

SPECIAL ISSUE

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REPUBLIC OF KENYA

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BUNGOMA COUNTY ACTS, 2017

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**THE BUNGOMA COUNTY PARKING MANAGEMENT ACT,
2017**

No. 4 of 2017

Date of Assent: 17th April, 2017

Date of Commencement: See Section 1

AN ACT of the County Assembly of Bungoma to provide for the general management of parking within Bungoma County; to prescribe fees payable for parking within the County and for connected purposes

ENACTED by the County Assembly of Bungoma, as follows—

PART I— PRELIMINARY

1. This Act may be cited as the Bungoma County Parking Management Act, 2017 and shall come into force sixty days from the date of assent

Short title and commencement

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

Interpretation.

“Clamp” means a metallic device used to lock the wheel of a vehicle;

“County” means the Bungoma County;

“County executive committee member” means the county executive committee member for the time being responsible for matters related to parking;

“Inspector” means an officer of the County authorized to control and supervise designated parking places;

“Owner” means the person in whose name a vehicle is registered under Part II of the Traffic Act, and in relation to a vehicle which is subject of hire purchase agreement or hiring agreement, includes the person in possession of the vehicle under that agreement; “parking place” means an area designated as such under section 3 of this Act;

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

“Revenue collector” means an officer of the County authorized in writing by the County to collect parking fees;

“Pavement” means any area that is reserved for pedestrians;

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

“Vehicle” includes any motor vehicle, motor cycle, tractor, trailer or wagon.

“County assembly” means the County Assembly of Bungoma.

3. The object and purpose of this Act is to provide for a legislative framework for regulating parking and management activities and in particular to— Objects and Purpose

- (a) require the licensing of parking activities;
- (b) designate parking stations; and
- (c) provide for the institutional framework for regulating parking stations.

PART II—REQUIREMENTS FOR PARKING AND PARKING PERMITS

4. The county executive committee member responsible for physical planning may, by notice in the Gazette, designate parking places within the County. Designation of parking places

5. The number and situation of parking spaces shall be such as are determined by the county executive committee member Number and situation of parking spaces

6. The limits of each parking place and the space in it shall be marked on the road, by line studs or other indication in such a manner as the County may determine. Marking of parking spaces.

7. No vehicle shall park in a designated parking place for a duration exceeding the one paid for. Duration of parking place payments.

8. 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 prescribed fees. No reserved parking

9. A person shall not park a vehicle in such a manner that the vehicle straddles, or passes over part of one parking space and part of another, or any line, stud or other indication making the limits of a parking space. Manner of parking.

10. (1) A person who parks a vehicle in a designated parking place shall pay the designated parking fees to the revenue collector or at the designated parking fees payment point and shall be issued with a parking ticket in the prescribed form

Parking charges

(2) For purposes of subsection (1) the county executive committee member may designate parking fees payment points within the county

11. (1) Where a vehicle is parked in a designated parking place or space without payment of the prescribed parking fees, or is parked contrary to the provisions of this Act, the vehicle shall be clamped or towed by the enforcement officer to the County's parking yard in a careful and responsible manner.

Clamping and towing of vehicles

(2) Where a vehicle which been clamped or towed pursuant to this section, the owner shall be liable to pay, or cause to be paid, the prescribed fee or charges before a vehicle is either unclamped or released.

(3) The owner of a vehicle who fails to pay the fee or charge due from him or her pursuant to subsection (2) within a period of ninety days from the date the fee or charge is due for payment, the County may, through a written notice to the owner, sell or otherwise dispose of such vehicle by public auction to recover the fee or charge due

(4) Notice of the intended auction pursuant to subsection (3) shall be placed in the print media and the proceeds of such sale or disposal, if any shall be used to recover the cost incurred by the County in clamping, towing, storage and disposing of the vehicle, and the balance thereof shall be given to the registered owner of the sold vehicle.

12. 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 receipt in a manner that is easily and clearly visible, showing the amount paid and the date and time the vehicle entered the parking place

Display of parking receipt.

13. (1) Parking fees shall not be payable—

Free parking.

- (a) On Saturdays, from 12 P.M; and
- (b) On Sundays and Public Holidays

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

14. The revenue collector responsible for the collection of parking fee within the designated parking places shall, at all material times in the course of duty, put on uniform, carry with them a proper identification badge, issued by the county.

Identification of officers.

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

Multiple Parking

16. A parking ticket issued in respect of a particular vehicle shall only be used in respect of the vehicle for which it is issued and shall not be transferable.

Parking ticket not transferable

17. A 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 Parking

18. (1) The owner of any vehicle using a designated parking place within the County for the purpose of dropping or picking up passengers shall pay to the County the prescribed fee, and shall be issued with a receipt by the revenue collector, showing the date and the registration number of the vehicle.

Payment.

(2) The owner or the driver of a vehicle issued with a permit under subsection (1) shall display the said receipt conspicuously on the vehicle so as to show the details thereon.

