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MACHAKOS COUNTY BILLS, 2023

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BILL, 2023**

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PART IV—FIRE AND RESCUE RESPONSE

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**THE MACHAKOS COUNTY FIRE AND RESCUE SERVICES
BILL, 2023**

A Bill for

AN ACT of the County Assembly of Machakos to provide for fire and rescue services, to provide for the establishment of the Fire and Rescue Department and for connected purposes

ENACTED by the County Assembly of Machakos, as follows—

PART I — PRELIMINARY

Short title

1. This Act may be cited as the Machakos County Fire and Rescue Services Act, 2023.

Interpretation

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

“Authorized officer” has the meaning assigned under section 2 of the County Governments Act No. 17 of 2012;

“Chief Officer” means the Chief Officer responsible for matters relating to fire and rescue services;

“County” means the County of Machakos;

“Department” means the Machakos County Fire and Rescue Department;

“Director” means the Director responsible for fire and rescue services appointed under section 5;

“disaster” means a sudden calamitous event or a natural catastrophe that causes great damage, destruction loss of life or great misfortune or failure;

“Executive Committee Member” means the County Executive Committee Member responsible for matters relating to fire and rescue services;

“Fire and rescue services” includes the prevention, fighting and investigation of fires; and

“Firefighting equipment” means any apparatus, vehicle, machine or other objects used by the Department or authorized by it, to deal with fire outbreaks.

Object and purpose

3. The object and purpose of this Act are to provide for—

- (a) the legal and institutional framework for the provision of fire and rescue services;
- (b) the mode of fighting fires;
- (c) the employment of members of the fire brigade;
- (d) awareness creation on the prevention of fire; and
- (e) certification for fire safety compliance.

PART II —MACHAKOS COUNTY FIRE AND RESCUE DEPARTMENT

Machakos County Fire and Rescue Department

4. (1) There is established a department to be known as the Machakos County Fire and Rescue Department.

(2) The functions of the Department are to—

- (a) promote fire safety in the County;
- (b) protect life and property in the event of fire outbreaks;
- (c) advise the County government on modalities of preventing and controlling fires;
- (d) issue fire compliance certificates;
- (e) conduct periodical inspection of premises for fire compliance;
- (f) ensure that the necessary equipment and services for fire and rescue services are available within the Department;
- (g) identify and facilitate means of escape from buildings and other property in the event of fire;
- (h) provide rescue services in case of a disaster;
- (i) ensure the safety of members of the public in the event of a disaster;
- (j) provide rescue services for animals;
- (k) facilitate the training of fire fighters and rescue personnel;
- (l) create awareness among the public on fire safety and disaster preparedness; and
- (m) do such other thing necessary for the discharge of its functions under this Act.

(3) The Director may, in writing, assign any officer to carry out any function under this Act in any area within the County.

(4) In carrying out the duties under this Section, the Director or an assistant shall liaise with officers from other county Departments and the relevant national agencies.

County Director of Fire and Rescue Services

5. (1) There shall be the County Director of Fire and Rescue Services who shall be competitively recruited by the County Public Service Board.

(2) The Director shall be responsible for—

- (a) the management of the day-to-day affairs of the Department;
- (b) ensuring compliance with fire safety standards as prescribed by Regulations;
- (c) the closure of any premises which does not comply with this Act; and
- (d) the issuing of instructions and directives as may be necessary for the enforcement of this Act;

Appointment of officers.

6. (1) For purposes of this Act, the County Public Service Board shall appoint such officers as may be necessary for the provision of fire and rescue services.

(2) The officers appointed under subsection (1) shall include—

- (a) the Director of the Fire and Rescue Department;
- (b) fire fighters;
- (c) Fire Safety Officers;
- (d) inspectors on fire safety compliance; and
- (e) such other officers as may be necessary for the implementation of this Act.

PART III —FIRE SAFETY COMPLIANCE

Fire Compliance Certificate

7. (1) The Director shall issue a fire compliance certificate to the owner or occupier of premises which adhere to the requirements prescribed under this Act.

(2) For purposes of issuing a fire compliance certificate, the Director may inspect any premises to assess its compliance with fire safety requirements and to provide for the installation of firefighting equipment.

Application for fire compliance certificate

8. (1) An applicant for a fire compliance certificate shall make the application in the prescribed form and pay the prescribed fees.

(2) Upon receipt of an application for a fire compliance certificate, the Director may require the applicant—

- (a) to submit such plans of the premises as the Director may specify; and
- (b) to give information concerning the rest of the building if the premises consist part of a building.

(3) If the applicant fails to furnish the required plans within the prescribed time, the application shall be deemed to have been withdrawn.

