

SPECIAL ISSUE

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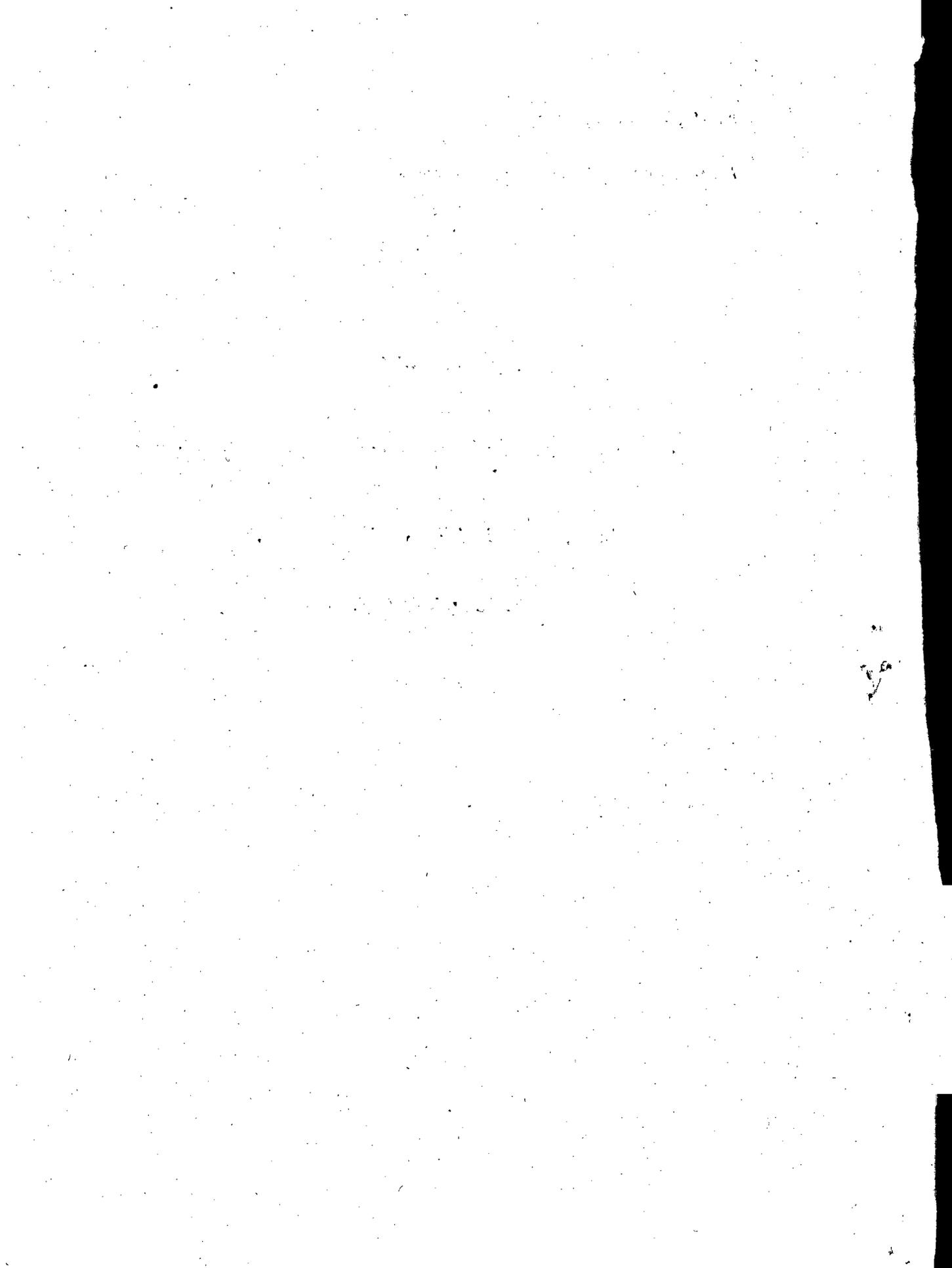
KENYA GAZETTE SUPPLEMENT

MACHAKOS COUNTY ACTS, 2018

NAIROBI, 20th July, 2018

CONTENT

Act—	PAGE
The Machakos County Finance Act, 2018.....	1



THE MACHAKOS COUNTY FINANCE ACT, 2018

No. 3 of 2018

Date of Assent: 10th May, 2018

Date of Commencement: 20th July, 2018

ARRANGEMENT OF SECTIONS

Section

PART I— PRELIMINARY

1. Short title
2. Interpretation

PART II— ADVERTISEMENT

3. Application for advertisement
4. Fees
5. Expiry of permit
6. Cancellation of advertisement
7. Maintenance of advertising device
8. Production of advertisement authority
9. Exceptions
10. Penalties

PART III— PARKS AND OPEN PLACES

11. Opening and closing hours
12. Prohibited entry
13. Entry or exist gates
14. Interferences with notices, signs or boards
15. Entry fees
16. Removal or displacement
17. Riding or driving
18. Livestock grazing
19. Restriction on domestic animals
20. Management of the parks
21. Trading in soft drinks and cakes

22. Fixing of bills, placards or notices
23. Destruction of vegetation
24. Depositing of litter
25. Fire
26. Climbing
27. Interference
28. Riding or parking motor cycles or vehicles
29. Interference
30. Misconduct
31. Offences and penalties

PART IV—TAXI-CABS

32. Permit
33. Application for permit
34. Authorized Officer to issue permit
35. Grounds for refusal to grant permit
36. Transfer of permit
37. Duplicate permit or plate
38. Limitation on the number of taxi-cabs
39. Examination
40. Tariff card
41. Display of permit plate
42. Taxi card
43. Identification
44. Conduct of taxi-cab drivers
45. Use of taxi meters
46. Importuning for hire
47. Use of taxi ranks
48. Additional passenger
49. Demand of taxi fares by the operator
50. Prohibition against demanding

51. Position of taxi ranks
52. Unlicensed vehicles
53. Unlicensed drivers
54. Presumption
55. Penalties

PART V—DEVELOPMENT CONTROL

56. Class “B” development
57. Class “A” development
58. Exemptions
59. Grant of permission
60. Applications
61. Supplemental plans
62. Retention of plans
63. Restriction on developments
64. Payment of fees
65. Compliance with requirements
66. Approval of building plans
67. Disapproval
68. Minor alterations and additions
69. Nullification of approval
70. Notification
71. Access to building plans
72. Survey beacons
73. Inspection of foundation bed of buildings
74. Qualification of approval
75. Certificate of completion
76. User other than that specified
77. Public buildings
78. Safety and performance certificate
79. Performance compliance certificate

80. Conservation and heritage
81. Strategic development plan
82. Environment impact assessment
83. Subdivisions
84. Offences and penalties

PART VI— COUNTY GOVERNMENT RENTAL HOUSES

85. Assigning or subletting
86. Payment of rent
87. Alteration
88. Illegal extensions
89. Eviction
90. Recovery of rent arrears
91. Inspection of premises
92. Poultry and animal keeping
93. Planting of crops
94. Nuisance
95. Prohibited use
96. Damages
97. Notices
98. Penalties

PART VII— SLAUGHTER HOUSES

99. Slaughter houses
100. Slaughter of animals
101. Opening and closing of slaughter houses
102. Methods of slaughtering
103. Dead or moribund animals, gut cleansing
104. Disposal
105. Dogs at slaughter houses
106. Admission into the slaughter houses
107. Liability

- 108. Prevention of spread of disease
- 109. Lawful instruction
- 110. Exemption from liability
- 111. Fees
- 112. Penalties

PART VIII— PRIVATE LEARNING INSTITUTIONS

- 113. Permitted premises
- 114. Form of permit
- 115. Duration
- 116. Transfer of permit not allowed
- 117. Conditions for issuance of permit
- 118. Conditions of premises
- 119. Infected persons
- 120. Inspection of schools
- 121. Fees
- 122. Duty of permit holder
- 123. Offences

PART IX— HAWKING

- 124. Application for permit
- 125. Issuance of permit
- 126. Production of a permit
- 127. Hawkers assistant
- 128. Transfer of permit
- 129. Impounding of goods
- 130. Hawking in central business district
- 131. Buying, negotiating, soliciting and inducing
- 132. Penalties

PART X—DRAINAGE AND SEWARAGE

- 133. Provision for conveying surface water

134. Provision of conveying foul water
135. Construction of private sewer
136. Provision of drain for new building
137. Prohibition of conveyance of fouled water or rain water
138. Notice for provision of drain
139. Connection to a foul sewer
140. Notice to connect to a public sewer
141. Maintenance of drains
142. Examination of drainages
143. Prohibition of draining into a public sewer
144. Grant of permission
145. Inspection chamber
146. Interference with free flow of sewerage
147. Maintenance of opening to any drain
148. Permission to construct a drain
149. Conditions for drainage works
150. Construction of drains
151. Recovery of costs
152. Safety measures
153. Request for testing
154. Cover of drainage work before inspection
155. Issuance of a certificate upon approval
156. Provisions of latrines
157. Form of permit
158. Examination of plumbers
159. Register
160. Inspection of plumber's permit
161. Cancellation of a plumber's permit
162. Failure to comply with a notice
163. Penalties

PART XI— POUNDS

- 164. Establishment of pounds
- 165. Receipt of animals by authorised officer
- 166. Release of impounded animal, vehicle or item
- 167. Declaration of unclaimed items
- 168. Sale of unclaimed animals, items or vehicles
- 169. Slaughter of unclaimed animals
- 170. Immunity
- 171. Fees
- 172. Penalties

PART XII —PUBLIC LAVATORIES

- 173. Partnership
- 174. Use of lavatory
- 175. Person managing a lavatory
- 176. Permit
- 177. Penalties

**PART XIII— RESTAURANT, EATING HOUSE, SNACK
BAR AND CAFÉ**

- 178. Application for permit
- 179. Permits
- 180. Authorized officer to issue permit
- 181. Power to refuse to grant permit
- 182. Cancellation of permit
- 183. Transfer of permit
- 184. Permit to corporation
- 185. Application for duplicate permit
- 186. Restaurant's permit
- 187. Sculleries in restaurant
- 188. Sanitary conveniences in restaurant
- 189. Waste management in restaurants

190. Miscellaneous requirements for restaurants
191. Eating houses
192. Waste management in eating houses
193. Miscellaneous requirements for eating houses
194. Snack bar permit
195. Requirements for snack bars
196. Waste management for snack bars
197. Miscellaneous requirements for snack bars
198. Open air eating place
199. Cooking without permit
200. Sale of food for consumption
201. Liability of a permit holder
202. Power to inspect
203. Persons suffering from infectious or contagious diseases
204. Display of permits
205. Food contamination
206. Personal hygiene
207. Misuse of sinks and kitchen
208. Restriction on names
209. Restriction on trading
210. Nuisance
211. Storage of fuel
212. Tariff of charges
213. Penalties

PART XIV— FOOD SHOPS AND STORES

214. Exemptions
215. Permits
216. Application for permit
217. Form of permit
218. Refusal to grant permit

219. Cancellation of permit
220. Transfer of permit
221. Duplicate permit
222. Restriction on employment
223. Manner of storing food
224. Display of permits
225. Protection of food
226. Wash basins position and persons engaged
227. Sanitary convenience
228. Manner of handling of food
229. Open food
230. Grocer's permit
231. Grocer's shop
232. Butcher's permit
233. Butcher's shop
234. Uninspected meat
235. Manner of handling of meat
236. Fishmonger's permit
237. Fishmonger's shop
238. Fish boxes
239. Manner of handling fish
240. Green grocer's permit
241. Green grocer's shop
242. Food store permit
243. Trading without a permit
244. Inspection
245. Presumption of goods
246. Exemptions by Public Health Officer
247. Penalties

