the County may from time to time determine and shall be signed by the Accounting Officer/ Authorised Officer or his duly appointed officer;

23. (1) Subject to paragraph (2) there shall be paid the County upon issue of every permit, a permit fee as per the approved fees and charges Fees

(2) The County may by a resolution exempt any charitable organization from payment of or reduce any permit fees payable by such charitable organization;

The classification of an entity as a charitable organization shall be determined by the relevant County committee, provided its objectives shall not be profit making.

24. (1) A permit issued under this Part may be transferred or assigned by the permit holder thereof to any other person, with the prior written consent of the County at a fee as may be prescribed from time to time;

Transfer of permit

(2) Any application for the transfer of any permit under paragraph (1) above shall be in such form as may be prescribed by the County and shall be accompanied by the permit to which it relates, provided that the County may, in any particular case require an applicant for the transfer of a permit under paragraph (1) to submit or to supply such further information as the County may require;

(3) Every application for a transfer under paragraph (1) shall be accompanied by a fee as per the approved on fees and charges;

(4) A memorandum of the transfer of any permit shall be endorsed on the permit by the Accounting Officer or his or her duly appointed officer.

25. Every person to whom a permit license has been issued or transferred in respect of the appropriate premises under this Part shall display the original permit license in a conspicuous place inside the premises to which it relates. Failure to display the permit license shall amount to an offence under this Act.

Display of permit license

26. The County may attach to any permit license issued or transferred under this Part such conditions as it deems necessary to ensure the fire & safety inspection, conservancy, sanitary, hygiene, land rent & rates payment and state of premises in respect of which the permit license is issued and failure to observe or comply with any such condition(s) shall be an offence under this Part.

Conditions on permit

27. (1) The Medical Officer of Health, Enforcement Officer of the County, Police Officer or any other person duly authorised by the Accounting Officer may at any reasonable time enter any premises, whether permitted under this Part or not, to make any inspection, inquiries or perform any work for the purpose of this Part or to

Power to inspect

ascertain whether the requirements of this Part or any conditions attached to any permit issued or transferred under this Part are being observed;

(2) Any person who hinders, obstructs, interferes with or prevents the Medical Officer of Health, Enforcement Officer, Police Officer or any other person duly authorised in writing by the Accounting Officer in exercising his powers under paragraph (1) or refuses to give information or gives any false or misleading information to any such officer in the course of such inspection or inquiries shall be guilty of an offence;

(3) Any person who refuses to give any information or gives false information which may lead to undercharging amongst others, shall be guilty of an offence;

28. Every person to whom a permit has been issued or transferred under this Part shall on demand by any Police Officer, Medical Officer of Health, Enforcement Officer or any other person authorized by the Accounting Officer or his duly authorized officer, produce such permit for inspection by such officer by issue of notice.

Production of permit

29. Every applicant for a single business permit, whether new or renewal shall produce a certificate of proof of payment of fire & safety inspection, conservancy, sanitary, hygiene and payment of land rent & rates by the landlord or his agent to the County, but in default of such the County shall invoke section 18 of the Rating Act.

Conditions for permit renewal or grant of new application

Cap 267

30. The County shall or may exercise its powers to grant, to refuse t, or renew, or withdraw/cancel any permit if it contravenes or if it falls under the following specified conditions and grounds set out below

Refusal to grant or renew or withdraw or cancellation of permit

- (a) With respect to any licence whether relating to a trade, business or occupation, or premises or otherwise- (i) that the premises in or at which the applicant intends to carry on his trade, business or occupation do not conform to the requirements of any laws in force, whether made under this Act or any other written law; (ii) that sufficient provision for the needs of the area already exists; (iii) that the granting of such licences or the renewal hereof, as the case may be, would be contrary to

the public interest; and

- (b) Additionally, with respect to any licence relating to the use of premises as a theatre, music hall, concert room or other place of amusement, or as a restaurant or eating house- (i) that the applicant has failed to produce satisfactory evidence of good character; (ii) that the premises owned or occupied by the applicant are frequented by persons of bad character; (iii) that the granting of the licence or the renewal thereof would be calculated to cause nuisance or annoyance to persons residing in the neighbourhood; and
- (c) Additionally, with respect to any licence for the carrying on of any work or trade thereof declared to be offensive trade- (i) that the premises used or proposed to be used therefore by the applicant are unsuitable for the purpose; (ii) that the method adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapours, gases or smells arising from such work or trade are not efficient.

31. The County shall issue a consolidated permit to a trader who conducts different trades, or business under one premise which are accessed through one door, but this does not apply to exhibitions. Consolidated permit

32. For purposes of this Part a large petrol station includes and is limited to fuel outlets, garage, car wash, supermarket, chemist, pub, and restaurant. These shall be subject to consolidated permit. Petrol stations

33. The County shall charge such fees and charges for use of such way leaves as prescribed under fees and charges in accordance with the approved fees and charges. Way leaves

Any person who neglects to pay fees and charges for use of a way leave upon written demand shall be guilty of an offence under this Part.

PART V – PUBLIC MARKETS AND STALLS

34. (1) No public market and stall shall be established within the area of jurisdiction of the County Authority otherwise than by the County Government and a person shall not sell or buy goods in, or use a public market except Establishment of markets and stalls

with the consent of the County Government given by the market master and upon the payment of the fees prescribed under this Act.

35.(1) No public market and stalls shall be established within the area of jurisdiction of the County otherwise than by the County and a person shall not sell or buy goods for re-sale in, or use a public market except with the consent of the County given by the market master and upon the payment of the fees prescribed under this Act.

Public markets and stalls to be controlled by the county

36.(1) Public markets shall be open on such days during such hours as the County shall determine, for the sale of:

Hours and days opening

- (a) perishable foodstuffs
- (b) live poultry
- (c) earthenware, basket ware, mats, woodwork or other products approved by the County; and
- (d) Such other goods as may be authorized by the County.

37.(1) A person shall not carry on or engage in any trade or business in a public market or a stall except such trades or business that are allowed by the County or Business prohibited under any laws of Kenya:

Prohibited Sales

In case of a public market and a stall, a person shall not bring into public market opium or intoxicating liquor or miraa, or any other banned substances or carryout witchcraft or related concoction of any kind therein.

38.(1) A person shall not remain in a public market during the hours in which it is closed unless with express permission from the Market Master and accompanied by Market Security Officers.

Remaining in the market when closed

39. Any person who takes or permits any dog to be let loose, roam or loiter into a public market shall be guilty of an offence

Dogs not allowed in the market

40. No person is permitted to ride a bicycle or motorbike within the market.

Motor bikes and bicycles

41.(1) A person shall not light fire or cook in the public market unless they have complied with all the requirements under the Public Health Act for such

Lighting of fire and cooking in market prohibited

purposes.

42. Any person who within a public market:

General nuisance

- (a) commits any nuisance; or
- (b) hawks any un-allowed goods or,
- (c) interferes with or molests any other person, or
- (d) touts, or shouts, or calls out for customers; or
- (e) causes any disturbance or uses any offensive, abusive, obscene, or unbecoming language; or
- (f) damages, defaces, misuses, or interferes with any equipment, fittings or fixtures provided therein; or
- (g) deposits or throws on the floor or ground any refuse, fruit peel or vegetable substances or
- (h) Attempts to procure customers except by means of display of goods, shall be guilty of an offence.

43. (1) Any person who sells or offers or exposes for sale in a public market any article or food which is diseased, unwholesome or otherwise unfit for human consumption shall be guilty of an offence.

Sale of diseased and unwholesome goods prohibited

(2) The market master shall take possession of and detain goods which are offered or exposed for sale in a public market which appears to him to be diseased, unwholesome, and unfit for human consumption and shall forthwith report and hand over such food to a Public Health Officer appointed under the Public Health Act.

Cap 242

44. (1) No food, produce, article or anything shall be exhibited for sale on the pathways, or over any drain within public market and no board box, basket or other containers shall be left in, or upon any such drain.

Prohibited places

45. (1) No livestock or animals other than poultry shall be brought into any public market provided for the sale of vegetables.

Livestock not to be brought into the market

46. (1) In any public market where stalls have been provided each stall shall be numbered and the County may let or hire out such stall upon such conditions as it thinks fit and upon payment of the charges prescribed in the approved fees and charges.

Numbering of stalls

(2) Stalls provided in public market shall be used only

for the class of business indicated in the permit issued by the County.

(3) A stall-holder shall not sublet his stall or any part thereof without the consent of the County. Such consent shall be in writing.

47. Every stall holder shall:-

Stall holders

(1) Keep his stall and all fittings and utensils therein or thereon thoroughly clean and in good order to the satisfaction of the market master;

(2) When selling by weight or measure, use the prescribed standard weights and provide and maintain proper weight and scales;

(3) Dispose of all refuse, sweepings, garbage, offal and waste liquid or solid, from his stall into the receptacles, channels or drains as are provided for that purpose.

(4) Any person who contravenes this section shall be guilty of an offence and subject to eviction from the stall by the market master.

48. Every person in a public market who fails or refuses to comply with and obey all lawful instructions, directions, and orders given by the market master for the purpose of controlling or supervising of the market shall be guilty of an offence.

Disobedience specified for a particular use

49.(1) The County may set aside, or allocate or provide parts of a public market for the sale therein of only food produce, articles or things as it may specify, and no such food, produce, article, or things shall be sold or displayed in any other part of a public market except in the parts so allowed.

Stalls specified for particular use

50.(1) Any person who uses a public market for the purpose of selling or offering for sale any food, produce, article or any other thing shall pay to the County charges prescribed in the approved fees and charges.

Stall charges

(2) The charges levied in accordance with paragraph (1) above shall be paid in advance.

(3) In the case of a Stall, charges in form of monthly rent shall be payable by the holder of the stall and any default for three consecutive months shall invite eviction of

the holder and the charges accrued upon the time of eviction shall be recoverable as a civil debt.

51. A person entering or attempting to enter any public market for the purpose of selling or offering for sale any good, produce, article or other thing shall enter only through such entrance or gateway as shall be specified by the County for that purpose.

Persons entering public market to use the authorized entrances

52. (1) Any person who is found committing or who is reasonably suspected of having committed an offence under this part in any public market, shall be liable to be evicted from such market by the market master, a police officer or a County Askari.

Power to evict

(2) A market master may in his discretion refuse admission to any person to enter a public market if to his knowledge the person has been convicted on more than one occasion of any offence under this part.

(3) Any person, who, having been refused admission unlawfully enters such public market, shall be guilty of an offence.

53. (1) Every Public Market shall have a Committee for the welfare of the traders.

Market committee

Provided that the Committees or any of its members do not interfere with revenue collection or enforcement of the provisions of this Part in the Public Markets.

(2) Any Committee or any of its members in contravention of the above Section 53 (1) above shall be guilty of an offence under this Part.

54. Any person who is guilty of an offence under this Part shall be liable to a fine or imprisonment or both as shown in Ninth Schedule of this Act.

Penalty

55. Offences under this part shall be cognizable to the police.

Cognizable offences

PART VI – PARKS AND OPEN SPACES

56. The parks shall be opened daily at 6.30am and closed to the public at 6.00 pm.

Opening and Closing hours

Provided that this Part shall not be deemed to require the parks to be opened and closed at the hours hereto prescribed on any day when in pursuance of any statutory

or other provision in that behalf the County may close such park to the public.

57. A person other than an officer of the County or a servant employed by the person employed by the County in connection with the laying out, planting, improvement or maintenance of the park shall not on any day on which the park may be open to the public enter the park before the time hereinbefore appointed for the opening thereof, or enter the park or remain therein after the time hereinbefore appointed for the closing thereof.

Prohibition to entry before opening time or after closing time

58. A person shall not enter or exit the park otherwise than through any of the gates, wickets, passages or openings appointed by the County as the authorized means of entrance to or exit from the park.

Entry or exist through appointed gates

59. A person shall not wilfully or improperly remove or displace any board, plate or tablet used or constructed or adapted to be used for the exhibition of any notice and fixed or set up by the County in any part of the parks or in or on any building or structure therein or at or near to any of the appointed means of entrance to or exit from the park or in or on any wall or fence enclosing the park

Interferences with notices, signs or boards

60. Any person other than person employed by the County to work in the park shall only be allowed to enter the park upon payment of entry fee as per the approved fees and charges

61. A person shall not carelessly or negligently deface, injure or destroy any part of any wall or fence in or enclosing the park, or any part of any building, barrier or fitting, or of any fixed or movable seat, or of any other structure or erection in the park.

Entry fee

62. A person shall not wilfully, carelessly or negligently remove or displace any barrier, or any fixed or movable seat or any part of any building, structure or erection, or any appliance or article provided for use or adapted to be used or in the care, cultivation or protection of any tree, shrub under wood or other plant in the parks

Removal or displacement

63. A person, other than an officer of the County or person or a servant of a person employed by the County in or about any work in connection with the laying out, planting, improvement, maintenance of the park or

Riding or driving of beast of burden prohibited

entertainment of visitors to the Park shall not at any time ride, drive or cause or permit to be ridden, driven or brought into the park any beast of draught or burden.

64. (1) No person or his servant is allowed to graze stock in the park except with the express permit and/or license from the County Government which permit shall be obtained only on application, vetting and payment of a prescribed fee.

Grazing of stock in the parks

65. A person shall not drive or bring, or cause or permit to be driven or brought into the park any bull, ox, cow, heifer, steer, calf, sheep, lamb, hog, sow, goat or any other animal.

Restriction on domestic animals

Provided that this Part shall not be deemed to prohibit any person from taking a dog in the parks provided he is permitted and such dog be on a leash and continue to be under proper control.

66. (1) The County may enter into an agreement with a person, an association or a company for the purpose of management of the parks or establishment of Conservancys within Parks for a period of time to be prescribed or negotiated on a case-by-case basis.

Management of the parks

(2) The person, an association or a company may form a management board to oversee the day to day running of the parks.

67. The County may authorize, in any park, not more than 5 persons to engage in trade of soft drinks and cakes, provided that:

Trading in soft drinks & cakes

- (a) the authorized person obtains from the County a permit for the business upon payment of a fee as per the approved fees and charges
- (b) the authorised person ensures the area of trade is free of litter
- (c) the authorised person does not engage in any offensive trade
- (d) the authorised person operates only on the areas designated by the County

68. A person, other than an officer of the County or a person acting in pursuance of their directions in that behalf

Fixing of Acts ,placards or notices

shall not affix or post any Act, placard or notice to or upon any or fence in or enclosing the parks or to or upon any tree, wall or other plant or to or upon any part of any building, barrier or railing, or of any fixed or movable seat or any other structure or erection in the park.

69. A person shall not injure or deface any tree or shrub or grass or remove any tree shrub, plant or flowers, or pluck any bud, blossom, flower or leaf of any tree, sapling, shrub, under wood or other plant.

Destruction of vegetation

70. A person shall not wilfully, carelessly or negligently throw or deposit any filth, rubbish, paper, bottles or other refuse of any kind in any part of the parks or defile any wall or fence in or enclosing the park, or any buildings, barrier or railing or of any other structure or erection in the park.

Depositing of litter

71. A person shall not kindle a fire or smoke in the parks.

Fire

72. A person shall not climb any wall, fence or enclosed in the park, or any tree, or any barrier, railing, post or other erection in the park.

Climbing

73. A person shall not in any part of the park take, injure, or destroy and bird or butterfly or spread or use any net or set or use any snare, instrument or any other means for the taking, injuring or destruction of any bird or butterfly.

Harming birds or butterflies

74. A person shall not in any part of the park wilfully displace or destroy any birds nest, or take, injure or destroy any birds.

Interference with birds

75. A person shall not ride any cycle or motorcycle or drive any motor vehicle in the park and a person shall not leave any cycle, motorcycle, motor vehicle elsewhere in the park than in an areas reserved as parking ground.

Riding or parking motorcycles or vehicles

Any person in contravention of any of the provisions cited above shall be guilty of an offence.

76. A person shall not except under the authority of the County interfere with any fixture, fitting, lamp switch or meter in the parks.

Interference with switches and meters

77. A person shall not create any disturbance or disorderly or be guilty of any quarrelsome, violent or

Disturbance, disorderly or indecent behaviour

indecent behaviour in the parks.

78. Any person in contravention of Sections 76 and 77 above shall be guilty of an offence

79. A person shall not drive or take within the park any tractor or trailer, motor lorry or any vehicle which is used for plying for hire and is licensed to carry seven or more passengers or freight cart drawn by oxen or mules, except he shall have obtained the written authority of the Accounting Officer/Authorized Officer to do so.

Driving for hire

80. No person other than an officer of the County or a person or a servant of a person employed by the County to work in the parks shall dwell in the parks or be in the parks beyond the specified times and/or periods.

Residence

PART VII – DESIGNATED PARKING

81. The first schedule of this Act provides for and shall describe the areas on the roads designated as parking places for vehicles.

Designation of parking areas

82. The number and situation of parking places shall be such as are determined by the County Government.

Number and situation of parking spaces

83. The limits of each parking place shall be marked on the road, by line studs or other indication in such manner as the County may determine;

Marking of parking spaces

84. No vehicle shall park in a designated parking place for a duration exceeding the duration paid for.

Duration of parking place payments

85. A person shall not put a signpost or any other sign in a parking space stating that the parking is reserved without the prior consent of the County and payment of the fees prescribed in the approved fees and charges.

No reserved parking

86. A person shall not park in, or drive into or drive out of a designated parking place, a vehicle in such a manner that the vehicle stands in, or passes over part of one parking space and part of another, or any line, stud or other indication marking the limits of a parking space.

Manner of parking

87. Any person in contravention of Section 103 above shall be guilty of an offence

88. (1) No vehicle shall be driven into or parked within the limits of a parking place without the owner or the driver first paying to the County in advance the charges

Charges of parking

prescribed in the approved fees and charges.

(2) All vehicles parked within a designated area shall be liable to pay parking fees prescribed in the approved fees and charges

89.(1) Where a vehicle is parked in a designated parking place or space with no prior payment of the required charge, a County officer shall clamp the vehicle after which the motor vehicle shall be towed by the enforcement officer or a Police Officer for safe custody at the owners expense;

Charges for clamping

(2) Where a vehicle has been clamped or removed in pursuance of (1) above the owner of such vehicle shall pay, or cause to be paid to the County the fee and penalties as specified in the approved fees and charges

(3) Where the owner of a vehicle which has been removed according to the provisions of this part does not pay the fees, penalties and expenses due within a period of sixty days from the day on which the vehicle was removed, the County may sell or otherwise dispose off such vehicle by public auction to recover towing charges and storage charges;

(4) Notice of the intended auction shall be placed in the print media, and the proceeds of such sale or disposal, if any, be used to recover the cost incurred by the County in removing, storage and disposing of the vehicle.

90.(1) Every driver or any other person in charge of a motor vehicle driven into or parked within the limits of a parking place who has paid a parking fee shall display the parking permit in the front windscreen showing the amount paid and the date and time the vehicle entered the parking place;

Display of parking permit

(2) Any person who does not display the parking permit as specified in Section 108(1) above shall be deemed not to have paid and the provisions Section 107 of this Part shall apply to the motor vehicle.

(3) No place within the designated parking areas shall be a free parking area other than for reservation for official use of the Cabinet Secretaries, Principal Secretaries and Heads of Diplomatic missions, County Executive Members, County Chief Officers, County Assembly

Free parking days and hours

2013

Machakos County Finance

No. 2

Speaker, Clerk and Members of County Assembly.

91. The Revenue Officers responsible for the collection of the parking fees within the designated parking areas shall, at all material times in the course of such duty, put on a uniform, carry and have with them a proper identification badge, issued by and bearing the authority of the County.

Identification of officers manning parking areas

92. Any parking permit issued for a particular vehicle shall not be used for another vehicle other than the one whose registration number appears on the parking permit.

Prohibition of transfer of parking permit

93. (1) Any person having a commercial private parking place within the County shall obtain a permit from the County to carry on such business under the provisions of the single business permit.

Permit for commercial parking

94. Any person who shall without just cause or excuse, guides or directs or attempts to purport to signal, guide or direct the driver of any vehicle into or out of any parking place provided by the County or on any road under its jurisdiction or on any land owned by the County or under its control or in or adjoining any area on roads designated as parking places for vehicles under the Designated Parking Places of the County shall be guilty of an offence

Signalling Guiding or directing driver of a vehicle into or out of parking places

95. No parking permit shall be transferred so as to apply to a vehicle other than that in respect of which it was originally issued.

Transfer of parking permit from one vehicle to another

96. Any person who;-

Offences

- (a) with intent to defraud, interferes with the writings or marks on a parking permit already issued, or
- (b) without authority of the County uses a parking space for the purpose of advertisement; or
- (c) wilfully damages vehicle clamp or any of its parts; or
- (d) wilfully uses the parked vehicle to carry out business on a County designated parking space;
- (e) Without the authority of the County removes or attempts to remove a clamp from a clamped vehicle, shall be guilty of an offence.

97. Any person who wilfully obstructs, hinders, or otherwise interferes with any officer of the County in the execution of his duties under this Part shall be guilty of an offence

Obstruction

98. (1) Wherein;-

Removal of vehicles

- (a) a vehicle is left in a designated parking place and the parking charge or de-clamping charge which is thereby incurred is not duly paid;
- (b) a vehicle is left in a designated parking place and any of the provisions of part VI A of the Traffic Act or this Part relating to the manner in which the vehicle should stand in a parking place are thereby contravened;
- (c) a vehicle is left in a designated parking place otherwise than is authorized by part VI A of the Traffic Act or by this Part;
- (d) A vehicle has remained clamped,

(2) Any person appointed in writing by the Accounting Officer/Authorized Officer may remove such vehicles and keep the same in safe custody by means of break down or any other means of removal available at that moment at the owner's risk.

(3) Where a vehicle has been removed in pursuance of this Section the owner of such vehicle shall pay, or cause to be paid to the County, pounding charges as per the Second Schedule for safe custody, together with the towing fees in respect of the expenses incurred by the County in removing and keeping such vehicle in safe custody before he can recover the vehicle

99. Where a vehicle has been clamped or has been removed in pursuance of the provisions of this Part, the County shall not be held responsible for any damage or loss, which may occur during the clamping or removal of such vehicle.

Loss or damage

100. The County shall from time to time amend the schedules for designated parking place, charges for parking, clamping and towing charges and fines for offences under this by giving a notice not exceeding 30 days in the local newspapers by way of advertisement after

Changes in fees and charges

which the gazetting of the amendments shall be done.

PART VIII – PARKING PLACES AND OMNIBUS

101. (1) The county shall provide omnibus station in the area of its jurisdiction for affording facilities for the arrival and departure of public service vehicles.

Provision of Bus Park

(2) The numbered situation of parking spaces in any station shall be determined by the County.

(3) The limits of each parking space shall be indicated on the ground by lines or studs or in such other manner as the county may determine.

102. (1) No driver of a public service vehicle when carrying passengers for hire or regard shall without the prior written permission of the Accounting officer/Authorizing officer start or terminate any journey at any place other than the bus park station.

Starting and terminating

(2) Any person who contravenes (1) above shall be guilty of an offence.

103. (1) Where no parking place have been appointed pursuant to provisions of the Traffic Act within the area of jurisdiction of the county, no driver of a public service vehicle shall set down or pick up passenger at any place other than the bus park station.

Stopping on non-designated area

(2) No public service vehicle, whilst being plied for hire or reward, shall without the prior written permission of the Accounting Officer/Authorized officer, be parked in any place other than the bus park station.

(3) A person shall not drive or be permitted to use a public service vehicle in a dirty or neglected condition.

104. (1) The County shall provide parking places and may prohibit the parking of vehicles on roads and other places whenever it is necessary to do so.

Parking on roads

(2) any person who draws up or parks any vehicle on any other road than in circumstances outside his control:-

- (a) Where parking is prohibited,
- (b) Otherwise than in accordance with a parking sign, or
- (c) For a period longer than allowed shall be guilty of

an offence under this Part.

105. (1) No public service vehicle shall stand in, driven into, or be driven out of a parking space in such a manner that the vehicle encroaches upon any other parking space. Parking spaces

106. (1) A person shall not except in an emergency parking repair, take down, assemble, wash, polish or clean any vehicle or part thereof in any such manner to cause any public nuisance or obstruction, and in such case the vehicle shall be removed from the parking place or bus park station. Public nuisance and obstruction

107. When six or more persons are waiting to enter a public service vehicle at a bus park station, they form a queue and any person who attempts to enter a public service vehicle ahead of any person in such a queue, shall be guilty of an offence under this Part. Queue

108. No person who is at the bus park station shall:- Conduct of persons at the bus park station

- (a) Wilfully & unreasonably impede any other person seeking to enter a public service vehicle or to alight there from or
- (b) Enter or alight there from, or attempt to enter or alight from a public service vehicle otherwise than by the door or opening provided for the purpose of entering or alighting from such public service vehicle, unless in case of an emergency or;
- (c) Wilfully and unreasonably obstruct or impede any County authorized person in the performance of his lawful duties.

109. Any owner of a public service vehicle shall pay to the County in advance the appropriate fees prescribed in the fees and charges in pursuance of this Act. Fees

- (a) For the purpose of this Act any public service vehicle driven in to the bus park station shall be deemed to be using the bus park station if the vehicle is not driven into the bus park station in an emergency or other reasonably compelling circumstances for a reasonable period of time
- (b) Subject to paragraph (a) above any person who drives a public service vehicle when the fee in

respect thereof has not been paid, shall be guilty of an offence under this Part.

110. (1) The County Authorized Officer may arrest the driver who has contravened any of provisions of this Part and impound and tow the PSV vehicle to a County yard. The County shall not be held liable for any damage on the vehicle while being towed.

Power to arrest and impound vehicles

(2) The owner of the towed and impounded PSV vehicle shall pay the towing, storage and penalties as provided in the approved fees and charges

- (3) A person shall not while at the bus park;
- (a) Tout,
 - (b) Throw litter,
 - (c) defecate or urinate,
 - (d) hawk unless he has a hawker's permit, and/or
 - (e) play loud music causing nuisance in the bus park.

111. Every person who is guilty of an offence against this part, unless otherwise stated under the Ninth Schedule shall be liable to a fine not exceeding two thousand shillings in respect of a first offence and not exceeding three thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent offence, or both such fines and such periods of imprisonment.

Penalties

PART IX – TAXI – CABS

112. (1) The permits which may be issued under this Part are

Permit

- (a) a taxi – cab permit and
- (b) a taxi-cab drivers permit

(2) Subject to the provisions of Section 134 and 160 of this Act, a permit shall expire on the 31st Of December in the year for which it is issued;

113. (1) An application for a taxi-cab permit shall be made on the form provided in that behalf by the Accounting Officer/Authorized officer and shall be signed

Application for permit

by the owner of the vehicle.

(2) An application for a taxi-cab driver's licence shall be made on the form provided in that behalf by the Accounting/Authorized Officer and shall be signed by the applicant.

(3) An application form shall be completed and the Accounting Officer/Authorized Officer may refuse to accept an application form which is not correctly completed.

(4) An application form shall be delivered to the Accounting Officer/Authorized Officer/Authorized Officer at least one calendar month before the date on which the permit is intended to take effect.

114.(1) An application being made in accordance with the provisions of Section 132 of this Act, the Accounting Officer/Authorized Officer shall, subject to the provisions of Section 134 and 140 of this Act, issue a permit which shall, in the case of a taxi-cab permit be in the form specified in the Second Schedule to this Act and in the case of a taxi-cab driver's permit be in the form specified in the Third Schedule to this Act.

Accounting/Authorized
Officer to issue permit

(2) The Accounting Officer/Authorized Officer/Authorized Officer shall issue, in addition to the permit in respect of which application is made-

- (a) In the case of a taxi-cab permit, a permit plate bearing the number of the permit issued and the number of passengers the vehicle is permitted to carry.
- (b) In the case of taxi-cab driver's permit, a badge bearing the permit number of the permit issued and his photograph.
- (c) Require all taxi-cab drivers to wear the prescribed uniform when on duty.
- (d) In case of bodaboda to have a pair of helmet and reflective jackets.

(3) There shall be paid to the County at the time a permit, plate or badge issued pursuant to the provisions of paragraphs (1) or (2) of this this Part, the fees prescribed in

the approved fees and charges.

(4) Every permit shall be under the hand of the Accounting Officer/Authorized Officer or of such other officer of the County as he may in writing authorize in that behalf.

115.(1) The Accounting/Authorized Officer shall refuse to issue and the County may at any time cancel a permit if-

Grounds for refusal to grant permit

- (a) in the case of a taxi-cab permit-
 - (i) the owner is not resident in Kenya is an undischarged bankrupt; or
 - (ii) the vehicle to which the application permit relates does not comply with the requirements of the Traffic Act, or of any Rules made there under, or, in the opinion of the County engineer, does not comply with any of the requirements of this Part or is otherwise unfit for use as a taxi-cab and the County engineer so certifies in writing; or
 - (iii) the vehicle to which the application or permit relates has an engine capacity of less than 800 c.c.; and
- (b) in the case of a taxi-cab driver's permit-
 - (i) the applicant is unable to comply with the provisions of the Fourth Schedule to these Act; or
 - (ii) if the applicant or licensee is not the holder of a valid Kenyan driving licence for the type of vehicle to be used as a taxi-cab issued under the Traffic Act; or
 - (iii) If the applicant fails to satisfy the Accounting Officer/Authorized Officer/Authorized Officer that he is a fit and proper person to hold such a permit.

(2) The Accounting/Authorized Officer may refuse to issue a taxi-cab drivers permit if the applicant has been convicted of an offence against the Traffic Act or this Part and is suspended from driving a motor vehicle.

116. (1) The Accounting Officer/Authorized Officer may, subject to the provision of Section 135 of this Part, with the consent of the holder thereof and upon payment of a fee as prescribed in the fees and charges schedule, transfer a taxi-cab permit from the holder to another person.

Transfer of permit

(2) No permit shall be transferred so as to apply to a vehicle other than that in respect of which the original application was made and the permit issued.

117. A taxi-cab permit issued to a body corporate shall be issued in the name of the corporation or secretary thereof.

Permit to corporation

118. (1) An application for a duplicate permit or badge shall be made in writing to the Accounting/Authorized Officer and shall set forth details of the lost permit, plate or badge, as the case may be and the manner in which the same was lost or destroyed.

Duplicate permit or plate

(2) The Accounting/Authorized Officer shall, if satisfied as to the facts disclosed in the application referred to in paragraph (1) above, and on payment of a fee as prescribed in fees and charges in the case of a taxi-cab permit or plate and in the case of taxi-cab driver's permit or badge, issue to the applicant a duplicate permit and or plate as the case may be.

119. (1) In the event of the death, bankruptcy, or unsoundness of mind or absence from Kenya of a person holding a taxi-cab permit it shall be lawful, for, executor, administrator, trustee or receiver manager or any other person approved by the Accounting Officer/Authorized Officer in writing to carry on until the end of the year in respect of which the permit has been issued without any transfer or grant of a new permit.

Insanity, Death, bankruptcy

(2) Any person permitted to carry on a business under the provisions of paragraph (1) above shall possess all the rights and be liable to all the duties and obligations of the original permit under this Part.

120. Where a permit is surrendered to the Accounting/Authorized Officer on or before expiry of six months since the permit was issued, a refund of a half the fee thereof shall be made

Surrender of permit

2013

Machakos County Finance

No. 2

121.(1) The County may by resolution limit the number of taxi-cabs which may operate within the County at any one time during the next ensuing year, and the Accounting/Authorized Officer shall not in that year issue any taxi- cab permit in excess of the number contained in such resolution or any amendment thereto.

Limitation on the
number of taxi-cabs

(2) The Accounting Officer/Authorized Officer shall, within 14 days of its adoption by the County, cause any such resolution or amendment as is mentioned in paragraph (1) above to be published in a newspaper circulating within the County.

122.(1) An owner shall, when so required in writing by the Accounting/Authorized Officer, cause his taxi-cab to be produced for examination;

Examination

Provided that, subject to the provisions of paragraph (5) below, no taxi-cab having been examined and certified as fit for use as a taxi-cab, shall be required to be re-examined within a period of three months from the date of such certification.

(2) The Accounting Officer/Authorized Officer may, on the advice of the County engineer after such examination, suspend the permit in respect of any taxi-cab until such time as the vehicle is, in the opinion of the County engineer, fit in all respects to be used as a taxi-cab.

