

SPECIAL ISSUE

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**MERU COUNTY BILLS, 2020**

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NAIROBI, 26th May, 2020

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**THE MERU COUNTY PUBLIC TRANSPORT AND TRAFFIC  
MANAGEMENT BILL, 2020****A Bill for**

**AN ACT of the County Assembly of Meru to establish and provide for matters relating county roads, street lighting, traffic and parking, public road transport, and creation and competencies of public road transport and management, and county traffic marshals**

**PART I—PRELIMINARY**

**ENACTED** by the County Assembly of Meru, as follows—

**Short title**

1. This Act may be cited as the Meru County Public Transport and Traffic Management Act, 2020 and shall into force upon publication in the Gazette.

**Interpretation**

2. In this Act—

“authorized person” means any person responsible for carrying out any duty or function or delegated to carry out any duty or function in terms of this Act and includes a traffic marshal, traffic conductor, revenue collector and any other authorized person authorized under any other law;

“Board” means the Meru County Revenue Board established under section 4 of the Meru County Revenue Board Act, 2014;

“County” means Meru County;

“County executive member” means the county committee executive member in charge of Transport;

“County Roads” means all other roads except those marked as National Roads in the First Schedule of the Kenya Roads Act, 2007;

“Directorate” means the Directorate of Transport established under section 5 of this Act;

“hazardous materials” means a substance or material in a quantity and form which may pose unreasonable risk to health and safety or properly when transported in commerce by all modes;

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

“motor vehicle” includes a vehicle, motor cycle, machine, bus, tractor, truck trailer or semi-trailer, propelled or drawn by mechanical power and used upon public roads in the transportation of property or passengers, but does not include any locomotive or car operated exclusively on a rail, rails or track;

“owner” when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;

“permit” means operating authority issued under this Act;

“person” includes an individual, firm, partnership, association or corporation;

“ranking facility” includes—

- (a) a place upon a public road from which a public transport service may ply for hire or convey and drop off-passengers; and
- (b) any place demarcated or designated for the exclusive parking of specific public transport vehicles by a road traffic sign.

“vehicle” means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw bar to a breakdown vehicle and is used as part of the towing equipment of, a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

“trailer” means any vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motor cycle.

### **Object and Purpose**

3. The objects and purpose of this Act is to provide for all matters necessary to—

- (a) provide for adequate, safe and efficient county transport facilities and services at a reasonable cost to the people;
- (b) facilitate the management, planning and development of county transport facilities and transport infrastructure;
- (c) give effect to, and effect a balanced transport policy and planning.

**Application**

4. (1) This Act applies to County Roads and County Transport, infrastructure and services.

**PART II—ADMINISTRATION**

**Establishment of the Directorate of Transport**

5. (1) There is established in the County the Directorate of Transport which shall be an office within the relevant Department in charge of transport in the County.

(2) The Directorate of Transport shall be headed by the County Director of Transport, who shall be appointed by the county public service board on such terms as the board may deem fit.

**Organization of the Directorate; officers and employees**

6. (1) The relevant county department in charge of transport may, in consultation with the County Public Service Board from time to time, create, abolish, transfer and consolidate divisions, and other units within the directorate not expressly established by law as may be necessary for the efficient operation of the department.

(2) Each of the Directorate's officers and employees shall be person(s) qualified by training and experience for the performance of the duties assigned to them.

**Powers and functions of the Directorate**

7. The directorate, by or through the director or duly authorized officers or employees, shall have the following general powers, functions and responsibilities—

- (a) co-ordinate and develop a comprehensive and balanced transport policy and planning for the county;
- (b) co-ordinate and assist in the balanced development and operation of transport facilities and services in the county;
- (c) advise the county government on county road and transport policies with regard to road transport safety and management;
- (d) conduct research and audits on county road safety;
- (e) prepare and submit to the county executive committee member in charge of transport, such reports as envisioned in (d) above;
- (f) advise on matters affecting the road transport system within the county;



- (g) prepare plans, specifications, designs and estimates for the construction of county roads, parking facilities, bridges and related infrastructure;
- (h) operate and maintain county roads, parking facilities, bridges and related infrastructure;
- (i) implement collaborative linkages with national government institutions and transport departments of neighbouring counties to ensure a coordinated implementation and master planning of the transport sector;
- (j) partner and collaborate with officials of the state department and national government institutions having duties and responsibilities concerning transport;
- (k) promote safety in all forms of county public transport including, the transportation of hazardous material;
- (l) exercise all functions, powers and duties relating to traffic regulation and control as set forth in this Act;
- (m) keep accounts, record personnel data, and compile statistics; and
- (n) perform such other functions as may be assigned to it by this Act, or any other law.