(4) Where an application for a fire compliance certificate has been duly made, the Director shall inspect the premises in question and issue a fire compliance certificate if satisfied that—

- (a) the means of escape from the premises in case of fire is provided;
- (b) the means of escape in case of fire other than means of fighting fire can be safely and effectively used at all material times; and
- (c) the means of giving warning in case of fire is provided.

(5) Where after inspection on the premises is carried out according to subsection (4), the Director shall issue a notice to the applicant to inform the applicant on the steps to be taken to satisfy the requirements as regards that use.

Contents of a fire compliance certificate

9. (1) A fire compliance certificate shall specify—

- (a) the particular use of the premises with which the certificate relates to;
- (b) the means of escape from the premises in case of fire;
- (c) the means of escape in case of fire other than means of fighting fire can be safely and effectively used at all material times;
- (d) the type, number and location of the means for firefighting whether in the premises or effecting the means of escape provided for use in case of fire by persons in the building; and
- (e) the type, number and location of the means provided for giving warning to persons in the premises in case of fire.

(2) A fire compliance certificate may contain such conditions as the Director considers appropriate—

- (a) for ensuring that the means of escape in case of fire that are provided are properly maintained and kept free from obstruction;
- (b) for ensuring that the persons working in the premises receive the relevant training on fire safety;
- (c) for limiting the number of persons who may be in the premises at any one time; and;
- (d) so as to take other precaution in case of fire.

(3) The conditions imposed under sub-section (2)—

- (a) may apply to the whole or part of the premises;
- (b) may impose different conditions for different parts of the same premises.

(4) The Director shall send the fire compliance certificate issued under this part to the owner or occupier of the premises.

(5) The owner or occupier of premises issued with a fire compliance certificate shall conspicuously display such certificate in the premises during the certificate's validity period.

(6) A fire compliance certificate shall be valid for one year and shall expire on the 31st December every year.

Change of conditions of a fire compliance certificate

10. (1) An occupier of any premises with a valid fire compliance certificate who intends to make changes to the premises shall, before the carrying out of the changes, give notice to the Director:

(2) The changes in subsection (1) may include—

- (a) making material structural alterations to the premises;
- (b) making a material alteration to internal arrangements of the premises or equipment with which the premises are provided; or
- (c) beginning to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the relevant premises.

(3) Upon receipt of the notice under subsection (1), the Director shall inform the occupier of the steps to take in order to ensure fire safety compliance according to the proposed changes to the premises.

(4) If in the opinion of the Director the occupier meets all the requirements regarding the changes under subsection (1), the Director shall issue an amended fire compliance certificate or issue a new one.

Notice on highly flammable substances

11. (1) The Director may issue a notice to the occupier or owner of premises where explosives or highly inflammable materials are kept.

(2) The notice issued in subsection (1) shall specify the premises to which it relates and the particulars of the person to whom the notice applies.

(3) The Director may issue a notice to a person in respect of premises if the person to whom the notice had prior been issued has ceased to occupy the premises.

Appeal on Notice on highly flammable substances

12. (1) A person to whom a notice on flammable substances has been served may, within twenty-one days from the date of service of such notice; appeal to the Director.

(2) A notice issued under this part shall come into force provided that—

(a) no appeal is brought within twenty-one days from the expiration of that time; or

(b) where an appeal so brought is withdrawn or dismissed and is finally determined by the confirmation at the end of twenty-one days from the date of the final determination of the appeal.

Storage of combustible materials

13. (1) A person shall not store, cause or permit to be stored any combustible materials in such a quantity, in such a situation or in such a manner as to cause danger of fire to any building.

(2) Inflammables, explosives, or poisonous substances, gases, or fluids, or celluloid shall be stored or kept only in such quantity and in such situation as may be contained in guidelines issued by the Director.

(3) No quantity of celluloid shall be stored or kept in any premises used in whole or in part for purposes 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 of the Director.

(4) No quantity of inflammable cinema-to-graphic film shall be stored or kept in any premises used in whole or part for purposes 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 Director provided with an outlet gas vent to the open air so placed as to constitute a fire or explosion risk to any other building.

(5) The films in subsection (4) shall be stored in closed metal boxes and shelving shall be of non-combustible material.

(6) The Director may, by notice require any person storing or causing or permitting to be stored any flammable materials to remove them or to take within a period to be fixed in such a notice such reasonable precautions against fire as it may deem necessary.

(7) 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 that person has been issued with a license to do so by the Director.

(8) Calcium Carbide shall not be stored or kept except in a strong hermetically sealed metal containers placed in a position not exposed to moisture.