(3) There shall be paid to the County at the time of each such examination, as is referred to in paragraph (1) above, a fee as prescribed in the approved fees and charges.

Provided that if a vehicle has to be examined two or more times before it is certified by the city engineer as being fit for use as a taxi-cab, a fee as prescribed in the fees and charges shall be payable by the owner for each examination subsequent to the first.

(4) An owner shall within forty-eight hours of its occurrence, report in writing to the Accounting Officer/Authorized Officer any accident in which damage is caused to a taxi-cab.

(5) On receipt of notification of an accident, as is provided for in paragraph (4) above, the Accounting Officer/Authorized Officer may immediately require the taxi-cab to be re-examined, and such taxi-cab shall then be

produced for examination within forty-eight hours of the time of posting a notice to this effect by registered post to the last known address of the owner.

- (6) Any owner who-
- (a) Contravenes or fails to comply with any of the provisions of this Section; or
 - (b) Permits the vehicle to be on hire or to ply for hire whilst the permit relating thereto is suspended shall be guilty of an offence under this Part.

123. An owner and driver of a taxi-cab shall cause to be exhibited in such vehicle in a position clearly visible to a passenger the tariff card.

Tariff card

124. An owner shall cause the permit plate issued pursuant to the provisions of paragraph (2) of Section 133 of this Act to be attached to the vehicle and maintained in such a manner and position as the County engineer may direct.

Display of permit plate

(2) Any owner who causes or permits a taxi-cab to be on hire or to ply for hire without the plate referred to in paragraph (1) above being attached thereto or with such plate so defaced that any figure or material particular thereon is illegible shall be guilty of an offence under this Part.

(3) An owner shall within seven days of the expiry of his taxi-cab permit either by expiry of time, surrender or cancellation return to the Accounting Officer/Authorized Officer the permit plate referred to in paragraph (1) above.

125. (1) An owner shall in respect of a taxi-cab:-

Fittings in Taxi-Cab

- (a) provide and maintain sufficient means by which any passenger may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide and maintain any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned and covered;
- (e) cause the floor to be provided with a proper

carpet, or other suitable covering;

- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide and maintain adequate means of securing luggage carried on the vehicle;
- (h) provide and maintain adequate internal lighting with at least one light switch so fitted as to enable a passenger to operate it;
- (i) Provide and maintain easily accessible means of a passenger to open at least one door on each side of the vehicle from the inside.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire whilst the provisions of paragraph (1) above are not complied with, shall be guilty of an offence under this Part.

126. (1) Every taxi-cab shall be provided with a taxi-meter of a type approved by the County engineer which shall be maintained in proper working order and shall be set to indicate no greater fares than those prescribed in this Part. Taxi-meters

(2) The taxi-meter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any passenger and for that purpose the letters and figures shall be capable of being suitably illuminated.

(3) If the taxi-meter provided under paragraph (1) above is not fitted with a flag or other device bearing the words "For Hire" clearly visible to persons outside the vehicle, the owner shall cause the vehicle to be provided with a sign so constructed as to comply with the following requirements;

- (a) the sign shall bear the words "For Hire" in plain letters at least one and a half inches in height;
- (b) The sign shall be capable of being operated so that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire and for that purpose the letters and figures shall be capable of being suitably illuminated.

(4) The taxi-meter and all fittings thereof shall be so sealed that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or seals.

(5) Any person who plies for hire in any taxi-cab or permits any other person so to do whilst-

- (a) no taxi-meter is fitted thereto; or
- (b) the taxi-meter is not in working order; or
- (c) the taxi-meter is not sealed;

shall be guilty of an offence under this Part.

127.(1) Every taxi-cab shall have painted on the outside of both front doors of the vehicle and affixed inside in a position plainly visible to a passenger, in legible letters and figures-

- (a) the name of the owner;
- (b) the business address of the owner;
- (c) the number of the permit issued in respect of the vehicle; and
- (d) The number of passengers the taxi-cab is permitted to carry.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire without any such painting or sign as is mentioned in paragraph (1) above or so defaced that any letter or figure is illegible, shall be guilty of an offence under this Part.

128.(1) Every driver of a taxi-cab shall whilst in charge of the taxi-cab:-

- (a) behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons conveyed in or entering into or alighting from the vehicle and the security of passengers' luggage;
- (b) if he has been hired to be in attendance with the vehicle at an appointed time and place, unless prevented or delayed by some cause outside his control, punctually attend with such vehicle at such appointed time and place;

- (c) subject to any directions given by the hirer, when hired to drive to some particular destination proceed to that destination by the shortest available route;
- (d) not convey in the vehicle any greater number of passengers than the number for which it is permitted;
- (e) wear the prescribed uniform and permit badge issued to him in such a position and manner as to be plainly and distinctly visible;
- (f) if the vehicle is so constructed as to carry luggage, when requested by any person hiring or seeking to hire the vehicle:-
 - (i) convey on the vehicle a reasonable amount of luggage;
 - (ii) secure any luggage carried outside the vehicle
 - (iii) afford reasonable assistance in loading and unloading the vehicle
 - (iv) Afford reasonable assistance in removing the luggage to or from the entrance of any house, station or place at which he may take up or set down such persons.
- (g) if any property left in the vehicle be found by or handed to him, convey such property (if not sooner claimed by or on behalf of the owner thereof) within 24 hours to a police station in the County and leave it in the custody of a police officer on his giving a receipt for it;
- (h) except when engaged on hire or obstructed by traffic or other reasons beyond his control, not allow the vehicle to stand on any street or other public place elsewhere than at a taxi-rank;
- (i) if, to his knowledge, he has conveyed a person suffering from or who is a carrier of any infectious or contagious disease, forthwith report to the department of the medical officer of health in County and carry out such instructions as he may receive with respect to the disinfection of his

vehicle;

- (j) whilst his vehicle is on hire or ply for hire as the case may be, carry his driver's license and produce the same to a County inspector or police officer if requested so to do;
- (k) be clean in person and clothing;
- (l) Refrain from smoking or spitting whilst carrying passengers.

(2) Any driver who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence under this Part.

129. (1) The driver of a taxi cab shall-

Use of taxi meters

- (a) when plying for hire keep the taxi meter locked in the position in which no fare is recorded on the face of the taxi-meter or, if a sign is provided, operate the sign that the words "for Hire" are clearly and conveniently legible to a person outside the vehicle;
- (b) as soon as the vehicle is hired operate the said sign so that the words "for Hire" are not visible to persons outside the vehicle;
- (c) as soon as the vehicle is hired, bring the machinery of the taxi-meter into action;
- (d) Because the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the night, as defined in the Traffic Rules and also at any other time at the request of the hirer.

(2) Any driver who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence under this Part.

130. Any driver who, when plying for hire, importunes any person to hire the vehicle by calling out or otherwise attracting their attention or makes use of the services of any other person for that purpose, shall be guilty of an offence under this Part.

Prohibition of importuning for hire

131. (1) The driver of a taxi-cab, when plying for hire

Use of taxi ranks

in any street, shall-

- (a) proceed with reasonable speed to a taxi rank;
- (b) if a taxi rank, at any time of his arrival, is occupied by the full number of vehicles authorized to occupy it, proceed to another rank;
- (c) subject to paragraph (b) above when drawing up at a taxi-rank, station the vehicle immediately behind the hindmost vehicle on the rank;
- (d) from time to time when any other vehicle immediately in front is driven off or moved forward cause his vehicle to be moved forward so as to fill the place previously occupied by the vehicle so moved off or driven forward;
- (e) When in front or in the next to the front position in taxi rank remain with the vehicle ready for hire.

132. (1) A driver of a taxi-cab, unless already on hire or returning to the garage, shall not refuse to accept any person as a passenger unless:-

Refusal of passenger

- (a) He believes on reasonable grounds that such person is suffering from an infectious or contagious disease, or
- (b) He believes on reasonable grounds that the acceptance of such person would result in damage to the vehicle or danger to himself or herself or other passengers.

133. Any driver of a taxi-cab who when on hire accepts any other passengers without the consent of the original hirer shall be guilty of an offence under this Part.

Additional passenger

134. The owner or driver of a taxi-cab shall be entitled to demand for the hire of the vehicle the fare prescribed by the tariff card unless the hirer expresses at the commencement of the hiring to hire at different fares.

Demand of taxi fares by operator

Provided that where the hiring is by distance the owner or driver thereof shall not be entitled to demand a fare greater than that on the face of the taximeter, save for any extra charges as displayed on the tariff card.

135. Any owner or driver of a taxi-cab who demands a greater fare than that authorized by of this Part shall be

Prohibition against demanding

guilty of an offence under this Part.

136. (1) The County may from time to time by resolution prescribe an area to be a taxi rank. Position of Taxi rank

(2) The position of each taxi rank prescribed in accordance with paragraph (1) above shall be indicated by a sign erected by the County adjacent thereto and shall state the maximum number of vehicles authorized to occupy the rank.

(3) Any person who parks a vehicle other than a taxi-cab in an area prescribed under paragraph (1) above as a taxi rank shall be guilty of an offence under this Part.

137. (1) An owner of a vehicle who permits such vehicle to be on hire or to ply for hire within the County whilst no permit issued under the provisions of this Part of such vehicle shall be guilty of an offence under this Part. Unlicensed Vehicles

(2) Any person who shall: -

(a) drive a vehicle on hire, or

(b) Ply for hire in a vehicle whilst no permit issued under the provisions of this Part in respect of such vehicle shall be guilty of an offence under this Part.

138. Any person who not being the holder of a taxi-cab driver's licence issued under the provisions of this Part, drives a vehicle whilst on hire or plying for hire, shall be guilty of an offence under this Part. Unlicensed Drivers

139. For the purpose of any proceedings under Section 157 or 158 of this Act, a vehicle which without good and sufficient reason stands in the immediate vicinity of a railway station, omnibus stop or taxi rank for a period of more than ten minutes during any three days in any one period of seven days, shall, until the contrary is proved be deemed to be plying for hire. Presumption as to plying for hire

140. Any person who is guilty of an offences this Part shall be liable for a fine not exceeding Two thousand shillings in respect of a first offence and not exceeding three thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both such fines and such Penalties

periods of imprisonment.

PART X NON MOTORIZED TRAFFIC

141. (1) A person shall not use any non-motorized vehicle or permit a non-motorized vehicle to be used for any commercial purposes within the area of jurisdiction of the County unless the owner thereof has been granted and is in lawful possession of a valid license issued by the Accounting/Authorized Officer under these Act to use such a non-motorized vehicle for a commercial purposes.

Application for a licence

142. (1) An application for a license by the owner of any non-motorized vehicle shall be made to the Accounting/Authorized Officer in writing. The Accounting/Authorized Officer may cause such a non-motorized vehicle to be inspected prior to issuance of a permit.

Application in writing

(2) The license shall be in such form as may be determined from time to time by the County and shall contain;-

- (a) the name and address of the licensee;
- (b) a description of the licensed non-motorised vehicle;
- (c) the date on which the licence expires
- (d) the maximum load which the non-motorized vehicle is to carry provided that in the case of bicycles only one passenger shall be permitted to be carried in the bicycle, and;
- (e) Any conditions which the County may deem necessary to impose.

143. (1) No license shall be granted for a longer period than one year and every license shall unless earlier revoked, expire on 31st December of the year in respect of which the licence was granted.

Duration of a licence

(2) The licensee shall upon the issue of a license under this Act, pay to the County such fees as prescribed in the approved fees and charges.

144. The Accounting/Authorized Officer shall issue, with every licence, a plate bearing a registration number and date of issue and the plate shall be affixed to a

Accounting/Authorized Officer to issue the licence

conspicuous place on the outside body of the non-motorized vehicle.

(2) Any licensee who contravenes paragraph (1) above shall be guilty of an offence.

145. No persons shall unlawfully take, use, have possession of, remove, damage or destroy any plate affixed or intended to be affixed to any non-motorized vehicle during the period of its validity intended.

Misuse of non-motorized vehicle

146. (1) Every person who loads or is in charge of non-motorized vehicle shall ensure that the load is securely fastened to the vehicle

Maximum load

(2) Every non-motorised vehicle shall have rubber tyres on all its wheels.

(3) A person shall not, except with the written permission of the Accounting/Authorized Officer and in accordance with the terms and conditions which may be attached to such permission, carry or cause to be carried any article on a non- motorized vehicle so as to project more than two meters behind the body of that vehicle or more than thirty centimetres outside the wheels hubs of the vehicle.

147. The Accounting/Authorized Officer may, with the consent of the licensee and upon payment of a fee from time to time transfer the license thereof to another person.

Transfer of a licence

148. (1) No person under the age of eighteen years shall be licensed to use, drive, manage or control a non-motorized vehicle for commercial purposes.

Persons under 18 years not to be licensed

(2) Any person who causes or permits any person under the age of eighteen years to use, drive, manage or control a non-motorized vehicle or bicycle for commercial purposes shall be guilty of an offence.

149. The County may refuse to renew a license or cancel a license, if the holder of such license has been convicted of any offence within the preceding twenty-four months under this Part.

Renewal and cancellation of a licence

150. Offences under this Part shall be cognizable to the Police.

Cognizable to the police

151. Any person who is guilty of an offence under this

Penalties

2013

Machakos County Finance

No. 2

Act shall be liable to a fine not exceeding Five thousand shillings in respect of a first offence and not exceeding seen thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both such fines and such periods of imprisonment.

PART XI – BUILDING PLANS

152. The County Government shall approve erection of buildings or substantial alterations, works and the carrying out of building operations, as the County Executive Member responsible for Lands, Energy and Natural Resources may from time to time determine, which for the purposes of this Part is classified as class “B” development:

Provided that

- (a) the carrying out of works for the maintenance of improvements or other alteration of or addition to any building where such alterations or additions do not exceed 10% of the floor area of the building
- (b) the carrying out by a competent authority of any works required for the construction, maintenance or improvement of a road, if the works are carried out on land within the road reserves;
- (c) the carrying out by the County of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including breaking open of any street for that purpose and the installation of services by the County; shall not constitute development for the purposes of part:

Provided further that the County within seven days, after completion of works carried out as in subparagraph (d) restore the site to conditions that would not be injurious to users and the environment;

153. For the avoidance of doubt, it is hereby declared that for the purpose of this Part;

- (a) the deposit of refuse, scrap or waste materials on land involve a change of use thereof;
- (b) the use as two or more dwellings of a building previously used as one dwelling constitutes class "A" development;
- (c) the erection of more than one dwelling or shops or of both dwelling and shop on one plot constitutes class "A" development;
- (d) the display of any advertisement constitutes class "A" development;

The use of any buildings or land within the cartilage of a dwelling for any purpose incidental to the enjoyment of the dwelling constitutes class "A" development.

154. Building which is not a public building or a dwelling and is not constructed to be used either wholly or partially for human habitation or as a place of habitual employment of any person in manufacturing, trade or business but which is constructed for use exclusively in connection with any farm, ranch, tea, coffee or sisal or horticultural estates, shall be exempt from the operations of this Part if it:- Exemptions

- (a) is situated not less than ten (10) metres from any public road or road of access and not less than two(2) metres from any building other than a building exempted under this part and from the nearest boundary if any adjoining land and premises, and
- (b) Is constructed on land not being within any residential, business, commercial or industrial area, or zone so determined by the County.

155. (1) Notwithstanding anything contained in this Part the County may by agreement grant permission for the erection of building where the materials used or the standard of construction and general appearances of the buildings are not regarded by the County as consistent with good, and satisfactory development, or which are of temporary nature or for an occupancy of short duration. Grant of permission

(2) Any permission granted under this Part shall be upon such terms and conditions as the County may

prescribe.

(3) Any person who fails to comply with the terms, conditions and obligations contained in the agreement shall be guilty of an offence under this Part

156.(1) Every person who proposes to erect a building on any land within the County jurisdiction shall lodge with the Accounting Officer/Authorized Officer an application for approval by the County of his proposals and the plans relative there to. Applications

(2) Such applications shall be made in the form prescribed in the Fourth Schedule of the Physical Planning Act and shall contain written particulars relating to the following:- Cap. 286

- (a) The purpose(s) for which the building or erection will be used;
- (b) The number of dwellings or separate tenancies or occupancies to be provided in the building;
- (c) The material of which the building will be constructed;
- (d) The mode of drainage and means of disposal of waste water, soil water, roof water and other liquid;
- (e) The water supply;
- (f) In the case of public building the number of persons to be accommodated in each part thereof, the means and capacity thereof for ventilations and the provisions made for the safety of the public;
- (g) In the case of any building other than public building, the maximum number of persons to be employed and otherwise be accommodated in each part thereof.

(2) The person shall also lodge with the Accounting Officer/Authorized Officer of the County, in triplicates or in the case of factories in quadruplicates, or upon the request of County Planner in such further

(3) rmanent blue prints made from a tracing in permanent ink), the following plans, sections, elevations and drawings delineated in a clear and intelligible manner

and signed by the applicant or his duly authorized agent-

- (a) a plan of every floor or story
- (b) a drawing of each elevation;
- (c) sufficient sections of the building or buildings from the foundations to the uppermost part of the structure to illustrate the construction thereof;
- (d) such detailed drawings as may be necessary or required;
- (e) a block plan of building and site;
- (f) a key plan showing the building and the site when it is not sufficiently identifiable from the block plan or as not properly shown thereon;
- (g) In the case of alterations and additions, sufficient drawings to show clearly the existing structure and arrangements and the proposed alterations and additions

(2) The plans, elevations and sections shall be to a scale of not less than one is to one hundred (1:100) or if the building is so extensive as to render a small scale necessary not less than one to two hundred (1:200), but in the latter case ample detailed drawings shall be provided to show clearly methods of construction. The block plan shall not be to a scale of not less than one is to one thousand (1:1000) except where the area of the plot is in excess of two hectares in which case the block plan may be one is to two thousand five hundred (1:2500), but in the latter case sufficient detailed shall be provided on other drawings to show clearly the sitting and layout of buildings and drainage thereof.

There shall be shown-

- (a) Upon the plans, elevations and sections-
 - (i) The levels of the site of the buildings; the levels of the lowest floor of the building, the level and slope of any street adjoining the building in relation to one another and above some known datum, provided that the relationship between the level of the lowest floor and the level and

slope of the street need not be known if the building is more than six metres away from the boundary of the street;

- (ii) The position, form and dimensions of the foundations, walls, floors, roofs, chimneys and several parts of the buildings;
 - (iii) The position, form and dimensions of every water- closets, urinal, pail closet, water tank, cistern to be constructed or installed in connection with the building;
 - (iv) Details of the proposed drainage work including the position, form and arrangement of the several part of the building to which such drainage work refers, the size, gradient materials and position of every drain; the size position and construction of every manhole, inspection chamber, septic tank, cess pool, storage tank, sewage filter installation or other work for the treatment, storage, reception or disposal of sewage or drainage; the size materials of every galley, soil type, waste pipe, ventilating pipe and rain water pipe; the position of every soil fitting and waste water fitting and the position of every soil fitting and waste water fitting and the position of all windows and other openings into the building situated within a distance of six metres from the open end of every soil pipe, waste pipe and ventilation pipe.
 - (v) The purpose or purposes of which each portion of the building will be used and the extent of each portion which will be separately occupied or tenanted;
- (b) Upon the block plan-
- (i) The size and position of the building and its appurtenances and the size and position of any existing buildings on the plot or sub-plot and the nature of their construction and use;
 - (ii) The position of any buildings on any

adjoining plots or sub-plot which are within fifteen metres from the plot or sub-plot on which the proposed building is to erected, and the nature of their construction and use, and the building line or lines of the adjacent buildings;

- (iii) The name, position and width of every street adjoining the curtilage of the building;
 - (iv) Any established, proposed or prescribed building line;
 - (v) The size and position of every yard and open space belonging to the building;
 - (vi) The position of every water-closets, urinal, pail, closet, latrine, well and water tank or cistern and every out-building in connection with the building;
 - (vii) The lines of drainage of the building, the size, the depth and inclination of every drain and the means to be provided for ventilation of the drain, and the position of every manhole, inspection chamber, gulley, junction, bend, intercepting trap and connection with a sewer combined drain, septic tank or other receptacle for drainage;
 - (viii) The position and level of the outfall of the drain and the sewer, if any, to which the drain will be connected;
 - (ix) The means of disposal of sewage, waste water, rain water and the liquid discharged from the building and the position of such means;
- (c) Upon the detail drawings, such parts of the structure as cannot be adequately illustrated on the plans and drawings made to the scales herein specified.

157. There shall be supplied such additional or supplemental plans, drawings, figured dimensions, particulars and structural calculations as the Municipal Planner may require, and in the case of structural work of

Supplemental plans

steel, reinforced concrete or timber, there shall be provided certificate from the designer (who shall be a practicing, chartered, civil or structural engineer or other person possessing similar qualifications acceptable to County) that the design conforms in all respects with relevant recommendation of British Standard Codes of practice 113, 114, 112 or any other relevant British Standard codes.

158. One set of the plans and drawing submitted for approval will be retained by the County offices; in the case of lease hold land, one set will be retained by the Commission of Lands; in the case of factories, one set may be retained by the Chief Inspector of Factories. Retention of plans

159. (1) A person shall not carry out development within the jurisdiction of the County without development permission from the Accounting Officer/Authorized Officer/Authorized Officer. Restriction on development

(2) Any person who contravenes the above paragraph shall be guilty of an offence and shall be liable to a fine not exceeding Kenya Shillings one hundred thousand or to an imprisonment not exceeding five years or to both.

160. Every person who lodges any application with the County under the provision of this Part shall at the time of such lodging pay to the County, fees in accordance with the approved fees and charges. Payment of fees

161. Every plan for the erection of a building and every person who erects a building shall comply in all respect with the County requirements for the purpose of this Part the requirements of the County shall be deemed to be satisfied if, in regard to the following- Compliance with requirement

- (a) Sitting, design and amenities;
- (b) Coverage;
- (c) Space about buildings, lighting and ventilation;
- (d) Boundary walls or hedges
- (e) Materials
- (f) Building sites;

Requirements as to loadings, foundations, resistant to fire, damp and weather, roofs, floors, chimneys, flues, hearths, reinforced concrete and steel structures, stairs and

lifts;

- (g) Drainage, sewerage, septic tanks, conservancy
- (a) Fire precautions, escapes, refuse disposals;
- (b) Water supply;
- (c) Advertisements and signs;

The plans and building are in conformity with the Provisions of this Part in force from time to time, the British Standard Specification published by the British Standard institution, for any material or the British Standard code of practice published by the British Standard institution, for any building preparation.

162. If the County approves the plans for the erection of a building, it shall signify notice of its approval thereon as soon as practicable and issue a PPA2 Form as per Fifth Schedule of Physical Planning Act.

Approval of building plans

Cap, 286

163. If the County disapproves the plans for the erection of a building, it shall notify the applicant within thirty days the reason for disapproval and it shall signify to the person lodging the plans detail of the manner in which the said plans are failed to comply with the provision of this Part and the Provisions of Physical Planning Act.

Disapproval

Cap, 286

164. (1) Notwithstanding anything contained in this Part the County Planner may grant permission to any person to proceed with any minor alteration or addition to a building or to the erection of any boundary wall or screen wall or fence or of a hoarding which complies, generally with the intent and purpose of the provisions of this Part but which may be regarded as of minor important and such permission shall be deemed to be the approval of the County of the applicant's proposals and drawings.

Minor alterations and addition

(2) In the event of any such permissions not being acted upon within six months from the date of such permission, it shall lapse.

165. The approval by the County of any plans for the erection of a building shall be null and void if;

Nullification of approval

- (a) The erection has not been commenced within twelve months after the date of such approval, or

- (b) Erection has been commenced as aforesaid but the building has not been completed within a period of two years from the said date of approval unless County approves an extension of such period.

166. (1) Any person who-

Notification of
 commencement of
 construction

- (a) Commences to erect a building without plans thereon having been approved by the County or in respect of which the approval of plans has become null and void, or
- (b) Having obtained the County's approval of the plans for the erection of a building, erect such building otherwise than in accordance with the approved plans, shall be guilty of an offence this Part.
- (c) In such case, whether or not proceedings have been instituted against the person offending, the County may serve upon the owner of building a notice under the hand of the Accounting Officer/Authorized Officer/Authorized Officer requiring him within the period of the time specified in such notice to do any of the following things-
 - (i) To cease the erection of such buildings;
 - (ii) To erect such buildings strictly in accordance with the approved plans;
 - (iii) To execute such works or alterations or additions to such buildings as may be prescribed in such notice in order to render such buildings safe and sanitary or otherwise conform to the requirements of the provisions of this Part;
 - (iv) To remove or demolish such building.

(2) If the owner shall fail to comply with all or any of the requirements of such notice, then the County, after not less than fourteen days' notice, in writing under the hand of the Accounting Officer/Authorized Officer/Authorized Officer served upon the owner, may by County Planner enter the premises and execute such work or make such alterations or additions to such building or remove or

demolish the building without liability for any loss or damage which may be occasioned thereby and may recover the cost thereof from the owner as a civic debts.

167.(1) Any person who proceeds to erect any building the plans of which have been approved by the County shall, so often as may be demanded-

Access to building by
planner

- (a) give the County Planner not less than four days' notice in writing, of the time and date when-
 - (i) the erection of the building will be commenced;
 - (ii) the concrete or other materials laid over the site, or the foundation bed, or the foundation, or the footings or the damp-proof course will be completed and ready for inspection;
 - (iii) the reinforcement of a reinforced concrete structure will be placed in a position ready for inspection;
 - (iv) the roof construction will be commenced; and
 - (v) any drainage work will be commenced;
- (b) at all reasonable times afford the County Planner, Medical Officer of Health, Chief of officer of health, Building Inspector, Health Inspector and other persons deriving authority from the County, free access to the building or work for the purpose of inspection;
- (c) permit the County Planner to take such samples of the materials to be used in the construction of any building or execution of work, as may be necessary to enable him to ascertain whether such materials comply with the provisions of this Part or with the approved plans;
- (d) not erect any building or execute work otherwise than in conformity with the plans approved by County and in compliance with the provisions of this Part;
- (e) if he has received a notice from the Accounting Officer/Authorized Officer/Authorized Officer pointing out the respect in which the work or

building does not conform to the plans as approved by the County or contravenes the provisions of this Part, he shall alter or amend the work or building to conform to the said plans and to comply with the provisions of this Part within the time stated in such notice, and shall advise the County Planner, in writing, of the completion of the alteration or amendment;

- (f) provide sanitary conveniences for the workmen employed on the works to satisfaction of the medical officer of health;
- (g) erect such hoarding as shall be necessary for the protection of the public;
- (h) if any concrete or other material laid over the site, or any foundation bed, or foundation, or footing or damp-proof course is covered up before the same has been inspected and approved by the County Planner, the County Planner will issue a notice in writing requiring him within the time specified in the notice to cut into, lay open or pull down so much of the building as prevents the County Planner from ascertaining whether any of the provisions of this Part have been contravened or whether the approved plans have been complied with;
- (i) not permit the damage or obstruction of any drain or drainage channel within any road reserve during building operations; not dump or permit to be dumped any building materials or rubbish or erect any hoarding within any road reserve without the written consent of the County Planner nor otherwise than in compliance with any conditions he may stipulate;
- (j) on completion of the building or work-
 - (i) remove from the site or from any adjacent land which he may have occupied all surplus building and excavated materials and all rubbish and leave such site or land clean and tidy; and
 - (ii) restore and leave in good condition all pipes,

drains, roadways, kerbs, water channel, roadside drains, footways, pavements or other things which may have been damaged or through his operations and transport;

(k) Notify the County Planner, in writing, when the erection of the building or execution of the work has been completed, such notice to be given as soon as practicable after completion thereof.

Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

168.(1) The owner of any plot or sub-plot who submitted any application to erect any building thereon shall, if required by the County Planner, point out the survey beacons making the corners of such plot or sub-plot either before the application is approved or after the application is approved and before building operations are commenced.

Survey beacons

(2) Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

169.(1) No foundation bed, foundations, footings, damp-proof course, reinforcement in reinforced concrete, roof construction or drain shall be covered up unless and until the said works have been inspected and approved by the County Planner.

Inspection of foundation bed of buildings

Provided that such inspection shall be made within three days of the receipt by the County Planner of a notice, in writing from the owner of the building or the builder that such works are ready for inspection.

(2) Any person who contravenes the provisions of this Part shall be guilty of an offence.

170. The approval of any plans, drawings, sections, particulars or calculations of any building or structure or work or the inspection thereof shall not in any way impose or imply acceptance of any responsibility on the part of County for the stability of any such building, structure or work

Qualification of approval

171.(1) Every owner who shall intend to occupy a new building or permit the same to be occupied shall furnish to the County a certificate, signed by him or his

Certificate of completion

authorized agent, to the effect that the building has been completed in every respect in accordance with the approved plans and particulars thereof, and shall apply for a permit of occupation.

(2) On receipt of such certificate the County Planner and medical Officer of Health, if satisfied that the building is in conformity with such approved plans and particulars and that it is fit for occupation, shall issue a written permit of occupation.

(3) A person shall not occupy any new building or being the owner thereof allow such building to be occupied unless and until he has obtained a written permit of occupation as required by the provision of this Part.

(4) Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

172.(1) Where any building has been erected A person shall not, except with the permission of the County given under the hand of the County Planner and upon such terms as the County may prescribe, use or being the owner thereof allow to be used such building otherwise than for the purposes specified or indicated in the approved plan in respect thereof and for which purposes the building was constructed.

User other than that specified

(2) "Purpose" or "purposes" in this Part shall mean the particular purpose for which a building or part thereof has been erected or to which it has lawfully been altered and not solely its general purpose as a domestic building, public building or other type of building.

(3) In a domestic building only, that portion thereof which has been erected as a dwelling may be used as such. In a dwelling any habitable room therein which complies with the provisions may be used as such notwithstanding its designation on the approved plans but no apartment such as a larder, store, pantry, closet or scullery, not designated or designed as a habitable room shall be used as a habitable room. No apartment provided in connection with a domestic building for the express purpose of housing domestic servants shall be used by other than domestic servants of the occupier or occupiers of the building.

(4) Any person who contravenes the provisions of this Section shall be guilty of an offence.

173. All public and industrial/warehouses for public use shall be designed and constructed as to allow maximum access and facilities for the physically disabled persons such toilets, lifts and access facilities.

Facilities for disabled in new buildings

174. All existing public and industrial/warehouses for public use shall be modified to accommodate maximum access and facilities for physically disabled persons such as toilets, lifts and access facilities within such time frame as shall be specified upon commencement of this Act.

Facilities for disabled in existing buildings

175. (1) The County shall issue "safety/performance certificate (SPCC)" to all buildings periodically every five (5) years. The SPCC shall cover all aspects of maintenance mentioned in the paragraph below.

Safety and performance certificate

(2) Planned maintenance- maintenance carried out as a result of fore thought, control and the issue of records to a predetermined plan.

(2) Preventive maintenance: - the maintenance carried out at predetermined intervals or corresponding to prescribed criteria and intended to reduce the probability of failure or the performance degradation of an item. An all-inclusive audit conducted to ascertain all aspects of building constructed and installation.

Condition based maintenance: - the preventive maintenances initiated as a result of knowledge of the condition of the building from routine or continuous monitoring i.e. through periodic condition surveys.

176. (1) safety/performance compliance certificates shall be classified into the following categories for the different types of buildings:-

Classification of safety/performance compliance certificate

- (a) Category 1,
- (b) Category 2,
- (c) Category 3,

Where category 1: Domestic/Public/Industrial buildings which are sound and which do not require any immediate maintenance activities/remedial action.

Where category 2: Domestic/Public/Industrial

buildings which are sound and but with minor defects requiring remedial action.

Where category 3: Domestic/Public/Industrial buildings which have deteriorated to a level where no remedial action can restore it to original deigned function and is therefore condemned and must be demolished.

(2) The buildings to which Section (3) and (4) of this Part apply are Domestic building, Industrial/factory/warehouse buildings and Public buildings with the exception of buildings of historical value as defined in the relevant Act.

177. (1) For the purposes of conservation and heritage the County shall need to regularly identify and list buildings of historic and heritage value

Conservation and heritage

(2) The above buildings are to be protected and conserved by the owners. They should not be demolished or altered without authority of who will work in consultation with antiquities bodies or National Museums of Kenya.