**Standard of service by the directorate**

8. In the exercise of the powers and the performance of its functions the directorate shall—

- (a) be bound in its respective activities by the provisions of the Constitution, relevant national laws, policies and the provisions of this Act;
- (b) demonstrate commitment, technical, infrastructural and administrative competence in carrying out its mandate;
- (c) adopt the principle of quality service and formulate relevant scheme of training for all categories of staff to uphold that principle;
- (d) be non-partisan and non-political in orientation and operations;
- (e) adhere to any performance targets that the county executive committee member may set from time to time in the discharge of his/her mandate; and
- (f) apply and promote such other positive values as the county executive committee member may, by regulations, prescribe.

**Conditions for Issuance of Permits**

9. (1) The following conditions shall be met by individuals or SACCOs applying to operate within county roads—

- (a) the motor vehicle in respect for which the permit is issued is maintained in a fit and serviceable condition.
- (b) the motor vehicle in respect for which the permit is sought has complied to the provisions of this Act and other related laws and regulations.
- (c) for motor vehicles belonging to SACCOs, that they submit a certificate of inspection of SACCOs yards.
- (d) for motor vehicles belonging to a SACCO, that they submit a commitment note indicating that they will abide by all the traffic rules within the county.

**Discretion to refuse to issuance of permits**

10. (1) The Board shall reserve the discretion to grant or decline any application for a permit to operate within county road or grant such a permit on conditions as it may deem fit to impose.

(2) In exercising its discretion in Section 10 (1), the Board shall have regard to the public good as well as the individual interests of those seeking the permits.

**Duration of the Permit**

11. (1) Every permit applied for and granted shall be in force for twelve months from the date of its issue.

(2) The committee may grant a short-term permit for a period not exceeding three months.

(3) Such permits granted under this Act, shall not be transferable whatsoever.

**Power to Revoke a Permit**

12. (1) The Board may revoke or suspend a permit to operate issued under this Act where—

- (a) the public service vehicle or SACCO fails to operate the vehicle with respect to which the permit was issued after period of three months from the date of issue;
- (b) the public service vehicle or SACCO fails to ply within the route in which it is allowed to operate;

- (c) the public service vehicle or SACCO fails to comply with any provision of this Act and other related laws and regulations; and
- (d) a petition to suspend or revoke has been signed by seventy-five per cent of the route users and duly submitted to the committee.

(2) In any case of revocation or suspension of a permit under subsection (1), the Board shall inform the permittee in writing, the reasons for such revocation or suspension.

(3) Where such a revocation or suspension is effected, the public service vehicle or SACCO shall cease to be a permitted public service vehicle or SACCO under this Act.

#### **Appeals Against the Decision of the Board**

13. (1) A person or Persons who—

- (a) being an applicant for the grant of a permit to operate public service vehicle, is aggrieved by the decision of the Board on their application;
- (b) already permitted but is aggrieved by decision of the Board to revoke or suspend its operation permit thereof,

may within time and manner prescribed by the Appeals Committee, appeal against the decision of the Board

#### **Protection from Liability**

14. (1) The directorate in discharging their functions in accordance with this Act and other relevant regulations shall be protected from personal liability when acting in good faith.

(2) The directorate is hereby not relived of the liability to compensate or pay damages to any person for any injury to him or her or property by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially of any works.

#### **Appeals Committee**

15. (1) The county executive committee member in charge of transport shall constitute, an *ad hoc* Committee known as the 'Appeals Committee'.

(2) The constitution of the appeals committee shall include a maximum of seven and a minimum of five persons nominated from the various county government departments including transport, industry, commerce and trade, legal and environment.

(3) The chairperson of the committee shall be a person who is an Advocate of the High Court of Kenya with at least five years' experience in the legal practice.

(4) The quorum of the appeals board shall be constituted by a minimum number of 4 members and the decisions taken shall be deemed to be binding and final.

### **PART III—PUBLIC ROAD TRANSPORT, STREET LIGHTENING AND COUNTY ROADS**

#### **Right of entry**

16. An authorized officer may in enforcing the provisions of this Act, at any reasonable time and without prior notice—

- (a) enter a public transport service facility and inspect the facility; and
- (b) make enquiries from a person connected with such facility.

#### **Operating license**

17. (1) No person shall drive a motor vehicle on a public road—

- (a) except under the authority and in accordance with the conditions of a license issued to him or her in terms of the relevant law; and
- (b) unless he or she keeps such license or documents or any other prescribed authorization with him or her in the motor vehicle.

#### **Preventing engagement of a public transport vehicle**

18. No person shall through use of force, intimidation, threats or by any other means, prevent or try to prevent—

- (a) any person from obtaining or engaging a public transport vehicle; or
- (b) the driver of a public transport vehicle from taking passengers;
- (c) the operation of any public vehicle which is lawfully operated.