**PART XX – CONTROL OF HAMALI CARTS AND HAND
CARTS IN PUBLIC STREETS**

- 248. Fees
- 249. Control of hamali carts and hand carts
- 250. Traffic rules
- 251. Offences and penalties

PART XVI— CONTROL OF GRAZING

- 252. Grazing with the County
- 253. Permit
- 254. Production of permit
- 255. Fees
- 256. Penalties

PART XVII— SALE OF ICE CREAM

- 257. Sale of ice cream
- 258. Sale without permit
- 259. Fees
- 260. Form of application
- 261. Permit duration
- 262. Transfer of permit
- 263. Inspection
- 264. Cleanliness
- 265. Restriction on employment
- 266. Medical examination
- 267. Production of permit
- 268. Penalties

PART XVIII— CONTROL AND LICENSING OF DOGS

- 269. Issuance of permit and permit badge
- 270. Expiry of a permit
- 271. Refusal to issue permit or permit badge
- 272. Issuance of duplicate permit or permit badge

- 273. Offences
- 274. Right to seize or pound
- 275. Condition for release of impounded dogs
- 276. Dealing with unreleased or reclaimed dogs
- 277. Right of entry
- 278. Penalties

**PART XIX— PREVENTION AND EXTINCTION OF FIRES
AND FIRE BRIGADES**

- 279. Fire compliance certificate
- 280. Power to inspect
- 281. Exemption
- 282. Power of County Government
- 283. Right of appeal
- 284. Application for fire compliance certificate
- 285. Contents of a fire compliance certificate
- 286. Change of conditions of a fire compliance certificate
- 287. Storage of combustible materials
- 288. Licence fees
- 289. Guidelines
- 290. Owners responsibility
- 291. Licensing to install service repair of fire fighting equipment
- 292. Inspection sticker
- 293. Signals
- 294. County Fire Officer to respond to fire
- 295. Role of the County Fire Officer
- 296. Interference with the members of the fire brigade and fire fighting appliances
- 297. Enforcement
- 298. Non-disclosure of information
- 299. Falsification of document

- 300. Defence
- 301. Miscellaneous
- 302. Offences and penalties

PART XXV— GENERAL NUISANCE

- 303. Noisy musical instruments
- 304. Noisy building operations
- 305. Noisy trades and industrial operations
- 306. Barbed wire
- 307. Deposit of debris
- 308. Nuisance by animals
- 309. Game animals
- 310. Encroaching hedges and trees
- 311. Projections
- 312. Source of danger
- 313. Damage and obstructions
- 314. Defacing buildings
- 315. Breaking
- 316. Obstruction
- 317. Pound fee
- 318. Nuisance on the streets
- 319. Deposition of materials
- 320. Discharge of missiles
- 321. Vehicle loads
- 322. Loitering
- 323. Signing of notices
- 324. Offences
- 325. Prohibition
- 326. Penalty

PART XXI—SOLID WASTE MANAGEMENT

- 327. Duty of care
- 328. Waste operators
- 329. Waste transporters
- 330. Registers
- 331. Collection
- 332. Disposal
- 333. Payments
- 334. Enforcement
- 335. Offences and penalties

PART XXII— FILM MAKING, CULTURAL EVENTS AND ENTERTAINMENT

- 336. Cinemas, video shows and hiring
- 337. Fees
- 338. Promotion of cultures and cultural heritage
- 339. Penalties

PART XXIII— TRAFFIC FLOW CONTROL

- 340. Signals and signs to be obeyed
- 341. Obstruction
- 342. Unattended motor vehicles
- 343. Traffic signs
- 344. Offences and penalties

PART XXIV— ENVIRONMENT AND LITTERING

- 345. Right to clean environment
- 346. Appointment of environmental officers
- 347. Duties of environmental officers
- 348. Power of entry
- 349. Offences related to inspection
- 350. Provision of street litter bins
- 351. Prohibition against littering

352. Penalties

PART XXX— ENFORCEMENT PROVISIONS

353. Cancellation of licences and permits

354. Penalties to permit holders and licensees

355. offences

356. Penalties

SCHEDULES

FIRST SCHEDULE – Taxi- Cab Permit

SECOND SCHEDULE – Charges for Fire Services

THIRD SCHEDULE — Application for Supply of Water

FOURTH SCHEDULE —Fees and Charge

SINGLE BUSINESS PERMITS SCHEDULES

**THE MACHAKOS COUNTY FINANCE ACT,
2018**

AN ACT of the County Assembly of Machakos to regulate and govern taxes, duties, levies, charges and fees; to amend and align certain written laws relating to the collection and management of county revenues; to give effect to Article 209(3) and (4) of the Constitution and section 132 of the Public Finance Management Act; to set out county revenue raising measures; and connected purposes

ENACTED by the County Assembly of Machakos, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Machakos County Finance Act, 2018. Short title

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

“advertisement” means the use and or display of any word, letter, model, sign, placard, board, notice or representation whether illuminated or not in the nature and employed wholly or in parts for the purpose of promotion of a product or article by a proprietor and includes any hoarding or similar structure used or adapted for use for the display of sale promotions accordingly; provided that any advertisement put inside a building or private properties shall not be included;

“advertisement device” means—

- (a) bill boards including large outdoor advertising structures in high traffic areas such as alongside busy roads and roundabouts;
- (b) business advertising which involves placing promotional material, commercial brands, campaign messages on public places including transport vehicles;
- (c) banners placed on lamp columns or erected posts across the roads;
- (d) mobile bill boards;

- (e) posters placed on walls and other permitted structures;
- (f) street advertising done on pavements and on street furniture;
- (g) taxi advertising done on taxis
- (h) walls cape advertising done on walls;
- (i) digital signage on LCD or projected images on public environment; and
- (j) neon light advertising which includes the use of electrified, luminous tube lights.

“authorized officer” has the meaning assigned under section 2 of the County Governments Act;

“building” means any structure or part of any structure whether permanent, temporary immovable or movable, and whether completed or uncompleted and includes any boundary wall, screen wall, fence, hoarding or water or drainage work and any part thereof;

“building operations” includes putting up buildings partly or in whole, rebuilding operations, structural alterations or additions to buildings and other similar operations and the making of access roads, railways, water works, sewerage and drainage works, electrical and telephone installations and any road works preliminary to, or incidental to the erection of buildings;

“business” means a concern carrying on the occupation of —

- (a) a regulated trade;
- (b) importing or exporting goods;
- (c) commission agent or indent agent;
- (d) manufacturer's representatives;
- (e) produce dealer or produce broker;
- (f) business broker or management consultant;
- (g) insurance agent;

(h) estate agent; or

(i) any other occupation, whether similar to any of the foregoing or not, which the County Executive Committee Member may, by order, declare to be an occupation for the purposes of this definition;

“business permit” means any authorization issued to any business or trade;

“charge” an amount of money payable to the county government ;

“county fire officer” means the person appointed by the County Public Service Board as the county fire officer;

“clamp” means device used to lock wheels of a parked vehicle;

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

“company” means body corporate registered in Kenya;

“vehicle” includes any engine propelled automobile, motor car, motor cycle, tractor, trailer, wagon or cart whether for public service or private;

“county motor vehicle” means a vehicle owned by the county or for the time being leased by the county government for sole and exclusive use of the county;

“county” means county government of Machakos;

“county chief engineer” means the holder of the office of chief county engineer and includes any other authorised officer;

“county physical planner” means the holder of the office of chief county physical planner and includes any other authorised officer;

“development” has the meaning assigned under section 3 of the physical planning Act;

“Director of Environment” means the holder of the office of director of environment and includes any other authorised officer;

“domestic waste” means normal household waste produced in a residential building used wholly as a private dwelling;

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

“erection of any building” means—

- (a) the putting up of any addition to an existing building;
- (b) the refurbishing or alterations of any part of an existing building;
- (c) the re-erection of any building or part of a building when an external wall of that building or part of a building has been destroyed or pulled down or burned down or damaged either wholly or partially;
- (d) the roofing over of any space between walls or buildings;
- (e) the changing of the purpose or purposes for which a building or part of a building or appurtenances of a building are used;
- (f) the using for human habitation of any building which has not been previously used for that purpose;
- (g) the increasing of the number of dwellings or separate tenancies or occupancies in a building;

- (h) the using of any building in a manner different from that shown on the plan thereof approved by the county whether before or after the date on which this Act, becomes operative and whether or not it is proposed to execute any alterations or work in connection with the proposed change; or
- (i) the carrying out of any water service or drainage work.

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

“fire brigade” means the entity designated by the County to inspect for compliance, prevent and combat or deal with fire incidences or undertake extinction of fires within the County;

“film making” means the production of video film or photography;

“film maker” means the producer or Director of a certain film production;

“hand cart” means a two or three wheeled cart for the carrying of goods propelled by human energy and includes a hamali cart;

“hawker” means a person who carries on either of the following businesses, whether as a principal, agent or employee—

- (a) the sale of or exchange of goods or wares, merchandise or refreshment, to place oneself in any street or public place or unenclosed land other than in shop premises approved as such by the county or to go about in street or public places or from premises to premises for purposes of carrying on trade and promotion of sale of items; or
- (b) the sale or exchange, or the offer of or exposing for sale or exchange of goods or wares, merchandise and refreshment, but does not include the seeking or taking of orders for subsequent delivery of goods, wares merchandise or refreshments to premises for the purpose of re-sale or trade by any of the means aforesaid.

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

“inspector” means an authorised officer assigned to control or supervise a certain activity;

“licensee” means the holder of a valid license;

“licence” means a permit issued by the county government under this Act for a specified activity;

“licensing authority” means any entity or department of the County Government empowered to issue permits or licenses for carrying out specified authority under the relevant written laws;

“livestock” means domesticated animals and includes cattle, poultry, pigs, sheep or goats, rabbits;

“market master” means the holder of the office of market and includes any other authorised officer;

“medical officer of health” means the person holding the office of medical officer of health and includes any other authorised officer;

“non-motorized vehicle” means an animal or human drawn vessel used for the carriage of goods or persons and bicycles;

“occupier” includes any person in actual occupation of premises or residential dwelling subdivided and let to lodgers or tenants;

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

“owner” means a person in whose name a property is registered;

“parking permit” means a permit issued by the county government authorizing the owner of a vehicle to use a designated parking place;

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

“park” means any open space managed by the county government for temporary resting, recreation purposes or public access either for free or at a fee;

“passenger” means a person carried in a motor vehicle or non-motorized vehicle for hire or reward;

“permit holder” means a business entity authorized by the county government to conduct business within its jurisdiction;

“permit” means a document issued by the county government to a person or entity as authority to conduct business within its jurisdiction;

“ply for hire” includes parking or waiting taxi rank or exhibiting on a motor vehicle;

“poultry” means any domestic bird or birds capable of domestication and includes fowls, ducks, geese, chicken, turkeys, peacocks, ostriches and guinea fowls;

“premises” includes-

- (a) land;
- (b) commercial buildings;
- (c) houses, flats, rooms, bungalows or maisonettes belonging to and rented for residential purposes within the county;
- (d) vehicles;
- (e) railway carriage;
- (f) other conveyances and tents;
- (g) vans;
- (h) structures of any kind;
- (i) drains ; or

- (j) open places, covered or enclosed, whether maintained or not under statutory authority, of any place within the County;

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

“regulated trade” means—

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

“recommended thickness” means a thickness of not less than 30 microns;

“sand” means has the meaning assigned in the Machakos County Sand Harvesting Act;

“Sand Harvester” has the meaning assigned in the Machakos County Sand Harvesting Act;

“solid waste” means waste material generated by domestic households, institutions, commercial establishments, and industries, litter and piles of such waste;

“street” includes any street, road, highways, path,

sanitary lane, sand lane, thoroughfare or public space to which the public have access and includes a bridge over which a roadway runs;

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

“taxi rank” means a place designated as a waiting bay for taxi cabs;

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

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

“waste management” includes the cleansing, removal, collection, transport, source sorting, treatment and disposal of waste in accordance with this Act or any other relevant written law;

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

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

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

“waste” includes any substance which constitutes a scrap material or an unwanted surplus substance arising

from the application of any process and any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise;

“water service works” means the construction, installation, laying, connection, fixing and alteration of water pipes, fittings or installations or appliances used or to be used in connection with any building;

“water way” includes channel, harbour, canals, canals ports and any part of a water body; and

“way leaves” means space or strip of land that is exclusively used for overhead, underground, ground level service lines for power lines, telephone lines, water pipes, sewer lines, ducts or any other space, conducting and or conveyance such services but not exclusively confined to the same owned by an individual, company, or parastatals.