(3) Incentives in the form of reduction on land taxes to be provided for by the Government and County.

(4) The buildings and their neighbourhoods to be identified and preserved as conservation sites/areas

178. The County will put in place zoning maps which will guide development of the town. These to be reviewed regularly within the review period of development strategies. Spot zoning- anything missed out for through spot zoning. It is important that a building code would need to be adopted by the County to be put in operation.

Strategic development plan

179. If in connection with a development application of the opinion for industrial location, dumping site, sewerage treatment, quarries or any other development activities will have injurious impact on the environment, the applicant shall be required to submit together with the application an environmental Impact assessment report.

Environmental impact assessment

180. No private land within the area of jurisdiction of the County may be sub-divided except in accordance with the requirements of the County's Physical Development Plans approved in relation to that area under this Part and

Subdivisions

upon application made in the form prescribed in the fourth schedule to the County.

- (a) The sub-division and land use plans in relation to any private land shall be prepared by a registered physical planner and such plans be subjected to the approval by the County.
- (b) Where in the opinion of the County an application in respect of development, change of user or subdivision has important impact on contiguous land or does not conform to any conditions registered against the title deed of the property, the County shall, at the expense of the applicant, publish the notice of the application in the Gazette or in such other manner as it is deemed expedient, and shall serve copies of the application on every owner or occupier of the property adjacent to the land to which the application relates and to such other persons as the County deems fit;
- (c) If the County receives any objection to, or representation in connection with, an application made under subsection (i) the County shall notify the applicant of such objection or representations and shall before the application is determined by it afford the applicant an opportunity to make representation in response to such objections or representations.
- (d) The County may approve with or without such modifications and subject to such conditions as it may deem fit, or refuse to approve, an application made under sub Section (i).
- (e) Any person carrying out subdivision of more than five acres and change of user from agriculture to commercial, residential or industry shall provide ten percent of land for public use and communicate the same and surrender to County Government strictly for public utility.
- (f) Any person who contravenes paragraph (e) above shall be guilty of an offence under this Part.

Provided that if such person is aggrieved by a decision of County Liaison Committee he may appeal against such

decision to the National Liaison Committee in writing stating the grounds of his appeal: provided further that the appeal against the decision of the National Liaison Committee may be made to the High Court in accordance with the rules of procedure for the time being to the High Court.

181. Any person guilty of an offence under this Part shall be liable to a fine not exceeding Kenya Shillings One Hundred Thousand and to imprisonment to a term not exceeding six months or both. Penalties

PART XII – RENTAL HOUSES

182. This Part shall apply to all County estate owners Application

183. The tenant shall not assign, underlet or part with the possession of the premises or any part thereof without the written consent of the County. Assigning or subletting

184. The tenant shall pay the rent reserved in advance on or before the first day of every month at the County’s appointed revenue offices as per the Approved fees and charges. Payment of rent

185. A tenant shall not without a written consent of the County make any alterations or additions to the premises and shall not remove any partitions, doors or other fittings and fixtures so affixed and designed by the County Alteration, additions to the approved design of the premises

186. (1) A tenant shall not construct or cause to be constructed any structures for dwelling whether permanent or semi-permanent in nature within the County’s estates. Illegal extensions to buildings

(2) Any tenant who contravenes paragraph (1) above shall in addition to the penalties prescribed under this Part be liable to have the said structures demolished, at the tenant’s cost.

187. The County may upon giving a notice of twenty eight days to a tenant, who has breached these provisions, evict the said tenant. Eviction

188. The County shall at the time of evicting a tenant who is in rent arrears, impound the tenant’s household goods and after the expiry of the notice given to the tenant to clear the rent arrears have the right to dispose off the Impounding and sale of tenants goods for recovery of rent arrears

tenants goods to enable the County recover the rent arrears.

189. (1) Any tenant who upon eviction from the County's premises and before settling any rent arrears or receiving a written authority of re-entry to the premises forcefully breaks into and damages any part of the premises shall be guilty of an offence under this Section.

Forceful or breaking
into the premises

(2) Any tenant who is in breach of this Section shall be liable to a fine not exceeding Kenya Shillings Twenty Thousand or to imprisonment for a term not exceeding nine months or both.

190. The tenant shall allow the estate officer or any other officer authorised in writing by the County to carry out an inspection of the premises upon receiving a reasonable notice and the inspection carried out within working hours.

Inspection of premises

191. No tenant shall keep any poultry or animals on the premises (except as domestic pets)

Keeping of animals or
poultry

192. A tenant shall not plant any crops in his garden or compound of the premises he occupies unless with a written consent of the estate manager

Planting of crops

193. A tenant shall not permit or cause to be done in or about the premises anything which in the opinion of the County may be or become a nuisance or annoyance to the County or to the occupants of neighbouring premises or to the public generally.

Nuisance

194. A tenant shall not use the premises for commercial purposes and shall not conduct any business or cause to be conducted any business activity whatsoever, but shall rather use the premises as a private residence only and for no other purpose whatsoever.

Premises to be used on
as private residence

195. A tenant shall not damage the floors, walls, timber of the premises, water pipes, boundary fences, hedges or cut any of trees.

Damages to floors,
walls, timber premises
trees, water pipes,
boundary fences,
hedges

196. Any notice required to be served under this Part shall be deemed to have been served if the same is either delivered at the tenants premises or posted to the tenants last known address.

Notices

197. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding five

Penalties

thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent offence or both.

PART XIII – SLAUGHTER HOUSES

198. The County may establish and maintain slaughterhouses for the slaughter of animals and may appoint a manager to be in charge thereof. Establishment of slaughter house

199. (1) A person shall not, except with the written permission of the Accounting/Authorized Officer; Slaughter of animals

- (a) Slaughter an animal elsewhere other than the slaughter house,
- (b) Bring a slaughtered animal or meat into the County, Sub County or any Town within the County.
- (c) Carry slaughtered animal or meat from the slaughterhouse to the County, Sub County, or any town within the County

200. (1) A slaughterhouse shall be open on such days and during such hours as the County shall determine. Opening and closing

(2) A person shall not remain in a slaughterhouse during the hours in which it is closed.

- (3) A person shall not-
 - (a) Drive or bring an animal to the slaughter house in such a manner to inflict on it unnecessary pain and suffering,
 - (b) Use an instrument for slaughtering or stunning an animal unless his training, physical condition and ability qualify him to use the instrument to inflict on the animal as little pain as practicable,
 - (c) Slaughter or cause to suffer an animal in the presence or in view of another animal,
 - (d) Proceed to slaughter or cause an animal to be slaughtered until that animal is securely fastened to enable it to be slaughtered with as little pain as

possible

201. The inspecting officer may require a person intending to slaughter an animal to use such methods of slaughtering instrument and appliances or to adopt such methods of slaughtering or to otherwise take such precautions as are necessary to secure the infliction on the animal or as little pain or suffering as practicable.

Methods of slaughtering

202. (1) No dead or moribund animals shall be admitted into a Slaughterhouse.

Dead or moribund animals, Gut cleansing

(2) The process of the gut cleaning shall only be carried out in that part of the slaughterhouse set-aside for the purpose and only between such hours as may be from time to time prescribed by the County

203. (1) The hide or skin, fat and offal of every animal slaughtered in a slaughterhouse shall be removed within twelve hours after the slaughtering of the animal.

Disposal

(2) Blood, manure and gut contents shall be deposited in the place or receptacles provided for that purpose.

204. (1) No dogs shall be allowed in or near a slaughterhouse.

Dogs at slaughter houses

(2) Any person who causes or permit a dog to be in or near a slaughterhouse shall be guilty of an offence.

205. (1) A person shall not enter or be admitted to a slaughterhouse except with permission of a manager and on such condition as he may impose.

Admission into the slaughter house

206. (1) The manager may permit animals intended for penning to remain in the slaughterhouse pen during the hours in which the slaughterhouse is closed

Liability

(2) The County or the Manager shall not be liable for any loss of, or injury to an animal left in the slaughter house in the pen pursuant to this Part.

(3) Any person who allows or causes an animal to remain in the slaughter pen during the hours which it is closed otherwise than with the permission of the manager shall be quilt of an offence under this Part.

207. (1) The manager or inspecting officer may at any time order the slaughter of an animal which has been permitted to remain in the slaughter house pen if it appears

Prevention of spread of disease

to the manager or the inspecting officer that it is necessary or advisable for the prevention of the spread of diseases or for humane reasons.

(2) No liability shall attach to the County, the Manager or the inspecting officer in respect thereof.

208. Every person in a slaughterhouse who fails or refuses to comply with or obey all lawful instructions, directions and orders given by the Manager for the purpose of controlling or supervising the slaughterhouse shall be guilty of an offence under this Part.

Lawful instruction

209. Any person who obstructs or hinders the Manager or the Inspecting Officer in the course of his duties shall be guilty of an offence under this Part.

Obstruction of officers

210. The County, Manager or the Inspecting Officer shall not be liable for any loss or damage suffered;

Exemption from Liability

(a) During the slaughtering process or,

(b) In the course of transporting the meat from the slaughterhouse for delivery.

Fees payable for the services received in pursuance of its

Fees

211. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding Five Thousand Shillings in respect of a first offence and not exceeding Seven Thousand Shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both.

Penalties

PART XIV – PRIVATE LEARNING INSTITUTION

212. A person shall not carry on learning within the County unless he holds a valid permit and permitted premises

Permitted premises

213. Every application for the permits to carry on learning and for the premises shall be made in writing and shall be addressed to the Accounting/Authorized Officer and such application shall set forth-the name, address and occupation of the applicant; the description of the premises in which it is proposed to carry on the nursery / School /

Form of permit

College; and university; the number of persons proposed to be employed to teach and take care of children, pupil or student accommodated in the proposed nursery / school/ college and university.

214. No permit shall be granted for a longer period than one year and every permit shall expire on the 31st of December of the year in which it is granted. Duration

215. A permit shall not be transferable either from the holder thereof to any other person or from the permitted premises to any other premises without prior consent in writing of the County having being first obtained. Transfer of permit not allowed

216. No permit shall be granted unless the County is satisfied that- Conditions for issuance of permit

- (a) the premises in respect of which a permit is desired comply with any Building Plan for the time being in force in the County;
- (b) the premises are suitable in all respects for use as a nursery / School / College/ University and are capable of accommodating the number of children or pupils or students proposed to be accommodated therein; and
- (c) the number of persons proposed to be employed to teach and take care of children or pupils/students is sufficient to safeguard their health, or safety
- (d) the nursery / School / College/ University meets the Ministry of Education standards;
- (e) a nursery school shall be located on a piece of land measuring at least 0.25 acres
- (f) A primary school shall be located on a piece of land measuring at least 1 acre.

217. The permit holder shall maintain the permitted premises in good order and condition to the satisfaction of the County and in the event of his failure so to do, the County may cause a notice to be served upon the permit holder requiring him within the period specified in the notice, to carry out such works as may in the opinion of the County be necessary to put such premises in good order and condition and if the permit holder fails to do such work within the time specified in such notice he shall be guilty of Conditions of premises

an offence under this Part.

218. The permit holder shall not at any one time permit any larger number of children or pupils or students to be accommodated in the permitted premises than the number specified in the permit relating to such premises.

Number of children

219. The permit holder shall ensure that at all times the number of persons employed in the care of children or pupil/student accommodated in the permitted premises shall not be less than the number specified for this purpose in the permit.

Number of persons employed

220. The permit holder shall not permit a person suffering from an infectious, contagious or venereal disease to be employed or engaged in or upon the permitted premises

Infected persons

(222) Any person working in a School permitted under this Part must have a valid medical certificate from a recognized Medical Officer.

221. The Medical Officer of Health or any other officer authorized in writing by the County in that behalf may at all reasonable times enter and inspect any permitted premises

Inspection of premises

222. The Medical Officer of Health or any other Officer authorized in of school the County in that behalf may at all reasonable times enter and inspect any premises in the County which he has reasonable cause to believe are being used for the purpose of carrying on a school.

Inspection of schools

223. The fee payable for the grant, renewal or transfer of a permit under this Part shall be as per the approved fees and charges.

Fees

224. The permit holder shall be responsible for the due observance of this Act in respect of the premises for which he holds a permit and any breach thereof by any servant of the permit holder shall be deemed to be a breach by the permit holder.

Duty of permit holder

225. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding One Hundred Thousand Shillings in respect of a first offence and not exceeding Two Hundred thousand shillings in respect of a second or subsequent offence, or imprisonment

Penalties

for a period not exceeding three years in respect of a first offence and not exceeding six years in respect of a second or subsequent, offence or both such fines and such periods of imprisonment.

PART XV – HAWKING

226. A person shall not engage in hawking unless such person has obtained a permit for carrying out such business or trade within the specified area.

227. Every application for permit shall be made to the Accounting Officer/Authorized Officer/Authorized officer on a form issued by him for that purpose, and the applicant shall furnish the Accounting Officer/Authorized Officer/Authorized officer with particulars of the commodity, and the place or places at which he intends to engage in hawking

Application for permit

228. (1) The County Government in its discretion, upon payment to the Accounting Officer/Authorized Officer of the appropriate fees prescribed in the business permit charges as provided for in this Act, issue under the hand of the Accounting Officer/Authorized Officer a Business permit, permitting the person named therein to engage in hawking subject to such terms and conditions, if any, as may be specified in the permit.

Issuance of permit

(2) Without prejudice to the generality of paragraph (1) above, a permit may be restricted to a particular area or specified goods, wares, merchandise and refreshments.

(3) There shall be issued with each permit a badge relating thereto.

229. (1) Every person required by the provisions of this Act to hold a permit shall, whilst engaged in hawking, carry with him and produce it on demand to a Police Officer, Inspector or County Askari in uniform, or to a duly authorized officer or Inspection Officer of the County, and shall wear in a conspicuous place the badge relating to his permit.

(2) Any such Police Officer, Inspector or County Askari may inspect any article which he has reasonable cause to believe is being used for the purpose of hawking.

(3) Any person who obstructs hinders or otherwise

2013

Machakos County Finance

No. 2

interferes with any such duly appointed officer, inspector or Askari in the execution of his duties under this Act, or who fails to comply with any of the provisions of this Part shall be guilty of an offence.

230. (1) The County may in its discretion and upon payment to the Accounting/Authorized Officer of the appropriate fees prescribed in, issue under the hand of the Accounting/Authorized Officer a permit, authorizing the person named therein to be employed by or to assist a person having permit under this Act who:-

Hawker's assistant

- (a) Hawks refreshments; or
- (b) Is disabled

Provided that:

- (i) not more than one permit shall be issued under this section in respect of each permit
- (ii) Where a permit is issued under this Section the relevant license issued shall be endorsed with the words "One Assistant's Permit Issued".

231. Any permit holder who, without the written consent of the Accounting Officer/Authorized Officer, transfers his permit or badge issued relating thereto to any other person shall be guilty of an offence.

Transfer of permit

232. Any person who without a valid permit and engages in hawking or permit holder who engages in hawking in a non-designated area shall have his goods impounded and forfeited to the County Government, except:-

Impounding of goods

If the offending Hawker is arraigned in court and charged with the offence, the impounded goods may be released to the accused upon payment of the fine or completion of the jail term.

233. Any person who engages in hawking with or without a permit within the restricted areas of the central business areas defined by the County from time to time shall be guilty of an offence under this Act.

Hawking in central in business

234. Any person who solicits bargains, induces or

Buying, negotiating,

negotiates with any hawker with a view to buy or sell any hawking goods in a non-designated area shall be guilty of an offence. soliciting, inducing

235. Any person who is guilty of an offence under this part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence or nine months in respect of a second or subsequent offence or both

PART XVI – DRAINAGE AND SEWARAGE

236. Where any building is without adequate provisions for conveying surface water there from to a surface water sewer or where such provisions has been made but has fallen into despair, the owner of such building shall, on and within such reasonable time as shall be specified therein, provide guttering on downpipes or execute such other work as may be necessary to any surface water sewer which is within seventy yards of the boundary of the plot on which such building is erected or if there is no surface water sewer within the distance or if, it is not practical to connect to such sewer otherwise suitably dispose of such surface water to the satisfaction of the County. Provision for conveying surface water

237. (1) where any building is without provisions for conveying foul water there from to a foul sewer, the owner of such building shall, on receipt of a notice from the Accounting/Authorized Officer requiring him to do so and within such reasonable time as may be specified within, provide a drain connecting to any foul sewer which is within seventy yards of the boundary of the plot on which such building is erected and if this is not practical to connect with such sewer, then emptying into a septic tank or otherwise, as the County may direct. Provision of conveying foul water

(2) Every such drain shall be constructed of such materials, be of such size and be laid at such level and in such a manner and with such falls as the County require.

238. (1) If appears to the County that when two or more buildings are to be connected to a sewer they may be drained more economically or advantageously by private Construction of private sewer

sewer than by separate drains, the County may, if an adequate public sewer exists or is about to be constructed within seventy yards of any part of the plot on which such building are erected and it is practical to connect therewith, order that such building be drained by a private sewer to be constructed by the owner of such building in accordance with plans to be approved by the County within such the reasonable time as shall be specified in such order.

(2) The cost of the construction of such private sewer and of the repair and maintenance thereof of shall be appointed between the owners of such building in such manner as the County shall determine.

239. (1) every new building shall be provided with an effective drain, to be constructed in accordance with the County's requirements, emptying into such public sewer as are within seventy yards of the boundary of the plot on which such building is or is to be developed, or if there be no public sewers within that distance, or if it is not practical to connect with such sewers, then emptying into septic tank or soak ways or otherwise as the County may direct.

Provision of drain for new buildings

(2) A person shall not occupy or permit to be occupied any building unless it is equipped with an effective drain as provided in paragraph (1).

(3) For the purpose of this Act, the expression "new building" shall include any building and two external walls of which have been pulled down to or below the level of the ground floor and which has been rebuilt

240. Notwithstanding anything contained in this Part, A person shall not cause or permit any sub-soil surface store or rain water or any drain for conveyance with any fouled water or with any drain for conveyance of such waters to discharge into or communicate with any foul sewer or with any foul water of any drain for the conveyance of sub-soil surface, storm or rain water.

Prohibition of conveyance of fouled water into sub-soil surface store or rain water

241. If it appears to the County that any building is not provided with drain or other appliance for carrying off waste water from such building, the owner of such building shall on receipt of a notice from the Accounting/Authorized Officer requiring him to do so, provide such drain

Notice for provision of drain

reasonable time as may be specified in such notice.

242. (1) if any sanitary accommodation of a type other than a water closet is installed or erected on a plot and the boundary is within seventy yards of a foul sewer, and it is practical to connect with such foul sewer, the County may, by notice in writing, require the owner of such plot, within such reasonable, to connect such sanitation by means of an approved drain to the foul sewer.

Connection to a foul
sewer seventy yards
from a boundary

(2) If any sanitary accommodation of a type other than a water closet is installed or erected on a plot no boundary whereof is within seventy yards of a foul sewer within such distance, and the County may by a notice in writing require the owner thereof, within such reasonable time as may be specified in such notice to convert such sanitary accommodation into or replace it by water borne sanitation or if there is an adequate septic tank into which such water borne sanitation may drain the septic tank, then the County may require the owner thereof to contract within a reasonable time and adequate septic tank and connect such water borne sanitation thereto.

(3) Where, under this Part, any sanitary accommodation has been replaced by water-borne sanitation the County may by notice in writing require the owner of such sanitary accommodation to remove it within such time as be specified in such notice.

243. (1) Where the sewerage or waste water from a building erected on a plot and the boundary whereof is within seventy yards of a public sewer (and it is practical to connect to such sewer empties into a cesspool, septic tank, or elsewhere than into a sewer the County may, by written notice, require the owner of such building within such reasonable time as may be specified in such notice, to cause the sewerage or waste water from such building to discharge into such public sewer in a manner and by the use of such materials as the County may require.

Notice to connect to a
public sewer

(2) The County may thereafter, by notice in writing, require the owner of such building within such reasonable time as may be specified therein to remove such cesspool, septic tank or other receptacle and to fill in the ground form which it may be removed.

244. The owner of any building shall, at his or her

Maintenance of drains

own expenses, maintain all drains and all drainage works constructed upon or in connection with such building in an efficient condition and in a proper state or repair to the satisfaction of the County.

245. (1) If it appears to a duly authorized officer that any drain, sanitary accommodation, cesspool, septic tank, or other appliance or apparatus for drainage of any building is in a bad state or repair or is inefficient or is a nuisance or injurious or dangerous to health may, after twenty four hours written notice to the occupier of such building or, in the case of emergency, without notice, cause such building and the cartilage thereof to be entered and the ground to be opened and such drain, sanitary accommodation, cesspool, septic tank or other appliance or apparatus for drainage to be examined.

Examination of drainages

(2) If, after service of the notice as aforesaid the owner neglects to comply with the provision thereof or if such owner cannot immediately be found the Accounting/Authorized Officer may cause such works as he thinks proper to be done for effecting the removal of such stoppage and the expenses thereof shall be payable by the owner and shall be a civil debt recoverable summarily.

(3) The costs and expenses incidental to the removal of any stoppages as aforesaid in a private sewer shall be apportioned by the County between the owners of such premises as are drained into such private sewer above such stoppage.

246. Where it is the opinion of the County the introduction into any public sewer of any solid matter, suspended matter, mud, chemical or trade or manufacturing affluent or other waste (inclusive of vapours or gaseous matter) or any steam condensing water, heated water or other liquids, whether directly or through any drain or channel communicating with such public sewer either does or may cause a nuisance or involve danger to the health or persons entering such sewer, or others, or is or may be injurious to the structure or materials of such sewer, or other works, the County may serve upon the owner or occupier of any premises a written notice, absolutely prohibiting from a date to be stated in such notice, not being earlier than fourteen days from the date to be stated in such notice, not being earlier than fourteen days from the

Prohibition of drain into a public sewer

date of service of such matter or matters as aforesaid being caused or permitted to fall, flow or enter or be carried or washed into, any public sewer either directly or indirectly;

Provided that the County shall not be required to serve a notice upon the same person more than once.

247.(1) The County may grant permission for the matter referred to in Section 274 to flow into any public sewer upon such terms and for such period and during such time as it may in its absolute discretion, determine,

Grant of permission

(2) Where the County grants permission, under paragraph (1), for any matter referred to in Section 274 to flow into any public sewer, and extra expense is or is likely to be caused to the County then the terms for the granting of such permission may include a provision for the payment to the County by the person requiring such permission of such sums as the County may decide, and such sum or sums shall be in addition to any other fees or charges which may fall due to the County.

(3) Any person who contravenes or fails to comply with the terms of any permission granted under this Act shall be guilty on an offence.

(4) Where any person has been convicted of an offence for contravening or falling to comply with the terms of any permission granted under this Act the County may, by a write notice served on such person, revoke such permission as from such date as shall be specified therein and may take such action as is referred to in the Act.

248. The County may, at its own discretion, by notice require the owner of any premises from which a private sewer connect to any public sewer to construct in connection with any pipe or channel conveying such affluent, an inspection chamber of such dimensions as the County may think fit, and any duly authorized officer shall at all times have access to such chamber and may examine and measure the discharge from such premises and may take samples there from.

Inspection chamber

249.(1) A person shall not throw or introduce or cause or permit any other person to throw or introduce into any septic tank, cesspool, drain, soil-pipe solid-water fitting or sewer, any stones, tins bottles, ashes or other

Inference with free
flow of sewerage

matter liable to interfere with the free flow of sewerage or injure any such septic tank, cesspool, drain soil water fitting or sewer.

(2) Any person who contravenes this shall be guilty of an offence.

250. (a) the owner and occupier of any premises shall maintain all opening whether for ventilation or otherwise, to any drain, and also all taps gullies and other drainage fittings in connection therewith in a reasonable clean condition and free from obstruction

Maintenance of opening to any drain

(b) Any person who contravenes this Act shall be guilty of an offence

251. (a) The owner of any premises who intends to cause any drain to be constructed in connection with such premises, to empty into a sewer, or who has been required under this Act to construct a drain emptying into a sewer shall submit to the County an application for permission to connect to such sewer.

Permission to construct a drain

(b) An application for permission to connect to sewer shall be in such form as the County may from time to time determine and shall be accompanied by such plans and other information as the County may require.

(c) The fee prescribed in the Gazette fees and charges currently in use shall be paid to the County with each application for permission to connect to a public sewer.

(d) As soon as the County is satisfied that the owner of the said building is entitled to connect to any drain there from with a sewer and that the making of such connection would not contravene this Act the County Engineer shall so notify the owner.

(e) No person other than an employee or agent of the County shall make any connection.

(f) The County shall at the earliest practicable date after the service of the notification referred to in paragraph (iv) and provided all fees due under this Part have been paid, construct the sewer connection.

(g) the County may close, demolish or remove any sewer connection made in contravention of this Act and may recover as a civil debt recoverable summarily from the

person making such sewer connection or causing such connection to be made any expenses incurred by it in doing so.

252. The owner of any premises who carries out or wishes to carry out any drainage works in any street or other place under the control of the County shall comply in all respects with the conditions specified in the first schedule.

Conditions for drainage works

253. (1) The owner of any premises outside the County's area of jurisdiction may, with the consent of the County and subject to this Act, cause any drain constructed upon or in connection with such premises to empty into any sewer within the County's area of jurisdiction upon such terms and conditions as may be agreed upon between such owner and the County; Provided that a person shall not cause any drain to empty into such sewer until terms and conditions have been agreed upon.

Construction of drains

(2) Any person who contravenes this Act shall be guilty of an offence.

254. In all cases where, in accordance with this Act, any work is carried out by the County in respect of which the County is entitled to recover the cost from any person there may be included in the cost claimed and recoverable such sum as the County shall prescribe to cover the cost of surveys, plans, specifications, quantities, supervision, and the use of tools and plants, and there shall also be included in such cost any expenditure involved in disturbing and making good the surface of any road, street, foot-way or ground affected.

Recovery of costs

255. (1) Every person who constructs any drain or private sewer shall lay such drain or private sewer and carry out any excavation necessary for the construction of such drain or private sewer in an expeditious in a workmanlike manner and shall maintain during the progress of such hoarding strutting, shoring's and lights as may be necessary for the protection of all persons and property liable to be affected by the works.

Safety measures

(2) Any person who contravenes this shall be guilty of an offence.

256. Every person who carries out any drainage work

Request for testing

shall, as soon as such works is ready for testing, notice in writing to the County that such work is ready for testing and shall afford to any works as may be deemed necessary upon receipt of any notice aforesaid, the County shall within four days cause such work to be inspected and tested.

257. A person shall not proceed to cover up any drainage work until such work has been inspected, tested, and approved by a duly authorized officer and any person who contravenes this Act shall be guilty of an offence.

Cover of drainage work before inspection

258. Where any person carries out any drainage work and where after completion, such works has been inspected, tested and approved, the County shall if required, issue to the owner of the premises upon which such work has been carried out a certificate in writing that that the said work, after completion, inspection, and testing has been approved.

Issuance of a certificate upon approval

Provided that such certificate shall not in any way be held to impose any liability on the County or any of its officers or any authorized officer for any loss or damage that may be caused through such work not being assigned on or carried out in a proper and efficient manner or through any such work being carried out otherwise than in accordance with the approved plans and any provisions of this Act.

259. (1) The owner of every building, and of every place where workers are employed shall provide sufficient number of latrines for the use of the inhabitants and workers in the building or place, and such accommodation shall be conveniently sited contiguous to the satisfaction of the Medical Officer of Health or such other officer as the County may authorize for the purpose of this Act.

Provisions of latrines

(2) Any person who contravenes or fails to comply with this shall be guilty of an offence.

260. (a) A person shall not construct or carry out any drainage work unless such person in lawful possession or permit obtained from the County authorizing him to do so.

Form of permit

Such permit shall be in the form of a plumber's permit or a drain layer's permit set out in the second schedule and any person to whom any such permit as aforementioned

has been issued by the County shall be empowered to construct or carry such works as are specified in such permit.

Provided that nothing contained in the Act shall be deemed to prohibit any workman carrying out any such under the direction, supervision and control of the permitted plumber or permitted drain layer, or under the authorization of the County.

(b) The person seeking registration and grant of permit shall pay to the County upon the issue of the permit under the Act, the appropriate fee prescribed in the permit fees schedule currently in use.

(c) Any person who contravenes this shall be guilty of an offence.

261. No plumber's permit or drain layer's permit shall be issued by the County to any person until such person satisfies to the County as to his or her competence to carry out the work of a permitted plumber or a permitted drain layer, and the County may require any person who seeks or applies for a plumber's permit or a drain layer's registration to submit himself or herself or herself for examination by such body of a persons as the County may appoint for the purpose.

Examination of plumbers pursuant to grant of permit

262. The County shall keep and maintain a register of all permits issued under this Part, which register shall be opened to public inspection during office hours.

Register

263. Every person to whom a plumber's permit or a drain layer's permit has been issued by the County under this Act, shall if called upon at any reasonable time to do so, produce his or her permit for the inspection by a duly authorized officer and any person who contravenes this shall be guilty of an offence.

inspection of plumbers permit

264. The County may at any time cancel any permit issued to any plumber or drain layer under this Act if the County is satisfied that such permitted plumber or such permitted drain layer has either by himself or herself or herself or by his or her workmen caused or permitted any plumbing or drain laying work to be carried out in a negligent or workmanlike manner to the injury of any person or property or contrary to this Act of the County

Cancellation of a plumber's permit

relating to drainage works, provided that prior to the cancellation or any such permit as aforesaid the person whose permit it is proposed to cancel shall be given an opportunity of appearing before the County or before a committee appointed by the County, and being heard in his or her own expense.

265. (a) If, after service of written notice under this Act the person on whom such notice is served neglects to comply with the notice within such works, as it thinks proper, to be done, for the carrying into effect of the provision, to be done, for the carrying into effect of the provisions of such written. Notice, and the expense thereof shall be payable by the persons on whom the written notice was served and shall be a civil debt revocable summarily.

Failure to comply with a notice

(b) Any person who fails to comply with the provisions of written notice served upon him under this Act shall be guilty of an offence.

266. A deposit shall be paid to the County by the consumer before the service is commenced. The amount of the deposit shall be that prescribed in the permit fee schedule currently in use and shall be refunded to the consumer when the consumer gives at least twenty four hours' notice in writing to the County to the effect that the service is no longer required all accounts due have been paid.

Deposit

267. Where any amount is due to the county under the Section 251 of this Act, and has remained unpaid for a period of seven days after a notice demanding payment has been given, the County may summarily recover the amount.

Recovery of unpaid deposit

PART XVII - QUARRYING

268. A person shall not carry out or cause quarrying operations to be carried out on land within the area of jurisdiction of the County except under, and in accordance with permit issued by the Accounting Officer/Authorized officer.

269. (1) Any person who wishes to carry out quarrying operations on land within the area of jurisdiction of the County shall apply in writing to the Accounting Officer/Authorized officer for the grant of a permit.

Prohibition of quarrying activities

(2) The Accounting Officer/Authorized officer may require an applicant for a permit;

- (a) to submit a plan of the site showing that area of land on which he proposes to quarry and a plan for the surrounding land, and
- (b) to furnish him with such other information as he may require

(3) Where the application for a permit is made by the owner of land on which the quarrying operations are to be carried on, the owner shall state in his or her application the quarrying operations to be carried on, the owner shall state in his or her application whether the quarrying will be done by himself or herself or some other person and in later case shall give the name and address of that other person.

(4) Where the application is made by a contractor or lessee, that contractor or lessee, shall attach to his or her application the written permission of the owner stating that the owner has agreed to his or her quarrying on the land.

(5) The Accounting Officer/ Authorized officer may, on being satisfied that the quarrying operations are not detrimental to public health and safety, issue a permit to the applicant under such conditions as he or she may consider necessary.

270. (1) Subject to paragraph (2) below every permit issued under this Act shall be valid until the 31st December of the year in respect of which it is issued. Application for permit

(2) Where the Accounting Officer/Authorized officer is of the opinion that the permit holder has either by himself or herself, his or her servants or agents committed a breach of or failed to comply with condition subject to which the permit was issued, he may, without prejudice to the institution of proceedings against the permit- holder cancel the permit.

271. (1) A permit –holder shall maintain and keep the quarry site plan, engrossments and other relevant documents and make them available for inspection by the Accounting Officer/Authorized officer or Medical Officer of Health Duration of a permit

(2) For the purpose of this Act, all “relevant

documents” includes orders and delivery books.