#### **Conveying dangerous or offensive articles in public transport vehicles**

19. (1) A person who is in charge of a public transport vehicle shall not knowingly convey a person or thing or allow that person or thing to be conveyed in such vehicle, whether or not the public transport vehicle has been engaged, if that person or thing—

- (a) is not permitted to be conveyed in terms of an existing law; or
- (b) has reasonably been exposed to or contaminated by an infectious or contagious disease.

(2) For purposes of this section a person contemplated by sub-section (1) shall include—

- (a) an escaped convict;
- (b) any person escaping from a quarantined area; and
- (c) any other person as the county executive member may determine.

#### **Boarding and disembarking of a public transport vehicle**

20. (1) No person may board a public transport vehicle until all persons desiring to disembark from such vehicle have done so.

(2) No person may board a public transport vehicle where the number of passengers would be in excess of the total number of passengers which it is authorized to carry.

(3) No person may board or alight or attempt to board or disembark from any public transport vehicle whilst such vehicle is in motion.

(4) While boarding or disembarking priority shall be given to persons with disabilities, elderly persons, pregnant women and any other person with special needs.

#### **Queuing at public transport facilities**

21. (1) The directorate may establish ranking facilities in the county and may further erect or cause to be erected a queue sign or queuing barrier in any suitable form for the purpose of queuing.

(2) All passengers intending to enter any public transport vehicle at an established ranking facility or stopping place must queue from the point at which it is indicated that such public transport vehicle will leave;

(3) Where no queue sign has been erected, passengers waiting to enter a public transport vehicle must form themselves into a queue not exceeding two abreast or in a single file when required to do so by an approved public transport conductor or authorized official of the County.

(4) A passenger may only enter a public transport vehicle when he or she gets to the front of the queue.

(5) Every passenger queuing must comply with all the instructions given by the public transport conductor, authorized officer or authorized official when on duty provided such instructions are in compliance with this Act and other related laws.

#### **Paying of fares**

22. (1) A passenger must pay the determined fare for the journey.

(2) The fare to be paid shall not exceed the amount displayed on the vehicle.

**Rights and obligations of passengers when a public transport becomes defective**

23. (1) If a public transport vehicle becomes defective or, for any reason whatsoever, is unable to proceed, the passengers must disembark such defective vehicle and should the passengers have already paid their fares, they are entitled to a refund to the amount of their fares so paid.

(2) Upon agreement with the driver or owner or operator of the defective public transport vehicle, passengers should be allowed to travel with the next available public transport vehicle for the remainder of the distance in respect of the paid fares, at the cost of the owner of the defective public transport vehicle.

(3) A driver or owner or operator who refuses to refund a passenger, as contemplated in subsection (1), or who refuses to allow a passenger to travel in the manner as contemplated in subsection (2) commits an offence.

(4) Where the vehicle has become defective in an area, the driver shall take reasonable steps to ensure the security of the passengers.

**Actions prohibited on a public transport vehicle**

24. (1) The following actions are prohibited on a public transport vehicle when passengers are on board—

- (a) smoking;
- (b) playing offensive or excessively loud music;
- (c) using obscene or offensive language;
- (d) committing an offensive act;
- (e) interfering with the comfort of any passenger;
- (f) damaging anything and interfering with the equipment of the public transport vehicle in any way;
- (g) forcibly causing the driver to deviate from his route;
- (h) endangering the life of another passenger;
- (i) interfering with the actions of the driver;
- (j) showing or displaying any pornographic material;
- (k) or any other actions prohibited by any other law.

(2) Any person who contravenes sub-section (1) commits an offence and is liable to a fine not exceeding fifty thousand or to a imprisonment for a term not exceeding six months.

**Property left in a public transport vehicle**

25. The driver of a public transport vehicle must carefully examine the vehicle after a trip and if a passenger has left behind any property in the vehicle, the driver must—

- (a) deliver that property to the person who left it behind; or
- (b) if he or she is unable to deliver that property to the person who left it behind, take the property, as soon as possible, to the lost property office of his or her employer or to the nearest police station and de-posit it with the officer on duty and obtain a receipt for it.

**Buses of the same company or SACCO**

26. (1) Only buses of the same company or SACCO shall ply the same route.

(2) Buses of the same company or SACCO plying the same route shall be of the same color and logo.

(3) Operators of the public service vehicle (PSV) must be employees of a SACCO and must be in the prescribed uniform and be with proper identification documents.

(4) Public Service Vehicles or SACCO companies shall have complaints office and the phone number of the company displayed on the vehicles.

(5) Public Service Vehicles and SACCO companies shall have their own yards which shall serve as service and parking areas.

(6) Public Service Vehicles or SACCO companies shall submit their rules and regulations governing their operations and management within the county roads before being permitted to operate in county roads.