19. A person who—

- (a) with intent to defraud, interferes with the writings or marks on a parking ticket or permit already issued;
- (b) without authority of the County, uses a parking

Fraudulent misrepresentation.

space for the purpose of advertisement;

- (c) willfully uses the parked vehicle to carry out business on a County designated parking space;
- (d) without the authority of the County, removes or attempts to remove a clamp from a clamped vehicle, commits an offence

20. A person who willfully obstructs, hinders or otherwise interferes with any officer of the County in the execution of his or her duties under this Act commits an offence

Obstruction.

21. (1) Where—

Removal of vehicles.

- (a) a vehicle is left in a designated parking place and the parking charge or unclamping 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 Act to the manner in which the vehicle should be positioned in a parking place are thereby contravened; or
- (c) a vehicle has remained clamped, any person appointed in writing by the county executive committee member may remove such vehicle and keep the same in safe custody, at the owner's risk.

(2) Where a vehicle has been removed pursuant to subsection (1), the owner of such vehicle shall pay, or cause to be paid to the County, impounding charges 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 or she can recover the vehicle

22. (1) No vehicle shall be parked on a pavement, county garden or an area not designated for parking.

Parking on pavements

(2) A vehicle parked on a pavement, county garden or an area not designated for parking shall be towed and the owner shall be liable to pay the towing charges incurred.

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

Parking on a public road.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or both

24. (1) 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, a person shall not stop or park a vehicle—

Prohibited parking areas

- (a) at an intersection nearer than ten metres to the projection of the curb line immediately ahead or immediately to the rear;
- (b) within ten metres on the approach to a stop sign or yield signs;
- (c) within five metres of any fire hydrant, or when the hydrant is not located at the curb, within five metres of the point on the edge of the roadway nearest the hydrant;
- (d) within ten metres 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 designated as such by a traffic control device except when actually taking or discharging passengers;
- (i) on any portion of a public road posted as 'No Parking';
- (j) 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 for parking;
- (k) on any space designated as a fire lane except for emergency vehicles;
- (l) on any space designated for disabled persons parking unless such vehicle is designated as a

disabled person's vehicle;

- (m) in a transit zone except a transit vehicle;
- (n) in such manner as to obstruct an emergency exit;
- (o) in such manner so as to obstruct the entrance or exit of a fire hall or ambulance station.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or both

25. Despite the provisions of this Act, the county executive committee member may cause moveable signs to be displayed on or near a public road to indicate "No Parking" or "Street Maintenance" and when so displayed, such signs shall take precedence over all other traffic control devices.

"No parking" and "street maintenance" signs.

26. (1) A person shall not park a vehicle on any alley unless a traffic control device otherwise permits, except for the following purposes—

Parking on alleys

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

(2) Notwithstanding the provisions of subsection (1), a person shall not, while loading or unloading passengers or goods, park in such manner as may obstruct the passage of other vehicles along the alley.

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

27. A person shall not 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 private property.

28. (1) A person shall not park, or permit to be parked, a trailer on a 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 vehicle.

Parking of trailers on public roads.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months, or both.

29. (1) A person shall not operate a cab or bodaboda business in the County unless such person belongs to a recognized cab, taxi or bodaboda association

Taxi and bodaboda associations.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one month or both.

30. (1) Notwithstanding the establishment of a taxi zone in the County, an operator of a taxicab stopping or parking in such a zone shall comply with the requirements of this Act.

Parking on taxi zone.

(2) A person shall not park or permit to be parked a vehicle that is not a taxicab, in an area designated as a taxi zone.

(3) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three months, or both.

31. (1) When parking a vehicle on a road, a person shall park the vehicle—

Parallel parking

- (a) with the sides of the vehicle parallel to the curb or edge of the road, and the right wheels of the vehicle not more than five hundred millimeters from the right curb or edge of the road;
- (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 road, the

wheels that are the closest to a curb or edge of the road not more than five hundred millimeters from the curb or edge, and the vehicle facing in the direction of travel authorized for the highway.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding three months, or both.

32. When a sign indicates that angle parking is permitted or required and no parking guidelines are visible on a public road—

Angle parking when no parking signs are visible.

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

33. Where a vehicle has been clamped or has been removed pursuant to this Act, the County Government shall not be held responsible for any damage or loss which may occur during the clamping or removal of such vehicle.

Damage or loss.

34. A person who contravenes any of the provisions of this Act commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both, for a first offence and, for a second or subsequent offence, to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or both.

Penalties

35. The county executive committee member may exempt any vehicle or class of vehicles from payment of parking fees or other charges under this Act.

Exemption

36. The fees and charges payable pursuant to the provisions of this Act including any additional fees and charges for the nonpayment or late payment of such fees and charges shall be determined each year by the current Finance Act as specified in the schedule

County Assembly to determine fees and charges

37. County Executive Committee Member may make regulations generally for the better carrying into effect the provisions of this Act with the approval of the County Assembly.

Regulations