272. Every permit-holder shall:-

Maintenance of a
quarrying site

- (a) Provide housing, water supply and latrines of type, quality and size approved by the medical officer of health for the persons working at quarry;
- (b) At all times during the currency of the permit maintain the housing, water supply latrine in condition and state satisfactory to the medical officer of health;
- (c) Maintain the land on which the quarrying operations is being carried on in a condition not detrimental to public health or safety;
- (d) Filling or drain all holes or excavations as and when required by, and to the satisfaction of the Accounting Officer/Authorized officer or the medical officer of health;
- (e) Securely fence holes or excavations to the satisfaction of the Accounting Officer/Authorized officer;
- (f) Comply with any special conditions which the Accounting Officer/Authorized officer may endorse on the permit.

273. (1) The Accounting Officer/Authorized officer or Medical Officer of Health may order a permit-holder to stop the quarrying operations and close the quarry if it appears to be that the quarry is in a condition dangerous to human life or detrimental to public health and safety

Provision of amenities
to workers at a
quarrying site

(2) An order made under paragraph (1) above shall remain in force until the authorized officer is satisfied that the condition of the quarry has been satisfactorily improved.

274. A permit holder shall, before vacating the quarrying site:

Closure of a quarry

- (a) Leave to the satisfaction of the Accounting Officer/Authorized officer, the surface of the land which abuts upon the surface of the quarry in each condition and state as to prevent the dislodging of earth or rock from the surface by natural causes;

- (b) Fill in or drain all holes and excavations to the satisfaction of the Medical Officer of Health.

275. (1) The County, its officers, servants or agents may-

Conditions before
leaving a quarry site

- (a) Enter premises and carry out any inspection for the purpose of the enforcement of this Act;
- (b) Execute work that may be necessary to remedy any breach of failure to comply with the provisions of this Act or any of the conditions under which a permit has been issued;
- (c) Recover the expenses incurred in carrying out the work in (b) above from the owner of the premises.

276. (1) Every permit holder shall pay the fees as per the approved fees and charges.

Entry and inspection

(2) Every common mineral dealer shall pay fees as per the approved fees and charges for every ton of common mineral removed from the quarry

Fees

277. Any person who is guilty of an offence under the provisions of this Act shall be liable;-

Penalties

- (a) In the case of a first conviction for such offence, to a fine not exceeding five thousand Kenya shillings, or imprisonment for a term not exceeding six months or both;
- (b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding seven thousand Kenya Shillings, or imprisonment for a term not exceeding nine months, or both.

PART XVIII- SAND HARVESTING

278. (1) Save on small scale for domestic use of home construction, A person shall not use, cause or permit to remove sand from rivers, farms or, ranches, road reserves, storm water drains on play grounds, for Commercial Enterprise or for the purpose of selling the sand to commercial sites/harvesters unless a valid license is issued by the Accounting Officer/Authorized Officer/Authorized Officer for such trade, occupation or business.

Licensing of Sand
harvesting

(2) The license shall be issued and renewed on a monthly basis as per the approved fees and charges for the

year.

279. (1) No person or agent shall transport sand within the County, unless a valid license for such business has been issued by the County. Licensing of a sand transporters

(2) A person shall not carry on or engage in any trade, occupation or business of sand harvesting unless he or she is licensed to carry on such trade, occupation or business by the County.

280. An application for license under this Act shall be in such form as may be prescribed by the County. Application for licence

Provided that the County may, in any particular case require an applicant to submit or supply such further information as the County shall deem fit.

281. (1) The County shall not approve any application made in the first instance for a license in respect of any vehicle by a person who is not the owner of such vehicle. Approval of permit

(2) There shall be charged by the County for the issue of the said permit for sand harvesting fees in accordance with the approved fees and charges.

282. (1) The approved fees shall be payable to the County, for every application for a license. Payment of approved fee

(2) The approved fees shall be subject to review by the County from time to time. Such fee shall not be refunded unless the County refuses to issue such license;

Provided that the County shall not be required to refund any fee charged solely for the processing of an application in pursuance of this paragraph.

283. A license shall be in such form as the County may from time to time determine and shall be signed by the Accounting Officer/Authorized Officer/An Authorized Officer or any person authorized on that behalf. Form of licence

284. (1) A license issued under this Act shall not be transferred from the holder thereof to another without the consent of the Accounting Officer/Authorized Officer. Prohibition of transfer of licence

(2) An application for the transfer of any license shall be in such form as may be prescribed by the County and shall be accompanied by the license to which it relates;

Provided that the County may in any particular case require an applicant for the transfer of a license to submit or supply such further information as the County shall deem necessary.

(3) For each such transfer there shall be payable to the County such fee as may be prescribed in the approved fees and charges for the year.

(4) A memorandum of the transfer of any license shall be endorsed on the license by the County

(5) Any person who contravenes the provision of this Section shall be guilty of an offence.

PART XIX- POUNDS

285.(1) The County may establish, control and maintain for the reception and detention of any pounds animal, vehicle or item impounded under these Act and may appoint a pound master to be in- charge of such pounds

Establishment of Pounds

(2) Any person authorized to do so by the County may seize any animal found straying in any street, or public place or any vehicle or item being in use in contravention of this Act and may take such animal, vehicle or item to a pound to be impounded.

(3) The owner or occupier of any land may cause any animal which he or she finds trespassing on his or her land and may take it, or cause it to be taken to a pound to be impounded.

286. The Pound Master may receive into any pound and detain therein any animal brought to him or her for such purpose, and he or she shall supply every animal impounded with suitable and sufficient food and drink.

Receipt of animals by Pound Master

287.(1) Every person seeking the release of any impounded animal, vehicle or item properly impounded shall pay to the County or authorized agent the appropriate fee prescribed in the approved fees and charges.

Release of impounded animal vehicle or item

(2) The Pound Master shall not release any animal, vehicle or item from any pound until the person seeking such release has paid to the County the appropriate fee so prescribed.

(3) No animal shall be released from any pound within one month of being received into the pound to any other person, other than the owner of or the person normally having control of that animal.

288. Any animal, items or vehicle not claimed within one month of having been received into a pound shall be deemed to be ownerless.

declaration of unclaimed items ownerless

289. The County, or any person so authorized by the County may sell or cause to be sold any animal deemed to be ownerless;

Sale of unclaimed animals, items or vehicles

- (a) The proceeds of such sale shall be applied to the cost of such sale and the surplus, if any, shall be retained for period of three months from the date of sale.
- (b) The surplus for such sale, if any shall be returned to the owner of the animal, item or vehicle sold upon proof of ownership and making of a claim within three months from the date of such sale.
- (c) Any surplus from such sale, if not claimed within three months from the date of such sale shall be credited to the County.
- (d) In the case of vehicle or item, Section 18 of the General Nuisance Act 2013 will be applied.

290. It shall be lawful for the County, or any person authorized by the County to do so, at any time, to order the slaughter of any animal taken to a pound and detained therein, if it appears to the County that such slaughter is necessary or advisable for prevention of spread of disease or for humane reasons.

Slaughter of unclaimed animals

291. (1) No liability whatsoever shall attach to the County, the Pound Master, or any other person in respect of:-

Immunity

- (a) The release of any animal other than to the owner or the person normally having control of the animal,
- (b) The payment of any proceeds of sale to a person other than the owner of the animal,
- (c) The slaughter of any animal, or

- (d) Any loss or damage incurred by or caused to any person by the reason of or in the process of impounding any animal, vehicle or item according to this Act.

292. The County will from time to time impose fees and charges in respect to this Part XIX. Fees

293. Offences under this Part shall be cognizable to Police Officers. Cognizable offences

PART XX – PUBLIC LAVATORIES

294. (1) The County may— Partnership

- (a) Partner with any person to provide public lavatory services at a fee agreed between the parties. Provided the above partnership is only for management purposes.

- (b) Enter into a lease agreement with a private party to manage the existing public lavatories.

(2) The partnership and lease agreement mentioned in (a) and (b) above will be reviewed after every four years from the date of the agreement.

(3) The person managing the public lavatory shall pay for the water, sewerage, electricity and refuse to the relevant bodies

(4) The person Managing or leasing a public lavatory will pay the County a monthly fee or quarterly fee or such a fee as may be agreed between the County and that person.

295. A person who uses or enters a convenience shall not:- Use of lavatory

- (a) enter any water closet without first paying any fee which the County may charge for its use:-
- (b) wilfully annoy or interfere in any way with the privacy of any other person using the convenience:
- (c) wilfully and improperly soil any part of the convenience;
- (d) write on, mark or otherwise deface or damage any part of the convenience:
- (e) affix any picture or printed or written matter to

any part of the convenience:

- (f) leave any litter in the convenience except in any receptacle provided for the purpose:
- (g) interfere with any officer or servant of the County or any other person authorized to manage the convenience in the execution of his or her duties:

296. (1) A person managing a convenience shall keep the convenience in a clean and in hygienic conditions at all times. Person managing a lavatory

(2) The disposal of liquid waste from a mobile toilet should be hygienic and disposed as directed by the County.

297. (1) The mobile toilet shall be permitted by the Accounting/Authorized Officer on the advice of Medical Officer of Health and upon payment of applicable charges. Permit

(2) Any other person carrying on convenience services within the county will be required to obtain a permit from the Accounting/Authorized Officer on the advice of Medical Office of Health at a fee as per the approved fees and charges.

(3) Any person who contravenes this Section shall be guilty of an offence.

**PART XXI- RESTAURANT, EATING HOUSE,
SNACK BAR AND CAFE**

298. (1) An application for a permit shall be made the single business permit application form. Application for permit

- (a) If an application is for the renewal of an existing permit, it shall be delivered to the Accounting Officer on or before the 30th September of the year preceding that to which the application relates.

Provided that, upon payment by the applicant of a late application fee as per the approved fees & charges the Accounting Officer shall accept an application after the 30th September of the year preceding that to which the application relates.

- (b) If an application is for a new permit, it shall be delivered to the Accounting Officer not less than 30 days before the date, which shall be specified

in the application, upon which it is desired to commence business.

(2) The Accounting Officer may refuse to accept any application, which does not comply with these requirements.

299. (1) The permits which may be granted upon payment of fees as per the approved fees and charges under this Part are- Permits

- (a) a restaurant license;
- (b) an eating house license,
- (c) a snack bar permit, and
- (d) café

300. (1) The Accounting/Authorized Officer may issue a permit and may attach there to such reasonable conditions as he may think fit. Accounting/Authorized
Officer to issue permit

(2) There shall be paid at the time the permit is issued the appropriate fee prescribed in the approved fees and charges.

(3) Every permit shall be issued under the hand of the Accounting Officer or of such officer of the County as he may in writing authorize in that behalf.

301. The Accounting Officer may refuse to grant a permit upon the advice of Medical Officer of Health. Power to refuse to
grant permit

302. (1) The Accounting Officer may, by written notice issued to the permit holder, cancel the permit in respect of any premise if so recommended by the Medical Officer of Health that the premises are, in a condition as to be dangerous to health or liable to contribute to the spread of disease or do not comply with any of the provisions of this Part, and he so advise the Accounting Officer; Cancellation of permit

(2) Where a permit has been cancelled under the provisions of paragraph (1) above, the Accounting Officer shall not issue any further permit in respect of the same premises without the applicant first obtaining the approval in writing of the Medical Officer of Health.

303. (1) The Accounting Officer may, with the approval of the Medical Officer of Health, on application Transfer of permit

and upon payment of the approved fees and charges transfer a permit from the holder thereof to another person.

(2) No permit may be transferred so as to be made applicable to premises other than those in respect of which the original application was made and the permit issued.

304. (1) A license issued to a body corporate shall be issued in the name of the body to the Chief Executive Officer.

Permit to corporation

(2) No transfer of a permit issued to a body corporate shall be necessary on any change in the holder of the office of Chief Executive.

305. (1) An application for a duplicate permit shall be made in writing to the Accounting Officer and shall set forth details of the permit lost or destroyed and the manner in which it was lost or destroyed.

Application for duplicate permit

(2) The Accounting Officer shall, on payment by the applicant of a fee as per the County's fees and charge issue a duplicate permit.

306. (1) In the event of death, bankruptcy or unsoundness of mind of a permit holder, the widow/widower, executor, administrator, trustee or receiver manager or any other person approved by the Accounting Officer in writing to carry on, until the end of the year in respect of which a permit has been issued, the business of the permit holder without any transfer of permit as the case may be.

Death, Bankruptcy or in soundness of mind

(2) Every person permitted to carry on a business under the provisions of paragraph (1) above shall possess all the rights and be liable to all the duties and obligations of the original permit holder under this Part.

307. (1) A restaurant license shall authorize the permit holder at premises specified therein, to prepare or cook for sale and sell food for consumption.

Restaurants licence

(2) A restaurant shall comply with the following requirements of this part.

(a) Dining space – the area available for dining space shall not be less than 700 square feet.

(b) In relation to Kitchens.

- (c) The floor shall be of an approved impervious material and shall be adequately drained.
- (d) the walls shall be tiled or finished in terrazzo to a height of six feet from the floor and above that height shall be either tiled, finished in terrazzo or rendered with cement plaster brought to a smooth finish and painted with a light coloured washable paint;
- (e) Cooking shall be done with electricity, gas, coal, anthracite, oil burning or charcoal-burning equipment of an approved type and such equipment shall be sited to the satisfaction of the Medical Officer of Health;
- (f) An approved means of extracting smoke and fumes shall be provided;
 - (i) At least two suitable sinks of stainless steel with a constant supply of piped hot and cold water connected thereto or there over shall be provided and sited to the satisfaction of the Medical Officer of Health.
 - (ii) Without prejudice to the generality of subparagraph (e) of this paragraph, there shall be provided for the cleaning and preparation of vegetables a sink of stainless steel, which shall be situated in a portion of the kitchen suitably, separated from the remainder thereof and used exclusively for the cleaning and preparation of vegetables;
 - (iii) A wash hand basin with a constant supply of piped hot and cold water connected thereto or there over, together with soap and a nail-brush and a clean towel or other device for the drying of hands shall be provided in or adjacent to the kitchen for use by persons engaged in the preparation or cooking of food.

308. (1) A scullery separated from the kitchen shall be provided in which shall be situated all sinks intended for use in the cleaning of utensils and equipment and in which all such cleaning shall be carried out,

Sculleries
restaurants

in

- (2) The floor shall be of an approved impervious

material and shall be adequately drained,

(3) The walls shall be tiled or finished in terrazzo to a height of six feet from the floor and above that height shall be either tiled, finished in terrazzo or rendered in cement plaster brought to a smooth finish and painted with a light coloured washable paint,

(4) Approved type of apparatus shall be provided for the sterilization of crockery and cutlery,

(5) Approved equipment with a constant supply of piped hot and cold water connected thereto or there over shall be provided for the cleaning of all utensils and equipment other than crockery and cutlery.

309. In relation to sanitary conveniences-

Sanitary conveniences
in restaurants

- (a) Sufficient sanitary conveniences and wash hand basins shall be provided to satisfy the provisions of the fourth schedule to this Act.
- (b) Sanitary conveniences for use by customers shall be approached from within the premises through an intervening ventilated space and separate provisions shall be made for persons of each sex,
- (c) Wash hand basins with a piped supply of water connected thereto or there over, together with soap and a clean towel or other device for the drying of hands shall be provided for use by customers.

310. A sufficient number of refuse receptacles with properly fitting lids shall be provided all the time.

Waste management in
restaurants

311. Miscellaneous requirements for restaurants shall be as follows-

Miscellaneous
requirements for
restaurants

- (a) Adequate refrigerated store space shall be provided and maintained for the storage of food.
- (b) A changing room shall be provided where employees shall remove and store outdoor clothing and there shall be provided, in connection with such room, shower facilities and wash-hand basins with a constant supply of piped hot and cold water connected thereto or there over together with soap, a nail-brush and a clean towel or other device for the drying of hands;

- (c) Access shall be provided to a yard of a size which in the opinion of the Medical Officer of Health is sufficient for the servicing of the premises;
- (d) At least one room of adequate size shall be provided for the sole purpose of storing food and such room shall be adequately lighted, ventilated and rendered rodent proof;
 - (i) Dust proof ceilings shall be provided in all rooms where food is prepared or stored;
 - (ii) A constant supply of pure and wholesome water shall be provided;
- (e) Secondary means of access to the premises shall be provided and maintained.

312.(1) Subject to the provisions of paragraph (2) ^{Eating houses} below, an eating house permit shall authorize the permit holder at premises, the address of which shall be specified therein, to prepare or cook for sale and sell food for consumption.

(2) An eating house shall comply with the following requirements under this Part:-

- (a) Dining space – ~~the~~ area available for dining space shall be adequate,
- (b) Yard space – a yard space of an approved size the use of which is exclusive to the premises, shall be provided.
- (3) In relation to kitchens-
 - (a) A kitchen shall be provided which shall be separate from the dining room and be of an area of not less than 10 square feet,
 - (b) The floor shall be of an approved impervious material and shall be adequately drained,
 - (c) Cooking shall be done with electricity, gas, coal, anthracite, oil burning or charcoal-burning equipment of an approved type,
 - (d) An approved means of extracting smoke and fumes shall be provided,

- (e) The walls shall be finished in smooth cement plaster or other approved material and painted with a light coloured washable paint,
 - (f) At least two suitable sinks of stainless steel with a constant supply of piped hot and cold water connected thereto or there over shall be provided in approved positions, one of which shall be used solely for the cleaning and preparation of vegetables,
 - (g) A wash basin with a constant supply of hot and cold water connection thereto or there over, together with soap, a nail brush and a clean towel or other device for the drying of hands shall be provided in or adjacent to the kitchen for use by persons engaged in the preparation or cooking of food.
- (4) In relation to sculleries-
- (a) A scullery, separated from the kitchen shall be provided in which shall be situated all sinks intended for use in the cleansing of utensils and equipment and in which all such cleansing shall be carried out;
 - (b) The floor shall be of an approved impervious material and shall be adequately drained.
- (5) In relation to sanitary conveniences-
- (a) Sufficient sanitary conveniences shall be provided to satisfy the provisions of this Part,
 - (b) Sanitary conveniences shall be provided and separate provisions shall be made for persons of each sex and, where approached from within the premises, such conveniences shall be entered through an intervening ventilated space;
 - (c) Wash hand basins with a piped supply of water connected thereto or there over, together with soap and a clean towel or other device for the drying of hands, shall be provided for use by customers.

313. A sufficient number of refuse receptacles with properly fitting lids shall be provided

Waste management in eating houses

314. Miscellaneous requirements are as follows-

Miscellaneous
requirements for eating
houses

- (a) at least one room of adequate size shall be provided for the sole purpose of storing food and such room shall be adequately lighted, ventilated and rendered rodent proof,
- (b) adequate storage space for employees outdoor clothing shall be provided,
- (c) adequate refrigerated storage space for food shall be provided and maintained,
- (d) dustproof ceilings shall be provided in all rooms where food is prepared or stored,
- (e) a constant supply of pure and wholesome water shall be provided, and
- (f) A secondary means of access to the premises shall be provided and maintained.

315. (1) A snack bar license shall authorize permit holder at premises, the address whereof which shall be specified therein, to prepare for sale and sell for consumption in the premises the following-

Snack bar license

- (a) hot or cold drinks,
- (b) boiled or poached eggs,
- (c) tinned foodstuff prepared for consumption solely by the immersion of the tin in hot water,
- (d) cold pies and cooked meats including a dish known as hot dog,
- (e) bread, including toast,
- (f) biscuits, cakes and pastries, and
- (g) Any other food which is consumed uncooked.

(2) A holder of a snack bar permit who sells or permits the sale of food of a type other than those specified in paragraph (1) above for consumption on the permitted premises shall be guilty of an offence under this Part.

316. A snack bar shall comply with following requirements of this Part,

Requirements for
snack bars

- (1) The floor shall be of an approved impervious

material and shall be adequately drained.

- (2) in relation to sanitary conveniences,
 - (a) sanitary conveniences and wash basins with a piped supply of hot and cold water connected thereto or there over together with soap, a nail-brush and a clean towel or other device for the drying of hands shall be provided for use by persons employed on the premises, and
 - (b) Sanitary conveniences separate from those required by the provisions of subparagraph (a) of paragraph (2) of this by-law shall be made available for use by customers and separate provisions shall be made for persons of each sex and, where approached from within the premises, such conveniences shall be entered through an intervening ventilated space.

317. Adequate storage space for employees' outdoor clothing shall be provided.

Waste management for snack bars

318. Miscellaneous requirements-

Miscellaneous requirement for snack bars

- (a) at least two suitable sinks of stainless steel supplied with hot and cold water shall be provided, sited in approved positions,
- (b) no heating apparatus other than one using electricity or gas shall be used in the preparation of food,
- (c) a sufficient number of refuse receptacles with properly fitting lids shall be provided,
- (d) the walls shall be finished in smooth cement plaster or other approved material and shall be painted with a light coloured washable paint,
- (e) adequate refrigerated storage space shall be provided and maintained for storage of food,
- (f) approved storage space for foodstuffs, suitable lighted ventilated and rendered rodent proof shall be provided,
- (g) access shall be provided to a yard of a size which in the opinion of the County is sufficient for the

servicing of the premises,

- (h) dustproof ceiling shall be provided in all rooms where food is prepared or stored,
- (i) a constant supply of pure and wholesome water shall be provided, and
- (j) Secondary means of access to the premises shall be provided and maintained.

319. Every open air eating place shall operate under the following requirements:- Open air markets

- (a) structure should be an approved design by the County,
- (b) structure should contain adequate sanitary facilities,
- (c) persons carrying/handling the food must have valid medical certificate issued by medical officer of health,
- (d) adequate receptacles for disposal of litter should be provided,
- (e) it is the responsibility of the person operating the open air-eating place to dispose the solid liquid wastes generated, and
- (f) The person operating the open air-eating place shall provide adequate fire fighting facilities, located strategically.

320. Any person who, in any premises in the County, prepares or cooks or permits the preparation or cooking of food for sale for consumption on those premises shall, unless he is the holder of a permit in respect of those premises shall be guilty of an offence. Cooking without permit

321. Any person who, in any premises in the County, sell or permits the sale of food for consumption on those premises shall unless he is the holder of a permit in respect of those, premises authorizing such sale, or an employee of such a permit holder, be guilty of an offence under these Part. Sale of food for consumption

322. Any act done or omitted to be done by an employee of a permit holder in contravention of any of the Liability of a permit holder

provisions of this Part shall be deemed also to be the act or omission of the permit holder and any proceedings for an offence arising out of such act or omission may be taken against both such permit holder and such employee.

323. (1) The Medical Officer of Health, any Public Officer of Health or any person authorized in writing by the Medical Officer of Health in that behalf may at any reasonable hour enter any premises in respect of which a permit has been applied for or issued and may make such inspection thereof as he may deem necessary.

Power to inspect

(2) Any such person as is referred to in paragraph (1) above shall, if he has reasonable cause to believe that food is being consumed on any premises after having been purchased thereon, demand that the person in charge or appearing to be in charge of such premises shall allow him free entry thereon and afford him all reasonable facilities to inspect the premises and if, after notification of his or her authority and purpose, entry thereon and afford him all reasonable facilities and purpose, entry cannot be obtained, the said person may enter such premises and make such inspection thereof as he may deem necessary.

324. (1) any person who works in a restaurant ,eating houses, bar and knows that he or she is suffering from an infectious or contagious disease shall be guilty of an offence

Persons suffering from infections or contagious diseases

(2) Any permit holder who employees in a restaurant, eating house or snack bar any person whom he has reasonable grounds to believe to be suffering from or to be a carrier of any infectious or contagious disease, shall be guilty of an offence under this Part.

325. Any permit holder who fails, without reasonable cause, to exhibit his or her permit in a prominent and conspicuous position in the permitted premises shall be guilty of an offence under this Part.

Display of permits

326. (1) A permit holder shall take all such steps as may be reasonably necessary to protect food from risk of contamination and in particular, without prejudice to the generality of the foregoing, shall-

Food Contamination

(a) not place food or permit it to be so placed as to involve any risk of contamination,

- (b) maintain the permitted premises in a clean and wholesome condition,
- (c) not use or permit to be used as a living or sleeping room any room which communicates directly with a room used for the preparation, cooking, storage or consumption of food,
- (d) maintain all utensils, crockery, cutlery, linen and other articles of whatsoever description used on the permitted premises for or in connection with the preparation, cooking, serving or consumption of food, in a clean and sound condition,
- (e) keep all food, other than that in the house of preparation, cooking, serving or consumption, in a store or refrigerator reserved solely for the keeping of such foods,
- (f) keep in the kitchen only such articles and equipment as are required for or used in the preparation, cooking serving or consumption of food, and
- (g) Comply with all the reasonable requirements of the Medical Officer of Health intended or designed to ensure the sanity and hygienic use of the permitted premises.

(2) A permit holder shall not sell nor have in his or her possession for sale in the permitted premises any food which is not sound and wholesome the burden of proof that any food in his or her possession on such premises is not for sale shall rest with the permit holder.

327. (1) A person engaged in the handling of food or any utensils used in connection with the preparation, cooking, serving or consumption of food, shall, whilst so engaged-

Personal hygiene

- (a) keep as clean as may be reasonably practicable all parts of his or her person which may be liable to come into contact with such food or utensils,
- (b) wear a clean garment and head covering of an approved pattern which, in the case of a person engaged in the preparation or cooking of food, shall be white,

- (c) keep any cut or abrasion on any exposed part of his or her person covered with a suitable and clean waterproof dressing,
- (d) refrain from spitting, and
- (e) refrain from smoking

(2) No permit holder shall permit any person to be engaged in the handling of food or any utensil in connection with the preparation, cooking, serving or consumption of food, whilst such person does not comply with any of the requirements of paragraph (1).

(3) Any person who contravenes or fails to comply with any of the provision of paragraph (1) and (2) of this Section shall be guilty of an offence.

328. (1) Any person who uses or permits to be used any sink provided under the provisions of this part for the purpose of the cleaning and preparation of vegetables, for any other purpose, shall be guilty of an offence under this Part.

Misuse of sinks and kitchen

(2) Any person who uses or permits to be used any sterilizing apparatus, provided this part for the purpose of sterilization of crockery and cutlery, for any other purpose, shall be guilty of an offence under this Part.

(3) Any person who uses or permits to be used any sink, provided under the provision of this part for any purpose except the cleaning of utensils and equipment's other than cutlery and crockery shall be guilty of an offence under this Part.

(4) Any person who uses or permits to be used any part of the premises, for cooking or preparation of food other than the kitchen and preparation room or scullery without reasonable excuse shall be guilty of an offence under this Part.

329. (1) Any holder of an eating house permit who includes in the name of the permitted premises the word "restaurant" or by any words, letters, or sign implying that a restaurant permit is in force in respect of such premises shall be guilty of an offence under this Part.

Restriction on names

(2) Any holder of a snack bar permit who includes in the name of the permitted premises either the words eating

house or by any words, letters or sign implies that a eating house permit is in force in respect of such premises, shall be guilty of an offence under this Part.

330. Any permit holder who, without the written permission of the Medical Officer of Health, uses or permits to be used the permitted premises or any part thereof for a trade other than one connected with that of a restaurant, eating house or snack bar, as the case may be, shall be guilty of an offence under this Part.

Restriction on trading

331. Any permit holder who uses or permits to be used any permitted premises in such a manner that they are or are likely to become a nuisance or annoyance to inhabitants of neighbouring properties or persons using any street or thoroughfare, shall be guilty of an offence under this Part.

Nuisance

332. Any permit holder, who permits any disorderly or indecent behaviour on the permitted premises, shall be guilty of an offence under this Part.

Disorderly, Indecent
behaviour

333. Where charcoal, coal, anthracite or oil fuel is used on the permitted premises shall be stored in an approved manner in an open yard and a permit holder who permits such charcoal, anthracite, coal or oil fuel to be stored elsewhere on the permitted premises shall be guilty of an offence under this Part.

Storage of fuel

334. (1) The holder of an eating house permit or a snack bar permit shall affix and maintain in the permitted premises in a position clearly visible to customers a tariff of charges legibly printed in the English or Kiswahili languages.

Tariff of charges

(2) Any person who demands from a customer a charge for food greater than that indicated on the tariff of charges referred to in paragraph (1) of this Section shall be guilty of an offence against this Part.

PART XXII– FOOD SHOPS AND STORES

335. This Part shall not apply to: -

Exemptions

- (a) Dairies registered under the public health (Milk and Dairies) Rule in which no trade is carried on in any food other than milk or cream;
- (b) Save as otherwise provided, premises permitted

this to trade as bakeries and lodging houses.

- (c) The sale by auction by an auctioneer, permitted under the Auctioneers Act, of food on the premises of such auctioneer;
- (d) Premises registered under the Pharmacy and Poisons Act.

336. (1) The permits which shall be granted under this Part upon payment of fees as per the approved fees and charges are- ^{Permits}

- (a) Grocer's permit,
- (b) Butcher's Permit,
- (c) Fishmonger's permit,
- (d) Greengrocer's permit,
- (e) Food Store permits,
- (f) Supermarket, and
- (g) Milk permit.

(2) Every permit shall become due to be taken out on 1st January in each year and shall expire on 31st December of the year of current issue.

337. (1) Application for permit shall be made in the form specified in the Fifth Schedule hereto and it shall be stated therein whether the application is for a new permit or for the renewal of an existing permit. ^{Application for permit}

(2) If the application is for the renewal of an existing permit, it shall be delivered to the Accounting Officer on or before 30th September of the year preceding that to which the application relates;

Provided that, upon payment by the applicant of a late application the approved fee as per fees and charges, the Accounting Officer shall accept an application submitted after 30th September of the year preceding that to which the application relates.

(3) If the application is for a new permit, it shall be delivered to the Accounting Officer not less than 30 days before the date, which shall be specified in the application, upon which it is desired that trading or storing shall begin.

(4) Application forms shall be completed in English language and shall be signed by the applicant and the Accounting Officer may refuse to accept any application which does not comply with these requirements.

338. (1) The Accounting Officer shall, subject to the provisions of this part issue a permit which shall be in the form prescribed in the Fifth schedule and may attach thereto such reasonable conditions as he or she may think fit. Form of permit

(2) Every permit shall contain sufficient particulars of the shop, or as the case may be, the store to which the permit applies.

(3) There shall be paid to the County fees as per approved fees and charges for every permit issued.

(4) Every permit shall be under the hand of the Accounting Officer or of such officer of the County as he may in writing authorize in that behalf.

339. (1) The Accounting Officer shall refuse to issue a new permit if- Refusal to grant permit

- (a) The premises to which the application relates are, in the opinion of the Medical Officer of Health, not in good repair or not provided with adequate sanitary arrangements, or not provided with adequate stock room facilities or do not conform with reasonable requirements of the Medical Officer of Health, or do not conform with the provisions of this Part,
- (b) The articles, apparatus, fittings or utensils provided, or to be provided, for use in connection with trade do not conform with reasonable requirements of the Medical Officer of Health,
- (c) The shop, or as the case may be, the store does not comply with the provisions of this Part of this Act.

(2) The Accounting Officer may refuse to renew a permit if:-

- (a) The business to which the application relates is or has been, in his or her opinion, conducted in an improper manner,

- (b) The premises to which the application relates are, in the opinion of the medical officer of health, not in good repair or not provided with adequate sanitary arrangements, or do not conform with the provisions of this Act, or have been altered materially so as to affect prejudicially the facilities originally provided,
- (c) If the articles, apparatus, fittings or utensils originally provided or if the articles, apparatus, fittings or utensils provided for use in connexion with trade do not conform to the reasonable requirements of the Medical Officer of Health.

340.(1) The County may, by written notice to the permit holder under the hand of the Accounting Officer, cancel any permit if it is recommended by Medical Officer of Health, that the premises to which the permit applies or any part thereof, or any article, piece of apparatus, fitting or utensils or any person working therein are in such condition as to be dangerous to health or liable to favour the spread of diseases.

Cancellation of permit

(2) Where a permit has been cancelled under the provisions of paragraph (1) above the Accounting Officer shall not issue or transfer to the holder of the cancelled permit any further permits nor issue any further permit in respect of the same premises without first the applicant obtaining the approval in writing of the Medical Officer of Health

341.(1) The Accounting Officer may, with the consent of the permit holder and subject to the provisions of this part upon payment of a fee of One Thousand Shillings, transfer permit from the holder thereof to another person.