(7) The rules and regulations contemplated in sub-section (6) above shall be subject to the approval of the county executive committee member in charge of transport.

(8) Public Service Vehicles or SACCO companies shall be in full control of their fleet of motor vehicles and shall be responsible for their operation and management.

**Use of Motor Cycle Taxis (Boda-Boda)**

27. (1) For motor cycle taxis to be permitted to operate within any county route, the following shall be observed—

- (a) they shall belong to a SACCO of at least one hundred (100) motor cycles;
- (b) each SACCO shall be permitted to operate within one route only;
- (c) every public service motorcycle shall operate with at least a third party insurance cover;
- (d) all riders belonging to a given a SACCO shall wear the same color of reflective jackets with the name of the SACCO of which the rider is a member indelibly printed in letters not less than three and half inches on the back-reflector jackets;
- (e) every public service motorcycle shall carry only one pillion passenger who shall sit astride except persons living with disabilities.

(2) All passengers shall wear a reflective jacket and helmet provided by the rider.

**Obstruction and disruption of traffic**

28. (1) No person may park or allow a public transport vehicle to park in a shopping place designated for specified public transport vehicles.

(2) No public transport vehicle may traverse a pedestrian crossing when stopping to enable passengers to be picked up or dropped off.

(3) No public transport vehicle may park in a demarcated parking place any longer than is required to enable waiting passengers to be picked up or dropped off.

**Crossing by Pedestrians**

29. (1) A Pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than one hundred meters from such pedestrian crossing or intersection.

(2) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.

(3) Where a Traffic-control light signal, which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.



(4) Where no pedestrian signals are operating at an intersection, but such intersection is controlled by a traffic-control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction opposite to that in which he or she is proceeding.

(5) Where a traffic-control light signal, which embodies pedestrian signals, are operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.

(6) No pedestrian may carelessly, negligently or recklessly disregard, or endanger his or her own safety, or the safety of a person or vehicle using a public road.

#### **Use of hooter**

30. No person shall on a public road use the sounding device or hooter of a vehicle except where such use is necessary in order to comply with the provisions of this Act or any other law or on the grounds of safety.

#### **Prohibition on use of communication device while driving**

31. (1) Subject to any other law, no person shall drive a motor vehicle on a public road while holding, using or operating a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specifically adapted or designed to be affixed to the person of the driver as headgear, and is so used.

(2) An authorized officer may, in the public interest and safety of the public, confiscate and impound a hand held communication device.

(3) The authorized officer must, when confiscating any hand held communication device—

- (a) inform the owner of such communication device of the reasons of confiscating and impounding;
- (b) issue a receipt to the owner of such hand held communication device, stating the place at which such device may be claimed; and
- (c) follow all procedures contained in any policy of the County dealing with the confiscation and impoundment of property.

**General penalty on Part III**

32. A person who contravenes a provision of this Part commits an offence and is liable to a fine not exceeding one hundred thousand or to imprisonment to a term of imprisonment not exceeding one year, or to both fine and imprisonment.

**Street lights and Maintenance**

33. (1) The County Government shall install street lights within the County with special attention to the following areas; Major Traffic Routes, High Crime Urban Areas, Town Centers, Pedestrian Crossings, Residential Areas, Foot Bridges and Shopping Centers.

(2) The directorate shall be responsible for the maintenance of streetlights.

**Damage to the Street light**

34. (1) No person shall wilfully, carelessly or negligently cause damage to any streetlight.

(2) Any person who contravenes this section shall, upon conviction be liable to a fine not exceeding one hundred thousand or to imprisonment to a term of imprisonment not exceeding one year, or to both fine and imprisonment.

**PART IV—COUNTY TRAFFIC MARSHALS**

**Establishment and Powers of County Traffic Marshals**

35. (1) There is established the Meru County Traffic Marshals in the county.

(2) The County Traffic Marshals in accordance with this law and other related laws shall have the following powers—

- (a) arrest traffic offenders who have contravened this Act and other related traffic regulations;
- (b) ensure free flow of traffic within the County;
- (c) report any traffic accident to the police department in charge of traffic;
- (d) enforcement of this Act and other traffic rules and regulations; and
- (e) tow any vehicle that is in contravention with the provisions of this Act and other related regulations, at the owner's expense.

County Traffic Marshals to be Unit within the Department responsible for Roads and Transport

36. The Meru County Traffic Marshals shall be a unit within the Department responsible for Roads and Transport, and shall deal with enforcement of the provisions of this Act.

#### **Recruitment of County Traffic Marshals**

37. The County Public Service Board may, on the request of the County Executive Committee Member, competitively recruit and appoint such number of traffic marshals as may be necessary for the enforcement of the provisions of this Act.