(9) No quantity of calcium carbide in excess of thirteen kilograms shall be stored or kept except in isolated and well-ventilated building set apart for that purpose in which no artificial light or heat is used and in which no material of a combustible nature is kept or stored.

Fire safety license fees

14. (1) An applicant for a fire compliance license under this Act shall pay such fees as is detailed in the First Schedule or as may be prescribed from time to time.

(2) All licenses shall expire on the 31st day of December next following the date of issue.

(3) A license may only be transferred with the permission of the Director and upon payment of the prescribed fees.

(4) Despite subsection (3), a fire compliance license issued in respect to one premises is not transferable to apply to another premises.

Fire safety Guidelines

15. (1) The Director may issue guidelines concerning—

(a) the provision, maintenance and keeping free from obstructions and means of escape in case of fire in respect of any premises issued with a fire compliance license;

- (b) the provision and maintenance of means of escape that can be safely and effectively used at all material times;
 - (c) the provision and maintenance of means for fighting fires and means of giving warning in case of fire; and
 - (d) the internal construction of the premises and the material to be used in that construction for—
 - (i) prohibiting the keeping of furniture or equipment of a specified description or specifying the standards or conditions for the keeping of the same;
 - (ii) ensuring that persons employed at the premises are given instructions and training on what to do in case of fire; and
 - (iii) ensuring that in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises.
- (2) Guidelines under this section—
- (a) may impose requirements on persons other than occupiers of the premises to which they apply;
 - (b) may make provisions as to the person or persons who shall 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, commits an offence under this section.

Owners' responsibility on fire safety

16. (1) The Director or an Authorized Officer may order the owner of any premises to provide fire safety equipment on their premises.

(2) Any person who is aggrieved by an order given under subsection (1) may appeal to the Director within fourteen days of such order.

(3) The owner of any premises who has been ordered to provide fire safety equipment shall ensure that all such equipment is well maintained and in an efficient working order.

(4) An owner of premises with portable fire extinguishers relying on internal pressure for their operation shall ensure that the initial date of commission of that fire extinguisher is indelibly marked on its body.

(5) An owner of premises with portable fire extinguishers 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.

(6) An owner of premises with fixed firefighting installations, including sprinklers, alarms and detectors shall ensure that such installations are tested regularly to confirm their dedication and efficiency and a certificate of serviceability produced on demand by the Authorized Officer.

Licensing to install service repair of firefighting equipment

17. (1) A person shall not install, service or repair any firefighting equipment or portable fire extinguisher installed in any premises or area wherein such equipment is required under this Part, unless such a person has a license issued under this Act to carry out such works.

(2) A license under subsection (1) may be granted to a person who satisfies an Authorized Officer that such a person has mechanical knowledge to service, repair or install firefighting equipment or portable fire extinguishers and use of the firefighting equipment or portable fire extinguishers specified in the application.

(3) An application for a license under this section shall be made in the prescribed form.

Fire safety Inspection sticker

18. (1) A licensee carrying out any installation, examination, service or license repair of any firefighting equipment or portable fire extinguisher shall affix or cause to be affixed a label inspection sticker label providing following particulars—

- (a) the name of the licensee carrying out such service, repair, examination or installation;
- (b) the occupier's license number;
- (c) the date of such installation, service or repair and the condition of equipment or any portable fire extinguisher; and
- (d) the date of the next service.

(2) If any defect is found in any firefighting equipment or portable fire extinguisher, the licensee shall advise the occupier of the premises thereof in writing and shall cause a copy of such report to be delivered to the Director.

(3) A licensee shall not remove any firefighting equipment or portable fire extinguisher from any premises unless that apparatus has been replaced temporarily by similar serviceable equipment or portable apparatus.

(4) A licensee shall not close down any fixed firefighting installation for any purpose on any premises without first obtaining written authority from the Director.

(5) A person shall not install in any premises 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 equipment.

(6) A person shall issue a certificate of efficiency in respect of any firefighting equipment or portable fire extinguisher only when in possession of a current license granted under this Act.

(7) Portable fire extinguishers installed in any premises shall be serviced on a quarterly basis and whenever they have been used and a certificate of service-ability obtained.

Fire signals

19. (1) The Director 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.

(2) The Director may at any time, repair, remove or alter or cause to be repaired, removed or altered any appliance, board or metal plate erected or affixed in accordance with subsection (1).

(3) Any person who, without authority tampers with, damages, destroys or removes any appliance, board, metal plate, or any notice or other apparatus of any fire alarm apparatus, commits an offence.

PART IV — FIRE AND RESCUE RESPONSE

Response to fire emergencies

20. (1) Where there is an outbreak of fire, the Director may deploy such number of fire fighters as may be necessary to attend to such fire.