Transfer of permit

(2) A permit may be transferred so as to be made applicable to premises other than those in respect of which the original application was made and the permit issued, provided the new premises meets the basic requirements of a premises.

342.(1) A permit issued to a body corporate shall be in the name of the body corporate and be issued to the secretary thereof.

Transfer to a body corporate

(2) No transfer of a permit issued to a body corporate shall be necessary on any change in the holder of the office of Chief Executive

343. (1) An application for the duplicate permit shall be made in writing to the Accounting Officer and shall set forth details of the permit lost and the manner in which it was lost or destroyed. Duplicate permit

(2) The Accounting Officer shall, upon payment by the applicant of the prescribed fee issue a duplicate permit.

344. (1) In the event of the death, bankruptcy or unsoundness of mind of a Permit holder, it shall be lawful, for the purposes of this Part for the widow, executor, administrator, trustee or manager or any other person approved by the Accounting/Authorized Officer, to carry on until the end of the current year, the business of the permit without any transfer or grant of a permit. Death, insanity, bankruptcy

(2) Every person permitted to carry on a business under the provisions of paragraph (1) above shall possess all the rights and be liable to all the duties and obligations of the original permit holder.

345. (1) Any person who is suffering from or know himself or herself to be carrier of any infectious or contagious or venereal disease shall not work in any shop or store. Restriction on employment

(2) A permit holder shall not employ in any shop or store any person whom he knows to be suffering from or to be carrier of any infectious, contagious or venereal disease;

(3) Any person working in a food shop/store must have a valid medical certificate issued.

346. In any shop or store where goods other than food are sold, stored or offered for sale, or as the case maybe, the permit holder shall reserve a part of such shop or store in which nothing shall be kept or stored other than food, and no food shall be kept or stored in any other part thereof. Manner of storing food

347. A permit holder shall exhibit his or her permit in a prominent and conspicuous place in premises to which it applies alongside the business name incorporation or registration certificate. Display of permit

348. A permit holder shall take all such steps as may be reasonably necessary to protect food from risk of contamination and in particular, without prejudice to the generality of the foregoing, shall- Protection of food

- (a) not so place food or permit it to be so placed as to involve any risk of contamination,
- (b) not place uncovered food at height of less than eighteen inches from the floor,
- (c) maintain his or her shop or store in a clean and wholesome condition,
- (d) comply with all the reasonable requirements of the medical officer of health intended or designed to ensure the sanitary and hygienic use of his or her shop or store,
- (e) permit holder shall provide and maintain a sufficient supply of hot and cold water,
- (f) maintain in a clean condition apparatus or utensils in the shop or store which is likely to come into contact with uncovered food,
- (g) Maintain in a clean condition any apparatus or utensil in the shop or store which is likely to come into contact with uncovered food.

349. (1) A permit holder shall provide in a conveniently accessible position and maintain a sufficient number of wash-basins for the use of in the handling of food. Wash basins position and persons engaged

(2) For each such wash-basin, a permit holder shall provide and maintain a sufficient supply of hot and cold water,

(3) At or near each such washbasin, a permit holder shall provide adequate supplies of soap or other suitable detergent nail brush and a clean towel or other suitable drying facilities.

350. (1) A permit holder shall provide, in a conveniently accessible position and shall maintain in a condition an adequate number of suitable sanitary conveniences. Sanitary convenience

(2) A permit holder shall not use or permit to be used

for handling or storage of food any room which either-

- (a) contains sanitary convenience, or
- (b) Communicates otherwise than through an intervening ventilated space with a room containing a sanitary convenience.

351. Any person engaged in the handling of food shall while so engaged-

Manner of handling of food

- (a) keep as clean as may be reasonably practicable all parts of his or her clothing which may be liable to come into contact with food,
- (b) keep any open cut or abrasion on any exposed part of his or her person covered with a suitable and clean water proof dressing,
- (c) refrain from spitting,
- (d) Refrain from smoking.

352. (1) Any person engaged in the handling of food shall not use for the wrapping of open food any paper or wrapping material or container which is not clean or which is liable to contaminate the food and in particular, shall not allow any printed material other than printed material designed exclusively for wrapping or containing food to come into contact with any open food other than vegetables.

Open food

(2) Any person engaged in the handling of food shall not handle any unwrapped sweets, cakes, pastries or sliced cooked meat except with a suitable apparatus or instrument.

353. Any person who acts in contravention of or fails to comply with any of the provisions of this Part shall be guilty of an offence.

Offences

354. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions this part a grocer's permit may authorize the permit holder, at premises the address of which shall be specified therein, to trade in food.

Grocer's permit

Provided that for the purpose of this Part, "food" shall not include unprocessed vegetables, processed fruit,

processed meat or processed fish.

355. A grocer's shop shall comply with the following requirements and subject to the provisions of this part no grocer's permit shall be issued in respect of a shop which does not so comply, that is to say:- Grocer's shop

- (a) the floor is of rendered concrete or other durable and impervious material and is suitably drained, and
- (b) Adequate yard space is provided, equipped with suitable refuse containers.

356. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this Act a butcher's permit shall authorize the permit holder at premises the address of which shall be specified therein, to trade in meat, whether processed or unprocessed. Butcher's permit

357. A butcher's shop shall comply with the following butcher's requirements and, subject to the provisions of this part, no butcher's permit shall be issued in respect of a shop which does not so comply, that is to say:- Butcher's shop

- (a) the unencumbered floor area of that part of the shop which is to be used for the sale of meat is not less than 180 square feet and no horizontal dimension thereof is less than 12 feet,
- (b) the height from the floor to ceiling of that part of the shop which is to be used for the sale of meat is not less than 10 feet,
- (c) all walls are constructed of brick, stone or concrete with the interior surface rendered smooth and either tiled or painted with a light coloured washable paint,
- (d) the floor is of rendered concrete or other durable and impervious material and is suitably drained,
- (e) the shop front is glazed,
- (f) adequate cold storage space is provided,
- (g) suitable and adequate provision that no meat shall come into contact with any wall or be liable to

obstruct or hinder the free passage of customers,
and

- (h) Adequate yard space is provided, equipped with suitable refuse containers.

358. A permit holder shall not trade in meat which has not been inspected by a health inspector or an officer authorized in that behalf and passed by him as being fit for human consumption.

Uninspected meat

Any person who contravenes this shall be guilty of an offence.

359. (1) A person engaged in the handling of meat shall while so engaged, wear a white outer garment of a pattern approved by the Medical Officer of Health

Manner of handling of food

(2) Any person who handles meat when not clothed in accordance with the provisions of paragraph (1) and any permit holder who permits any person to handle meat when not so clothed shall be guilty of an offence.

360. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this part a fishmonger's permit shall authorize the permit holder at premises the address whereof which shall be specified therein, to trade in fish whether processed or unprocessed.

Fishmonger's permit

361. A fishmonger's shop shall comply with the following requirements and subject to the provisions of this part, no fishmonger's permit shall be issued in respect of a shop which does not so comply, that is to say:-

Fishmonger's shop

- (a) all walls are constructed of brick, stone or concrete with the interior surfaces rendered smooth and either tiled or painted with a light coloured washable paint,
- (b) the floor is of rendered concrete or other durable impervious material and is suitably drained,
- (c) the shop front is glazed,
- (d) adequate cold storage is provided, and
- (e) Adequate yard space is provided adjacent thereto with suitable facilities for the cleaning of fish

boxes.

362. Fish boxes shall be thoroughly cleansed immediately after use. Fish boxes

363. A person engaged in the handling of fish shall, while so engaged wear a white outer garment of a pattern approved by the Medical Officer of Health. Manner of handling fish

364. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this part a greengrocer's permit shall authorize the permit holder, at premises the address whereof which shall be specified therein, to trade in fruit and vegetables, whether processed or unprocessed. Green grocer's shop

365. A green grocer's shop shall comply with the following requirements and subject to the provisions of this part, no greengrocer's permit shall be issued in respect of a shop which do not so comply, that is to say:- Green grocer's shop

- (a) all walls are constructed of brick, stone or concrete with the interior surfaces rendered smooth and either tiled or painted with a light coloured washable paint,
- (b) the floor is of rendered or other durable and impervious material and is suitably drained, and
- (c) Adequate yard space is provided equipped with suitable refuse containers.

366. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of Section 405 of this Act a food store permit shall authorize the permit holder, at premises the address whereof which shall be specified therein, to store food. Food store

367. A person shall not within the County trade in or as the case maybe, store food unless he is in possession of the appropriate permit issued under this Part, nor otherwise than in accordance with the terms of the permit. Trading without a permit

368. (1) The medical officer of health or any health inspector or any person authorized in writing by the medical officer of health in that behalf may at any reasonable hour enter any shop or store in respect of which a permit under these Part has been applied for or issued and Inspection

may conduct an inspection as may be deemed necessary.

(2) Any such person as is referred to in paragraph (1) of this Part may, if he/she has reasonable cause to believe that trade is being carried on or that food is being stored in any premises in respect of which a permit has not been issued or applied for under this Part, demand that the person in charge or appearing to be in charge of such premises shall allow him free entry thereon and afford him all reasonable facilities to inspect the same and, if after notification of his or her authority and purpose entry cannot without reasonable delay be obtained, the said person may enter such premises and may make such inspection thereof and of the stock therein as may be deemed necessary.

369. In any proceedings under this Part, any food in any shop or store shall be deemed, unless the contrary is proved to be kept for the purpose of trade, or, as the case may be, for storage.

Presumption of goods

370. (1) The Accounting/Authorized Officer, on the recommendation of the Medical Officer of Health, may issue to any person a certificate in relation to any shop or store to the effect that compliance with any of the provisions of this PART XXII specified in paragraph (3) of this Section is not required for such period as he shall therein specify;

Exemptions

Provided that the medical officer of health shall not recommend the grant of any such certificate unless he is satisfied that by reason of restricted accommodation or other special circumstances affecting such shop or store it is reasonable that such a certificate should be in force in respect thereof.

(2) The Accounting Officer may withdraw any such certificate if at any time the medical Officer of health ceases to be satisfied as aforesaid and recommends to him.

371. (1) Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding Five thousand shillings in respect of a first offence and not exceeding Seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both such fines and such periods of

Penalties

imprisonment.

(2) Any permit holder who, within any period of two years, is twice convicted of offences against these Act shall be liable, in addition to any other penalty which may be imposed to have his or her permit cancelled by the court and such court may:-

- (a) order that the permit be cancelled on such a date as, in the opinion of the court will enable the permit holder to dispose of his or her stock, and
- (b) Debar such permit holder from obtaining another permit for such period not exceeding one year or, as the court may deem fit.

PART XXIII – CONTROL OF HAMALI CARTS AND HAND CARTS IN PUBLIC STREETS

372. If the County Government is satisfied that it is expedient for facilitating the passage of traffic it may from time to time designate any public street in the County prohibiting the use of the street by hamali carts or hand carts either generally or subject to exceptions specified in the order and either at all times or at times, or days or during periods so specified.

Control of hamali and hand carts

373. Any person authorized by the County to propel a Hamali or hand cart shall observe all the traffic rules and this Act.

Traffic rules

374. Every such order shall be published in the Gazette and a Person who uses a hamali cart or hand or causes or permits a hamali cart or hand to be used in contravention of a prohibition imposed by an order made by the County shall be guilty of an offence under this Part shall be liable to a fine not exceeding Five Thousand Shillings in respect of a first offence and not exceeding Seven Thousand Shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both.

Penalties

PART XXIV- CONTROL OF GRAZING

375. (1) A person shall not graze any stock within the jurisdiction of the County unless he is the holder of a

Grazing within jurisdiction

permit in writing, issued by the Authorized Officer/ Accounting Officer.

(2) The Authorized Officer/ Accounting Officer may issue a permit or refuse such permit subject to such conditions as he may deem necessary.

376. A permit issued under this Act may be revoked by the Accounting/Authorized Officer by notice in writing given to the holder thereof if:- Permit

- (a) In opinion of the County such revocation is necessary or desirable in the interest of grazing land available, or
- (b) The holder or his or her agent or his or her employee is convicted of an offence under this Part.

377. (1) Any officer of the County authorized in writing by the Accounting/Authorized Officer may require of a person found grazing stock within the jurisdiction of the County to produce the permit for inspection. Production of permit

(2) An officer of the County exercising the powers conferred by paragraph (1), shall produce his or her written authority if required to do so.

378. The fees set out in the approved fees and charges shall be payable to the County on the issue of a permit. Payment of fees and charges for permit

379. Any person who contravenes or fails to comply with the provisions of this Part shall be guilty of an offence under this Part. Offences

380. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding Five thousand shillings in respect of a first offence and not exceeding Seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both. Penalties

PART XXV – SALE OF ICE-CREAM

381. A person shall not within the town sell or offer for the sale or cause to be sold or offered for sale ice-cream which does not meet the following requirements as to Sale of ice cream

processing and content;-

- (a) The ice-cream shall have been manufactured in accordance with the provisions of regulation relating to the manufacture of ice –cream.
- (b) The ice-cream shall be protected from dirt, dust or other contamination at all times during its storage, distribution and sale,
- (c) The ice-cream shall either-
 - (i) have been kept at a temperature not exceeding 28o F since it was frozen, or
 - (ii) in the event of the temperature of the ice-cream rising above 28o F at any time since it was frozen then the ice-cream has to again be subjected to the treatment prescribed in paragraph (d), (e) and (f) below of this Section and after having again been frozen shall be kept at a temperature not exceeding 28o F.
 - (iii) the ice-cream shall be of such quality that it shall fail to decolorize Methylene Blue at two hours when subjected to the following test, namely:-

2 ml. of the ice-cream shall be of such quality that it shall fail to decolorize Methylene Blue solution and 7 ml. of quarter strength Ringer Solution in a standard reductase tube. The tube shall then be incubated at 20o Centigrade ($\pm \frac{1}{2}$ o) for seventeen hours followed immediately by incubation at 37o Centigrade ($\pm \frac{1}{2}$ o). The tube shall then be inverted once every half hour until decolourisation is complete,

- (d) every such test shall be commenced within two hours after the collection of the sample,
- (e) Every test shall be carried out by either the government Bacteriologist, the Medical Officer of Health or such other duly qualified person as may be authorized in writing so to do by the County.

382. A person shall not use any premises for the distribution and/or for the sale of ice-cream unless he shall be in lawful possession of a permit issued by the County

Sale without permit

entitling him to use the premises for such purpose.

383. A fee as per approved fees and charges shall be paid to the County for every permit issued under this Part. Fees

384. Any person desiring to obtain a permit shall submit to the Accounting /Authorized Officer a written application in the form set out in the schedule hereto. Form of application

385. Every permit shall expire on the 31st day of December following its issue. Duration of permit

386. A permit shall not be transferred from the holder thereof to any other person without the permission of the Accounting Officer/Authorized Officer. No permit in any case can be transferred from the premises in respect of which it is granted to any other premises. Transfer of permit

387. (1) The Medical Officer of Health, Chief Officer in the Department Health or a Public Health Officer may at any reasonable time enter upon and inspect any permitted premises and for the purpose of such inspection, the Medical Officer of Health or Chief Officer in the Department Health or the Public Health officer may examine the water supply and any vessels or utensils which may be found on the premises and may on making reasonable payment therefore if demanded take samples of any ice-cream found upon the premises and may make such further inquiry that seems necessary to him. Inspection

(2) Any person who wilfully hinders, obstructs, resists or refuses to give information or gives false or misleading information to the Medical Officer of Health Chief Officer in the Department Health or Public Health Officer in the course of such inspection shall be guilty of an offence under this Part.

388. Every permit holder shall:- Cleanliness

- (a) at all times maintain the permitted premises in a state of thorough cleanliness, and
- (b) Cause all vessels and utensils brought in contact with ice-cream during the storage, distribution or sale to be thoroughly cleaned and sterilized immediately after use and keep such vessels and utensils thoroughly clean at all times.

389. (1) No permit holder shall cause or permit any Restriction on

person (whether himself or herself or herself or any other) employment suffering from any infectious or contagious or venereal disease to be employed in or about the permitted premises or in distributing or selling ice-cream.

(2) Every permit holder shall inform the Medical Officer of Health or Chief Officer in the Department Health without delay of the occurrence of any infectious or venereal disease in such premises and shall comply with any direction which the Medical Officer of Health or Chief Officer in the Department Health may give for the purpose of such diseases.

390. The Medical Officer of Health or Chief Officer Medical examination in the Department Health may medically examine or cause to be medically examined at any convenient place any person resident on or employed or engaged in or about any permitted premises for the purpose of ascertaining whether such person is suffering from any infectious or contagious or venereal disease. Any person who refuses to be examined by such Medical Officer shall be guilty of an offence under this Part.

391. The breach of the provisions of this Part by any Breach person employed upon the permitted premises while on duty shall be a breach by the permit holder of such premises.

392. Every permit holder shall at all reasonable time Production of permit produce his or her permit when so required by the Medical Officer of Health or Chief Officer in the Department Health or Public Health Officer.

PART XXVI – CONTROL AND LICENSING OF DOGS

393. (1) An Authorized Officer may issue to any Issuance of license and
license badge applicant a license and a license badge in respect of any dog(s) upon:-

- (a) Payment of the appropriate fee specified in the approved fees and charges
- (b) Production to the Authorized Officer of a valid certificate issued by a veterinary surgeon or a veterinary officer to the effect that the dog in respect of which the dog permits and permit badge

are required has been inoculated against rabies;

(2) Notwithstanding the provisions of Section 460 (1) above, (a) no dog permit fee shall be payable on issue of any license or license badge in respect of:

- (a) Any dog kept by a blind person or used for the purpose of guiding a blind person;
- (b) Or any dog which the County in its discretion declare to be except from the provisions of Section 460 (1) above

394. A license issued under this part of this part shall expire on the 31st December in the year in respect of which it is issued.

Expiry of License

395. (1) An authorized Officer may refuse to issue a license or license badge or may by notice in writing addressed to the holder thereof, cancel any license or license badge already issued if it appears to the Authorised Officer that the person who keeps or proposes to keep the dog which the license relates to is an undesirable or unsuitable person to keep the dog

Refusal to issue license and/or license badge

(2) any person aggrieved by a decision of a Authorized officer under Section 462(1) above may, within THIRTY days of such decision, appeal in writing to the County whose decision shall be final

396. A duplicate license or license may be issued upon proof that the original license or license badge has been lost

Issuance of duplicate license or license badge

397. (1) Any person who keeps a dog over the age of six months for a period exceeding thirty-one days, shall unless a license has been issued in respect of the dog and the license is valid shall be guilty of an offence.

Offences

- (2) Any person who shall;
 - (a) Allow a dog in respect of which a license badge has been issued to be at large unless the license badge is permanently attached to a collar worn by the dog or;
 - (b) Without reasonable or just cause remove a license badge from the dog in respect of which it was issued or

(c) Without reasonable or just cause remove a collar from any dog shall be guilty of an offence

(3) Any person who:-

(a) Attaches to a collar worn by a dog any badge so similar to a license badge issued under this Act as to be liable to be mistaken thereof; or

(b) Alters, destroys or mutilates any permit badge issued under this Act shall be guilty of an offence

(4) Any person who;-

(a) Permits to be let at large or uncontrolled any dog which is kept by him and which he knows to be either vicious, dangerous or suffering from any infectious diseases; or

(b) Permits a dog to be at large or uncontrolled or

Keeps a dog which he knows to be nuisance or annoyance to any person; shall be guilty of an offence

398. A police officer, veterinary officer or inspector may seize and take to a pound Right to seize or pound

(a) Any dog found in Public Place; Public Street, or

(b) Any dog found at large without collar; or

(c) Any dog found at large without license badge attached to a collar or;

(d) Any dog in respect of which a license has not been issued under this Part or the license issued is not valid

399. Any dog impounded in a pound shall not be released except;- Condition for release of impounded dog

(a) On payment of all pound fee due in respect of that dog, and

(b) To the licensee of that dog, or someone acting in his or her authority,

(c) Pound fee shall be that specified in the approved fees and charges

400. (1) Any dog not released or reclaimed from pound within Ten days of having been received in the pound may either be sold, given away, painlessly destroyed Dealing with unreleased or reclaimed dogs

under the supervision of a veterinary surgeon or a person authorized by the County; or otherwise dealt away with.

- (2) Any dog which is
 - (a) Severely injured or suffering from an infectious or contagious disease or is savage or dangerous; and
 - (b) Not receiving proper or necessary treatment or not under any or sufficient control; may be painlessly destroyed under the supervision of a veterinary surgeon or any other person duly authorized by the County
- (3) No liability shall attach to the County or any officer of the County or any veterinary surgeon for any dog being destroyed or otherwise dealt with in accordance with the provisions of this Act

401. (1) An Authorized Officer, police officer or inspector may on production of his or her authority and having reasonable grounds for suspicion that an offense under this Act is being or have been committed, enter upon any premises for the purpose of making such inspection or inquiry as may be reasonable for the proper carrying out and enforcement of this Act

- (a) it shall be the duty of the occupier of any premises, within the area of jurisdiction of the County upon which a permit officer, police officer or inspector may have a reasonable grounds for suspicion that an offence under this Act is being committed, to give such information or assistance which such an officer may require for proper carrying out and enforcement of this Act
- (b) any person who fails to give required information or assistance to such an officer shall be guilty of an offense

Right of entry

PART XXVII- PREVENTION AND EXTINCTION OF FIRE AND FIRE BRIGADES

402. (1) A certificate issued under this Part by Fire Authority is referred to as a Fire Certificate, it shall be subject to any exemption conferred by or under this Act

Premises and use
premises for which
Fire certificate is
compulsory designate

irrespective of any premises which are put to use for the time being designated under this Section of this Act referred to as a "Designated Use" ^{use premises.}

(2) For the purpose of this sub-section the County may by Designate particular uses of premises, but unless it falls within at least one of the following classes of use that is to say:

- (a) use as, or for any purpose involving the provision of sleeping accommodation;
- (b) use as or as part of an institution providing treatment
- (c) Use for purposes of entertainment, recreation or instruction or any club, society or association;
- (d) Use for purposes of teaching, training or research;
- (e) Use for any purpose involving access to the premises by members of the public, whether on payment or not;
- (f) Use for the purpose of employment as a place of work such as factories, workshops, offices and shops.
- (g) Place other than building that is moored and beached crafts and booths, circus big tops and similar movable structures, if used for purposes within the Laws.

(3) An order under this section may provide that a fire Certificate shall not by virtue of this section be required for premises of any description specified in the order notwithstanding that they are or form part of premises which are put to a designated use.

(4) For the purpose of any provision made in an order under this section by virtue of sub-section 3 above to the purposes or which premises are used or the frequency of their use for any purpose or by reference to any other circumstances whatsoever and different provisions may be made in pursuance of that sub-section in relation to different designated uses

(5) An order in this section may include such supplementary and incidental provisions as appears to the

Authority to be necessary or expedient for the purposes of the order.

(6) An order under this section may be varied or revoked by a subsequent order there under.

(7) The power to make orders under this section shall be exercised by legal notice.

(8) Without prejudice to any exception conferred by or under this law where premises consisting of a part of building which is occupied together with those premises in connection with that use, both of them shall for the purpose of this be treated as forming part of the premises put to that use.

403. The fire authority shall have the power to inspect all designated premises covered by this Act to inspect fire safety and the provision of fire fighting equipment for the purposes of issuing a fire certificate.

Power to inspect

404. (1) No fire certificate shall by virtue of this part be required in respect of premises of any of the following description-

Premises Exempt from Certificate

(2) Any premises consisting of or comprised in a house which is occupied as a single dwelling unit.

(3) Any premises appropriated to and used solely or mainly for public religious worship, (church halls used for a variety of purposes are unlikely to be exempt).

(4) the County may make regulations specifying fire precautions for:—

- (a) Places of worship.
- (b) Prisons and similar penal institutions.
- (c) Premises occupied solely for the purposes of armed forces of the republic, visiting forces, international headquarters and defence organizations.

405. (1) This section applies to any premises not for the time or are to be used as a dwelling if:

Power of fire authority to make Certificate Compulsory for use of certain premises as a dwelling

(a) Explosives or highly flammable materials or any prescribed kind have been or are being kept anywhere under, in, or on the building which consists or comprises

the premises in a quantity greater than the quantity prescribed for the purposes of this paragraphs as the maximum in relation to material of that kind

(2) If in the case of any premises it appears to the fire authority that they are the premises to which this section applies, the authority may serve a notice under this section relating to those premises on either:-

- (a) The occupier of the premises or
- (b) The owner of the premises or
- (c) A person (whether the occupier or owner of the premises or not) having the overall management of the building constituting or comprising the premises.

(3) A notice under this section shall be in the prescribed form and shall:-

- (a) specify the premises to which it relates;
- (b) give particulars of the facts by reason of which it appears to the fire authority that section applies to the premises;
- (c) specify one of the positions mentioned in this section and state that the person on whom the notice is served is being served with it as the occupier or that position;
- (d) indicate that on the coming into force of the notice a fire certificate will in the circumstances mentioned in sub-section (6) below be required in respect of the premises to which the notice relates ;
- (e) State the right of appeal against the notice conferred by this part and the time within which such an appeal may be brought.

(4) Before a fire authority serves notice under this section relating to any premises they shall confirm if such premises are situated in their area of jurisdiction.

(5) A fire certificate shall be required in respect of any premises which, while this section applies to them and there is in force a notice under this section relating to them,

are used as a dwelling.

(6) Where in the case of any premises, there is in force a notice under this section relating to them and it appears to the fire authority that the notified person has ceased to occupy the specified position, they may serve a fresh notice under this section in respect of the premises; and on the coming into force of a notice relating to the premises shall cease to have effect.

(7) In this Act:- “The notified person” in relation to any premises in respect of which a notice under this section is in force means the person on whom that notice was served, and;

406. (1) Where a notice under of this part is served in respect of any premises, the person on whom it is served may within twenty one days from the date of the service of notice under the Section appeal to the County on either of both on the following grounds;

Right of appeal against
and coming into force
of notices

- (a) That the premises to which the notice was served are not premises to which Section 406 applies or;
- (b) That he does not occupy the specified position.

(2) On an appeal under this section the County if satisfied as to either of the grounds mentioned in sub-section (1) above shall by order cancel the notice but shall otherwise by order confirm it.

(3) A notice served under Section 472 of this Act shall come into force only if it does so by virtue of sub-section (4) below.

(4) A notice served under section 472 of this Act shall unless previously withdrawn by the County, come into force provided:-

- (a) where no appeal under this section is bought against it within the time mentioned in sub – section (1) above, at the end of twenty one (21) days from the expiration of that time;
- (b) Where such an appeal so brought is not withdrawn or dismissed as aforesaid and is finally determined by the confirmation of the notice at the end of 21 days from the date of the final determination of the

appeal.

407. (1) An application for fire certificate with respect to any premises must be made to the County in prescribed form and upon payment of the required fees, as per the approved fees and charges, and;

Fire certificate
application for an issue
of fire certificate

- (a) must specify the particular use or uses of the premises which it is desired to have covered by the certificate, and;
- (b) must give such information as may be prescribed about the premises and any prescribed matter connected with them, and;
- (c) If the premises consists of part of a building must, in so far as it is available to the applicant give such information as may be prescribed matter connected with it.

(2) On receipt of any application for a fire certificate with respect to any premises, the County may require the applicant within such a time as they may specify:-

- (a) to furnish them with such plans of the premises as they may specify, and;
- (b) If the premises consists of part of a building must, in so far as it is available to the applicant give such information as may be prescribed about the rest of the building and any prescribed matter connected with it.

(3) On receipt of an application for a fire certificate with respect to any premises, the County may require the applicant within such a time as they may specify:-

- (a) to furnish them with such plans of the premises as they may specify, and;
- (b) if the premises consist of part of a building to furnish them, in so far as it is possible for the applicant to do so, with such plans of such other part or parts of the building as they may specify, and if the applicant fails to furnish the required plans within that time or such further time as the County may allow the applicant shall be deemed to have been withdrawn at the end of that time or

further time as the case may be.

(4) Where an application for a fire certificate with respect to any premises has been duly made and all such plans as are required to be furnished under sub-section (2) above in connection with it have been duly furnished, it shall be the duty of the fire authority to cause to be carried out an inspection of the relevant building (including any part of it which consists of premises to which any exemption conferred by or under these Laws applies) and if the fire authority are satisfied as regards any use of the premises which is specified in the application that:-

- (a) the means of escape in case of fire with which the premises are provide, and;
- (b) the means (other than means of fighting fire) with which relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times, and;
- (c) the means with which the relevant building is provided for giving to persons in the premises warning in case of fire are such as may reasonably be required in the circumstances of the case in connection with that use of the premises, the authority shall issue a certificate covering that use.

(5) Where the fire authority after causing to be carried out under sub-section (3) above an inspection of the relevant building are as regards any use, they shall by the notice served on the applicant so as:-

- (a) to inform the applicant of that fact and of the steps which would have to be taken (whether by way of making alterations to any part of the relevant building or of otherwise providing that the building or as the case may be the premises with any of these means) to satisfy the fire authority as aforesaid as regards that use, and;
- (b) notify the applicant that they will not issue a fire certificate covering that use unless those steps are taken (whether by the applicant or otherwise) within a specified time as may be allowed by the fire authority of by any order made by a court on

or in proceedings arising out of an appeal under Section 412 of this Act against the notice, a certificate covering that use has not been issued, it shall be deemed to have been refused.

408. (1) Every fire certificate issued with respect to any premises shall specify:-

Contents of a fire
Certificate

- (a) the particular use or uses of the premises with which the certificate covers, and;
- (b) the means of escape in case of fire with which the premises are provided, and;
- (c) the means (other than the means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times; and
- (d) the type, number and location of the means for fire fighting (whether in the premises or affecting the means of escape) with which the relevant building provided for use in case of fire by persons in the building, and;
- (e) the type, number and location of the means with which the building is provided for giving to persons in the premises warning in case of fire and, may where required, do so by means of or by reference to plan..

(2) A fire certificate issued with respect to any premises may impose such requirements as the fire authority considers appropriate in circumstances.

(a) for ensuring that the means of escape in case of fire with which the premises are provided are properly maintained and kept free from obstruction;

(b) For ensuring that the means which the relevant building is provided as mentioned Sub Section (1) (c) up to (1) (e) herein above are properly maintained.

(c) For ensuring that the persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire and that records are kept on instructions given for that purpose;

(d) for limiting the number of persons who may be in the premises at any one time and;

(e) As to other precaution to the risk in case of fire to persons in the premises, by the provision of emergency procedure.

(3) Any requirements imposed by virtue of sub-section (2) herein above by a fire certificate issued with respect to any premises;

(a) may so far as they apply to the premises be framed either so as to apply to the whole of the premises or so as to apply to one or more parts of them, and;

(b) where the premises do not constitute the whole of the relevant building, may (where appropriate) be framed either so as to apply to one or more parts of the rest of it and different requirements may in either case be imposed in relation to different parts, and a fire certificate covering more than one use of the premises to which it relates may by virtue of sub-section (2) above impose different uses of the premises or of any part of the premises.

(4) For the purpose of this Act a fire certificate issued with respect to any premises shall be treated as required every matter specified in the certificate in accordance with sub-section (1) (b) (d) and (c) above to be kept in accordance with its specifications in the certificate; and reference in this laws to requirements imposed by a fire certificate shall be construed accordingly.

(5) A fire certificate issued with respect to any premises other than premises in relation to which notice under section 406 of this Act in force shall be sent to the occupier of the premises and shall be kept in the premises so long as it is in force.

(6) A fire certificate issued with respect to any premises in relation to which a notice under Section 406 of this Act is in force shall be sent to the notified person and, if that person is not the occupier of the premises a copy of the certificate shall be sent to the premises and so long as the certificate is in force and:-

(a) the certificate shall be kept in relevant building and;

(b) When a copy of the certificate is by this sub-section required to be sent to the occupier of the premises, the copy shall be kept in the premises.

(7) A fire certificate shall be applied for and obtained for cover of designated use of any premises (on annual basis);

(a) The fire certificate with respect to any premises in compliance with Section 406 of this Act may be issued on payment of fees as specified in Eighth Schedule of this Act.