### **PART V—PARKING ON COUNTY PUBLIC ROADS**

#### **Parking on Public Road**

38. No person shall park or permit a vehicle to be parked on a public road contrary to a traffic sign or in a manner that impedes the flow of traffic.

#### **Designation of Parking Spaces**

39. The County Executive Committee Member shall—

- (a) designate parking areas and places within the County; and
- (b) determine the number and situation of parking places within the County.

#### **Marking of Parking Spaces**

40. The limits of—

- (a) each parking place; and
- (b) limits of each parking space shall be marked on the road, by line studs or such other indication as the County Executive Committee Member may determine.

#### **No reserved parking**

41. (1) A person shall not put up a signpost or any other sign in a parking space stating that the parking is reserved without prior consent of the County Executive Committee Member and on payment of the prescribed fee.

(2) Any person who contravenes the provisions of this section commits an offence.

**Parking Fees**

42. (1) There is established the parking fees charge applicable to vehicles parked in the designated parking areas as specified in the First Schedule.

(2) There shall be penalties and fees for late and non-payment of parking fees, clamping of motor vehicles, impounding of vehicles, towing or withdrawal of court bonds specified in the Second Schedule.

(3) Subject to the provisions of sub-section (1), the daily parking fee shall be paid once throughout the County.

**Clamping of motor vehicles**

43. (1) Where a vehicle is parked in a designated parking place or space with no prior payment of the required charge, an authorized officer shall clamp the vehicle after which the motor vehicle shall be towed by an enforcement officer or police officer for safe custody.

(2) Where a vehicle has been clamped or removed in pursuance to this section, the owner of such vehicle shall pay, or cause to be paid to the Board the prescribed clamping fee.

(3) Where the owner of a vehicle which has been clamped or removed under this section does not pay the fees and expenses due within a period of sixty days from the day on which the vehicle was removed from a designated area, the County Government may sell or otherwise dispose of such vehicle by public auction.

(4) Notice of the intended auction under subsection (3) 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 Executive Committee Member in removing, storing and disposing the said vehicle.

**Display of parking permit**

44. (1) A driver or other person in charge of a motor vehicle who drives or parks within the limits of a parking place and has paid a parking fee shall display the parking permit in front of the windscreen showing the amount paid and the date and time the vehicle entered the parking place.

(2) A person who does not display the parking permit in accordance with subsection (1) shall be deemed not to have paid required parking fees and provisions of section 43 shall apply to that motor vehicle.

**Free parking**

45. (1) Parking fees shall not be payable whole day on Sunday, Public Holidays and after 2.00 pm on Saturdays.

(2) Save for reservation for official use by Cabinet Secretaries, Permanent Secretaries, Heads of Diplomatic Missions, County Executive Committee Members, County Chief Officers, County Assembly Speaker, Clerk, staff and Members of the County Assembly, and persons with disabilities no place within designated parking areas shall be a free parking area.

**Identification of officers**

46. All revenue officers shall at all material times in the course of their duties, put on a uniform, carry and have in their possession a proper identification badge, issued by and bearing the authority of the County Government.

**Multiple parking**

47. A parking pen-nit issued for a particular vehicle shall not be used for another vehicle other than the one whose registration number appears on a parking permit.

**Transfer of a parking permit**

48. A parking permit shall not be transferred so as to apply to a vehicle other than that the one to which it was originally issued.

**Permit for parking business**

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

(2) A person who contravenes subsection (1) commits an offence.

**Prohibited parking areas**

50. Unless required or permitted by this Act or by a traffic control device, or in compliance with the directions of a traffic officer, or to avoid conflict with other traffic, no person shall stop or park a vehicle—

- (a) at an intersection nearer than ten (10) meters to the projection of the curb line immediately ahead or immediately to the rear;
- (b) within ten (10) meters on the approach to a stop sign or yield signs;
- (c) within five (5) meters of any fire hydrant, or when the hydrant is not located at the curb, within five (5) meters of the point on the edge of the roadway nearest the hydrant;
- (d) within ten (10) meters of the approach to a pedestrian crossing;
- (e) on a sidewalk;

- (f) facing oncoming traffic;
- (g) on any bridge or approach to any bridge;
- (h) in a passenger loading or unloading space posted;
- (i) as such by a traffic control device except when actually taking or discharging passengers;
- (j) on any portion of a public road posted as “No Parking”;
- (k) on any land owned by the county which the county uses or permits to be used as a playground, recreation area, utility lot, or public park, except in such areas designated or posted for parking;
- (l) on any space posted as a fire lane except for emergency vehicles;
- (m) on any space posted for disabled persons parking unless such vehicle is designated as a disabled persons vehicle;
- (n) in a transit zone except a transit vehicle;
- (o) in such a manner so as to obstruct an emergency exit;
- (p) In such a manner so as to obstruct the entrance or exit of a fire hall or ambulance station.