PART II— ADVERTISEMENT

3. (1) A person who intends to use an advertisement device within the county shall make an application to the county government.

Application for
advertisement

(2) Every application for advertisement shall be made in the prescribed form to the authorized officer and shall be accompanied by—

- (a) a plan or sketch;
- (b) the content of the advertisement;
- (c) position of the proposed advertising device or notice, its dimensions;
- (d) the method of erection and standing, the material of erection and stating the material of which it is to be composed or constructed; and
- (e) such other information as the county may require

(3) The county government may—

- (a) disapprove an application for advertisement in any case where, in its opinion, the display of an advertisement or the use of an advertising device would likely be injuriously or affect the

amenities; or

(b) grant an application on such terms as it deems fit.

(4) Any person who uses an advertisement device without formal approval of an advertisement commits an offence;

4. There shall be paid to the county government in respect of every approval of an application for advertisement issued under this Part the prescribed fees.

Fees

5. Every grant of an application for advertisement issued under this Act shall expire on the 31st day of December of the year for which it is issued unless cancelled prior to such expiry.

Expiry of permit

6. The county government may from time to time by notice to a holder, cancel an authority for advertisement for contravention of any of the terms and conditions thereof or any of the provisions of this part or where in its opinion the continued display of any advertisement device is likely to affect or is injuriously to the amenities of, or to disfigure any neighborhood or for any other reason it may deem fit.

Cancellation of advertisement

7. A person who, fails to maintain in good repair and in a proper and safe condition any advertising device commits an offence.

Maintenance of advertising device

8. (1) Any person who is granted advertisement authority under this Acts shall on demand and within Twenty Four hours produce such authority to the authorized officer.

Production of advertisement authority

(2) Any person who contravenes or fails to comply with the provisions of this section commits an offence.

9. This Part shall not apply to—

Exceptions

(a) public notices exhibited at public worship premises, public schools and public hospitals;

(b) name boards relating to private residential premises; and

(c) name boards for business premises.

10. Any person who contravenes the provisions of this part commits an offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings or to an imprisonment for a term not exceeding twelve months or both.

Penalties

PART III— PARKS AND OPEN SPACES

11. Save as may be provided in any other law, the parks shall be opened daily at 6.30 am and closed at 6.00 p.m.

Opening and closing hours

12. No person other than an employee of the county government may enter the park before the time set for opening or remaining at the time set for closing

Prohibited entry

13. A person shall not enter or exit the park otherwise than through any of the gates, wickets, passages or openings appointed by the county government as the authorized means of entrance to or exist the park

Entry or exist gates

14. (1) A person shall not wilfully or improperly remove or displace any board, plate or tablet used or constructed or adapted to be used for the exhibition of any notice and fixed by the county government in any part of the parks or in or on any building or structure therein or at or near to any of the appointed ways of entrance to or exit from the park or in or on any wall or fence enclosing the park.

Interferences with notices, signs or boards

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

15. No person other than the employee of a county government shall be allowed to enter the park except upon payment of prescribed fee.

Entry fees

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

Removal or displacement

17. A person other than an employee of the county government or a person with a written authority by the authorized officer or about any work in connection with the laying out, planting, improvement, maintenance of the park or entertainment of visitors to the park shall not at any time ride, drive or cause or permit to be ridden, driven or brought into the park any animal.

Riding or driving

18. No person shall be allowed to graze livestock in the park except with the express permission from the county government which permit shall be obtained only on application, vetting and payment of a prescribed fee.

Livestock grazing

19. (1) A person shall not drive or bring into the park any animal.

Restriction on domestic animals

(2) Nothing in subsection (1) prohibits a person from taking a dog provided that the person keeps it under proper control.

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

Management of the parks

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

21. The County Government may authorize, such number of persons to sell snacks in any park—

Trading in soft drinks and cakes

(a) Provided that such persons—

- (i) obtains from the county government a permit for the business upon payment of a fee;
- (ii) ensures the area of trade is free of litter;
- (iii) does not engage in any offensive trade; and
- (iv) operates only on the areas designated by the county government.

22. A person, other than an employee of the county government or a person acting in pursuance of their directions in that behalf shall not affix or post any bill, placard or notice to or on any fence enclosure, wall or any

Fixing of bills, placards or notices

part of any building, barrier or railing, or of any fixed or movable seat or any other structure in the park.

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

Destruction of
vegetation

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

Depositing of litter

25. A person shall not kindle a fire or smoke in the park other than in designated places.

Fire

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

Climbing

27. (1) A person shall not injure or displace any animal in the park.

Interference

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

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

Riding or parking
motorcycles or
vehicles

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

Interference

30. A person shall not injure or displace any animal in the park.

Misconduct

31. A person who contravenes the provisions of this part commits an offence and shall be liable to a fine not exceeding ten thousand shillings or to seven months imprisonment or both.

Offences and
penalties

PART IV – TAXI – CABS

32. (1) The county government may issue—

Permit

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

(2) A permit shall expire on the 31st of December, in the year for which it is issued.

33. (1) An application for a taxi-cab permit shall be made using the prescribed form and shall be signed by the owner of the vehicle.

Application for permit

(2) An application for a taxi-cab permit or driver's licence shall be made using the prescribed form.

(3) An application form shall be delivered to the authorized officer at least one calendar month before the date on which the permit is intended to take effect.

34. (1) The authorized officer shall issue, in addition to the permit in respect of which application is made—

Authorized Officer to issue permit

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

(2) In this subsection, "boda boda" means a motorcycle or a bicycle used for a public service vehicle licensed to operate a public service business.

(3) No taxi cab shall operate without the payment of the prescribed fee and charges.

35. (1) The authorized officer shall refuse to issue a permit and the county government may at any time cancel

Grounds for refusal to grant permit

a permit if—

(2) In the case of a taxi-cab permit—

- (a) the vehicle to which the application permit relates does not comply with the requirements of the Traffic Act, or of any Rules made there under, or, in the opinion of the County Chief engineer, does not comply with any of the requirements of this Part or is otherwise unfit for use as a taxi-cab and the County engineer so certifies in writing; or
- (b) in the case of a taxi-cab drivers' permit;
- (c) the applicant is unable to comply with the provisions of the this Act; or
- (d) if the applicant fails to satisfy the authorized officer that he is a fit and proper person to hold such a permit.

36. (1) An authorized officer may, with the consent of the holder thereof and upon payment of a prescribed fee transfer taxi-cab permit from the holder to another person.

Transfer of permit

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

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

Duplicate permit or plate

(2) The authorized officer shall, if satisfied as to the facts disclosed in the application referred to in sub-section (1), and on payment of a fee as prescribed in fees and charges in the case of a taxi-cab permit or plate and in the case of taxi-cab drivers permit or badge, issue to the applicant a duplicate permit or plate.

38. (1) The Executive committee member responsible for transport by may notice limit the number of taxi cab operating with the county.

Limitation on the number of taxi-cabs.

(2) The Executive Committee Member shall publish the notice in sub-section (1) in at least one newspaper with national circulation within 14 days.

39. (1) The county government may require the examination of a tax cab before issuing a tax cab permit. Examination

(2) An authorized officer may by notice require the examination of a taxi cab.

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

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

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

(5) On receipt of notification of an accident, an authorised officer may require the vehicle to be produced immediately for re-examination in subsection (4).

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

41. (1) An owner shall cause the permit plate issued under this Part to be attached to the vehicle and maintained in such a manner and position as the County Chief Engineer may direct. Display of permit plate

(2) Any owner who causes or permits a taxi-cab to be on hire or to ply for hire without the plate referred to in sub-section (1) being attached thereto or with such plate so defaced that any figure or material particular thereon is illegible commits an offence

(3) An owner shall within seven days of the expiry or cancellation of the taxi-cab permit return to the Authorized Officer the permit plate referred to in sub-section (1).

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

Taxi card

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

Identification

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

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

Conduct of taxi-cab drivers

- (a) behave in an orderly manner and ensures the safety of the passengers;
- (b) if he or she has been hired to be in attendance with the vehicle at an appointed time and place, unless prevented or delayed by some cause outside his or her control, shall punctually honour appointment;
- (c) drive to destinations as directed by the hirer using the shortest and safe available routes;
- (d) not convey in the vehicle any greater number of passengers than the number for which it is permitted;
- (e) wear the prescribed uniform and permit badge issued in such a position and manner as to be plainly and distinctly visible; and
- (f) if the vehicle is so constructed as to carry luggage, when requested by the hirer-
 - (i) convey on the vehicle a reasonable amount of luggage;
 - (ii) secure any luggage carried outside the vehicle;
 - (iii) afford reasonable assistance in loading and

unloading the vehicle; and

- (iv) afford reasonable assistance in removing the luggage to or from the entrance of any house, station or place at which he may take up or set down such persons;
- (v) if convey any passenger property found in a vehicle within twenty four hours to the police station and obtain a receipt for it;
- (vi) except when engaged on hire park the taxi cab in a tax;
- (vii) if to his knowledge he has conveyed a person suffering from or who is a carrier of any infectious or contagious disease, forthwith report to the department of health in County and carry out such instructions as he may receive with respect to the disinfection of his vehicle;
- (viii) be clean in person and clothing; and
- (ix) refrain from smoking or spitting carrying passengers.

45. (1) The driver of a taxi cab shall—

Use of taxi meters

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

46. Any driver who, when plying for hire, importunes any person to hire the vehicle by calling out or otherwise

Importuning for hire

attracting their attention or makes use of the services of any other person for that purpose shall be guilty of an offence under this Part.

47. (1) The driver of a taxi-cab, when plying for hire in any street, shall— Use of taxi ranks

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

48. The taxi driver on hire shall not accept other passengers without the consent of the original hirer. Additional passenger

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

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

50. Any owner or driver of a taxi-cab who demands a greater fare than that authorized by the tariff card commits an offence. Prohibition against demanding

51. (1) The county may from time to time by resolution prescribe an area to be a taxi rank. Position of taxi ranks

(2) The position of each taxi rank prescribed in accordance with sub-section (1) shall be indicated by a sign

erected by the county government adjacent thereto and shall state the maximum number of vehicles authorized to occupy the rank.

(3) Any person who parks a vehicle other than a taxi-cab in an area prescribed under sub-section (1) as a taxi rank an offence.

52. (1) A person who fly a vehicle for hire for which no permit has been issued commits an offence.