409. (1) Subject to sub-section (3) below, if any premises are at any time put to a designated use, being premises such that, where they are put to that use, a fire certificate is by virtue of this Act required in respect of them, then if no fire certificate covering that use is at that time in force in respect of the premises, the occupier of the premises shall be guilty of an offence.

Offences in relation to
foregoing provisions

(2) Subject to sub-section (3) below, if any premises are used as a dwelling at any time while Section 405 of this Act applies to them and a notice under that section relating to them is in force, then if no fire certificate covering that use is at that time in force in respect of the premises the notified person shall, unless he proves that at that time he no longer occupies the specified position, be guilty of an offence.

(3) A person shall not be guilty of an offence under sub-section (1) or (2) above by reason of any premises being put to a designated use or used as a dwelling at a time after an application for a fire certificate with respect to them covering that use has been duly made and before certificates is granted or refused.

(4) Subject 411 (4) and (5) of this Act if, while a fire certificate is in force in respect of any premises, any requirement imposed thereby is contravened by reason of anything done or not done to or in relation to any part of relevant building, every person who under or by virtue of Section 478 (5) of this Act is responsible for that contravention shall be guilty of an offence.

(5) Provided that that a person shall not be convicted on an offence under the sub-section unless it is provided

that the responsibility for contraventions of the requirement in question has been made known to him before the occurrence or the contravention in respect of which he is charged unless he fails to take connective measures within the specified time.

(6) In the event of contravention of sub-section 5 of Section 475 of this Act in the case of a fire certificate required by sub-section 6 (a) and (b) of the same section to be kept in any premises, the occupier of the premises shall be guilty of an offence.

410. (1) If while a fire certificate is in force with respect to any premises or:-

- (a) it is proposed to make material extension or material structural alterations to the premises or;
- (b) it is proposed to make a material alteration internal arrangements of the premises or equipment with which the premises are provided or;
- (c) The occupier of the premises proposes to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the relevant building. The occupier shall before the carrying out of the proposals began, give notice to the fire authority; and if the carrying out of the proposals is begun without such notice having been given, the occupier shall be guilty of an offence.

Change of conditions affecting adequacy of certain matters specified in a fire certificate

(2) If while a fire certificate is in force with respect to any premises not constituting the whole of the relevant building the occupier proposes to begin to keep explosives of any kind anywhere, under, in or on that building, that person shall before the carrying out of the proposals give notice at least twenty one days of the proposal to the fire authority and if the carrying out of the proposal is begun without such notice having been given, that person shall be guilty of an offence.

(3) If the fire authority is satisfied, as regards to any premises with respect to which a notice under sub-section (2) above has been given to them, that the carrying out of the proposals notified would result in any of the matters

mentioned in section 475 (1) (b) to (e) of this Act becoming inadequate in relation to any use of the premises covered by the relevant fire certificate, they may by notice serve to the occupier within two months from the receipt of the notice under sub-section (2).

- (a) inform the occupier of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of relevant building or otherwise) to prevent the matters in question from becoming in their opinion inadequate in relation to that use in the event of the proposals being carried out and;
- (b) give him such a direction as the fire authority consider appropriate for security, as regards any of the proposals which may be specified in the directions, that the proposals, or any stage of it, which may be specified in relation to that proposal or stage have been taken (whether by him or otherwise) and if these steps are duly taken in connection with the carrying out of the proposals, the fire authority shall amend the certificate or issue a new one.

(4) If any person contravenes a directive given to him in pursuance of sub-section (3) (b) above, shall be guilty of an offence, and the fire authority may cancel the fire certificate issued with respect to any premises if they are so satisfied that there has been such a contravention as aforesaid by the occupier, whether or not proceedings are brought in respect of the contravention.

(5) A person who contravenes sub section (2) (3) or (4) above shall be guilty of an offence.

411. (1) A person shall not store or cause or permit to be stored any materials of combustible nature in such a quantity or in such a situation or in such a manner as to cause danger of fire to any building. The County may by notice require any person storing or causing or permitting to be stored any such materials to remove such material or to take within a period to be fixed in such a notice such reasonable precautions against fire as it may deem necessary.

Storage of combustible materials

(2) A person shall not use or permit to be used any

building or other premises or place for storage of any inflammable, explosive or poisonous substances, gases or fluids or any celluloid unless he shall be in possession of a current licence in respect of such premises issued by the Authorized Officer/ Accounting Officer or other relevant authority in the specified form or otherwise than in accordance with the terms and conditions, if any, of his or her licence provided that:

- (a) an application for a licence in respect of any premises intended to be used for any inflammable, explosive, or poisonous substance, gases, or fluids or celluloid shall be made to the Authorized Officer/ Accounting Officer in the form specified in the first schedule to this Act and shall be accompanied by a plan drawn to scale, showing the situation and dimension of the premises and such further information as the County may require;
- (b) no licence shall be granted under the provision of sub-section (3) (a) above of this Act in respect of any premises which are not properly and affectively lighted and ventilated in all parts to the satisfaction of the fire authority.

412. (1) A fee shall be paid to the County for every licence issued under this Act. All licences shall expire on the 31st day of December next following the date of issue.

Licence to be paid for:

(2) (a) A licence shall not be transferable from the holder thereof to any other person without the permission of the County and for every such transfer; a fee as prescribed in the schedule shall be paid.

(b) No such licence in respect of Section (5) (a) herein above of this law shall in any case be transferred from the premises in respect of which it is granted to any other premises.

(3) (a) Calcium Carbide shall not be stored or kept except in a strong hermetically sealed metal containers placed in a position not exposed to moisture.

(b) No quantity of calcium carbide in excess of 13 kilograms shall be stored or kept except in isolated and well ventilated building set apart for the purpose in which

no artificial light or heat is used and in which no material of a combustible nature is kept or stored.

(4) Inflammables, explosives, or poisonous substances, gases, or fluids, or celluloid shall be stored or kept only in such quantity and in such situation as the County may require.

(5) No quantity of celluloid shall be stored or kept in any premises used in whole or in part for the purpose of human habitation or in any premises, used for any other purpose unless the store is separated from other parts of the premises by fire resisting partitions, floors, and ceilings constructed to the satisfaction to the County.

(6) No quantity of inflammable cinema-to-graphic film shall be stored or kept in any premises used in whole or part for the purpose of human habitation or in any premises in which any other combustible material is stored or kept or which is used for any other purposes unless the store is separated from other parts of the premises by fire resisting partitions, floors and ceilings constructed to the satisfaction of the County provided with an outlet gas vent to the open air so placed as to constitute a fire or explosion risk to any other building. All such films shall be stored in closed metal boxes and shelving shall be of non-combustible material.

(7) A person shall not make or cause or permit to be made any fire in the open air in such a manner as to endanger the safety of any building.

(8) A person shall not throw or discharge or cause or permit to be thrown or discharged any fireworks in any street or public assembly without prior permission in writing from the Authorized Officer/ Accounting Officer.

413. (1) In the case of any particular use of premises which the County has power to designate under Section 3 of this Act the County may by regulations make provisions which, as regards premises put to that use, or make provisions which, as regards premises put to any specified class or such premises, are to be taken or observed in relation to the risk to persons in case of fire.

Power of County to
make regulations about
fire precautions

(2) The County may by regulations make provisions as to precautions which are to be taken or observed in

relation to the persons in case of fire as regards premises, which, section 6 of this Act apply to them and a notice under that section is in force in relation to them are used as a dwelling or any specified class of such premises.

(3) Without prejudice to the generality of powers conferred on the County by sub-section (1) and (2) above, regulations made by the County under this section may in particular, as regards any premises to which they apply impose requirements:-

- (a) As to the provision, maintenance and keeping free from obstructions and means of escape in case of fire.
 - (b) As to provision and maintenance of means of escape that can be safely and effectively used as all material times.
 - (c) As to the provision and maintenance of means for fighting fires and means of giving warning in case of fire.
 - (d) As to the internal construction of the premises and the material used in that construction.
 - (i) For prohibiting altogether the presence of use in the premises of furniture or equipment of any specified description or prohibiting its presence of use unless specified standards or conditions are complied with.
 - (ii) For ensuring that persons employed to work in the premises receive appropriate instructions or training in what to do in case of fire.
 - (iii) For ensuring that in specified circumstances specified numbers of attendants are stationed in specified parts of the premises.
 - (e) As to the keeping of records of instructions or training given or other things done, in pursuance of the regulations.
- (4) Regulations under this section:-
- (a) may impose requirements on persons other than occupiers of the premises to which they apply and;
 - (b) may, as regards any or their provisions, make

provisions as to the person or persons who are to be responsible for any contravention thereof, and;

- (c) May provide that if any specified provision of the regulations is contravened, the person or each of the persons who are under the regulations is or are responsible for the contravention, shall be guilty of an offence under this section.

(5) It shall be the duty of the County before making any regulations under the section, to consult with such persons or bodies of persons as appear to the County requisite.

414. (1) The owner of any premises may be required by the Chief fire Officer to provide on such premises any fire extinguisher or other appliances for aggrieved by the extinguishing fire provided that any person who is the decision of the Chief Fire Officer requiring him to provide on any premises any extinguisher or other appliances for extinguishing fire may appeal to the County within 14 days of such decision of the Chief Fire Officer.

Responsibility of
owners of premises on
fire precautions

(2) The owner of any premises who has been required by the Chief fire Officer to provide on such premises any fire extinguisher or other appliances shall maintain such extinguisher or other appliances in an efficient working order.

(3) Every such owner shall ensure that all portable fire extinguishers relying on internal pressure for their operation shall have their initial date of commission indelibly marked on the body of the extinguisher.

(4) Every such owner shall ensure that the body of the extinguisher is subjected to a hydraulic pressure test to the prescribed pressure for the type of such extinguisher three years, after the initial commissioning and every year thereafter and the data of such tests shall be indelibly marked on the body of the extinguisher.

(5) Every such owner shall ensure, if the premises, has fixed fighting installations, such as sprinklers, alarms and detectors; that such installations are tested on a monthly basis to confirm their dedication and efficiency and a certificate of service-ability produced.

415. (1) A person shall not install, service or repair

Licensing to install

any fire fighting equipment or portable fire extinguisher installed in any or premises or area wherein such equipment is required under Section 480 of this Act unless he is in possession of a current licence issued under this Act to carry out such installation, service or repair as specified in the licence, nor otherwise than in accordance with the terms and conditions, if any, of his or her licence.

service repair of fire
fighting equipment

(2) A licence to install, service or repair any fire fighting equipment or portable fire extinguisher may be granted to a person who satisfies the Chief Fire Officer that he possesses satisfactory mechanical knowledge to service, repair or install fire fighting equipment or portable fire extinguishers and use of the fire fighting equipment or portable fire extinguishers specified in the application.

(3) An application for a licence to install, service or repair any fire fighting equipment or portable fire extinguisher shall be made in the form specified in the fourth schedule of this Act.

(4) The Authorized Officer/ Accounting Officer may subject to the provisions of sub-section (2) above of this Act issue a licence which shall be in the form specified in the fourth schedule of this Act.

416. (1) A licence carrying out any installation, examination, service or licence repair of any fire fighting equipment or portable fire extinguisher shall affix or cause to be affixed a label thereto on which shall be written in indelible writing the following particulars:-

Affixing of licence

- (a) The name of the licence carrying out such service, repair, examination or installation.
- (b) The number of his or her licence
- (c) The date of such installation, service or repair and the condition of equipment or any portable fire extinguisher.

(2) If any defect is found in any fire fighting equipment or portable fire extinguisher, the licensee shall forthwith advise the occupier of the premises thereof in writing and shall cause a copy of such report to be delivered to the Chief Fire Officer.

- (3) A licensee shall not remove any fire fighting

equipment or portable fire extinguisher from any premises unless that apparatus has been replaced temporarily by similar serviceable equipment or portable apparatus.

(4) A licence shall not close down any fixed fire fighting installation for any purpose whatsoever on any premises without first obtaining authority therefore in writing from the Chief fire Officer.

(5) A person shall not install in any premises or area any second hand fire equipment or portable fire extinguisher unless a certificate of efficiency has been issued by a licensee in respect of such fire officer.

(6) A person shall not issue a certificate of efficiency in respect of any fire fighting equipment or portable fire extinguisher unless he is in possession of a current licence granted to him or her under this Act.

(7) All portable fire extinguishers installed in any premises shall be serviced on a quarterly basis and a certificate of service-ability obtained.

417. (1) The County may erect on any premises or may affix or cause to be affixed to any building, wall, post, fence or other structure or on any tree any fire alarm, telephone, telegraph or other appliances for the transmission of calls of fire to any fire station and any board or metal plate indicating thereon the position of any fire hydrant and may at any time, repair, remove or alter or cause to be repaired, removed or altered any such appliance or board or metal plate.

County to affix or erect
sign showing hydrant

(2) No unauthorised person shall tamper with, damage, destroy or remove any such appliance, boards or metal plate, or any notice or any kind thereon or the witness or other apparatus of any fire alarm apparatus.

418. (1) On the occasion of an outbreak of fire the Chief Officer or his or her Deputy shall attend with such other members of the fire brigade together attend fire with such appliances as he may deem necessary, he may in his or her discretion outbreak reject or avail himself or herself or herself and take command of any persons who may voluntarily place their services at his or her disposal.

Chief fire officer to

(2) The Fire Brigade whilst proceeding to a fire on any fire fighting machine vehicle or appliances shall have

an overriding right of way over all classes of traffic in any street or public place.

(3) Drivers of all vehicles, shall in relation to sub-section (1) above afford immediately passage to such fire fighting machine vehicle or appliances by drawing into the side of the street and remaining stationery until such fire fighting machine or appliances have passed.

(4). The use of sirens or bells on any motor vehicle other than a fire fighting machine or appliance, ambulance or police is prohibited.

(5). Any person causing an obstruction to a fire Brigade Vehicle, ambulance, a police vehicle proceeding to an emergency commits an offence.

419. (1) The Chief fire Officer or his or her Deputy, or in their absence, any police officer of or above the rank of inspector may take any measures in case of a that may appear expedient for the prevention of extinction of fire outbreak or the prevention of the spread of fire or the protection of life or property, and in particular he may, if it should be necessary for such purpose break into or pull down any premises being or appearing to be on fire, or in danger of becoming on fire, and may do all such acts or things as may be deemed necessary for extinguishing or preventing fire in any such premises or for protecting them or rescuing person or property therein from fire.

Role of chief fire officer

(a) Any street or public place in or near which a fire has broken out may be temporarily closed and any officer of the fire Brigade or any Police Officer may order any person who ma by his or her presence or otherwise interfere with the operation of the fire brigade or police to remove himself or herself from such street or other public place.

(b) Save as provided under sub-section (1) above of this Act a person shall not at any fire, break in to or enter any premises for the purpose of salvaging property without the authority of the Chief fire Officer or his or her Deputy or f a Police Officer of or above the rank of Inspector.

(c) Where the fire brigade is in attendance at any premises which are on fire, any person who breaks into or enters the premises without the express permission of a

Senior fire Officer present except for the purposes of saving a life of any other person shall be guilty of an offence.

(2) A fire certificate shall be required in respect of any premises which while this section applies to them and there is in force a notice under this section relating to them, are used as dwelling.

(3) Where in the case of any premises, there is in force a notice under this section relating to them and it appears to the fire authority that the notified person has ceased to occupy the specified position they may serve a fresh notice in under this section in respect of the premises and on the coming into force of a notice relating to the premises shall cease to have effect.

420. (1) A person shall not interfere with, drive over or in any way damage the hose of any fire fighting appliance in use by the fire brigade whilst engaged in preventing or extinguishing a fire or at a fire training drill.

(2) A person shall not interfere with, molest, or obstruct any member of the fire brigade in the execution of his or her duties or with any person acting under the command of the Chief fire Officer or his or her Deputy.

421. (1) A person shall not knowingly give or cause to be given a false alarm of fire to the Fire Brigade either by means of a fire alarm or by telephone or by word of mouth or by other means.

(2) Any person contravening or failing to comply with the provision of any this laws or of any notice issued there under shall be guilty of an offence.

422. (1) It shall be the duty of every fire authority to enforce within their area of jurisdiction the provisions of this Act and regulations made, and for the purpose appoint fire prevention officer(s)

Enforcement of laws

(2) Subject to the provisions of this section any of the following persons (in this section referred to as Fire Prevention Officers) namely Fire Officer appointed under Sub-section (1) of this Act and a fire prevention officer may do anything necessary for the purpose of carrying out this Act and regulations there under into effect and, in particular shall so far as may be necessary, for that

purpose, have power to do at any reasonable time any of the following things namely.

- (a) To enter any such premises as are mentioned in sub-section (2), and to inspect the whole or any part thereof and anything therein.
- (b) To make such inquiry as may be necessary for any of the purpose mentioned in sub-section (3) below.
- (c) To require the production of, and to inspect, any fire certificate in force with respect to any premises or any copy of any such certificate.
- (d) To require any person having responsibilities in relation to any such premises as are referred to in sub - section (1) above (whether or not the owner or occupier of the premises or a person employed to work therein) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the fire prevention officer to exercise any of the powers conferred on him by this sub-section.

(3) The premises referred to in sub-section (1) (a) above are the following namely:-

- (a) Any premises requiring a fire Certificate or on which any regulations made under section 479 of this Act apply.
- (b) Any premises such as are mentioned in section 469 (2) of this Act;
- (c) Any premises to which section 472 of this Act apply.
- (d) Any premises not falling within any of the foregoing paragraphs which form part of a building comprising any premises.
- (e) Any premises which the fire prevention officer has reasonable cause to believe to be premises falling within any of the foregoing paragraphs.

(4) The purposes referred to in sub-section (1) (b) above are the following namely

- (a) To ascertain, as regards any premises, whether

they fall within paragraphs (a) to (d), of sub-section (2) above.

- (b) To identify the above or occupier of any premises falling within any of those paragraphs.
- (c) To ascertain whether, in the case of any premises to which section 472 of this Act for the time being applies, any person has the overall management of the building constituting or comprising the premises and, if so, to identify that person.
- (d) To ascertain, as regards any premises falling within any of the said paragraphs (a) to (d), whether the provision of this Act and regulations under section 479 thereof are complied with and where a fire certificate is in force in respect of any such premises whether the requirements imposed by the certificate are complied with.

(5) The fire prevention officer shall, if so requires when visiting any premises in the exercise of powers conferred by section 488 produce to the occupier of the premises some duly authenticated document showing his or her authority.

(6) In case of premises used as a dwelling or premises of any other description prescribed for the purposes of this sub-section (1) above shall be exercised as of right unless twenty-four hours notice has been given to the occupier, and for the purpose of this sub-section a description of the premises may be framed in any of the ways mentioned in Section 469 (4) of this Act, or

(7) A person who:-

- (a) intentionally obstruct any fire prevention officer in the exercise of performance of his or her duties under this Act or;
- (b) Without reasonable excuse fails to comply with any requirements imposed by a fire prevention officer under sub-section (1) (d) above, shall be guilty of an offence.

423. If a person discloses (otherwise than in the performance of his or her own duties or for the purposes of any legal proceedings, including arbitration, or for legal

Restriction disclosure
of information

proceedings) any information obtained by him in any premises entered by him in the exercise of power conferred by this Act, shall be guilty of an offence.

424. Offences, penalties and legal proceedings

Falsification of document, false statement etc

(1) if a person

- (a) with intent to deceive, forges a fire certificate or makes or has in his or her possession a document so closely resembling fire certificate as to be calculated to deceive of;
- (b) for the purpose of processing the issue of a fire certificate, made any statement or gives any information which is so false, or;
- (c) in purported compliance with any obligation to give information to which he is subject under or by virtue of this Act, or in response to any inquiry made by virtue of section 488(i) (b) of this Act, gives any information which he knows to be false in a material particular he shall be guilty of an offence.

(2) If a person with the intention to deceive pretends to be a fire prevention officer within the meaning of section 487 of this Act, he or she shall be guilty of an offence.

(3) Where an offence under this Act is committed by a body corporate, is proved to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of an offence.

(4) Where the affairs of body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he were a director of the body corporate.

(5) Where the commission by any person of an offence under this Act or any regulations made is due to the act or default of some other person, that other person may be charged with and convicted whether or not proceedings are taken against the first mentioned person.

425. In any proceedings for an offence under this Act or under regulations made there under, it shall be a defence for the charged to provide that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such and offence.

Defence available to persons charged with offences,

426. Where any provision of this Act provided for an appeal to a magistrate's court, the procedure shall be by way of complaint for an order and the magistrate's court Acts, shall apply to the proceedings.

Appeal to Magistrate's Court

For the purpose of any such provisions of this Act the making of the complaint shall be deemed to be the bringing of the appeal.

427. The County may be regulations apply any of the subject to such modifications as may be prescribed, to;

Miscellaneous and general provisions of this Act

(a) Vessels remaining moored or on dry land for such periods or in such circumstances as may be prescribed; and

(b) Tents and other movable structures of any prescribed descriptions.

428. (1) Any power of the County to make regulations under this Act shall be subject to annulment in pursuance of a resolution of the County.

General provisions as to regulations

(2) Any power conferred by this Act to make regulations includes powers to make different provisions in relation to different circumstances.

(3) Regulations made under this Act may grant or Provide for the granting of exemptions from any of the regulations either unconditionally or subject to conditions.

429. (1) Any notice or other documents required or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his or her proper address or by sending it by post.

Service of documents

(2) Any notice or other documents so required or authorised to be served on a body corporate or a firm shall duly be served if it is served upon the secretary or clerk of the body or a partner of that firm.

(3) For the purpose of this section, the proper address of any person, in the case of the secretary or clerk of a

body corporate, shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.

(4) If the name or address of any owner or occupier of premises on whom any such notice or other documents as aforesaid is to be served, cannot after reasonable inquiry be ascertained by the person on whom it is to be served by the description of "owner" or "occupier" of the premises (describing them) to which the notice relate, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it or copy of it to some conspicuous part of the premises.

430. Any person who is guilty of an offence under this Act shall be liable to a fine not exceeding Two thousand shillings in respect of a first offence and not exceeding three thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both such fines and such periods of imprisonment. Penalties

PART XXVIII – GENERAL NUISANCE

431. Any person who shall-

- (a) in any street or in connection with any shop, business premises or other place which adjoins any street and to which the public are admitted wilfully obstruct, or
- (b) upon any other premises, by playing, operating or causing to be played or operated, any musical instrument, wireless, loud-speaker, gramophone, amplifier or similar instrument, make or cause or suffer to be made any noise which is so loud and so continuous or repeated as to cause an annoyance to occupants or inmates of any premises in the neighbourhood or to passers-by on a street shall be guilty of an offence;
- (c) Any person making loud noises, speeches or wailings as to cause annoyance to the occupants' inmates or persons passing by a street or an open

Noisy
Instruments

musical

space shall be guilty of an offence.

Provided that no prosecution shall be instituted against any person for any offence under this Act unless the annoyance remain unabated after the expiry of seven days from the date of the service on such person of a notice signed by the Authorized Officer alleging such annoyance.

432. Any person, who shall, in connection with any building, Demolition or road construction work, cause or suffer to be caused any unnecessary noise so loud or so continuous or repeated as to cause an annoyance to occupants of any premises in the neighbourhoods, shall be guilty of an offence.

Noisy building operations

433. Any person who shall, in any part of the town other than the industrial or light industrial zones as specified in any laws of the County for the time being in force, in connection with any trade or industrial process cause or suffer to be caused any noise so loud or so continuous or so repeated as to cause annoyance to the occupants of any premises in the neighbourhoods shall be guilty of an offence.

Noisy trades and industrial operations

434. (1) Any person who shall erect or authorize the erection of any barbed wire alongside a street without the prior written consent of the Authorized Officer shall be guilty of an offence.

Barbed wire

(2) The County may serve a notice upon the owner or occupier of any land or building upon which any barbed wire has been erected in contravention of paragraph (1) above.

(3) Any person who shall fail to comply with the requirements of a notice served in pursuance of paragraph (2) of this Part shall be guilty of an offence.

435. Any person who shall without lawful authority deposit or cause or permit to be deposited any soil, vegetation, refuse or debris on any land in the County shall be guilty of an offence.

Deposit of debris etc

436. Any person who shall keep within the County any animal or poultry which causes a nuisance to any of the residents in the neighbourhoods shall be guilty of an offence.

Nuisance by animals

Provided that no prosecution shall be instituted against any person for an offence against this Part unless such nuisance be continued after the expiry of fourteen days from the date of the service on such person of a notice signed by the Authorized Officer alleging a nuisance.

437. (1) (a) Any person who shall, except with the written permission of the Authorized Officer and subject to such conditions as he may deem fit, keep within the County, except in agricultural land, a game animal or reptile other than a lizard, or an ass, mule, ox, bull, or cow, goat, sheep or pig shall be guilty of an offence; Game animals, etc
- (b) The County may remove any of the species of animals referred to in paragraph 1 (a) of this Section which has been kept within the Municipality except in agricultural land or left in a street in contravention of this Section and impound the same.
- (c) The owner of a game animal or reptile other than a lizard or an ass, mule, ox, horse, bull or cow, goat, sheep or pig removed from the County in pursuance of paragraph 1 (b) of this Section shall not be entitled to recover the same until he has paid to the County in case of an ass, horse, bull, mule, ox or cow a fee of two hundred shillings and in the case of any other game animal a fee of one hundred shillings in respect of each twenty four hours or part thereof that such ass, horse, bull, mule, ox or cow or any other game animal has been impounded together with the sum of one hundred shillings in respect of the expenses incurred by the County in removing and impounding the same;

Provided that if such owner does not pay the fees and expenses due within a period of seven days from the date the said animal was impounded the County may sell or otherwise dispose of the same by auction or any other means and the proceeds of such disposal, if any, shall be set off against the outstanding fees and expense, if any, incurred by the County in removing or disposing of the same.

(2) Any person who has under his or her control or in his or her custody:-

- (a) Any game animal or any reptile, or any ass, mule, bull, goat, sheep or pig which causes a nuisance or annoyance to any of the residents of the area; or
- (b) Any animal, reptile, poultry or bird which is so kept as to be or likely to become injurious to the health of any person; or
- (c) Any animal reptile poultry or bird which wanders on a street in such a manner as to cause obstruction or inconvenience to traffic; shall be guilty of an offence.

(3) Any person who shall except with the written permission of the Authorized Officer and subject to such conditions as he may deem fit, permit any animal of the species referred to in paragraph (1) of this Section to graze within the city shall be guilty of an offence.

438. (1) Where in the opinion of the County any hedge tree or other growth is so placed or in such condition as:-

Encroaching hedges
and Trees

- (a) to be a danger to any person or vehicle using a street; or
- (b) to interfere with-
 - (i) the view along any street or from one street into another; or
 - (ii) the use of the street by pedestrian or vehicular traffic;

the County may serve a notice on the owner or occupier of the land on which such hedge tree or other growth is situated requiring him, within such period of time, not being less than fourteen days as shall be specified in such notice to cause the hedge, tree or other growth to be chopped, trimmed or removed.

(2) Any person who fails to comply with the requirements of a notice served in accordance with paragraph (1) of this Section shall be guilty of an offence.

(3) Without prejudice to any prosecution which may be instituted under paragraph (2) of this Section, the

County may on expiry of the period of time specified in a notice served execute any of the work specified in the said notice and any expenses incurred by the County in so doing shall be recoverable from the said person as a civil debt.

(4) Any person who shall without statutory authority or the consent of the Authorized Officer given in writing erect or permit the erection of any structure in such a position that it is sited in or protrudes over a street shall be guilty of an offence.

(5) For the purpose of this Section "structure" includes a machine, pump, post, billboards or other object, capable of causing an obstruction to a passenger or a vehicle in a street;

(6) The provisions of this Section shall not apply to any structure approved by the County under any law of the County for the time being in force;

439. (1) A person shall not attach, hang, erect or permit the erection of any object from or alongside any street in such a manner as it protrudes over or into a street without a permit so to do from the County or otherwise than in accordance with any condition attached to any such permit; Projections

(2) A permit issued under this Section shall expire on the 31st day of December in the year in respect of which it is issued;

(3) There shall be payable to the County at the time of issue of such permit as is mentioned in paragraph (2) of this Section a fee as per the approved fees and charges;

(4) The Authorized Officer may serve a notice to the owner or occupier of any premises from or alongside which an object has been attached, hung or erected in contravention of paragraph (1) of this Section;

(5) Any person who contravenes or fails to comply with the provisions of this Section or any conditions attached to a permit issued there under or a notice served under the provisions of paragraph (4) of this Section shall be guilty of an offence.

(6) The provisions of this Section shall not apply to an advertisement permitted under any laws of the County for

the time being in force or to any structure approved by the County under any such laws

440. (1) If, in or on any land adjoining a street, there is an unfenced danger or inadequately fenced source of danger to persons using the street, the County may, by notice to the owner or occupier of that land, require him, within such time (not being less than seven days) as may be specified in the notice, to execute such works of repair, protection, removal or enclosure as will obviate danger.

(2) Any person who fails to comply with a notice served in pursuance of paragraph (1) of this Section within the time specified in such notice shall be guilty of an offence.

441. Any person who shall-;

- (a) in any way wilfully obstruct the free passage of any street,
- (b) wilfully or negligently damage or destroy the surface of any public street;
- (c) pull down, destroy, obliterate, deface, displace or remove any property of the County on or near a street;
- (d) damage or destroy any tree, shrub, flower, plant or grass on land forming part of a public street;
- (e) disturb, damage or destroy any barrier, fence or other erection or any trestle, lamp, stone or other material placed on a street or by fitting attached thereto;
- (f) wilfully or negligently pull down, damage or destroy any lamp standard or bollard in a street or damage or remove any bulb or fitting attached thereto;
- (g) Dig, plough, till or cultivate any public street without the written permission of the Authorized Officer, shall be guilty of an offence.

Damage and obstructions

442. Any person, who shall, without lawful authority, deface any building by writing, signs or other marks thereon shall be guilty of an offence.

Defacing buildings

443. (1) Any person who, without statutory authority,

Breaking

shall break up or authorize the breaking up of the surface of a public street, without the permission of the Town Engineer, shall be guilty of an offence.

(2) Any person who contravenes or fails to comply with any condition attached to a permit granted under this Section shall be guilty of an offence.

444. (1) Any person who shall place or leave or allow or cause to be Obstruction

Placed or left any vehicle or article or material in a street in such a manner that it causes or is likely to cause an obstruction to persons or vehicles using the street shall be guilty of an offence.

(2) The County may remove any vehicle or article or material which has been placed or left in a street in contravention of this Act and impound the same.

445. The owner of a vehicle, article or material removed from a street in pursuance of Section 511 of this Part shall not be entitled to recover the same until he has paid to the County, in the case of a motor vehicle and, in the case of any other article or material as described in the first schedule in respect of each 24 hours or part thereof that the vehicle, article or material has been impounded together with in the case of a motor vehicle the towing charges as per the approved fees and charges in respect of the expenses incurred by the County in removing and impounding the same. Pound fee

Provided that if such owner does not pay the fees and expenses due within a period of sixty days from the date the vehicle, article or material was impounded the County may sell or otherwise dispose of the same and the proceeds of such sale or disposal, if any, shall be set off against the outstanding fees and expenses, if any, incurred by the County in removing or disposing of the vehicle or article or material.