#### **Actions prohibited on parking alleys**

51. (1) The following actions are prohibited—

- (a) damaging or causing to be damaged or removing or attempting to remove the clumper on a clamped vehicle;
- (b) signaling, guiding or directing a driver of a vehicle into or out of a parking place;
- (c) save for an authorized officer, taking payments from drivers or owners of parked vehicles.

(2) Anyone who contravenes this section commits an offence and will be liable to a fine of Kenya Shillings, twenty thousand only.

#### **No Parking’ and Street light maintenance**

52. Notwithstanding any other provision in this Act the Directorate, through any of its authorized officers or employees, is hereby authorized to cause moveable signs to be posted on or near a road to indicate “No Parking”, or “Street Maintenance” and when so posted such signs shall take precedence over all other traffic control devices.

**Towing away of vehicles**

53. Any vehicle parked contrary to this act may be towed away at the owner's expense.

**Parking on alleys**

54. (1) No person shall park a vehicle on any alley unless a traffic control device otherwise permits, except for the following purposes—

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

(2) Notwithstanding Subsection (1) above, no person, while loading or unloading passengers or goods, shall park in such a manner as may obstruct the passage of other vehicles along the alley.

**Parking on private property**

55. No person shall park a vehicle, or permit a vehicle to be parked on private property without the permission or authorization of the owner of the private property or a person having lawful possession or control of the private property.

**Parking on trailers upon public road**

56. No person shall park or permit to be parked, any trailer upon any public road unless the said trailer is attached to a vehicle by which it may be propelled or drawn and when so attached, the trailer shall be deemed part of the vehicle and subject to the provisions pertaining to vehicles.

**Parking on taxi zone**

57. No person shall park or permit to be parked a vehicle that is not a taxicab, in an area posted as a taxi zone.

**Parking a taxi cab within a taxi zone 'Not for hire' sign**

58. (1) The operator of a taxicab, except when answering a call, shall not park the taxicab upon any roadway other than within a taxi zone, unless such taxicab is displaying a "Not for Hire" sign and the operator is out of the taxicab.

(2) Nothing in this part shall be construed as to allow parking contrary to any other provision of this Act.

**Compliance of this Act by taxicabs**

59. Notwithstanding the establishment of a taxi zone on a roadway, the operator of a taxicab stopping or parking in such a zone shall comply with the requirements of this Act.

**Parallel parking**

60. When parking a vehicle on a roadway, a person may only park a vehicle—

- (a) with the sides of the vehicle parallel to the curb or edge of the roadway, and the right wheels of the vehicle not more than five hundred (500) millimeters from the right curb or edge of the roadway; or
- (b) in the case of a one-way highway where parking on either side is permitted, with the sides of the vehicle parallel to the curb or edge of the roadway, the wheels that are the closest to a curb or edge of the road way not more than five hundred (500) millimeters from that curb or edge, and the vehicle facing in the direction of travel authorized for the highway.

**Angle parking where no parking guidelines are visible**

61. When a sign indicates that angle parking is permitted or required, and no parking guidelines are visible on the roadway—

- (a) a person may only park a vehicle with the vehicle's sides at an angle of between thirty (30) and sixty (60) degrees to the curb or edge of the roadway;
- (b) in the case of a vehicle other than a motorcycle, with the nearest wheel not more than five hundred (500) millimeters from the curb or edge of the roadway; or
- (c) in the case of, a motorcycle, with the nearest wheel of the motorcycle not more than five hundred (500) millimeters from the curb or edge of the roadway, and the motorcycle angled adjacent to the lane on which the motorcycle is parked.

**PART VI—SAFE AND ADEQUATE SERVICE, JUST AND REASONABLE CHARGES**

**Safe and adequate service; just and reasonable charges**

62. (1) Every corporation, person, or public service providers performing a transport service in the county shall furnish, with respect thereto, such service and facilities as shall be safe and adequate and in all respects just and reasonable.



(2) All charges made or demanded by any such corporation, person or transport service provider for the transportation of passengers or property or for any service rendered or to be rendered in connection therewith shall be just and reasonable and not more than allowed by law or by order of the county executive in charge of transport and made as authorized by this Act.

(3) Every unjust or unreasonable charge made or demanded for any such service or transportation of passengers or property or in connection therewith or in excess of that allowed by law or by order of the county executive in charge of transport.

(4) All transport service providers have a general duty to deal reasonably with customers and adequately address customer complaints.

#### **Traffic schedule publication**

63. Every county transport service provider shall file with the department in charge of transport and shall print and keep open to public inspection schedules showing the rates, fares and charges for the transportation of passengers and property within the county between each point upon its route and all other points thereon; and between each point upon its route and all points upon every route leased, operated or controlled by it.