(2) The fire fighters deployed to attend to a fire may be equipped with such appliances as the Director may deem fit.

(3) The fire brigade whilst proceeding to a fire on any firefighting machine, vehicle or appliances shall have an overriding right of way over all classes of traffic in any street or public place.

(4) All drivers of vehicles shall in relation to sub-section (3), afford immediately passage to such firefighting machine, vehicle or appliances by drawing into the side of the street and remaining stationery until such firefighting machine or appliances have passed.

(5) Any person who deliberately causes an obstruction to a fire brigade vehicle proceeding to a fire emergency commits an offence.

Role of Fire Safety Officer

21. (1) A Fire Safety Officer or an Authorized Officer dispatched to attend to a fire may take the necessary measures to prevent or extinguish a fire outbreak, prevent the spread of fire, protect life or property, and in particular may—

- (a) break into or pull down any premises which is on fire, or in danger of being on fire;
- (b) move or break into any vehicle;
- (c) order for the closure of any road or part of a road;
- (d) stop and regulate traffic; and
- (e) perform such acts as may be necessary for extinguishing or preventing fire in any premises or for protecting them or rescuing persons or salvaging property therein from fire.

(2) An officer of the fire brigade or other Authorized Officer dispatched to attend to a fire may order the temporary closure of any street or public place in or near which a fire has broken out for purposes of containing the fire.

(3) An officer of the fire brigade or other Authorized Officer dispatched to attend to a fire may order any person who may interfere with the operation of the fire brigade to move from such street or other public place.

(4) A person shall not at any fire, break in to or enter any premises for purposes of salvaging property without the authority of the Fire Safety Officer or an Authorized Officer deployed to attend to a fire.

(5) Where the fire brigade is in attendance at any premises which are on fire, no person may break into or enter the premises without the express permission of the Fire Safety Officer or an Authorized Officer present except for purposes of saving a life of any other person.

(6) Any person who violates subsection (5) commits an offence.

Obstructing Fire Safety Officers

22. (1) A person shall not interfere with, drive over or in any way damage the hose of any firefighting 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 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.

(3) Any person who violates this section commits an offence.

PART V—MISCELLANEOUS PROVISIONS

Enforcement on fire safety

23. (1) The Director shall ensure the enforcement of this Act and any Regulations made under it.

(2) The Director, a Fire Safety Officer or any Authorized Officer may do anything necessary for purposes of carrying into effect this Act or Regulations made thereunder, in particular shall have the power to—

(a) enter any such premises to inspect the whole or any part thereof and anything therein;

(b) make such inquiry as may be necessary for any of the purposes stated in sub-section (a);

(c) require the production of, and to inspect, any fire compliance certificate in force with respect to any premises or any copy of any such certificate; and

(d) require any person having responsibilities in relation to any such premises to avail such facilities and assistance with respect to any matters to which the responsibilities of that person extend as are necessary for purposes of enabling the Fire Safety Officer or Authorized Officer to exercise any of the powers conferred under this section.

(3) A Fire Safety Officer or an Authorized Officer shall produce their identification if required to do so by an occupier of premises in relation to the attending of a fire.

(4) A person commits an offence who—

(a) intentionally obstructs any Fire Safety Officer or Authorized Officer in the exercise of performance of their duties under this Act; or

(b) without reasonable excuse fails to comply with any requirements imposed by a Fire Safety Officer or Authorized Officer under this section.

Unlawful disclosure of private information.

24. Any person who unlawfully discloses any personal, private or confidential information obtained in any premises entered in the exercise of powers conferred under this Act commits an offence.

Falsification of fire related documents.

25. A person commits an offence who—

- (a) with intent to deceive, forges a fire compliance certificate or makes or possesses a document so closely resembling a fire compliance certificate as to be calculated to deceive;
- (b) for purposes of processing a fire certificate makes any statement or gives any information which is false; or
- (c) in purported compliance with any obligation to give information under this Act, or in response to any inquiry made by virtue of this Act, knowingly gives false information.

(2) Any person who with the intention to deceive, pretends to be a fire prevention officer, commits 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, that person and the body corporate commits 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 their functions of management as if such a member were a director of the body corporate.

Defense of due diligence

26. In any proceedings for an offence under this Act or under Regulations made there under, it shall be a defense for the accused to provide prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such offence.

Making of open fire and fireworks

27. (1) 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 person, building, animal or other property.

(2) 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 Director.

(3) Any person who violates this section commits an offence.

Collaboration on fire and rescue services.

28. In discharging the duties under this Act, the Director shall collaborate with other County government institutions, the relevant national government institutions and non-state actors.