446. Any person who shall in any street:- Nuisance on the streets

- (a) Ignite any firework;
- (b) Without the permission of the Authorized Officer in writing and for the purpose of hawking, selling, distributing or advertising any article or event,

shout or use any bell, gong, or other noisy instrument or loudspeaker;

- (c) Without the permission of the Authorized Officer in writing draw, wheel or drive any vehicle or carry any board or placard used solely or chiefly for the purpose of exhibiting advertisements;
- (d) Without the permission of the Authorized Officer in writing and for the purpose of advertising distribute any Act or other paper commit any act contrary to public decency;
- (e) Without statutory authority deface the footway or roadway by writing or other marks.
- (f) Place or deposit and leave any glass, china, earthenware, tin, carton, paper, sawdust or other rubbish so as to create or tend to create litter;
- (g) Throw down or leave any orange peel, banana skin, or other substance likely to cause a person to fall down;
- (h) To the inconvenience or danger of any person carry or convey any bag of lime, charcoal, or other offensive material, timber or any pointed or edged tools or implements not properly guarded.
- (i) Play any game in such a manner as to cause likelihood of damage to property, or danger to any person;
- (j) Ride, drive or propel a vehicle on a footpath;
- (k) Spit on any footpath or blow his or her nose otherwise than into a suitable cloth or tissue.
- (l) loiter or importune for the purpose of prostitution;
- (m) Procure or attempt to procure a female or male for the purpose of prostitution;
- (n) While being in charge of any dog, allow such dog to foul any footpath;
- (o) Wash any vehicle or, except in the case of an emergency, repair or dismantle any vehicle on any foot path;
- (p) Except in the case of emergency, sound any motor

horn, cycle bell or similar warning instrument;

- (q) Without the consent of the Authorized Officer, light or maintain or suffer to be lit or maintained any fire or brazier on a foot path;
- (r) In the central area as defined in any laws of the County for the time being in force, ride or drive any animal on a foot-path.
- (s) Defecate or urinate on the street or any open space.
- (t) Smoking cigarettes in Public places as defined in the Tobacco Control Act, 2007 shall be guilty of an offence

447. (1) A person shall not deposit or cause to be deposited or have or harbor or store on any land, any building material, road Materials, earth, stones or soil other than for the purpose of Erection of approved buildings thereon;

Deposition of Materials

(2) A person shall not deposit or cause to be deposited or have harbor or store on any land, any disused vehicles, old metals, or any kind of materials which, in the opinion of the Medical Officer of Health, are likely to cause any nuisance or conditions liable to be injurious or dangerous to health without the written permission of the Authorized Officer.

448. Any person who shall be in or near a street discharge a missile in a manner Likely to cause damage to property or danger to any person shall be guilty of an offence.

Discharge of missiles

449. Any person who shall drive or allow to be driven any vehicle so loaded that its contents or any part thereof spill on to the surface of a street shall be guilty of an offence.

Vehicle loads

450. Loitering on any County property other than a street or residential property, without lawful authority is prohibited. Any person in contravention of this Section shall be guilty of an offence.

Loitering on County

451. In this part "open food" means food not contained in a container of such materials and so closed as

Definition of open food

to exclude all risk of contamination.

452. (1) Any person who in a street, in connection with any trade or business, conveys in or on a vehicle or in any other manner who permits to be so conveyed any open food in a manner liable to involve the risk of contamination shall be guilty of an offence.

Conveyance of open
food

(2) The owner of any open food which is carried in or on a vehicle in the manner outlined in paragraph in (2) of this Section shall be guilty of an offence.

453. (1) Any person engaged in the handling, storage or conveyance of open food in connection with any trade or business shall whilst so engaged:-

Personal cleanliness

- (a) keep as clean as may be reasonably practicable all parts of his or her body which may be liable to come into contact with food;
- (b) keep as clean as may be reasonably practicable all parts of his or her clothing which may be liable to come into contact with food;
- (c) keep any cut or abrasion on any exposed part of his or her body covered with a suitable and clean waterproof dressing;
- (d) refrain from spitting or blowing his or her nose otherwise than into a suitable cloth or tissue or from smoking;
- (e) refrain from smoking;
- (f) If the food be meat, wear a white garment of a pattern approved by the medical officer of health.

(2) For the purpose of this Part "meat" includes offal and the flesh of birds

(3) Any person who contravenes or fails to comply with any of the provisions of paragraph (1) of this Section shall be guilty of an offence.

454. (1) Any person who has in his or her possession or under his or her control for the purpose of sale any meat or poultry which has not been inspected at a designated place as defined by the Public Health. (Designated places – meat Inspection) or by the Medical Officer of Health or a health inspector and marked as having been so inspected,

Uninspected meat

shall be guilty of an offence

(2) For the purpose of this Section:-

- (a) "Health inspector" means a person duly appointed as such by the County or any other body lawfully authorized to make such appointment;
- (b) Any meat or poultry in any shop, store, hotel, restaurant, eating house, snack bar or other catering establishment shall be deemed, unless the contrary is proved, to be therein for the purpose of sale.

455. (1) Except where otherwise specifically provided in these Sections any notice, permit or consent which the County is authorized or required to give may be signed on behalf of the County by the Authorized Officer or by any officer of the County duly authorized by him to sign such notice or consent.

Signing of Notices or
Consent

(2) Any such notice, permit or consent purporting to bear the signature of the Authorized Officer shall for the purpose of this Act be deemed, until the contrary is proved, to have been duly issued by the County

(3) Any notice or other document required or authorized by or under this Act to be served to a corporation shall be duly served if served to the Chief Executive Officer;

(4) Where any premises are jointly owned or occupied by more than one person a notice required or authorized to be served by or under this Act in respect of such premises shall be duly served if served in accordance with this Section on any one of those persons.

(5) Any notice or other document required or authorized by or under this Act to be served on any person may be served either-

- (a) by delivering it to that person, or
- (b) by leaving it at his or her proper address, or
- (c) by registered post addressed to him at his or her proper address

(6) For the purpose of this Part, the proper address of any person shall, in the case of a corporation be that of the

registered or head office of the corporation, and in any other case, be the usual or last known place of a abode or business of the person on whom the notice is to be served

(7) If the name or the address of any notice for the owner or occupier of premises upon whom any notice is to be served cannot, after reasonable inquiry, be ascertained, the notice may be served by addressing it to the person on whom it is to be served by the description of "owner" or occupier of the premises (describing them) to which the notice relates, and by delivering it to some responsible person occupying or appearing to occupy the premises, or by fixing it, or a copy of it, to some conspicuous part of the premises.

PART XXIX- POLYTHENE CARRY BAGS BAN

456. No person shall:-

Prohibition

- (a) Sell, import, manufacture, produce or store non bio degradable polythene carry bags of less than the recommended thickness within the jurisdiction of the County;
- (b) being a vendor, use such polythene carry bag for storing, carrying, dispensing or packaging of any articles or commodity;
- (c) Litter any public place with polythene carry bags.
- (d) Any person in contravention of this part shall be guilty of an offense and is liable to a fine as prescribed in the approved fees and charges.

PART XXX SOLID WASTE MANAGEMENT

457. (a) The County primary duty to regulate waste and its management within the County and for this purpose all waste generated or otherwise arising within the area of the County shall be subjected to this Act and shall be regulated by the County accordingly.

Duty of care

(b) The County shall prepare a waste management plan of its arrangements for managing waste arising within its area of jurisdiction.

(c) The plan shall include information as to, among other things, the kinds and quantities of waste likely to be present within the area of the County during the plan

period; the methods by, and arrangements under, which the waste should be treated or disposed of; the sites and equipment which the County and other persons are providing or propose to provide for treating and disposing of the waste; and an investment plan for implementing the plan.

(d) The County shall establish and maintain schemes and/ or arrangements for the removal and destruction of, or otherwise dealing with, all kinds of waste generated or otherwise arising within the County and may establish different schemes or arrangements for different parts or zones of different categories of waste and, where such schemes or arrangements are established or otherwise exists, to compel the use of such schemes or arrangements by persons residing in or carrying on business and / or other activities within its area of jurisdiction.

(e) It shall be the duty of any person who produces, carries, keeps, treats, disposes of or otherwise handles waste or who otherwise has control of waste from his control or that of any other person and, on the transfer of waste, to ensure that the transfer is made only to an authorized person or to a person for authorized transport purposes and that there is transferred with the waste such a written description of the waste laws and also to enable other persons to comply with this duty as respects the escape of the waste.

(f) The duty under rule (e) above does not apply to an occupier of domestic property in respect to the household waste produced on the property.

(g) The occupier or owner of any residential dwelling or trade premises within the area of jurisdiction of the County shall deal with waste arising from the premises in accordance with directions issued by the County either specifically or under the scheme or arrangement established by the County under this Act for the management of domestic and / or trade waste arising in the area where the particular occupier or owner resides or carries on business or other activities.

458.(a) The County shall issue permit to waste operators who satisfy such requirements as to technical and financial capability as it shall stipulate. Waste Operators

(b) The County shall determine categories of waste operation for which an application may be made and may from time to time alter such categories.

(c) An application for a waste operator's permit shall be made on an application form provided by the County and shall include information about the technical and financial capability of the applicant to provide the services specified in the application.

(d) Where the County receives an application it shall publish the fact of the application in one newspaper with a circulation within its area of jurisdiction and shall provide members of the public who inquire with details of the application. The County shall take into account such representations as it receives within twenty-eight days of the publication of the application

(e) Any person who, in an application for a waste operator's permit makes any statement which he knows to be false or reckless in any material fact shall be guilty of an offence under this Act

(f) A waste operator's permit shall include such terms and conditions as the County sees fit to specify in the permit including a description of the activities which may be undertaken under the permit; the duration of the permit; the supervision by the holder of the permit of activities to which the permit relates;

(g) The County shall from time to time review the performance of waste operators and may suspend or cancel a waste operator's permit if the permit holder has breached the terms and conditions of the permit or has been guilty of negligence in managing waste whose management is authorized by the permit; or if there is some other reason which, the County, seems to justify such action.

(h) The County may on its own initiative, or on the application of the permit holder, modify the terms and conditions of the permit but any such modification shall be of no force and effect unless published in a local daily and representations from members of the public dealt with as if it were a new application.

(i) Where it appears to the County that the continuation of activities to which a waste operator's

permit relates is causing or would cause pollution of the environment, danger to the public health or serious detriment to the amenity of the locality affected by the activities and the pollution, danger or detriment cannot be avoided by modifying the conditions of the permit the County may revoke the permit with effect from a specified date after serving notice on the permit holder and hearing any representations that the permit holder may wish to make as to why the permit should not be revoked.

(j) The holder of a permit may transfer the permit to another person but such a transfer shall be of no force and effect until the County has notified the holder that it does not object to the proposed transfer.

(k) The holder of a permit may relinquish the permit by giving notice to the County that he or she no longer requires the permit and delivering the permit to the County. Relinquishment shall be of no force and effect until the permit holder receives notification that the County does not object to the relinquishment and in any case shall not absolve the permit holder from any liabilities or obligations whether civil or criminal incurred during the period when he or she held the permit.

459. (a) It shall be an offence for any person who is not a registered transporter of solid waste or a permit holder in the course of any business of his or otherwise with a view to profit to transport any solid waste within the area of jurisdiction of the County unless he belongs to a category of transporters who have been exempt by the County from registration.

Waste Operators

(b) The County shall make provision for the registration of waste transporters. Applicants shall provide information regarding their physical address and their financial and technical capability to transport waste.

(c) The County may require registered waste transporters to execute a bond as a condition for registration.

(d) In determining whether it is desirable for any individual to be or to continue to be authorized to transport waste the County shall have regard, in a case in which a person other than the individual has been convicted of an offence under this Act, to whether that individual has been

party to the carrying on of business in a manner involving the commission of an offence under this Act

(e) The County may revoke the registration of a person who has been convicted of an offence under this Act.

(f) If it appears to a duly authorized officer of the County that any waste is being or has been transported in contravention of this Act he or she may, in the presence of a police officer, stop any person appearing to him or her to be or to have been engaged in transporting that waste and require that person to produce his or her authority or, as the case may be, his or her employer's authority, for transporting that waste and search any vehicle that appears to him or her to be a vehicle which is being or has been used for transporting waste.

(g) For the purposes of paragraph (f) of this Act a person's authority to transport waste is his or her certificate of registration as a transporter of waste or a certified copy thereof or evidence that he or she is not required to be registered as a waste transporter.

460.(a) The County shall maintain a register Registers containing prescribed particulars of all waste operator's permits and registrations of transporters which are for the time being in force.

(b) The County shall ensure that the register is open for inspection at its principal office by members of the public free of charge at all reasonable hours.

(c) The County shall accord members of the public reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in the register.

461.(a) It shall be the duty of the County to arrange Collection for the collection, treatment and disposal of, or otherwise dealing with, all domestic waste and street and other litter generated or otherwise arising within its area of jurisdiction and to take all necessary and reasonably practicable measures to maintain all places falling within its area of jurisdiction in a clean and sanitary condition at all times.

(b) For the purposes of carrying out its duty under sub-rule (a) above the County may enter into such

agreements with third parties as it deems appropriate including contracts, franchises, and concessions.

(c) It shall be the duty of the person who generates trade waste or on whose premises trade waste otherwise arises to arrange for the collection, treatment and disposal of all trade waste generated by him and to take all necessary and reasonably practicable measures to ensure that the trade waste is not released into the environment so as to cause pollution thereof.

(d) It shall be the duty of every occupier and every owner of premises wherein any hazardous waste or clinical waste is generated, to make suitable arrangements, including the separation of such waste from other non-hazardous waste or non-clinical waste, to the satisfaction of the County, for the proper management of the waste and in doing so shall comply with any directions issued by the County.

(e) It shall be the duty of every occupier and every owner of premises wherein bulk waste is generated to make suitable arrangements for the disposal of such waste and in doing so shall comply with any directions of County.

(f) Every occupier and / or tenant of any residential dwelling shall provide and maintain, to the satisfaction of the County, a container for domestic waste of a sufficient size, and fitted with a good and effective lid and shall daily cause to be placed within such container the domestic waste from the said residential dwelling in so far as the said container shall be sufficient to contain the same;

(g) Every occupier and /or tenant of any trade premises shall provide and maintain to the satisfaction of the County a container for trade waste of a sufficient size, and fitted with a good and effective lid, and shall daily cause to be placed within such container the trade waste from the said premises in so far as the said container shall be sufficient to contain the same.

(h) If it appears to the County that there is likely to be situated on any premises in its area trade waste of a kind or in quantities which, if the waste is not stored in containers of a particular kind, is likely to cause a nuisance or to be detrimental to the amenity of the locality in which the premises are situated the County may, by notice served on

the occupier, require him or her to provide at the premises, containers for the storage of such waste which are of a kind and number reasonably specified in the notice.

(i) Occupiers of domestic and trade premises shall separate waste which can be recycled and place them in a different container provided by the County or the waste operator as the case may be for the purpose.

(j) It shall be an offence against this Act to burn, throw away, or otherwise dispose of domestic and trade waste other than by handing it to, or where there is an arrangement to that effect, leaving it at an appropriate place and in an appropriate container, for collection by a licensed waste manager or a registered waste transporter.

462. (a) Waste shall be disposed off only in permitted disposal areas or at an approved disposal facility ^{Disposal}

- (b) It shall be the duty of the County to provide places at which to deposit waste before its transferred to a place for its final disposal and places at which to dispose of waste and plant and equipment for processing it or otherwise disposing of it.
- (c) The County may permit another person to use facilities provided by it with or without a charge as may be appropriate.
- (d) The person in charge of the waste disposal facility and the person delivering waste to the facility shall maintain a record of all waste loads disposed off at the facility. The record shall take the form of a delivery note signed by both parties at the time of disposal of each load. The records shall be kept for a period of five years and shall be availed to the County on request within that period.
- (e) Waste delivered to a permit holder shall be his or her responsibility to him or her to deal with it under this Act.
- (f) No person shall sort over or disturb anything deposited at a place provided or approved by the County for the deposit of waste or in containers for waste provided by the County or other person unless he or she is authorized to do so by the County or unless she or he is a person entitled to

the custody of the container or is authorized to do so by such a person or is a person having the function of emptying the container.

- (g) The County shall make provision for small scale resource recovery activities to be undertaken by organized groups at designated sites before disposal of waste.
- (h) A permit holder may do such things as it considers appropriate for the purpose of enabling waste belonging to it to be used again or enabling substances to be reclaimed from such waste and it may use, sell, or otherwise dispose of waste belonging to it or anything produced from such waste.

463. (a) The County shall issue directions on waste collection charges. The directions shall specify the amount of charge or charges to be imposed for different categories of services or for services in different localities or zones within the area of jurisdiction of the County; the mode of payment and receipt of the charges; and provisions as to the penalty or penalties for failure to pay the charges. Payments

(b) Directions on charges or waste management services may provide for the imposition of a levy to meet the costs of general cleansing but any such levy must be itemized separately on the waste bill or other invoice and must be placed by the collector in a dedicated fund.

(c) Charges shall be collected by the person who provides the waste management services for which the charge is being levied.

(d) There shall be paid by every person or entity to whom a waste management service is provided, a waste charge imposed in accordance with the directions issued by the County.

(e) The County hereby imposes the waste charges which are annexed to this Act. As per the approved fees and charges

464. (a) The County shall establish and implement a system of monitoring, inspections and enforcement of waste management activities and shall inform and keep the public informed of steps it is taking to implement and Enforcement

improve waste management within the County and the use to which the general cleansing levy is put in each year.

(b) Any officer or agent of the County duly authorized in that behalf, may at all reasonable times, enter any residential dwelling or trade premises within the County for the purposes of conducting any inspection, inquiry or the execution of works under the provisions of this Act.

(c) In addition to such penalties for non-payment as may be stipulated in the directions issued by the County for non-payment of charges for waste management services, any waste management charge payable under this Acts shall be a debt due and owing to the collector and may be recovered as a civil debt at the instance to the collector or any person authorized by the collector to collect on its behalf.

(d) Any power or function conferred on the County under this Act may be exercised or performed by a third party pursuant to an agreement between the County and the third party and will be deemed to have been exercised or performed under the authority of this Act.

465. Any person who refuses or fails to comply with any provision of this Act or gives false information in relation any requirements of this part shall be liable to a fine not exceeding two thousand shillings in respect of a first offence and not exceeding three thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both such fines and such periods of imprisonment.

Offences and Penalties

PART XXXI – FILM MAKING, CULTURAL EVENTS AND ENTERTAINMENT

466. (1) Any person operating a cinema, video shows and hiring as a business or occupation shall make an application to the Accounting/Authorized Officer for a business permit.

Cinemas, video shows and hiring

467. (1) The County shall charge such permit fees for operating such cinemas, video shows and hiring as prescribed in the approved fees and charges.

Fees

(2) Any person who operates a cinema, video shows

or hiring without the permit or payment of the permit fees shall be guilty of an offence under this Part.

468. (1) The County shall—

Promotion cultures and cultural heritage

- (a) promote all forms of cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publication libraries and other cultural heritage;
- (b) promote the intellectual property rights of the people in the County;
- (c) ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage; and

PART XXXII TRAFFIC FLOW CONTROL

469. (1) The driver of a vehicle shall at all times -

Signals and signs to be obeyed

- (a) obey any directions given, whether verbally or by signal, by a police officer in uniform, in the execution of his or her duty;
- (b) conform to the indications given by any traffic sign;
- (c) stop his vehicle on being so required by a police officer in uniform;
- (d) when any person in charge of any cattle raises his or her hand or in any manner gives a signal to stop, forthwith stop his or her vehicle and keep it stationary for as long as it is reasonably necessary.

(2) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and liable on first conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months, and on each subsequent conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

470. (1) No vehicle shall be allowed to remain in any position on any road so as to obstruct or to be likely to obstruct or cause inconvenience or danger to other traffic using the road, and, save where the contrary is expressly provided in this Act, every vehicle on a road when not in

obstruction

motion, shall be drawn up as close to the side of the road as possible.

(2) The driver of any vehicle shall, in case of a breakdown, remove the vehicle from the road as soon as possible, and until sore moved the vehicle shall be placed as close to the side of the road as possible; and as the vehicle remains on the road between the hours of 6.45 p.m. and 6.15 a.m., its position shall be clearly indicated by a light or lights visible to drivers of vehicles approaching from either direction.

(3) If any part of the vehicle remains on or near the road in a position so as to obstruct or to be likely to obstruct or to cause or to be likely to cause inconvenience or danger to other traffic using the road, the driver shall place on the road not less than fifty metres from the vehicle two red reflecting triangles of such construction and dimensions as may be prescribed, one ahead of the vehicle and one behind it so that each is clearly visible to drivers of vehicles approaching from ahead or behind, as the case may be.

(4) Any person who leaves any vehicle on a road in such a position or manner or in such a condition as to obstruct other vehicles or cause or be likely to cause any danger to any person shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding eighteen months. For non-commercial vehicle and a fine not exceeding five thousand shillings for commercial vehicle

471. No person shall –

- (a) leave unattended on a road any motor vehicle with the engine running; or Unattended motor vehicles
- (b) quit any vehicle without having taken due precautions against its moving along the road from its stationary position.

471. (1) Subject to and in conformity with such Traffic signs general or other directions as may be given by the Executive Committee Member responsible for transport, the County may cause or permit traffic signs to be placed on or near a road.

(2) Traffic signs shall be of the prescribed size, colour

and type except where the Executive Committee Member responsible for transport authorizes the erection or retention of a sign of another character.

(3) No traffic signs shall be placed on or near any road except under and in accordance with sub clauses (1) and (2) of this section:

(4) All traffic signs shall be deemed to have been lawfully erected until the contrary is proved.

(5) the County in collaboration with the highway authority may, by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such a notice the highway authority may effect the removal, doing as little damage as may be, and may recover as a civil debt recoverable summarily from the person so in default the expense incurred in so doing:

Provided that this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorized by the highway authority.

PART XXXIII ENVIRONMENT AND LITTERING

472. (1) Every person within the County is entitled to a clean and healthy environment and has a duty to safeguard and enhance the environment.

Right to clean
environment

(2) If a person alleges that the entitlement conferred under sub clause (1) has been, is being or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to a subordinate court for redress and the subordinate court may make such orders, issue such writs or give such direction as may deem appropriate to:

- (i) Compel any officer duly appointed by the County to take measures to prevent or discontinue any act or omission deleterious to the environment.
- (ii) Prevent, stop or discontinue any act or omission deleterious to the environment.
- (iii) Require that any on-going activity be subjected

to an environmental audit in accordance with provisions of this Act and any other relevant written law.

- (iv) Compel the persons responsible for the environmental degradation to restore the degraded environment as far as practicable to its immediate condition prior to the damage.
- (v) Provide compensation for any victim of pollution and the cost of beneficial uses lost as a result of an act of pollution and other losses that are connected with or incidental to the foregoing.

(3) A person proceeding under subsection (2) of this section shall have the capacity to bring an action notwithstanding that such a person cannot show that the defendant's act or omission has caused or is likely to cause him or her any personal loss or injury provided that such action —

- (a) is not frivolous or vexatious; or
- (b) is not an abuse of the court process.

(4) In exercising the jurisdiction conferred upon it under sub clause (2), the High Court shall be guided by the following principles of sustainable development;

- (a) the principle of public participation in the development of policies, plans and processes for the management of the environment;
- (b) the cultural and social principles traditionally applied by any community in County for the management of the environment or natural resources in so far as the same are relevant and are not repugnant to justice and morality or inconsistent with any written law;
- (c) the principle of inter-county co-operation in the management of environmental resources shared by two or more Counties;
- (d) the principles of intergenerational and intra generational equity;
- (e) the polluter-pays principle; and

- (f) the pre-cautionary principle.

473. The Director of Environment, Deputy Director of Environment or any other duly appointed officer by the County shall be the authorized officer for the purpose of enforcing the provisions of this Act.

Appointment or
environmental officers

474. (1) An environmental or authorized officer shall-

- (a) monitor compliance with the environmental standards established under this Act or other relevant written law;
- (b) conduct environmental audits; and
- (c) Perform such other functions as may be required under this Act or relevant written law.

Duties of
environmental officers

(2) An environmental officer may, in the performance of his duties under this Act, at all reasonable times and without a warrant-

- (a) enter any land, premises, vessel, motor vehicle or ox-draw trailer and make examination and enquiries to determine whether the provisions of this Act are being complied with;
- (b) require the production of, inspect, examine and copy licences, registers, records and other written laws relating and, as may be prescribed, submit such samples for test and analysis;
- (c) carry out periodic inspections of all establishments and undertakings within their respective jurisdictional limits which manufacture, produce as by-products, import, export, store, sell, distribute or use any substances that are likely to have significant impact on the environment, to ensure that the provisions of this Bill are complied with;
- (d) seize any article, vessel, motor vehicle, plant, equipment, substance or any other thing which he reasonably believe has been used in the commission of an offence under this Act;
- (e) with the written approval of the Director of Environment order the immediate closure of any manufacturing plant or other establishment or

undertaking which is causing or is likely to cause in this opinion significant pollution to the environment;

- (f) to require the owner or operator or such establishment or undertaking to implement any remedial measures that the environmental officer may direct;
- (g) any establishment or undertaking closed down under this paragraph may resume its operations only with the written approval of the Director of Environment;
- (h) with the approval of the Director of Environment issue an improvement notice requiring the owner or operator of any manufacturing plant, vessel, motor vehicle or other establishment or undertaking to cease any activities deleterious to the environment and to take appropriate remedial measures, including the installation of new plant and machinery if necessary, within such reasonable as the County may determine;
- (i) with or without an arrest warrant and with the assistance of a County Enforcement Officer or a Police Officer, arrest any person whom he reasonable believes has committed an offence under this Act;
- (j) Install any equipment on any land premise, vessel or motor vehicle for purposes of monitoring compliance of this Act.

475. The Director of Environment, Deputy Director of Environment, Environment Officer, Cleansing Superintendent, Public Health Officer, Public Health Technician or any other person generally or specially authorized in writing by the County, may at any hour reasonable for the proper performance of his duty, enter any land or premises to make any inspection, inquiry, investigation or to perform any other work or so anything which is required or authorized by this Act or any other law to do if such inspection, inquiry, investigation or work is necessary for or incidental to the performance of the duties or the exercise of his or her powers. ^{Power of entry}

476. Any person who-

- (a) hinders or obstructs an environment officer in the exercise of his or her duties under this Act; Offences related to inspection
- (b) fails to comply with a lawful order or requirement made by an environmental Officer in accordance with the Act;
- (c) refuses an Environmental Officer entry upon any land or into any premises, vessel or motor-vehicle which his is empowered to enter by this Act or other written law;
- (d) impersonates an Environmental Officer;
- (e) refuses an Environmental Officer access to records or documents kept pursuant to the provisions of this Act or any written law;
- (f) fails to state or wrongly states his or her name or address to an Environmental Officer in the cause of his duties under this Act;
- (g) misleads or gives wrongly information to an Environmental Officer under this Act;
- (h) fails, neglects or refuses to carry out an improvement order issued under this Act commits an offence and shall be liable to a fine of not more than Twenty Thousand shillings or in default to imprisonment for a term not exceeding six months or to both.

477. (1) The County shall provide litter baskets or bins for the disposal of litter in the streets and public places. Provision of street litter bins

(2) Any person who tampers with a litter bin, dustbin, bulk container or any other refuse receptacle shall be guilty of an offence.

478. Any person who throws or causes litter to be thrown in the street, or public litter disposal places or deposits or otherwise disposes off litter in any place other than the litter baskets or bins provided, shall be guilty of an offence. Prohibition against littering

479. Any person guilty of an offence under the provision of preceding Act shall be liable on conviction to Penalties

a fine not exceeding Five Thousand Shillings or in default to an imprisonment for a term not exceeding six months or to both.

PART XXXIV – ENFORCEMENT PROVISIONS

480. The County may from time to time by notice to holder thereof, cancel a license or permit for contravention of any of the terms and conditions thereof or any of the provisions of this Act or where in its opinion the continued display of any advertisement device would likely to affect injuriously the amenities of, or to disfigure any neighbourhood or for any other reason, the County may think fit County.

Cancellation of
licenses and
permits

481. The County may from time to time by notice to holder levy a penalty to a holder of a license or any other person who is in breach of any provisions of this Act.

Penalties

482. In addition to the offences under the different Sections of this Act, if the person without lawful authority:—

Offences

(1) Operates a business within the County without a valid business license or permit;

(2) Erects, fixing, placing, maintaining, displaying or using or permitting to be erected, fixed, placed, maintained displayed or used, any advertisement or advertising device without a permit or otherwise than in accordance with the terms and conditions of a permit;

(3) Operates outside the designated trading area or premises;

(4) Defaces any building by writing, signs or other marks;

(5) Cuts, or permits to be cut a tree in any property whether (private or public) without a permit issued by the County;

(6) Loiters on any County property other than a street or residential property, without lawful authority;

(7) Drives or permits to be driven any vehicle so loaded that its contents or any part thereof spill on to the surface of a street shall be guilty of an offence.

(8) Discharges a missile in a manner likely to cause

damage to property or danger to any person;

(9) Participates in or authorizing the breaking up of the surface of a public street, without the permission of the Town Engineer,

(10) Deposits or causes or permits to be deposited any soil, vegetation, refuse or debris on any land in the County;

(11) Being in connection with any building, demolition or road construction work, cause or suffer to be caused any unnecessary noise so loud or so continuous or repeated as to cause an annoyance to occupants of any premises in the neighbourhoods;

(12) Being in any part of the town other than the industrial or light industrial zones as specified in any laws of the County for the time being in force, in connection with any trade or industrial process cause or suffer to be caused any noise so loud or so continuous or so repeated as to cause annoyance to the occupants of any premises in the neighbourhoods;

(13) Intentionally or recklessly obstructs or hinders a person while that person is acting in performance or exercise of the person's functions or powers under this Act;

(14) Makes any statement or declaration, or gives any information or certificate, lawfully required by or under this Act knowing it to be false or misleading in material or respect;

(15) dwell in the parks or be in the parks beyond the specified times;

(16) fails to pay fees, charges, penalties contrary to the provisions of this Act;

(17) fails to keep or display licenses or permits at conspicuous place of business;

(18) transfers business premises, license, or permit for purposes of undertaking business in non-designated or permitted area;

(19) constructs, or permits the construction of a sewer connection otherwise than in accordance with this Act

(20) Commits any other offence not covered in this

Section but is covered under other sections in this Act.

483. (1) Unless other stated in this Act Any person Penalties
who contravenes the provisions of this Act shall be liable
to a fine not exceeding two thousand shillings in respect of
a first offence and not exceeding three thousand shillings in
respect of a second or subsequent offence, or imprisonment
for a period not exceeding six months in respect of a first
offence and not exceeding nine months in respect of a
second or subsequent, offence or both such fines and such
periods of imprisonment.

(2) Any person who is guilty of an offence under this
Act shall be guilty to a fine not exceeding Five thousand
shilling or imprisonment to a term not exceeding six
months or both in respect of a first offence and seven
thousand shillings or nine months or both in respect of a
second or subsequent offence

(3) A penalty fee of twenty five per cent, fifty per
cent, seventy five per cent and hundred per cent of the
business permit fee shall become payable by the person
registering if the business permit fee is not paid and a
permit obtained by 31st March, June 30th September, 30th
and November 30th respectively of the permit year.

SCHEDULES**FIRST SCHEDULE – DESIGNATED PARKING AREAS****MAVOKO TOWN****Road/Building****A. Pepe-Makadara Road**

- 1) Stadium view business centre frontage
- 2) Nyambura -Sulami supermarket frontage
- 3) Box in restaurant frontage
- 4) Green Mount plaza and Equity Auto branch
- 5) Starehe Butchery frontage (County's open plot)
- 6) Little Rock restaurant frontage
- 7) Frontage of the CDF office
- 8) The frontage of building up to the Pepe junction
- 9) 24 hours clinic frontage
- 10) Makadara EPZ Road
- 11) Road shoulders before matatu stage
- 12) Kivutuni wines and spirits frontage
- 13) Mzee Pauranha Road
- 14) Nzambuni 1900 woodstock frontage
- 15) All areas adjacent along the Mzee Pauranha road
- 16) Pepe -Shell Road
- 17) Existing barter market space when modern market complete
- 18) Mlolongo-Mombasa Road
- 19) Old Mombasa road from barriers (Mlolongo main) both sides
- 20) View point pub
- 21) All area opposite Mlolongo public bus park
- 22) Around Bamburi, new hospital and Namanga junction
- 23) Kyumbi shopping centre

- 24) Joska shopping centre
- 25) Kinanie shopping centre
- 26) Githunguri shopping centre

MACHAKOS

- 1) All that part of central area bounded by Kangundo road, Rashid Road, Kitui road, Mulu Mutisya Highway, Konza road, Mackenzie, Nthula road, Ngei road and Nairobi road.
- 2) All that area along Syokimau, Kitui road.
- 3) All that area of retail market, Uhuru Market, wholesale market, Lukindo Road, along Mbolumalu Park, around Bus Park and Mulu Mutisya
- 4) Masii
- 5) Mbiuni
- 6) Kivaa
- 7) Miu
- 8) Kithyoko
- 9) Kathiani
- 10) Mitaboni
- 11) Vyulya

KANGUNDO SUB –COUNTY

- 1) Kangundo town
- 2) Tala town

MATUU

- 1) Matuu town
- 2) Kithimani
- 3) Sophia

SECOND SCHEDULE – TAXI CAB PERMIT
COUNTY FINANCE ACT 2013
TAXI-CAB PERMIT

No.....