#### **Changes in fares and charges**

64. (1) Unless the county executive committee member, in consultation with the Directorate and the board otherwise orders, no change shall be made in any rate, fare or charge, or joint rate, fare or charge, which shall have been filed and published by a county transport service provider in compliance with this Act, except after thirty days' notice to the Directorate.

(2) the county executive committee member, in consultation with the directorate, for good cause shown, may allow changes in rates without requiring the thirty days' notice and publication herein provided for, by duly filing and publishing in such manner as he may direct an order specifying the change so made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedules by the county transport service provider.

### **PART VII—GENERAL PROVISIONS AND TRANSITIONS**

#### **Power to make further regulations**

65. The county executive committee member in consultation with the directorate, may pursuant to this Act, make any further regulations for the

administration of this Act including but not limited to regulations relating to—

- (a) Matatu termini.
- (b) Taxi- cabs.
- (c) Motor cycles.
- (d) bicycles.
- (e) tri-cycles.
- (f) Parking and parking areas.

#### **Amendments to the Schedules**

66. (1) The county executive committee member may by order published in the Gazette amend any of the Schedules to this Act.

(2) Any order made under sub-section (1) shall be laid before the County Assembly without unreasonable delay, and unless a resolution approving the order is passed by the County Assembly within the next twenty one days on which it next sits after the order is so laid, the order shall lapse but without prejudice to anything previously done thereunder.

#### **General Penalty**

67. A person who commits an offence under this Act for which no penalty is provided shall be liable on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or both.

#### **Savings and Transitions**

68. (1) Any person who, before the commencement of this Act was a holder of a valid license or permit provided under this Act shall continue holding such license or permit until its stipulated expiry date.

(2) Any person who prior to the commencement of this Act, was appointed as an authorized officer or recruited into the Directorate, shall be deemed to have been so appointed or recruited in accordance with this Act.

#### **Repeal of laws**

69. This Act repeals—

- (a) all by-laws regulating transport and parking in the county before the coming into effect of this Act;
- (b) Section 8 of the Meru County Finance Act, 2019; and
- (c) The Third Schedule to the Meru County Finance Act, 2019.

## FIRST SCHEDULE

s. 42 (1)

## PROVISIONS RELATING TO PARKING FEES

The following parking fees shall be levied on the services listed in the respective columns at the specified rates for Meru, Maua & Nkubu towns and Other Sub-counties respectively.

S/No.	Item Description	Charges	
		Daily Charges (KSh.)	Monthly Charges (KSh.)
1			
(a)	Motor bikes	20	300
(b)	Tuktuk	50	1,000
(c)	Taxis	50	1,000
(d)	Saloon car	50	1,000
(e)	Matatu Shuttle (7-Seater)	50	1500
(f)	Matatu shuttle (10 – 14-Seater)	100	1800
(g)	Minibus (15-29-seater)	150	2,200
(h)	Buses (30-62-seater)	200	3,900
(i)	School buses	200	2,000
(j)	School minibus	100	1,000
(k)	L/truck (1-6 tons)	150	2,200
(l)	L/truck (7 -9 tons)	200	3,900
(m)	Lorry	250	4,500
(n)	Trailer	300	5,000
(o)	Tractors	150	2,200
(p)	Road construction, plants and machines	300	5,000

## SECOND SCHEDULE

s.42

(2)

**PROVISIONS RELATING TO CLAMPING, TOWING AND  
IMPOUNDING OF MOTOR VEHICLES, AND OTHER RELATED  
PARKING CHARGES**

**Part I: Clamping fee**

The following charges shall be levied on the item listed in the second column at the rate specified in the respective columns.

S/No	Item Description	Other Sub-Counties Charges (KSh.)	Maau/Nkubu Towns Charges (KSh.)	Meru Town Charges (KSh.)
2	Clamping fee			
a)	Motor bike /Tuktuk	300	300	500
b)	Motor vehicle	500	500	1,000

**PART II: MOTOR VEHICLE TOWING CHARGE**

The following charges shall be levied on the services listed in the second column at the rate specified in the last column and shall apply uniformly throughout the Meru County

S/No.	Item Description	Charges (ksh)
3	Vehicle Towing Charges	
(a)	Within Town	5,000
(b)	Outside 5km	10,000
(c)	Beyond	Every Km 1,000

**PART III: IMPOUNDING FEE**

The following charges shall be levied on the items listed in the second column at the rate specified in the respective columns.