Unlicensed
Vehicles

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

Unlicensed drivers

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

Presumption

55. A person who contravenes the provision of this part commits an offence and shall be liable upon conviction to a fine not exceeding seven thousands shillings or to an imprisonment for term not exceeding seven months or both

Penalties

PART V— DEVELOPMENT CONTROL

56. (1) The county government shall approve erection of buildings or substantial alterations, works and the carrying out of building operations, as the county executive member responsible for matters relating to development controls may from time to time determine, which for the purposes of this part is classified as class "B" development:

Class "B"
development

Provided that—

- (a) the carrying out of works for the maintenance of improvements or other alteration of or addition to any building where such alterations or additions do not exceed 10% of the floor area of the building;
- (b) the carrying out by a competent authority of any works required for the construction, maintenance

or improvement of a road, if the works are carried out on land within the road reserves; and

- (c) the carrying out by the county government of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including breaking open of any street for that purpose and the installation of services by the county government; shall not constitute development for the purposes of part:

Provided further that the county government and any other person carrying out works approved by the county government, shall within seven days after completion of works carried out in this section restore the site to conditions that would not be injurious to users and the environment.

57. (1) Class 'A' development includes—

Class "A"
development

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

(2) The use of any buildings or land within the cartilage of a dwelling for any purpose incidental to the enjoyment of the dwelling.

58. Building which is not a public building or a dwelling and is not constructed to be used either wholly or partially for human habitation or as a place of habitual employment of any person in manufacturing, trade or business but which is constructed for use exclusively in connection agricultural estates , shall be exempt from Part if it—

Exemptions

- (a) is situated not less than ten (10) metres from any public road or road of access and not less than two (2) metres from any building other than a building exempted under this part and from the

nearest boundary of any adjoining land and premises; and

- (b) is constructed on land not being within any residential, business, commercial or industrial area or zone so determined by the County Government.

59. (1) The County Government may in writing allow for the erection of building where the materials used or the standard of construction and general appearances of the buildings are not regarded by the County Government as consistent with good, and satisfactory development, or which are of temporary nature or for an occupancy of short duration.

Grant of permission

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

60. (1) A person who proposes to erect a building shall on any commercial land shall apply for approval to the authorized officer in the prescribed form.

Applications

(2) Such applications shall be made in the form prescribed in the Fourth Schedule of the Physical Planning Act and shall contain written particulars relating to the following the purposes for which the building or erection will be used—

- (a) the number of dwellings or separate tenancies or occupancies to be provided in the building;
- (b) the material of which the building will be constructed;
- (c) the mode of drainage and means of disposal of waste water, soil water, roof water and other liquid;
- (d) the water supply;
- (e) in the case of public building the number of persons to be accommodated in each part thereof, the means and capacity thereof for ventilations and the provisions made for the safety of the public; and

- (f) in the case of any building other than public building, the maximum number of persons to be employed and otherwise is accommodated in each part thereof.

(3) The application shall be submitted to the authorised officer in triplicate or in the case of factories in quadruplicates or upon the request of county planner such further copies .

(4) Permanent blue prints made from a tracing in permanent ink, the following plans, sections, elevations and drawings delineated in a clear and intelligible manner and signed by the applicant or his duly authorized agent—

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

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

and drainage thereof.

- (6) There shall be shown—
 - (a) upon the plans, elevations and sections;
 - (b) the levels of the site of the buildings; the levels of the lowest floor of the building, the level and slope of any street adjoining the carriage of the building in relation to one another and above some known datum, provided that the relationship between the level of the lowest floor and the level and slope of the street need not be known if the building is more than six metres away from the boundary of the street;
 - (c) the position, form and dimensions of the foundations, walls, floors, roofs, chimneys and several parts of the buildings;
 - (d) the position, form and dimensions of every water-closets, urinal, pail closet, water tank, cistern to be constructed or installed in connection with the building;
 - (e) details of the proposed drainage work including the position, form and arrangement of the several part of the building to which such drainage work refers, the size, gradient materials and position of every drain; the size position and construction of every manhole, inspection chamber, septic tank, cess pool, storage tank, sewage filter installation or other work for the treatment, storage, reception or disposal of sewage or drainage; the size materials of every galley, soil type, waste pipe, ventilating pipe and rain water pipe; the position of every soil fitting and waste water fitting and the position of every soil fitting and waste water fitting and the position of all windows and other openings into the building situated within a distance of six metres from the open end of every soil pipe, waste pipe and ventilation pipe; and
 - (f) the purposes of which each portion of the building will be used and the extent of each portion which will be separately occupied or

tenanted.

(7) Upon the block plan—

- (a) the size and position of the building and its appurtenances and the size and position of any existing buildings on the plot or sub-plot and the nature of their construction and use;
- (b) the position of any buildings on any adjoining plots or sub-plot which are within fifteen metres from the plot or sub-plot on which the proposed building is to be erected, and the nature of their construction and use, and the building lines of the adjacent buildings;
- (c) the name, position and width of every street adjoining the cartilage of the building;
- (d) any established, proposed or prescribed building line;
- (e) the size and position of every yard and open space belonging to the building;
- (f) the position of every water-closets, urinal, pail, closet, latrine, well and water tank or cistern and every out-building in connection with the building;
- (g) the lines of drainage of the building, the size, the depth and inclination of every drain and the means to be provided for ventilation of the drain, and the position of every manhole, inspection chamber, gulley, junction, bend, intercepting trap and connection with a sewer combined drain, septic tank or other receptacle for drainage;
- (h) the position and level of the outfall of the drain and the sewer, if any, to which the drain will be connected; and
- (i) the means of disposal of sewage, waste water, rain water and the liquid discharged from the building and the position of such means.
- (j) upon the detail drawings, such parts of the

structure as cannot be adequately illustrated on the plans and drawings made to the scales herein specified.

61. There shall be supplied such additional or supplemental plans, drawings, figured dimensions, particulars and structural calculations as the county physical planner may require, and in the case of structural work of steel, reinforced concrete or timber, there shall be provided certificate from the designer who shall be a practicing, chartered, civil or structural engineer or other person possessing similar qualifications acceptable to county government that the design conforms in all respects with relevant recommendation of British Standard Codes of practice 112,113,114 or any other relevant British Standard codes.

Supplemental plans

62. One set of the plans and drawing submitted for approval will be retained by the county government in the case of leasehold land, one set will be retained by the National Land Commission in the case of factories, one set may be retained by the Chief Inspector of factories.

Retention of plans

63. (1) A person shall not carry out development within the county without development permission from an authorised officer.

Restriction on development

(2) Any person who contravenes sub-section (1) above commits an offence and shall be liable to a fine not exceeding Kenya shillings five hundred thousand or to an imprisonment for a term not exceeding five years or to both.

64. There shall be paid to the county government in respect of an application under this part the approved fees.

Payment of fees

65. (1) An application for erection of a building plan shall contain the following particulars of the proposed building plan—

Compliance with requirements

- (a) sitting, design and amenities;
- (b) coverage;
- (c) space about buildings, lighting and ventilation;

- (d) boundary walls or hedges;
- (e) materials;
- (f) building sites;
- (g) drainage, sewerage, septic tanks, conservancy;
- (h) fire safety precautions and emergency exits, refuse disposals;
- (i) water supply; and
- (j) advertisements and signs.

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

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

66. If the County Government approves the plans for the erection of a building, it shall by notice notify its decision for approval in accordance with the provisions of the Physical Planning Act, Laws of Kenya.

Approval of
building plans

67. If the County Government disapproves the plans for the erection of a building, it shall notify the applicant within thirty days of the reason for disapproval.

Disapproval

68. (1) The County Physical Planner may grant permission to any person to proceed with any minor alteration or addition to a building or to the erection of any boundary wall or screen wall or fence or of a hoarding which complies generally with the intent and purpose of the provisions of this art but which may be regarded as of minor importance and such permission shall be deemed to be the approval of the county government of the applicant's proposals and drawings.

Minor alterations
and additions

(2) In the event of any such permissions not being

acted upon within six months from the date of such permission, it shall lapse.

69. The approval for plans for erection of a building shall be invalid if— Nullification of approval

- (a) the erection has not been commenced within twelve months after the date of such approval, or
- (b) erection has been commenced but the building has not been completed within a period of two years from the date of approval unless County Government approves an extension of such period.

70. (1) Any person who— Notification

commences to erect a building without plans having been approved by the county government or the approval plans have been having obtained the County Government's approval of the plans for the erection of a building, erect such building otherwise than in accordance with the approved plans commits an offence.

(2) An authorised officer may by notice served on a person require him or her to—

- (a) cease the erection of such buildings;
- (b) erect such buildings strictly in accordance with the approved plans;
- (c) execute such works or alterations or additions to such buildings as may be prescribed in such notice in order to render such buildings safe and sanitary and
- (d) to remove or demolish such building.

71. (1) Any person who proceeds to erect any building the plans of which have been approved by the county government shall— Access to building plans

- (a) give the County Planner not less than four days' notice in writing, of the time and date when—
 - (i) the erection of the building will be commenced;
 - (ii) the concrete or other materials laid over the site, or the foundation bed, or the foundation,

- or the footings or the damp-proof course will be completed and ready for inspection;
- (iii) the reinforcement of a reinforced concrete structure will be placed in a position ready for inspection;
 - (iv) the roof construction will be commenced; and
 - (v) any drainage work will be commenced;
 - (vi) at all reasonable times allow the County Physical Planner, Medical Officer of Health, Public Health Officer, Building Inspector, Health Inspector or any other authorised, free access to the building or work for the purpose of inspection;
 - (vii) permit the County Physical Planner to take such samples of the materials to be used in the construction of any building or execution of work, as may be necessary to enable him to ascertain whether such materials comply with the provisions of this Part or with the approved plans;
 - (viii) not to erect any building or execute work otherwise than in conformity with the plans approved by County Government and in compliance with the provisions of this Part;
 - (ix) if he has received a notice from the Authorized Officer pointing out the respect in which the work or building does not conform to the plans as approved by the County Government or contravenes the provisions of this Part, he shall alter or amend the work or building to conform to the said plans and to comply with the provisions of this Part within the time stated in such notice, and shall advise the County Planner, in writing, of the completion of the alteration or amendment;
 - (x) provide sanitary conveniences for the workmen employed on the works to satisfaction of the medical officer of health;
 - (xi) erect such hoarding as shall be necessary for the protection of the public;

- (xii) if any concrete or other material laid over the site, or any foundation bed, or foundation, or footing or damp-proof course is covered up before the same has been inspected and approved by the County Physical Planner, the County Planner will issue a notice in writing requiring him within the time specified in the notice to cut into, lay open or pull down so much of the building as prevents the County Physical Planner from ascertaining whether any of the provisions of this Part have been contravened or whether the approved plans have been complied with; and
 - (xiii) not to permit the damage or obstruction of any drain or drainage channel within any road reserve during building operations; not dump or permit to be dumped any building materials or rubbish or erect any hoarding within any road reserve without the written consent of the County Physical Planner nor otherwise than in compliance with any conditions he may stipulate;
- (b) on completion of the building or work—
- (i) remove from the site or from any adjacent
 - (ii) land which he may have occupied all surplus building and excavated materials and all rubbish and leave such site or land clean and tidy; and
 - (iii) restore and leave in good condition all pipes, drains, roadways, kerbs, water channel, roadside drains, footways, pavements or other things which may have been damaged or through his operations and transport.
 - (iv) notify the County Physical Planner, in writing, when the erection of the building or execution of the work has been completed, such notice to be given as soon as practicable after completion thereof.

72. The owner of any plot or sub-plot who submitted any application to erect any building thereon shall, if required by the County Physical Planner, point out the Survey beacons

survey beacons making the corners of such plot or sub-plot either before the application is approved or after the application is approved and before building operations are commenced.

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

Inspection of foundation bed of buildings

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

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

Qualification of approval

75. (1) Every owner who shall intend to occupy a new building or permit the same to be occupied shall furnish to the County Government with a certificate of completion, signed by him or his authorized agent, to the effect that the building has been completed in every respect in accordance with the approved plans and particulars thereof, and shall apply for a certificate of occupation.