Permit is hereby granted to

.....
.....

Of.....

.....

To ply for hire with taxi-cab hereunder described, in accordance with provisions of the County Finance Act, 2013

Make of vehicle.....

Registration number.....

Maximum number of passengers.....

Subject to the provisions of the said Act, this Taxi Cab permit expires on 31st December,

Date.....

.....

For: Accounting/Authorized Officer, Machakos County Government.

The permit is only valid if a machine receipt is printed below

THIRD SCHEDULE – TAXI CAB DRIVER’S PERMIT

MACHAKOS COUNTY GOVERNMENT

FINANCE ACT 2013

TAXI-CAB DRIVER’S PERMIT

Permit is hereby granted to

.....
.....

of.....
.....

To drive a taxi-cab in the Machakos County in accordance with the
County Finance Act, 2013

Subject to the provisions of the said Act, this permit expires on the 31st
December

Photograph

Date.....

.....

For Accounting Officer, Machakos County Government

This permit is only valid if a machine receipt is printed below

**FOURTH SCHEDULE TAXI –CAB DRIVER PERMIT
REQUIREMENTS**

An applicant for a taxi-cab driver's permit under this Act must:-

- (1) Have a thorough knowledge of the tariff of fares authorized for the time being Section 264 of Act,
- (2) Have a thorough knowledge of routes, places and distances within the County and of the Traffic Act and relevant rules and the provisions of this Act,
- (3) Be able to understand English, or Swahili and read and write numbers in English or *Swahili*;
- (4) Be at least 21 years of age,
- (5) Produce testimonials of good conduct from two responsible persons, who have known him for a period of at least 12 months,
- (6) Produce a medical certificate that he is free from infirmity of mind and body.
- (7) Produce two copies of passport size photograph as a means of identification.
- (8) Produce a current Kenyan driving licence valid for the type of vehicle to be used as a taxi-cab.
- (10) Certificate of good conduct.

FIFTH SCHEDULE – APPLICATION FOR THE GRANT

/RENEWAL OF PERMIT

MACHAKOS COUNTY GOVERNMENT

FINANCE ACT 2013

APPLICATION FOR THE GRANT / RENEWAL* OF A PERMIT

No.....

1. I applicant's name

.....
.....

2. Name under which business is / is to be* carried

on.....

.....
.....

3. If business is a partnership, give full names and addresses of all

partners.....

.....

4. Is business registered under the Registration of Business Names Act?

..... If so, give date and registration No.

.....

5. Address at which business is / is to be* carried or: P. O. Box

..... Plot No.....

or L.R. No.....

in..... Road / street*

6. Give precise description of premises to which permit is to apply

.....

- 7. Is there a stockroom? If so, where?.....

- 8. State if applicant is (a) resident in
 Kenya.....
 or (b) an un-discharged bankrupt.....
- 9. *State number and date of previous
 permit..... *or date on which it is
 desired to begin trading

- 10. Permit is required to run from
 to..... I certify that the particulars given above
 are true and correct.

Date

Signature of applicant

**Delete where not applicable.*

(Reverse of Application Form)

FOR OFFICIAL USE ONLY

- 1. To Health Inspector for inspection and comment:-
 Date
 Permit Officer
- 2. To Medical Officer of Health with my comment as follows:-
 Date
 Health Inspector
- 3. To Accounting Officer with my recommendations as follows:-
 Date

2013

Machakos County Finance

No. 2

Medical Officer of Health

4. To permit Officer:-

Permit may /may not be granted.

Conditions (if any)

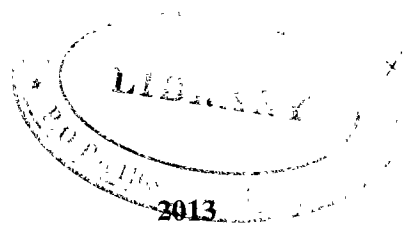
Date

Accounting Officer

5. Permit issued No..... Date

.....

Permit Officer



SIXTH SCHEDULE CHARGES FOR FIRE SERVICES

MACHAKOS COUNTY GOVERNMENT

FINANCE ACT 2013

Charge for Fire Services

For purposes of this Part the following charges are hereby classified as follows:-

1. **Fees and charges**

(a) Fire protection measure per visit factory	Kshs. 1,600
(b) Commercial and industrial premises	Kshs. 1,600
(c) Boarding houses and public buildings	Kshs. 1,600
(d) petrol stations	Kshs. 1,600
(e) Premises storing dangerous inflammable materials	Kshs. 2,100
(f) Annual inspection petroleum tanker	Kshs. 2,100

The fees and charges are exclusive of transportation of officer to and from station.

2. **Special Services Other than Fire Fighting**

(a) Standby against fire risk (per hour)	Kshs. 1,100
(b) Pumping out flooding (per hour)	Kshs. 1,600
(c) Binding of delivery hose compiling labour	Kshs. 600
(d) Binding of delivery hose compiling material	Kshs. 1,100
(e) Training of private personnel (fireman) Per day for a class of 15 people	Kshs. 22,000
(f) inspection of fire extinguisher (Excluding refill per extinguishers)	Kshs. 600
(g) Hire of ladder per day or part thereof	Kshs. 2,100
(h) Hire of van or requested inspection	Kshs. 2,100

2013	<i>Machakos County Finance</i>	No. 2
(i) Inspection of fire extinguisher (Excluding refill per extinguisher)	Kshs.	600
(j) Hire of ladder per day or part thereof	Kshs.	2,100
(k) Hire of van or requested inspection	Kshs.	2,100
(l) Fire fighting lecture at public institutions within Machakos County 2 hour's session	Kshs.	10,000
(m) Sale of water with County's water tanker for non Domestic use	Ksh.	5,000
(n) Sale of water with water tanker (owner)	Kshs.	3,100
(o) Hire of one hose length per day or part of thereof	Kshs.	600
(p) Inspection Hydraulic test of dry and wet risers (Per inspection)	Kshs.	5,000
(q) Issue of fire clearance certificate	Kshs.	2,100
(r) Annual license for installation and service of fire Extinguisher	Kshs.	7,000
1. <u>Fire vehicles</u>		
(a) Turn out fee	Kshs.	1,200
(b) For each proceeding hour or part thereof	Kshs.	1,000
(c) Kilometre covered (per kilometre)	Kshs.	50
(d) Portable plump turn out fee including transport	Kshs.	2,100
(e) For each proceeding hour or part there of	Kshs.	600
2. <u>Fire personnel attendance</u>		
(a) Chief Fire Officer		
First hour of attendance	Kshs.	1,500
Each proceeding hour or part there of	kshs.	1,000
(b) Assistant chief fire officer		
First hour of attendance	Kshs.	1,100

No. 2

Machakos County Finance

2013

Each proceeding hour or part there of	Kshs.	800
(c) Station officer and other ranks		
First hour of attendance	Kshs.	800
Each proceeding hour or part there of	kshs.	600

SEVENTH SCHEDULE – APPLICATION FOR SUPPLY OF WATER

MACHAKOS COUNTY GOVERNMENT

FINANCE ACT 2013

APPLICATION FOR SUPPLY OF WATER

Accounting/Authorizing Officer,
County Government of Machakos,
P.O. Box 1996,

MACHAKOS

I
(Full name in block letters)

Of.....

Hereby make application for a supply of water in plot
No.....TownSub
locationoccupied by me for the purpose
of (State whether for residential,
business or agricultural purpose, and if for business State the nature of
business).

I understand that this application is subject to the provisions of the County
Government of Machakos (Control of Water Supplies) Act 2013.

Yours faithfully,

.....
(Signed)

Application accepted/rejected for and on behalf of the County Government
of Machakos

.....
(Signature of authorized Officer)

Made thisday of2013

By order of the County Government of Machakos

.....
Accounting/Authorized Officer

EIGHTH SCHEDULE – FEES AND CHARGES

PART		URBAN	PERI URBAN	RURAL
II	HAWKING			
	i) Small scale Hawker permit per month	750	600	450
	ii) Water hawking per month	10,000	8,000	5,000
	iii) Water hawking per year	100,000	90,000	40,000
III	PUBLIC LAVATORIES			
	Public toilet lease per year			
	a. Pit latrine	30,000	30,000	10,000
	b. Modern toilet	60,000	60,000	20,000
IV	NON-MOTORIZED TRANSPORT			
	i) Bodaboda (bicycle) permit	-	-	-
	per month	-	-	-
	per year	-	-	-
	ii) Hand carts per month	150	150	150
	iii) ox-cart	100	50	50
V	SAND HARVESTING			
	i) Sand transportation permit per 7 tonne Lorry per month	40,000	40,000	40,000
	ii) Sand transportation permit per 8 tonne Lorry per month	45,000	45,000	45,000
	iii) Sand transportation permit above 8 tonne Lorry per month	70,000	70,000	70,000
	iv) Sand transportation permit - semi-trailer	150,000	150,000	150,000
	Penalty on default of sand removal/carriage permit	50% of sand permit	50% of sand permit	50% of sand permit
	Sand yard or Sand deposit business other than transporting element of the business			
	Application fee per year	5000	5000	5000
	i) permit per month	10,000	10,000	10,000
	iii) permit per 6 months	50,000	50,000	50,000
	ii) permit per year	80,000	80,000	80,000
	Red Soil permit per lorry (8 tonne)	10,000	10,000	10,000
VI	PUBLIC MARKETS			
	i) Bow & arrow	5	5	5
	ii) Bow	3	3	3
	iii) Arrow	3	3	3
	iv) Quiver	3	3	3
	Cereals per bag	30	30	20
	Maize	30	30	20
	Rice	30	30	20
	Ndengu	30	30	20
	Njugu	30	30	20
	Black Beans (njahi)	30	30	20
	Peas	30	30	20
	Beans	30	30	20
	Produce & vegetable per bag			
	Carrots	40	30	30
	Onions	40	30	30
	Green vegetables	30	25	20
	Pumpkins	30	25	20
	Yams	30	25	20
	Sweet potatoes	30	25	20

Cabbages	30	25	20
Cassava	30	25	20
Potatoes	30	25	20
Green maize	40	25	20
Arrowroots	30	25	20
Fruits per bag			
Oranges	30	25	20
Pawpaw	30	25	20
Passion	30	25	20
Pineapple	30	25	20
Water melon	30	25	20
Citrus	30	25	20
Tomatoes	30	25	20
Yams	30	25	20
Sweet potatoes	30	25	20
Horticultural (Misanzi)	30	25	20
Pawpaw	30	25	20
Bananas (sweet)	30	25	20
Water melon	30	25	20
Mangoes	30	25	20
Onions	30	25	20
Big net	40	30	25
Small net	30	25	20
10 sugar canes	30	20	5
10 Cassava	30	25	20
fruits packers per day			
Sisal strings	30	25	10
20 ropes	30	25	20
Miatine	30	25	20
Polythene bags	30	25	20
Ngone	30	5	5
Chondo (traditional basket)	30	20	20
Mat	30	20	20
Pot	30	20	20
Tray of eggs	20	10	10
Chicken	20	10	10
fish monger hawking per day	20	20	20
fish traders using pick ups per day	200	200	200
Tin of spices	20	15	10
Seedlings	20	10	5
Tin of ghee	20	10	10
Tin of sour milk (Kikuyu)	30	20	20
1-5kg of jigger sugar (ngulu)	30	25	20
Hides per piece	30	30	30
Skin per piece	30	20	15
Snuff ¼ tin	30	20	20
Bag of charcoal	30	30	30
Banana per bunch	30	10	10
Vegetable seller outside market paid daily	30	10	5
Bicycle repairs per day	30	30	20
Shoe shiners per day	30	30	20
Hardware (mali) per day	30	25	20
Shoe seller per day	30	20	20
New and second hand clothes per day	30	20	15

Seller using vehicle			
½ ton	170	150	150
1 ton	250	200	200
2 ton	275	250	250
4 ton	350	300	300
Over 4 ton	550	500	500
Cabbages		-	
½ ton	250	250	250
1 ton	300	300	300
2 ton	350	350	350
4 ton	400	400	400
Over 4 ton	500	500	500
Stock fees per head			
Cattle, donkey, camel	80	80	80
Goats, sheep, pigs	30	30	30
Livestock brokers per year	1,750	1,750	1,750
Livestock trader other than brokers per year	3,500	3,500	3,500
Movement permit per head			
Cattle, donkey, camel	100	100	100
Goats, sheep, pigs	50	50	50
Camel	200	200	200
chicken	20	20	20
Farm produce inspection fees per bag			
Beans	30	20	20
Mangoes	30	30	30
Ndengu	30	30	30
Oranges	40	30	30
Njugu	30	30	20
Pawpaw	40	30	30
Black beans (njahi)	30	30	30
Water melons	40	30	30
Cabbages	30	20	20
Cassava	30	25	20
Arrowroots	30	30	20
Pumpkins	30	30	20
Green vegetables	30	30	20
Charcoal	30	20	20
Maize (dry)	30	25	20
Maize (green)	30	25	20
Onions (leafy)	30	25	20
Potatoes	30	25	20
Carrots	30	25	20
VII RENTAL HOUSES*			
Application for rental house	250	-	-
Member of staff			
i) 1 bedroom (Ngei estate)	2,000	-	-
ii) 1 bedroom (St. Mary estate)	2,000	-	-
iii) 1 bedroom (Ngei estate)	2,000	-	-
Non-Staff (Ngei estate)			
iv) Snr Staff houses	4,000	-	-
v) Makadara - With Kitchen	2,000	-	-
vi) Makadara- without Kitchen	1,100	-	-
vii) Mavoko NHC	-	-	-
1 bedroom	3,000	-	-

	2 bedroom	4,000	-	-
	viii)Semi-permanent	-	1,000	-
	ix)St. Mary's	-	-	-
	1 bedroom	-	1,500	-
	2 bedroom	-	3,000	-
	3 bedroom	-	5,000	-
	x) stall rent	-	1,000	-
	application for market stall	-	1,000	-
	Bus park per month	1,500	-	-
	Ngei complex stalls p/month	1,500	-	-
	New market per month	1,100	-	-
	Council stalls(Main market)p/m			
	New Ukwala per month	1,500	-	-
	Old Ukwala per month	1,500	-	-
	Old market stalls p.a	500	-	-
	Small	2,000	-	-
	Medium	3,000	-	-
	Large	4,700	-	-
	Mitumba stalls p/m			
	Zone A	-	-	-
	Small	-	-	-
	Medium	190	-	-
	Large	210	-	-
	Zone B	250	-	-
	Zone C	315	-	-
	Zone D	420	-	-
	Small	-	-	-
	Medium	190	-	-
	Large	210	-	-
	Mitumba security fee p/m	250	-	-
	xi)Kiosk rent			
	Table kiosk rent p/m	60	60	60
	Kiosk rent CBD p/m	120	120	120
	Kiosk rent extended p/m	60	60	60
	Penalty after 10 th of any successive month	4.5% of rent	4.5% of rent	4.5% of rent
	Stall/kiosk Transfer	6,500	6,500	6,500
VII	PARKS AND OPEN SPACES			
I	i)Traditional Dance/Meeting per day	3,000	3,000	3,000
	ii)Political rally per day	5,000	5,000	5,000
	iii)Religious meeting per day	3,000	3,000	3,000
	Hire stadium per day	20000	20000	20000
	local matches	20% of gross gate collection per match	20% of gross gate collection per match	20% of gross gate collection per match
	Super league	4,000	4,000	4,000
	Utility charge	2,000	2,000	2,000
	Sports practice by private team	800	800	800
	Political rallies	3,500	3,500	3,500
IX	DESIGNATED PARKING			

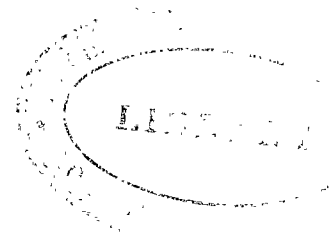
i)Saloon			
per day	50	50	50
per Month	1,000	1,000	1,000
per year	6,000	6,000	6,000
ii)Pick-up	50	50	50
iii)Lorry	100	70	70
iv)trailer	500	500	500
v)Taxi			
per day	50	40	40
per week	200	200	200
per month	1,000	800	800
per 4 months	3,000	3,000	3,000
per 6 months	4,500	4,500	4,500
per year	9,500	9,500	9,500
v)TukTuk/Maruti per day	50	50	50
vi) TukTuk/Maruti per month	1,000	1,000	1,000
vii)Registration for TukTuk/Maruti/Motorcycle per year	1,250	1,250	1,250
viii) Matatu per day (Mlolongo)	150	150	150
Clumping fee per vehicle	500	500	500
Motor cycle taxis per month	300	300	300
Clumping fee per motor cycle	200	200	200
Commercial Vehicle parking per night or per day	500	500	500
Charges for obstruction			
i)Nissan	3,000	2,120	2,120
ii)Mini-bus	4,000	3,170	3,170
iii)Maruti	1,920	1,920	1,920
iv)Motorbike	1,200	770	770
Reserved parking per year	10,000	10,000	1,000
Obstruction including failure to remove the car from the accident			
Commercial vehicle-lorries buses	25,000	25,000	25,000
Other Vehicles (Non Commercial)	10,000	10,000	10,000
Towing charges	Market rates	Market rates	Market rates
X BUILDING PLANS		-	
Application fee	1,000	1,000	1,000
Building inspection fee	2,000	2,000	2,000
Transfer (lease hold)	6,000	5,000	5,000
Plot transfer	8,000	6,000	5,000
Application for Extension of lease	2,000	2,000	2,000
Change of user	10,000	10,000	8,000
Extension for change of user	2,000	2,000	2,000
Extension of lease/User	10,000	9,000	8,000
Sub lease per unit per lease	3,000	3,000	3,000
Change of density of a building/land(per property/land)	4,000	4,000	4,000
Closure of a street per street	10,000	10,000	10,000
Sub-division	5,000	4,000	3,000
Perimeter fencing	3,000	1,800	1,800
Hording of scrap metal p.a	5,000	5,000	5,000
Placement of unbranded kiosk/containers p.a	2,000	2,000	2,000
Placement of branded kiosk/containers p.a	3,000	3,000	3,000
Drilling of borehole per site	20,000	20,000	20,000
Erection of communication mast per site p.a	200,000	200,000	200,000
Amalgamation of plots	5,000	5,000	5,000

Development of agricultural structures (per sq metre)	20	20	20
Approval of Building plan per plan			
i)per sq foot	25	25	25
ii)up to 500ft ²	1,000	1,000	1,000
iii)505 to 2000ft ²	2,000	-	-
iv)2001 to 4000ft ²	8,500	6,000	5,000
v)4001 to 5000ft ²	9,000	7,000	6,000
vi)for every additional 1000ft ²	9,000	7,500	7,000
Approval of plan per M²	300	-	-
Institutional	25	20	20
Commercial	20	20	20
Residential	25	30	30
Industry	75	50	50
0 - 500M ²	45	-	-
501 - 5000M ²		-	-
5000M ² and above	100	-	-
Structural drawing approval			
0- 45m ²	1,500	1,500	sh 10 per sq ft
46m ² -96m ²	1,800	1,800	-
96m ² -140m ²	2,000	2,000	-
146m ² -240m ²	2,500	2,500	-
240m ² -294m ²	3,000	3,000	-
294m ² -350m ²	4,000	4,000	-
350m ² -400m ²	5,000	5,000	-
400m ² -465m ²	6,000	6,000	-
465m ² -530m ²	7,000	7,000	-
530m ² -595m ²	8,000	8,000	-
595m ² -660m ²	9,000	9,000	-
660m ² -725m ²	10,000	10,000	-
725m ² -790m ²	11,000	11,000	-
790m ² -855m ²	12,000	12,000	-
855m ² -930m ²	13,000	13,000	-
For every additional 93m ²	630	630	-
Beacon search per beacon	2,000	2,000	2,000
Updating of building plan	50% of approval fee	50% of approval fee	50% of approval fee
Alterations/renovations of plans & building	1,000	1,000	1,000
Commercial	2,000	2,000	2,000
Residential	3,500	3,500	3,500
Extended markets/areas	2,000	2,000	2,000
Building inspection	1,000	2,000	2,000
Charges/Mortgage	3,500	3,500	3,500
certificate of occupation	5,000	5,000	5,000
Supervision fee	2,000	2,000	2,000
Plan submission fee	2,500	2,500	2,500
Boundaries inspection	2,000	2,000	2,000
Hording fee	4,000	4,000	4,000
Structural plan approval fee	3,000	3,000	3,000
Occupational certificate	6,000	6,000	6,000
Way leave	10,000	10,000	2,000
Plot Registration fees	10,000	10,000	10,000
Boundary wall			

	Below 2m	3,000	3,000	3,000
	Above 2m	5,000	5,000	5,000
	Search fee	2,500	2,500	2,500
	Regularization of development per application	100,000	100,000	100,000
	Clearance certificate	4,000	4,000	4,000
	Road cutting			
	Gravel per metre	4,000 or cost of refilling whichever is higher	4,000 or cost of refilling whichever is higher	4,000 or cost of refilling whichever is higher
	Earth road per metre			
		2,500 or cost of refilling whichever is higher	2,500 or cost of refilling whichever is higher	2,500 or cost of refilling whichever is higher
	Other areas			
	Micro tunneling	6,000 or the assessed reinstatement costs	6,000 or the assessed reinstatement costs	6,000 or the assessed reinstatement costs
	Bitumen road per metre			
XI	PARKING PLACES AND OMNIBUS			
	i) Mini-bus 15-42 Seater per trip	150	150	150
	ii) Mini-bus 15-42 Seater per day	300	300	300
	iv) Omnibus 14 seater per day	150	150	100
	v) Bus – over 40 passengers per day	450	450	450
	vi) Towing fee per vehicle	5,000	5,000	3,000
	vi) Registration fee	1,250	1,000	1,000
XII	LICENCING OF PREMISES AND TRADE			
	i) Application fee for business permit	600	500	200
XII	PRIVATE SCHOOL			
I	i) Application for registration fee	1,000	1,000	1,000
IX	ADVERTISING			
	Application fee	1,000	1,000	500
	Site inspection per site	2,000	2,000	1,000
	Advertising on billboard p.a			
	Up to 3sq metres	10,000	10,000	10,000
	Between 3 – 5sq metres	20,000	20,000	20,000
	Additional charges per sq m	4,000	4,000	4,000
	Directional signs			
	Up to 3sq metres	7,500	7,500	7,500
	Between 3 – 5sq metres	10,000	10,000	10,000
	Additional charges per sq m	1,000	1,000	1,000
	Wall branding			
	Up to 3sq metres	8,500	8,500	8,500

Between 3 – 5sq metres	15,000	15,000	15,000
Additional charges per sq m	2,000	2,000	2,000
Posters per poster (Min 1,000)			
A5	20	20	20
A4	20	20	20
A3	20	10	10
A2	20	15	15
Erection of Non commercial Banner per day	1,000	1,000	1,000
Promotional tent per day	2,000	2,000	2,000
Illuminated signboard			
Up to 2sq metres	7,000	7,000	7,000
Between 2 – 4sq metres	12,000	12,000	12,000
Additional charges per sqm	5,000	5,000	5,000
Non commercial advertising of corresponding items	50%	50%	50%
Branded vehicle during promotion			
i) Small vehicle including van per day	500	500	500
ii) Big vehicles including trailers per day	1,000	1,000	1,000
Illuminated signboards			
Up to 2sq metres	7,000	7,000	7,000
Between 2 – 4sq metres	12,000	12,000	12,000
Additional charges per sq m	5,000	5,000	5,000
Non-illuminated device/signboard			
2'x4'	500	500	500
4'x4'	1,000	1,000	1,000
4'x8'	1,500	1,500	1,500
Bill-board upto 4'x4'	15,000	15,000	15,000
Over 5'x5'	18,000	18,000	18,000
Illuminated Device/signboard			
2'x4'	1,000	1,000	1,000
4'x4'	1,500	1,500	1,500
4'x6'	2,000	2,000	2,000
Bill-board upto 4'x4'	18,000	18,000	18,000
Over 5'x5'	20,000	20,000	20,000
Clock advertisement single sided per year	10,000	10,000	10,000
Application for clock advertisement	1,500	1,500	1,500
Sales promotions per day (Van fitted with PAS system)	4,000	4,000	4,000
Expeditions/processions			
(Motorcade involving up to 4 vans)	4,500	4,500	4,500
Big procession/expedition for advertisements (Motorcade involving more than 4 vans and or trucks)	7,000	7,000	7,000
Charity fete shows per day	2,000	2,000	2,000
Commercial fete or public shows per day	5,000	5,000	5,000
Door to door promotions per person	200	200	200
Events sequence/ information Boards/ Public information.(p.a) per day	10,000	10,000	10,000
Raffle sales (per day or part)	1,000	1,000	1,000
Malicious Damage of streetlights per pole	200,000	200,000	200,000
Commercial banner advertisement per day	1,500	1,000	1,000
Road show per day	4,000	4,000	4,000
Musician/Disco player per day/night	2,000	2,000	2,000
Advertisement charges per m² per month			
Bill board / Wall wraps	250	250	250
Neon light	250	250	250
Sky signs	250	250	250

	Hand bills (fliers)	16 per piece	10 per piece	10 per piece
	Branded vehicles p.a	6,000	6,000	6,000
	Business names p.a	5,000	5,000	5,000
	Canvas (branded)	200	200	200
	Petrol station branding	2,000	2,000	2,000
	Screens	1,000	1,000	1,000
	Loud speakers per day	500	500	500
	Assemblies	1,000	1,000	1,000
	Vehicle mounted bills	1,000	1,000	1,000
	Branded masts	1,000	1,000	1,000
	Branded bus shelters	250	250	250
	Dummy product adverts	250	250	250
	Product exhibition per day	1,000	1,000	1,000
	Umbrella (Branded)	300	300	300
		-	-	-
	Umbrella-like shade (branded) per day	500	500	500
	Branded tents per day	2,000	2,000	2,000
	Branded personal outwear Per day per person	100	100	100
	Branded canvas	500	500	500
X	DRAINAGE AND SEWERAGE			
	Road works and storm water drainage			
	100-200m	2,500	2,500	2,500
	201-300m	3,750	3,750	3,750
	301-400m	5,100	5,100	5,100
	401-500m	6,400	6,400	6,400
	501-700m	7,600	7,600	7,600
	701-1000m	8,900	8,900	8,900
	1001-1500m	12,600	12,600	12,600
	1501-2000m	23,000	23,000	23,000
	2001-3000m	30,000	30,000	30,000
	3001-5000m	41,000	41,000	41,000
	For every extra metre	300	300	300
XI	TAXI-CAB			
	Registration per year	1,500	1,250	1,000
	Parking Fee	50	50	50
XII	BUSINESS PERMIT			
	Application for permit	500	200	200
	Single Business Permit	Per Approved SBP Schedule	Per Approved SBP Schedule	Per Approved SBP Schedule
	Interest rate per month	3% of SBP	3% of SBP	3% of SBP
	Transfer of business permit from one premise to another	1,000	500	250
XII	QUARRYING			
	i) Application for quarry permit	1,000	1,000	1,000
	ii) Quarry extraction per m ³	20	20	20
	Quarry cess			
	a) Semi trailer 3 axle-per trip	1,200	1,200	1,200
	b) Semi trailer 2 axle-per trip	900	900	900
	c) Triple axle-per trip	650	650	650
	d) Double axle-per trip	600	600	600



2013

Machakos County Finance

No. 2

	e) Single axle-per trip	320	320	320
	f) Below 7 tons-per trip	150	150	150
	Murram royalties			
	a) 3 axle-per trip	4,000	4,000	4,000
	b) 2 axle-per trip	2,800	2,800	2,800
	c) 1 axle-per trip	1,800	1,800	1,800
	Quarry on private land	2,100	2,100	2,100
	Quarry on County land	6,300	6,300	6,300
IX	POUNDS			
	i) Pounding fee			
	Lorries	10,000	5,000	4,000
	Buses	4,000	4,000	4,000
	Matatu mini bus	3,000	3,000	3,000
	Nissan /Pick ups	3,000	3,000	3,000
	Car/taxis	3,000	1,500	1,500
	Sales vehicle	3,000	3,000	3,000
	Tractors	3,000	3,000	3,000
	Handcraft/wheelbarrow	200	200	200
	Ox-cart	4,000	400	400
	Trailers	20,000	20,000	20,000
	Bicycles	500	200	200
	Motor cycle	1,000	800	800
	Other equipment	250	100	100
	Building items per item	500	250	250
	ii) Release form fee	120	120	120
XX	SLAUGHTER HOUSES			
	Main slaughter house			
	Per cattle	400	200	200
	Per goat/sheep	100	50	50
	Per bird/chicken	10	20	20
	Per pig	300	50	50
	Hides cess per hide	40	30	30
	Skin cess per skin	20	15	15
	Slaughter slabs			
	Per cattle	320	320	320
	Per goat/sheep	100	100	100
	Per bird/chicken	10	10	10
	Per pig	300	300	300
	Hides cess per hide	40	40	40
	Skin cess per skin	20	20	20
	Hides and skins			
	1 ton	1,000	1,000	1,000
	2 ton	1,500	1,500	1,500
	4 ton	2,000	2,000	2,000
	Lorry 7 ton	4,000	4,000	4,000
	Over 7 ton per ton	6,000	6,000	6,000
XX II	REFUSE RECEPTACLE AND COLLECTION			
	Conservancy fee	700	700	700
	Conservancy fee extended markets	500	500	500
	Private dump site per ton per trip	50	50	50
XX III	RESTAURANT, EATING HOUSE AND SNACK BAR	Per Approved SBP	Per Approved SBP	Per Approved SBP

	Schedule	Schedule	Schedule
HIRE			
Hire of social hall per hour	1,000	1,000	1,000
Hire of seats per seat per day	20	20	20
Hire of tables per table per day	100	100	100
Hire of chamber	6,000	4,500	4,500
Hire of social with tent and PA system per day	5,000	5,000	5,000
Hire of portable decorated dias (platform)	3,000	3,000	3,000
Hire of PA system per day	2,500	2,500	2,500
Hire of grader			
per hour wet rate	15,000	15,000	15,000
per hour dry rate	8,000	8,000	8,000
Hire of roller			
per hour wet rate	5,000	5,000	5,000
per hour dry rate	3,000	3,000	3,000
Landscaping fee	10,000	10,000	10,000
CEMETERY			
Burial (permanent grave)			
<i>citizen</i>			
Child	15,000	15,000	15,000
Adult	20,000	20,000	20,000
<i>Non citizen</i>			
Child	30,000	30,000	30,000
Adult	40,000	40,000	40,000
Burial (ordinary grave)			
<i>citizen</i>			
Child	4,000	200	200
Adult	8,000	300	300
<i>Non citizen</i>			
Child	8,000	8,000	8,000
Adult	15,000	15,000	15,000
Cremations			
<i>citizen</i>			
Child	20,000	20,000	20,000
Adult	30,000	30,000	30,000
<i>Non citizen</i>			
Child	40,000	40,000	40,000
Adult	50,000	50,000	50,000
Exhumation			
One officer	2,000	2,000	2,000
Grave digger	1,000	1,000	1,000
XX IV Miscellaneous Fees and Charges			
Littering from moving vehicles (To be charged to the driver of the vehicle)	1,500	1,500	1,500
Littering with cigarette butts	200	200	200
Littering in general	250	250	250
Urinating in the open market or undesignated areas	500	500	500
Failure to clear and clean 10 meters of shop frontage	5,000	5,000	5,000
Dumping on County designated area (per tonne)	100	100	100
Dumping on County non - designated area (per tonne)	10,000	10,000	10,000
Air Pollution (smoking from vehicles)	10,000	10,000	10,000

2013

Machakos County Finance

No. 2

	not more than Kshs 10,000	not more than Kshs. 10,000	not more than Kshs. 10,000
Pollution by noise			
Water, river pollution or dumping of liquid wastes	200,000	200,000	200,000
Disposing of liquid waste on non-designated areas	10,000	10,000	10,000
Releaving in public (public urination)	500	500	500
Miraa transporters using vehicles per trip	10,000	10,000	10,000
Miraa seller in plastic containers (karai, plastic bags) per day	200	200	200