S/No.	Item Description	Other Sub-Counties Charges (Ksh)	Maau/Nkubu Towns Charges (Ksh)	Meru Town Charges (Ksh)
4	Impounding Fee			
(a)	Bicycle/wheelbarrow	100	100	200

(b)	Donkey carts (Should operate only from 9.00PM to 7.00AM)	200	200	300
(c)	Motor bikes	500	500	500
(d)	Saloons	3,000	3,000	3,000
(e)	Vans/pick-ups/Matatu	3,000	3,000	3,000
(f)	Mini-trucks/mini buses up to 5 tonnes	3,000	3,000	3,000
(g)	Truck up to 7 tonnes	3,000	3,000	3,000
(h)	Trucks over 7 tonnes	3,000	3,000	3,000
(i)	Tractor	3,000	3,000	3,000
(j)	Storage fee per night on impounded vehicles	3,000	3,000	3,000
(k)	Picking /dropping passenger in non-designated areas	3,000	3,000	3,000
(l)	Arresting charges after issuance of warrant of arrest	3,000	3,000	3,000

**PART IV: OTHER PARKING CHARGES s.41 (1)**

The services specified in the second column shall apply and be charged to Sub Counties as specified in the Third column, whereas the fourth column shall be the charges for other parking charges for Maua and Nkubu Towns and fifth column shall be the charges for Meru Town respectively.

S/NO	Item Description	Other Sub Counties (KSh.)	Maua/ Nkubu Town (KSh.)	Meru Town (KSh.)
5	<b>Other Parking Charges</b>			
a)	Break down- lorry per month	2,000	3,000	5,000
b)	Breakdown-pickup per month	1,000	2,000	3,000
c)	Reserved parking per slot-monthly	4,000	4,000	4,000
d)	Reserved parking per slot-annually	42,000	42,000	42,000

**THIRD SCHEDULE****PROVISIONS RELATING VARIOUS REGISTRATION FEES**

The following charges shall be levied on the item listed in the second column at the rate specified in the respective columns.

S/NO.	Item Description	Other Sub-Counties Charges (KSh.)	Maua/Nkubu Towns Charges (KSh.)	Meru Town Charges (KSh.)
<b>6</b>	<b>Registration</b>			
(a)	Application fee for commercial private car park	5,000	5,000	5,000
(b)	Registration fee for Motor vehicle	500	500	500
(c)	Registration fee for Motor bike	100	200	200
(d)	Registration fee for Tuktuk	100	200	200
(e)	Application fee for reserved Parking per Bay	2,000	2,000	2,000

**FOURTH SCHEDULE****PROVISIONS RELATING TO VARIOUS PENALTIES PAYABLE**

The following charges shall be levied on the items listed in the second column at the rate specified in the respective columns.

S/No.	Item Description	Charges (KSh..)
<b>7</b>	<b>Penalties</b>	
(a)	Late payment of seasonal tickets	25% of The Normal Monthly Fees
(b)	Double Parking	3,000
(c)	Parking in un-designated Areas	10,000
(d)	Damage/tampering of street parking wheel clamp (Per Clamp)	20,000
(e)	Damage/tampering of Spikes (Per Spike)	20,000
(f)	Tampering with the official receipt/ticket/permit	15,000

**MEMORANDUM OF OBJECTS AND REASONS**

The principal purpose and objectives of this Bill is to provide for establishment of the county department of transport, county traffic marshals, to provide for matters relating to traffic, parking, county roads, street lighting, public road transport and for connected purposes.

The structure of the Bill is as follows:

**Part I** of the Bill provides for preliminary matters including the short title to the Bill, the interpretation of words and expressions used in the Bill, the objects, purpose and application of the Bill.

**Part II** of the Bill deals with Public road transport and street lighting and county roads, providing for basic issues of road transport generally, rights and obligations of passengers in public transport vehicles, pedestrians, prohibited actions, obstruction, prohibition of use of communication gargets while driving, street lighting, and their maintenance.

**Part III** of the Bill makes provisions for parking and specifically makes provision for parking on public roads, prohibited parking areas, parking on private properly, towing of vehicles, styles of parking, parking for taxis and other vehicles.

**Part IV** of the Bill provides for safe and adequate service, just and reasonable charges and traffic schedules and publication.

**Part V** of the Bill provides for the establishment of the public transport and management board and stipulates its composition, function and powers.

**Part VI** of the Bill contains general provisions and provides power to make Regulations and repeal of the bylaws and provisions relating to parking and parking penalties under the Meru County Finance Act, 2019.

The enactment of this Bill will occasion significant expenditure of public funds which will be provided for in the county budget.

**Statement on Delegated Powers to Legislate**

The Executive Committee member responsible for Transport is empowered to make necessary regulations for the better functioning of various provisions of the Act.

**Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution and Section 21 of the County Governments Act, 2012.**

This Bill is a Money Bill within the meaning of Article 114 of the Constitution of Kenya, 2010 and Section 21 (4) of the County Governments Act, 2012.

Dated the 21st May, 2020

**GERVASE KING'ORI GITUMA,**  
*Chairperson, Sectoral Committee on Transport and Public Works.*