Certificate of completion

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

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

76. (1) Where any building has been erected, a person shall not except with the permission of the County Government given under the hand of the County Physical Planner and upon such terms as the County Government may prescribe, use or being the owner thereof allow to be used such building otherwise than for the purposes

User other than specified

specified or indicated in the approved plan in respect thereof and for which purposes the building was constructed.

(2) In this section 'purpose' means the particular purpose for which a building or part thereof has been erected or to which it has lawfully been altered and not solely its general purpose as a domestic building, public building or other type of building.

(3) In a domestic building only, that portion thereof which has been erected as a dwelling may be used as such.

(4) In a dwelling any habitable room therein which complies with the provisions may be used as such notwithstanding its designation on the approved plans but no apartment such as a larder, store, pantry, closet or scullery, not designated or designed as a habitable room shall be used as a habitable room.

(5) No apartment provided in connection with a domestic building for the express purpose of housing domestic servants shall be used by other than domestic servants of the occupier or occupiers of the building.

77. (1) All public and industrial warehouses shall be designed and constructed as to allow maximum access and facilities for the people living with disabilities such toilets, lifts and access facilities.

Public buildings

78. (1) The county government shall issue "safety and or performance certificate (SPCC) to all buildings periodically every five years detailing the—

Safety and performance certificate

- (a) Planned maintenance- maintenance carried out as a result of fore thought, control and the issue of records to a predetermined plan;
- (b) Preventive maintenance: - the maintenance carried out at predetermined intervals or corresponding to prescribed criteria and intended to reduce the probability of failure or the performance degradation of an item. An all-inclusive audit shall be conducted to ascertain all aspects of building constructed and installation; and
- (c) Condition based maintenance the preventive

maintenances initiated as a result of knowledge of the condition of the building from routine or continuous monitoring that is through periodic condition surveys.

79. (1) Safety and performance compliance certificates shall be classified into the following categories for the different types of buildings—

Performance
compliance
certificate

- (a) category 1;
- (b) category 2; and
- (c) category 3;

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

(3) Where category 2: Domestic or Public or Industrial buildings which are sound and but with minor defects requiring remedial action.

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

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

80. (1) For the purposes of conservation and heritage, the county government shall need to regularly identify and list buildings of historic and heritage value.

Conservation and
heritage

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

(3) Incentives in the form of reduction on land taxes

may be provided by the National Government and County Government.

(4) The buildings and their neighborhoods' to be identified and preserved as conservation sites or areas.

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

Strategic
development plan

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

Environmental
impact assessment

83. (1) No private land within the County may be subdivided except in accordance with the requirements of the County's Physical Development Plans approved in relation to that area under this Part and upon application made in the form prescribed in the fourth schedule of the Physical Planning Act.

Subdivisions

(2) The sub-division and land use plans in relation to any private land shall be prepared by a registered physical planner and such plans be subjected to the approval by the County Government.

(3) Where in the opinion of the County Government an application in respect of development, change of user or subdivision has important impact on contiguous land or does not conform to any conditions registered against the title deed of the property, the County Government shall, at the expense of the applicant, publish the notice of the application in the Gazette or in such other manner as it is deemed expedient, and shall serve copies of the application on every owner or occupier of the property adjacent to the land to which the application relates and to such other persons as the County Government deems fit.

(4) If the County Government receives any objection to, or representation in connection with an application

made under sub-section (1), the County Government shall notify the applicant of such objection or representations and shall before the application is determined by it afford the applicant an opportunity to make representation in response to such objections or representations.

(5) The County Government may approve with or without such modifications and subject to such conditions as it may deem fit, or refuse to approve, an application made under sub section (1).

(6) Any person carrying out subdivision of more than five acres and change of user from agriculture to commercial, residential or industry shall provide ten percent of land for public use and communicate the same and surrender to County Government strictly for public utility.

84. A person who fails to comply with the provisions of this Part commits an offence and shall be liable upon conviction to a fine not exceeding Kenya Shillings One Hundred Thousand and to imprisonment to a term not exceeding seven months or both.

Offences and Penalties

PART VI — COUNTY GOVERNMENT RENTAL HOUSES

85. A tenant of a county government house shall not assign, sublet or part with the possession of the premises or any part thereof without the written consent of the county government.

Assigning or subletting

86. A tenant shall pay the prescribed fee in advance on or before the first day of every month.

Payment of rent

87. A tenant shall not without a written consent of the county government make any alterations or additions to the county government premises.

Alteration

88. (1) A tenant shall not construct or cause to be constructed any structures for dwelling whether permanent or semi-permanent in nature within the County Government's estates.

Illegal extensions

(2) A tenant who contravenes the provision of sub section (1) commits an offence and shall have the said structure demolished.

89. The county government may upon giving a notice of twenty eight days to a tenant, who has breached these provisions, evict the said tenant.

Eviction

90. The county government shall at the time of evicting a tenant who is in rent arrears, impound the tenant's household goods and after the expiry of the notice given to the tenant dispose off the tenants goods to recover the rent arrears.

Recovery of rent arrears

91. An authorised officer may by notice issued to the tenant carry out inspection of the premises within working hours.

Inspection of premises

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

Poultry and animal keeping

93. A tenant shall not plant any crop in his or her garden or compound of the premises he or she occupies unless with a written consent of the authorised officer

Planting of crops

94. A tenant shall not cause to be done in the premises anything which causes nuisance to the occupants of the neighboring premises.

Nuisance

95. A tenant shall not use the premises for commercial purposes.

Prohibited use

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

Damages

97. Any notice required to be served under this Part shall be deemed to have been served if the same is either delivered at the tenant's premises or posted to the tenant's registered post.

Notices

98. A person who contravenes the provision of this part commits an offence and shall be liable to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding seven months or both.

Penalties

PART VII— SLAUGHTER HOUSES

99. The County Government may establish and maintain slaughterhouses.

slaughter houses

100. A person shall not, except with the written permission of the authorized officer slaughter an animal elsewhere other than the slaughter house.

Slaughter of animals

101. (1) A slaughterhouse shall be open on such days and during such hours as the county government shall determine.

Opening and closing of slaughter houses

(2) No person shall remain in a slaughterhouse after closing hours.

102. (1) An inspecting officer may require a person intending to slaughter an animal to use methods of slaughtering and take such precautions as are necessary to secure the infliction on the animal or as little pain or suffering as practicable.

Methods of
slaughtering

(2) A person shall not—

- (a) drive or bring an animal to the slaughter house in such a manner as to inflict on it unnecessary pain and suffering;
- (b) use an instrument for slaughtering or stunning an animal unless his or her training, physical condition and ability qualify him or her to use the instrument to inflict on the animal as little pain as practicable;
- (c) slaughter or cause to suffer an animal in the presence or in view of another animal; or
- (d) proceed to slaughter or cause an animal to be slaughtered until that animal is securely fastened to enable it to be slaughtered with as little pain as possible.

103. (1) No dead or moribund animals shall be admitted into a slaughterhouse.

Dead or moribund
animals, gut
cleansing

(2) The process of the gut cleaning shall only be carried out at the area or part of the area set aside for that purpose.

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

Disposal

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

105. No dogs shall be allowed in or near a slaughterhouse.

Dogs at slaughter
houses

106. No person shall enter a slaughter house except with the permission of an authorised officer.

Admission into the
slaughter house

107. (1) The authorised officer may permit animals intended for penning to remain in the slaughterhouse pen during the hours in which the slaughterhouse is closed. Liability

(2) The county government shall not be liable for any loss of, or injury to an animal left in the slaughter house pen pursuant to section.

108. An authorised officer may order the slaughter of an animal at the pen if it appears necessary for the prevention of the spread of disease or for humane reasons. Prevention of spread of disease

109. A person who fails to comply with, or obey lawful instructions, directions and orders given by an authorised person for the purpose of controlling or supervising a slaughter house commits an offence. Lawful instruction

110. An authorised officer shall not be liable for loss or damage suffered during the slaughtering process. Exemption from Liability

111. The fees payable for services rendered under this part shall be paid in advance and in accordance with the prescribed fees. Fees

112. A person who contravenes the provision of this part commits an offence and shall be liable upon conviction to fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both. Penalties

PART VIII—PRIVATE LEARNING INSTITUTION

113. A person shall not carry on the business of a learning institution within the county unless he or she holds a valid permit and the premises meet the required standards. Permitted premises

114. An application for grant of a permit to carry on business of a learning institution and for the premises shall— Form of permit

(a) be in prescribed form; and

(b) shall contain such necessary information as prescribed.

115. The initial term of a permit shall be on the date on which the permit is granted and will end on 31st December of that year. Duration

116. A permit issued under this part shall not be transferable without prior consent in writing of the county government.

Transfer of permit
not allowed

117. No permit shall be granted unless the county government is satisfied that—

Conditions for
issuance of permit

- (a) the premises in respect of which a permit is desired comply with any building plan for the time being in force in the county government;
- (b) the premises are suitable in all respects for use as a learning institution and are capable of accommodating the number of children or pupils or students proposed to be accommodated therein;
- (c) the number of persons proposed to be employed to teach and take care of children or pupils or students is sufficient to safeguard their health, or safety; and
- (d) the learning institutions meets the ministry of education set standards.

118. The permit holder shall maintain the permitted premises in good order and condition to the satisfaction of the county government and in the event of his or her failure to do so , the county government may cause a notice to be served upon the permit holder requiring him or her within the period specified in the notice, to carry out such works as may in the opinion of the county government may be necessary to put such premises in good order and condition and if the permit holder fails to do such work within the time specified in such notice he or she commits an offence under this Part.

Conditions of
premises

119. A person working in a learning institution permitted under this Part must have a valid medical certificate from a recognized medical officer.

Infected persons

120. The medical officer of health or any other authorized officer may at all reasonable times enter and inspect any premises in the county which are being used for the purpose of carrying on a learning institution.

Inspection of
schools

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

Fees

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

Duty of permit holder

123. A person who contravenes the provisions of this part commits an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term of year or both.

Offences

PART IX—HAWKING

124. (1) An Application for hawking permit shall be made to the authorised officer in the prescribed form and shall state the particulars of the commodity and the places hawking will be conducted.

Application for permit

(2) No person shall conduct or engage in hawking without a permit.

125. (1) A permit to engage in hawking business or activities shall be issued upon payment of the prescribed fee by the authorized officer.

Issuance of permit

(2) A permit may be restricted to a particular area or for specified goods, wares, merchandise and refreshments.

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

126. (1) A hawking permit shall be displayed in a conspicuous place by the holder and shall be produced on demand by an authorized officer.

Production of a permit

(2) An authorized officer may inspect any commodities and goods which are being sold though hawking.

(3) Any person who obstructs hinders or otherwise interferes with any such duly authorized officer or inspector in the execution of his or her duties under this Act commits an offence.

127. (1) Upon payment of prescribed fee, an authorised officer may issue a permit authorizing the person named therein to be employed by or to assist a person having permit under this Act who—

Hawker's assistant

- (a) hawks refreshments; or
- (b) is living with disabilities

Provided that:

- (a) not more than one permit shall be issued under this section in respect of each permit; or
- (b) where a permit is issued under this section the relevant permit issued shall be endorsed with the words "One Assistant's Permit Issued".

128. A permit holder who transfers a permit or badge without written approval of an authorized officer commits an offence.

Transfer of permit

129. (1) Any person who without a valid permit engages in hawking or permit holder who engages in hawking in a non-designated area shall have the goods impounded and forfeited to the County Government.

Impounding of goods

(2) The provisions of sub section (1) shall not apply where a person is arraigned in court.

130. Any person who engages in hawking with or without a permit within the restricted areas of the central business areas defined by the County Government from time to time commits an offence.

Hawking in central business district

131. Any person who solicits, bargains, induces or negotiates with any hawker with a view to buy or sell any hawking goods in a non-designated area commits an offence.