Training on fire safety

29. The County Government shall establish centers for training on fire and rescue services.

General Penalty

30. Any person who contravenes the provisions of this Act for which no other penalty has been provided, commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year or to both.

Regulations

31. (1) The Executive Committee Member may, with the approval of the County Assembly, make Regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), Regulations under this Act may provide for the—

- (a) procedures required to be undertaken under this Act;
- (b) mode of applying for permits and authorizations by the County Government;
- (c) setting of standards required to be set under this Act;
- (d) fees and charges payable;
- (e) prescribed forms;
- (f) standards for fire safety equipment;
- (g) training on fire safety;
- (h) fire safety requirements;
- (i) directives on fire safety;
- (j) the conduct of Fire Safety Officers and other Authorized Officers in undertaking their duties under this Act;

- (k) mechanisms and procedures for lodging of complaints, their investigation, resolution and enforcement;
- (l) any other matter necessary for the better giving effect to this Act.

For purposes of this Part the following charges are hereby classified as follows—

1. Fees and charges

1.1 Fire charges are 10% of SBP except—

- (i) fire charges for premises dealing with flammable substances who shall be charged 20% of SBP.
- (ii) that fire charges will not be charged on premises in rural and peri-urban areas.
- (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

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 labor 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 extinguisher) Kshs. 600
- (g) Hire of ladder per day or part thereof Kshs. 2,100
- (h) Hire of van or requested inspection Kshs. 2,100
- (i) Inspection of fire extinguisher (Excluding refill per extinguisher) Kshs. 600
- (j) Hire of ladder per day or part thereof Kshs. 2,100

FIRST SCHEDULE**CHARGES FOR FIRE SERVICES****Charge for Fire Services**

For purposes of this Part the following charges are hereby classified as follows—

1. Fees and charges

1.1 Fire charges are 10% of SBP except—

- (i) fire charges for premises dealing with flammable substances who shall be charged 20% of SBP;
- (ii) that fire charges will not be charged on premises in rural and peri – urban areas.

(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

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 labor	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
(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) Firefighting lecture at public institutions within Machakos County two-hour session Kshs.10,000
 - (m) Sale of water with County's water tanker for non-Domestic use Kshs. 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. Fire vehicles**
- (a) Turn out fee Kshs. 1,200
 - (b) For each proceeding hour or part thereof Kshs. 1,000
 - (c) Kilometer covered (per kilometer) Kshs. 50
 - (d) Portable plump turns out fee including transport Kshs. 2,100
 - (e) For each proceeding hour or part there of Kshs. 600
- 2. Fire personnel attendance**
- (a) Chief Fire Safety Officer First hour of attendance Kshs. 1,500
 - (b) Each proceeding hour or part there of Kshs. 1,000
 - (c) Assistant Chief Fire Safety Officer First hour of attendance Kshs. 1,100
 - (d) Each proceeding hour or part there of Kshs. 800
 - (e) Station officer and other ranks First hour of attendance Kshs. 800
 - (f) Each proceeding hour or part there of attendance Kshs. 600

MEMORANDUM OF REASONS AND OBJECTS

The principal object of this Bill is to provide for fire and rescue services, to provide for the establishment of the Fire and Rescue Department and for connected purposes.

The structure of the Bill is as follows:

Part I (clauses 1–3) of the Bill contains preliminary provisions.

Part II (clauses 4-6) of the Bill provides for the Machakos County Fire and Rescue Department. It provides for the creation of the Department, the office of the Director of the Department and the appointment of officers in the department.

Part III (clauses 7-19) of the Bill provides for matters relating fire safety compliance and makes provision for the Fire Compliance Certificate including application, contents, change of conditions, notice of highly flammable substances and appeal on the same, storage of combustible materials, fire safety license fees, fire safety guidelines, owner's responsibility on fire safety, licensing to install, service and repair of firefighting equipment, fire safety inspection sticker and fire signals.

Part IV (clauses 20-22) the Bill makes provision for fire and rescue response including response to fire emergency, role of Fire Safety Officer, and obstructing Fire Safety Officers.

Part V (clauses 23-31) the Bill contains miscellaneous provisions concerning enforcement on fire safety, unlawful disclosure of private information, falsification of fire safety related documents, defense of due diligence, making of open fire and fireworks, collaboration on fire and rescue services, training on fire safety, general penalty and Regulations.

This Bill is a money Bill within the meaning of section 21 of the County Governments Act No. 17 of 2012 as it prescribes the imposition of fees, fines and charges.

RAPHAEL LUCKY NZAU,
Member of the County Assembly.