Buying negotiating, soliciting and inducing

132. A person who contravenes the provision of this part commits an offence and shall be liable to fine not exceeding five thousand shillings or imprisonment for a term not exceeding seven months or both.

Penalties

PART X— DRAINAGE AND SEWARAGE

133. (1) Where any building is without adequate provisions for conveying surface water there from to a surface water sewer or where such provisions has been made but has fallen into disrepair, the owner of such building shall—

Provision for conveying surface water

- (a) on and within such reasonable time as shall be specified therein, provide guttering on downpipes or execute such other work as may be necessary to any surface water sewer which is within seventy yards of the boundary of the plot on which such building is erected or if there is no surface water sewer within the distance; or
- (b) if, it is not practical to connect to such sewer otherwise suitably dispose of such surface water to the satisfaction of the county government.

134. (1) Where any building is without provisions for conveying foul water there from to a foul sewer, the owner of such building shall—

Provision of conveying foul water

- (a) on receipt of a notice from the Authorized Officer requiring him to do so and within such reasonable time as may be specified within, provide a drain connecting to any foul sewer which is within seventy yards of the boundary of the plot on which such building is erected; and
- (b) if this is not practical to connect with such sewer, then emptying into a septic tank or otherwise, as the county may direct.

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

135. (1) If appears to the county that when two or more buildings are to be connected to a sewer may be drained more economically or advantageously by private sewer than by separate drains, the county government may, if an adequate public sewer exists or is about to be constructed within seventy yards of any part of the plot on which such building are erected and it is practical to connect therewith, order that such building be drained by a private sewer to be constructed by the owner of such building in accordance with plans to be approved by the county within such the reasonable time as shall be specified in such order.

Construction of private sewer

- (2) The cost of the construction of such private sewer

and of the repair and maintenance thereof shall be appointed between the owners of such building in such manner as the county government shall determine.

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

Provision of drain
for new buildings

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

(3) In this section "new building" shall include any building and two external walls of which have been pulled down to or below the level of the ground floor and which has been rebuilt.

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

Prohibition of
conveyance of
fouled water or rain
water

138. If it appears to the county that any building is not provided with drain or other appliance for carrying off waste water from such building, the owner of such building shall on receipt of a notice from the authorized officer requiring him or her to do so, provide such drain within reasonable time as may be specified in such notice.

Notice for
provision of drain

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

Connection to a
foul sewer

(2) If any sanitary accommodation of a type other than a water closet is installed or erected on a plot where the boundary is not within seventy yards of a foul sewer, the county government may by a notice in writing require the owner thereof, within such reasonable time as may be specified in such notice to convert such sanitary accommodation into or replace it by water borne sanitation or if there is an adequate septic tank into which such water borne sanitation may drain the septic tank, then the county government may require the owner thereof to construct within a reasonable time an adequate septic tank and connect such water borne sanitation thereto.

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

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

Notice to connect
to a public sewer

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

141. The owner of any building shall, at his or her own expenses, maintain all drains and all drainage works constructed upon or in connection with such building in an efficient condition and in a proper state or repair to the satisfaction of the county government.

Maintenance of
drains

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

Examination of drainages

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

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

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

Prohibition of draining into a public sewer

be carried or washed into, any public sewer either directly or indirectly.

144. (1) The county government may grant permission for the matter referred to in this part to flow into any public sewer upon such terms and for such period and during such time as it may in its absolute discretion determine.

Grant of permission

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

(3) Any person who contravenes or fails to comply with the terms of any permission commits an offence.

(4) Where any person has been convicted of an offence under this part, and the authorised officer may revoke any permission issued under this part.

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

Inspection chamber

146. (1) A person shall not throw or introduce or cause or permit any other person to throw or introduce into any septic tank, cesspool, drain, soil-pipe solid-water fitting or sewer, any stones, tins bottles, ashes or other matter liable to interfere with the free flow of sewerage or damage any such septic tank, cesspool, drain, soil water fitting or sewer.

Interference with free flow of sewerage

147. (1) The owner and occupier of any premises shall maintain all opening whether for ventilation or otherwise, to any drain, and also all taps, gullies and other drainage

Maintenance of opening to any drain

fittings in connection therewith in a reasonable clean condition and free from obstruction

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

Permission to construct a drain

(2) An application for permission to construct a drain to connect to sewer shall be in such form as the county may from time to time determine and shall be accompanied by such plans and other information as the county government may require.

(3) The fee prescribed in the approved fees and charges currently in use shall be paid to the county government with each application for permission to connect to a public sewer.

(4) As soon as the county government is satisfied that the owner of the said building is entitled and has met the requirements necessary to connect to any drain there from with a sewer and that the making of such connection would not contravene this Act the county chief engineer shall so notify the owner.

(5) No person other than an employee or agent of the county government shall make any connection.

(6) The county government shall at the earliest practicable date after the service of the notification referred to in sub-section (4) and provided all fees due under this Part have been paid, construct the sewer connection.

(7) The county government may close, demolish or remove any sewer connection made in contravention of this Act and may recover as a civil debt recoverable summarily from the person making such sewer connection or causing such connection to be made.

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

Conditions for drainage works

150. (1) The owner of any premises outside the county may, with the consent of the county government and subject to this Act, cause any drain constructed upon or in connection with such premises to empty into any sewer within the county upon such terms and conditions as may be agreed upon between such owner and the county government.

Construction of
drains

Provided that a person shall not cause any drain to empty into such sewer until terms and conditions have been agreed upon.

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

Recovery of costs

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

Safety measures

153. Every person who carries out any drainage work shall, as soon as such works is ready for testing, give notice in writing to the county government that such work is ready for testing and shall afford to any works as may be deemed necessary upon receipt of any notice aforesaid and the county government shall within four days cause such work to be inspected and tested.

Request for testing

154. (1) A person shall not proceed to cover up any drainage work until such work has been inspected, tested, and approved by an authorized officer.

Cover of drainage
work before
inspection

(2) A person who contravenes this sub section commits an offence.

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

Issuance of a certificate upon approval

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

156. The owner of every building, and of every place where workers are employed shall provide sufficient number of latrines for the use of the inhabitants and workers in the building or place, and such accommodation shall be conveniently sited to the satisfaction of the medical officer of health or an authorized officer.

Provisions of latrines

157. (1) A person shall not construct or carry out any drainage work unless such person is in lawful possession of a permit obtained from the county government authorizing him or her to do so.

Form of permit

(2) Such permit shall be in the form of a plumber's permit or a drain layer's permit and any person to whom any such permit as aforementioned has been issued by the county government shall be empowered to construct or carry such works as are specified in such permit.

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

(3) The person seeking registration and grant of

permit shall pay to the county government upon the issue of the permit under the Act, the prescribed fees in the approved fees and charges.

158. No plumber's permit or drain layer's permit shall be issued by the county government to any person until such person satisfies to the county government as to his or her competence to carry out the work of a permitted plumber or a permitted drain layer, and the county government may require any person who seeks or applies for a plumber's permit or a drain layer's permit.

Examination of plumbers

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

Register

160. Every person to whom a plumber's permit or a drain layer's permit has been issued by the county government under this Act, shall if called upon at any reasonable time to do so, produce his or her permit for the inspection by a duly authorized officer.

inspection of plumber's permit

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

Cancellation of a plumber's permit

Provided that prior to the cancellation of any such permit as aforesaid the person whose permit it is proposed to cancel shall be given an opportunity to appear before the county government or before a committee appointed by the county government, and being heard.

162. (1) If, after service of written notice under this Part the person on whom such notice is served fails to comply with the notice, the expense thereof shall be payable by the persons on whom the written notice was served and shall be a civil debt revocable summarily.

Failure to comply with a notice

(2) Any person who fails to comply with the

requirements of a written notice served upon him or her commits an offence.

163. A person who commits an offence under this part or fails to comply with the provisions of this part commits an offence and shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

Penalties

PART X— POUNDS

164. (1) The county government may establish, control and maintain for the reception and detention of any animals, vehicles or items impounded under this Act and may appoint a an authorized to be in-charge of such pounds.

Establishment of Pounds

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

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

165. An authorised officer may receive into any pound and detain therein any animal brought to him or her and shall supply every animal impounded with suitable and sufficient food and drink.

Receipt of animals by authorised officer

166. (1) Every person seeking the release of any impounded animal, vehicle or item properly impounded shall pay to the county government the prescribed fees.

Release of impounded animal, vehicle or item

(2) The an authorised officer shall not release any animal, vehicle or item from any pound until the person seeking such release has paid the prescribed fees.

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

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

Declaration of unclaimed items

168. An authorised officer may sell or cause to be sold any animal deemed to be ownerless and—

Sale of unclaimed animals, items or vehicles

- (a) the proceeds of such sale shall be applied to the cost of such sale and the surplus, if any, shall be retained for a period of three months from the date of sale;
- (b) the surplus for such sale, if any shall be returned to the owner of the animal, item or vehicle sold upon proof of ownership and making of a claim within three months from the date of such sale;
- (c) any surplus from such sale, if not claimed within three months from the date of such sale shall be credited to the County Government; and
- (d) in case of vehicles or item, the provisions of section 387 will apply.

169. An authorized officer may order the slaughter of any animal taken to a pound and detained therein, if it appears that the slaughter of such animal is necessary or advisable for prevention of spread of disease or for humane reasons.

Slaughter of unclaimed animals

170. (1) An authorised officer shall not be liable for—

Immunity

- (a) the release of any animal other than to the owner or the person normally having control of the animal;
- (b) the payment of any proceeds of sale to a person other than the owner of the animal;
- (c) the slaughter of any animal; or
- (d) any loss or damage incurred by or caused to any person by the reason of or in the process of impounding any animal, vehicle or item according to this Act.

171. Fees and charges payable under this part shall be as per the approved and prescribed fees.

Fees

172. A person who commits an offence under this part or fails to comply with the provisions of this part commits

Penalties

an offence and shall be liable to a fine not exceeding seven thousand or to imprisonment of a term not exceeding seven months or both.

PART XII—PUBLIC LAVATORIES

173. (1) The county government may—

Partnership

- (a) partner with any person to provide public lavatory services at a fee agreed between the parties;
- (b) enter into a lease agreement with a private party to manage the existing public lavatories;

Provided the above partnership shall only be for management purposes.

(2) The partnership and lease agreement mentioned in sub-section (1) will be reviewed as agreed by the parties.

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

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

174. A person who uses or enters a lavatory shall not—

Use of lavatory

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

government or any other person authorized to manage the convenience in the execution of his or her duties.

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

Person managing a lavatory

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

176. (1) The mobile toilet shall be permitted by an authorized officer on the advice of medical officer of Health and upon payment of applicable charges.

Permit

(2) Any other person carrying on convenience services within the county will be required to obtain a permit from the authorized officer on the advice of medical officer of Health at a fee as per the approved fees and charges.

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

177. A person who contravenes the provisions of this part commits an offence and shall be liable to a fine not exceeding seven thousand shillings or to imprisonment of a term not exceeding seven months or both.

Penalties

PART XIII— RESTAURANT, EATING HOUSE, SNACK BAR AND CAFÉ

178. (1) An application for a single business permit shall be made to the authorized officer before the thirtieth day of September of the year preceding to which the application relates to in the prescribed.

Application for permit

(2) Payment late application shall be as per the prescribed fees.

(3) If an application is for a new permit, it shall be delivered to the Authorized Officer not less than 30 days before the date, which shall be specified in the application, upon which it is desired to commence business.

(4) The Authorized Officer may refuse to accept any application, which does not comply with the provisions of this Act.

179. (1) The following permits may be issued upon payment of prescribed fee—

Permits

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

180. An authorised officer may issue a permit with such condition as he or she deem fit upon payment of prescribed fee.

Authorized. Officer to issue permit

181. The authorized officer may refuse to grant a permit upon the advice of medical officer of health.

Power to refuse to grant permit

182. (1) The authorized officer may, by written notice issued to the permit holder, cancel the permit in respect of any premises if so recommended by the public health officer that the premises are, in a condition as to be dangerous to health or liable to contribute to the spread of disease or do not comply with any of the provisions of this Part.

Cancellation of permit

(2) Where a permit has been cancelled under the provisions of sub-section (1), the authorized officer shall not issue any further permit in respect of the same premises without the applicant first obtaining the approval in writing of the medical officer of health.

183. (1) The authorized officer may, with the approval of the public health officer, on application and upon payment of the approved fees transfer a permit from the holder thereof to another person.

Transfer of permit

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

184. A permit issued to a body corporate shall be issued in the name of the body.

Permit to corporation

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

Application for duplicate permit

(2) The authorized officer shall, on payment by the

applicant of a fee as per the approved fees and charges issue a duplicate permit.

186. (1) A restaurant permit shall be an authority to the permit holder at the premises specified therein, to prepare or cook for sale and sell food for consumption.

Restaurant's permit

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

- (a) dining space shall have sufficient space for the intended number of customers.
- (b) in relation to kitchens—
 - (i) the floor shall be of an approved impervious material and shall be adequately drained.
 - (ii) the walls shall be tiled or finished in terrazzo to a height of six feet from the floor and above that height shall be either tiled, finished in terrazzo or rendered with cement plaster brought to a smooth finish and painted with a light coloured fire resistant washable paint;
 - (iii) cooking shall be done with electricity, gas, coal, anthracite, oil burning or charcoal-burning equipment of an approved type and such equipment shall be sited to the satisfaction of the public health officer; and
 - (iv) an approved means of extracting smoke and fumes shall be provided.
 - (v) at least two suitable sinks of stainless steel with a constant supply of piped hot and cold water connected thereto or there over shall be provided and sited to the satisfaction of the public health officer;
 - (vi) a stainless steel sink situated in the kitchen for cleaning and preparation of vegetables; and
 - (vii) a wash hand basin with a constant supply of piped hot and cold water together with soap and a nail-brush and a clean towel or other device for the drying of hands shall be provided in or adjacent to the kitchen for use

by persons engaged in the preparation or cooking of food.

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

Sculleries in
restaurants

(2) The floor shall be of and approved impervious material and shall be adequately drained.

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

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

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

188. In relation to sanitary conveniences—

Sanitary
conveniences in
restaurants

- (a) sufficient sanitary conveniences and wash hand basins shall be provided;
- (b) sanitary conveniences for use by customers shall be approached from within the premises through an intervening ventilated space and separate provisions shall be made for persons of each sex;
- (c) wash hand basins with a piped supply of water connected thereto or there over, together with soap and a clean towel or other device for the drying of hands shall be provided for use by customers; and
- (d) sanitary conveniences shall be provided for people living with disabilities.

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

Waste management
in restaurants

190. (1) Restaurant shall have—

- (a) adequate refrigerated storage space for maintenance and storage of food;

Miscellaneous
requirements for
restaurants

- (b) a changing room shall be provided where employees shall remove and store outdoor clothing and there shall be provided, in connection with such room, shower facilities and wash-hand basins with a constant supply of piped hot and cold water connected thereto or there over together with soap, a nail-brush and a clean towel or other device for the drying of hands;
- (c) access shall be provided to a yard of a size which in the opinion of the public health officer is sufficient for the servicing of the premises;
- (d) at least one room of adequate size shall be provided for the sole purpose of storing food and such room shall be adequately lit, ventilated and rendered rodent proof;
- (e) dust proof ceilings shall be provided in all rooms where food is prepared or stored;
- (f) a constant supply of pure and wholesome water shall be provided;
- (g) emergency exits from the premises shall be provided and maintained.

(2) The permit holder operating the restaurant shall provide adequate and appropriate fire fighting facilities, located strategically.

191. (1) An eating house permit shall authorize the permit holder at premises, the address of which shall be specified therein, to prepare or cook for sale and sell food for consumption.

Eating houses

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

- (a) dining space – the area available for dining space shall be adequate; and
- (b) yard space – a yard space of an approved size the use of which is exclusive to the premises shall be provided.

(3) In relation to kitchens—

- (a) a kitchen shall be provided which shall be separate

from the dining room and be of an area of not less than 10 square feet;

- (b) the floor shall be of an approved impervious material and shall be adequately drained;
 - (c) cooking shall be done with electricity, gas, coal, anthracite, oil burning or charcoal-burning equipment of an approved type;
 - (d) an approved means of extracting smoke and fumes shall be provided,
 - (e) the walls shall be finished in smooth cement plaster or other approved material and painted with a light coloured fire resistant washable paint;
 - (f) at least two suitable sinks of stainless steel with a constant supply of piped hot and cold water connected thereto or there over shall be provided in approved positions, one of which shall be used solely for the cleaning and preparation of vegetables; and
 - (g) a wash basin with a constant supply of hot and cold water connection thereto or there over, together with soap, a nail brush and a clean towel or other device for the drying of hands shall be provided in or adjacent to the kitchen for use by persons engaged in the preparation or cooking of food.
- (4) In relation to sculleries—
- (a) a scullery, separated from the kitchen, shall be provided in which shall be situated all sinks intended for use in the cleansing of utensils and equipment; and
 - (b) the floor shall be of an approved impervious material and shall be adequately drained.
- (5) In relation to sanitary conveniences—
- (a) sufficient sanitary conveniences shall be provided

to satisfy the provisions of this Part;

- (b) sanitary conveniences shall be provided and separate provisions shall be made for persons of each sex and where approached from within the premises, such conveniences shall be entered through an intervening ventilated space;
- (c) wash hand basins with a piped supply of water connected thereto or there over together with soap and a clean towel or other device for the drying of hands, shall be provided for use by customers; and
- (d) sanitary conveniences shall be provided for people living with disabilities.

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

Waste management
in eating houses

193. Miscellaneous requirements are as follows—

Miscellaneous
requirements for
eating houses

- (a) at least one room of adequate size shall be provided for the sole purpose of storing food and such room shall be adequately lit, ventilated and rendered rodent proof;
- (b) adequate storage space for employees outdoor clothing shall be provided,
- (c) adequate refrigerated storage space for food shall be provided and maintained;
- (d) dustproof ceilings shall be provided in all rooms where food is prepared or stored;
- (e) a constant supply of pure and wholesome water shall be provided;
- (f) the permit holder operating the eating house shall provide adequate and appropriate fire fighting facilities, located strategically; and
- (g) emergency exits from the premises shall be provided and maintained.

194. (1) A snack bar permit shall authorize permit holder at the premises, the address whereof which shall be

Snack bar permit

specified therein, to prepare for sale and sell for consumption in the premises the following—

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

(2) A holder of a snack bar permit who sells or permits the sale of food of a type other than those specified in sub-section (1) for consumption on the permitted premises commits an offence under this Part.

195. (1) A snack bar shall comply with following requirements of this Part—

Requirements for
snack bars

(2) The floor shall be of an approved impervious material and shall be adequately drained.

(3) In relation to sanitary conveniences—

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

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

Waste management
for snack bars

197. Miscellaneous requirements—

Miscellaneous
requirement for
snack bars

- (a) at least two suitable sinks of stainless steel supplied with hot and cold water shall be provided and sited in approved positions;
- (b) no heating apparatus other than one using electricity or gas shall be used in the preparation of food;
- (c) adequate storage space for employees' outdoor clothing shall be provided;
- (d) the walls shall be finished in smooth cement plaster or other approved material and shall be painted with a light coloured fire resistant washable paint;
- (e) adequate refrigerated storage space shall be provided and maintained for storage of food;
- (f) approved storage space for foodstuffs, suitably lit, ventilated and rendered rodent proof shall be provided;
- (g) access shall be provided to a yard of a size which in the opinion of the public health officer is sufficient for the servicing of the premises;
- (h) dustproof ceiling shall be provided in all rooms where food is prepared or stored;
- (i) a constant supply of pure and wholesome water shall be provided;
- (j) emergency exits from the premises shall be provided and maintained; and
- (k) the permit holder operating the snack bar shall provide adequate and appropriate fire fighting facilities, located strategically.

198. Every open air eating place shall operate under the following requirements—

Open air eating
place

- (a) structure should be an approved design by the county government;

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

199. Any person who, in any premises in the county, prepares or cooks or permits the preparation or cooking of food for sale or sell for consumption on those premises unless he or she is the holder of a permit in respect of those premises commits an offence.

Cooking without permit

200. Any person who in any premises in the county sells or permits the sale of food for consumption on those premises shall unless he or she is the holder of a permit in respect of those premises authorizing such sale, or an employee of such a permit holder, commits an offence under this Part.

Sale of food for consumption

201. Any act done or omitted to be done by an employee of a permit holder in contravention of any of the provisions of this Part shall be deemed also to be the act or omission of the permit holder and any proceedings for an offence arising out of such act or omission may be taken against both such permit holder and such employee.

Liability of a permit holder

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

Power to inspect

- (2) Any such person as is referred to in sub-section (1)

shall—

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

203. (1) Any person who works in a restaurant, eating houses, snack bar and knows that he or she is suffering from an infectious or contagious disease commits an offence.

Persons suffering from infections or contagious diseases

(2) Any permit holder who employs in a restaurant, eating house or snack bar any person without a valid medical examination certificate, commits an offence under this Part.

204. A permit holder who fails to exhibit a permit in a prominent and conspicuous position in the premises commits an offence.

Display of permits

205. (1) A permit holder shall take all such steps as may be reasonably necessary to protect food from risk of contamination and in particular shall—

Food Contamination

- (a) not place food or permit it to be so placed as to involve any risk of contamination;
- (b) maintain the permitted premises in a clean and wholesome condition;
- (c) not use or permit to be used as a living or sleeping room any room which communicates directly to a room used for the preparation, cooking, storage or consumption of food;
- (d) maintain all utensils, crockery, cutlery, linen and

other articles of whatsoever description used on the permitted premises for or in connection with the preparation, cooking, serving or consumption of food, in a clean and sound condition,

- (e) keep all food, other than that in the house of preparation, cooking, serving or consumption, in a store or refrigerator reserved solely for the keeping of such foods,
- (f) keep in the kitchen only such articles and equipment as are required for or used in the preparation, cooking, serving or consumption of food, and
- (g) comply with all the requirements of the public health officer intended or designed to ensure the sanity and hygienic use of the permitted premises.

(2) A permit holder shall not sell nor have in his or her possession for sale in the permitted premises any food which is not fit for human consumption and wholesome.

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

Personal hygiene

- (a) keep as clean as may be reasonably practicable all parts of his or her person which may be liable to come into contact with such food or utensils;
- (b) wear a clean garment and head covering of an approved pattern which, in the case of a person engaged in the preparation or cooking of food, shall be white;
- (c) keep any cut or abrasion on any exposed part of his or her person covered with a suitable and clean waterproof dressing;
- (d) refrain from spitting; and
- (e) refrain from smoking.

(2) No permit holder shall permit any person to be engaged in the handling of food or any utensil in connection with the preparation, cooking, serving or

consumption of food, whilst such person does not comply with any of the requirements of sub-section (1).

(3) Any person who contravenes or fails to comply with any of the provision of sub-sections (1) and (2) commits an offence.

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

Misuse of sinks
and kitchen

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

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

(4) Any person who uses or permits to be used any part of the premises, for cooking or preparation of food other than the kitchen and preparation room or scullery commits an offence under this Part.

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

Restriction on
names

(2) Any holder of a snack bar permit who includes in the name of the permitted premises either the words eating house or by any words, letters or sign implies that a eating house permit is in force in respect of such premises, commits an offence under this Part.

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

Restriction on
trading

210. Any permit holder who uses or permits to be used any permitted premises in such a manner that they are or are likely to become a nuisance or annoyance to inhabitants of neighbouring properties or persons using any street commits an offence. Nuisance

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

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

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

213. A person who contravenes the provision of this part commits an offence and shall be liable upon conviction to a fine not exceeding seven thousand shillings or to an imprisonment for a term not exceeding a term of seven months or both. Penalties

PART XIV—FOOD SHOPS AND STORES

214. The provisions of this Part shall not apply to— Exemptions

- (a) dairies registered under the public health (Milk and Dairies) Regulations in which no trade is carried on in any food other than milk or cream;
- (b) premises permitted to trade as bakeries and lodging houses;
- (c) the sale by auction by an auctioneer, permitted under the Auctioneers Act; and
- (d) premises registered under the Pharmacy and Poisons Act.

215. (1) The following permits shall be granted upon payment of the prescribed fee— Permits

- (a) grocer's permit;
- (b) butcher's Permit;
- (c) fishmonger's permit;
- (d) greengrocer's permit;
- (e) food Store permits;
- (f) supermarket; and
- (g) milk permit.

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

216. (1) Application for permit shall be in the prescribed form and shall provide if the application is for new permit or for renewal of an existing permit. Application for permit

(2) An application for the renewal of an existing permit shall be delivered to the authorized officer on or before 30th September of the year preceding that to which the application relates:

Provided that payment of the approved fee for a late application has been done, the authorized officer shall accept an application submitted after 30th September of the year preceding that to which the application relates.

(3) An application for a renewal of permit shall be delivered to the authorized officer not less than 30 days before the date, which shall be specified in the application, upon which it is desired that trading or storing shall begin.

(4) Application forms shall be completed in English language and shall be signed by the applicant and the authorized officer may refuse to accept any application which does not comply with these requirements.

217. (1) The authorized officer may issue a permit under this part and impose such conditions as he or she deems fit. Form of permit

(2) Every permit shall contain sufficient particulars of the shop or the store to which the permit applies.

(3) There shall be paid to the county government the prescribed fees for every permit issued.

(4) Every permit issued under this part shall be signed by the authorized officer.

218. (1) The authorized officer shall refuse to issue a new permit if—

Refusal to grant permit

(a) the premises to which the application relates does not conform with the requirements of the Public Health or do not conform with the provisions of this part;

(b) the articles, apparatus, fittings or utensils provided, or to be provided, for use in connection with trade do not conform with the requirements of the permit; or

(c) the shop, or as the case may be, the store does not comply with the provisions of this part.

(2) The authorized officer may refuse to renew a permit if—

(a) the business to which the application relates is or has been, in his or her opinion, conducted in an improper manner;

(b) the premises to which the application relates are, in the opinion of the public health officer, not in good repair or not provided with adequate sanitary arrangements, or do not conform with the provisions of this Act, or have been altered materially so as to affect prejudicially the facilities originally provided; or

(c) if the articles, apparatus, fittings or utensils originally provided or if the articles, apparatus, fittings or utensils provided for use in connection with trade do not conform to the requirements of the public health officer.

219. (1) The authorized officer may by written notice to the permit holder, cancel any permit if it is

Cancellation of permit

recommended by public health officer, that the premises to which the permit applies or any part thereof, or any article, piece of apparatus, fitting or utensils or any person working therein are in such condition as to be dangerous to health or liable to favour the spread of diseases.

(2) Where a permit has been cancelled under the provisions of sub-section (1), the authorized officer shall not issue or transfer to the holder of the cancelled permit any further permits nor issue any further permit in respect of the same premises without first the applicant obtaining the approval in writing of the public health officer.

220. (1) The authorized officer may, with the consent of the permit holder and subject to the provisions of this part and upon payment of a fee, transfer permit from the holder thereof to another person.

Transfer of permit

(2) A permit may be transferred so as to be made applicable to premises other than those in respect of which the original application was made and the permit issued.

Provided the new premises meet the basic requirements of a premises.

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

Duplicate permit

(2) The authorized officer shall, upon payment by the applicant of the prescribed fee issue a duplicate permit.

222. (1) Any person who is suffering from or knows himself or herself to be carrier of any infectious or contagious or venereal disease shall not work in any shop or store.

Restriction on employment

(2) A permit holder shall not employ in any shop or store any person whom he knows to be suffering from or to be carrier of any infectious, contagious or venereal disease;

(3) Any person working in a food shop or store shall have a valid medical examination certificate issued.

223. In any shop or store where goods other than food are sold, stored or offered for sale, the permit holder shall

Manner of storing food

reserve a part of such shop or store for storing only, and no food shall be kept or stored in any other part thereof.

224. A permit shall be display in a prominent and conspicuous place in premises to which it applies alongside the certificate of incorporation or registration certificate.

Display of permit

225. A permit holder shall take all such steps as may be reasonably necessary to protect food from risk of contamination and in particular shall—

Protection of food

- (a) not place food or permit it to be so placed as to involve any risk of contamination;
- (b) not place uncovered food at height of less than eighteen inches from the floor;
- (c) maintain his or her shop or store in a clean and wholesome condition;
- (d) comply with all the requirements of the public health officer intended or designed to ensure the sanitary and hygienic use of his or her shop or store;
- (e) provide and maintain a sufficient supply of hot and cold water;
- (f) maintain in a clean condition apparatus or utensils in the shop or store which is likely to come into contact with uncovered food; and
- (g) maintain in a clean condition any apparatus or utensil in the shop or store which is likely to come into contact with uncovered food.

226. (1) A permit holder shall provide in a conveniently accessible position and maintain a sufficient number of wash-basins for the use of in the handling of food.

Wash basins
position and
persons engaged

(2) For each such wash-basin, a permit holder shall provide and maintain a sufficient supply of hot and cold water,

(3) At or near each such washbasin, a permit holder shall provide adequate supplies of soap or other suitable detergent, nail brush and a clean towel or other suitable drying facilities.

227. (1) A permit holder shall provide, in a conveniently accessible position and shall maintain in a good condition an adequate number of suitable sanitary conveniences.

Sanitary
convenience

(2) A permit holder shall not use or permit to be used for handling or storage of food any room which either—

- (a) contains sanitary convenience; or
- (b) communicates otherwise than through an intervening ventilated space with a room containing a sanitary convenience.

228. Any person engaged in the handling of food shall while so engaged—

Manner of handling
of food

- (a) keep as clean as may be reasonably practicable all parts of his or her clothing which may be liable to come into contact with food;
- (b) keep any open cut or abrasion on any exposed part of his or her person covered with a suitable and clean water proof dressing;
- (c) refrain from spitting; and
- (d) refrain from smoking.

229. (1) Any person engaged in the handling of food shall not use for the wrapping of open food any paper or wrapping material or container which is not clean or which is liable to contaminate the food and in particular, shall not allow any printed material other than printed material designed exclusively for wrapping or containing food to come into contact with any open food.

Open food

(2) Any person engaged in the handling of food shall not handle any unwrapped sweets, cakes, pastries or sliced cooked meat except with a suitable apparatus or instrument.

230. (1) A grocer's permit may authorize the permit holder, at premises the address of which shall be specified therein, to trade in food.

Grocer's permit

(2) In section, "food" excludes unprocessed vegetables, processed fruit, processed meat or processed fish.

231. A grocer's permit shall not be granted unless—

Grocer's shop

- (a) the floor of the shop is of rendered concrete or other durable and impervious material and is suitably drained; and
- (b) an adequate yard space is provided, equipped with suitable refuse containers.

232. A butcher's permit shall authorize the permit holder at premises the address of which shall be specified therein, to trade in meat, whether processed or unprocessed.

Butcher's permit

233. A butcher's permit shall not be granted unless—

Butcher's shop

- (a) the unencumbered floor area of that part of the shop which is to be used for the sale of meat is adequate;
- (b) the height from the floor to ceiling of that part of the shop which is to be used for the sale of meat is not less than 10 feet;
- (c) all walls are constructed of brick, stone, concrete or other durable material with the interior surface rendered smooth and either tiled or painted with a light coloured fire resistant washable paint;
- (d) the floor is of rendered concrete or other durable and impervious material and is suitably drained;
- (e) the shop front is glazed;
- (f) adequate cold storage space is provided;
- (g) suitable and adequate provision that no meat shall come into contact with any wall or be liable to obstruct or hinder the free passage of customers; and
- (h) adequate yard space is provided, equipped with suitable refuse containers.

234. A permit holder shall not trade in meat which has not been inspected by a meat inspector or an officer authorized.

Uninspected meat

235. (1) A person engaged in the handling of meat shall while so engaged, wear a white outer garment of a pattern approved by the public health officer.

Manner of handling
of meat

(2) Any person who handles meat when not clothed in accordance with the provisions of sub-section (1) and any permit holder who permits any person to handle meat when not so clothed commits an offence.

236. A fishmonger's permit shall authorize the permit holder to trade in fish whether processed or unprocessed.

Fishmonger's
permit

237. A fishmonger's permit shall not be granted unless—

Fishmonger's shop

- (a) all walls of the fishmonger's shop are constructed of brick, stone or concrete or a durable material with the interior surfaces rendered smooth and either tiled or painted with a light coloured fire resistant washable paint;
- (b) the floor is of rendered concrete or other durable impervious material and is suitably drained;
- (c) the shop front is glazed;
- (d) adequate cold storage is provided; and
- (e) adequate yard space is provided adjacent thereto with suitable facilities for the cleaning of fish boxes.

238. Fish boxes shall be thoroughly cleaned immediately after use.

Fish boxes

239. A person engaged in the handling of fish shall, while so engaged wear a white outer garment of a pattern approved by the public health officer.

Manner of handling
fish

240. A greengrocer's permit shall authorize the permit holder to trade in fruit and vegetables, whether processed or unprocessed.

Green grocer's
permit

241. A green grocer's permit shall not be granted unless—

Green grocer's
shop

- (a) all walls of the greengrocer's shop are constructed of brick, stone or concrete or other durable

materials with the interior surfaces rendered smooth and either tiled or painted with a light coloured fire resistant washable paint;

- (b) the floor is of rendered or other durable and impervious material and is suitably drained; and
- (c) adequate yard space is provided equipped with suitable refuse containers.

242. A food store permit shall authorize the permit holder to store food. Food store permit

243. A person shall not trade in any business under this part unless such a person is in possession of a permit issued under this part. Trading without a permit

244. (1) A public health officer or an authorized officer may at any reasonable hour enter any shop or store in respect of which a permit under this Part has been applied for or issued and conduct an inspection they deem fit. Inspection.

(2) An authorised officer may—

- (a) if he or she has reasonable cause to believe that trade is being carried on or that food is being stored in any premises in respect of which a permit has not been issued or applied for under this part, demand that the person in charge or appearing to be in charge of such premises allow him or her free entry thereon and afford him or her all reasonable facilities to inspect the same; and
- (b) if after notification of his or her authority and purpose of entry, cannot without reasonable delay be obtained, the said person may enter such premises and may make such inspection thereof and of the stock therein as may be deemed necessary.

245. In any proceedings under this part, any food in any shop or store shall be deemed unless the contrary is proved, to be kept for the purpose of trade or as the case may be for storage. Presumption of goods

246. (1) The authorized officer, on the recommendation of the public health officer, may issue to any person a certificate in relation to any shop or store to the effect that compliance with any of the provisions of this part is not required for such period as he or she shall therein specify;

Exemptions by a
Public Health
Officer

Provided that the public health officer shall not recommend the grant of any such certificate unless he or she is satisfied that by reason of restricted accommodation or other special circumstances affecting such shop or store it is reasonable that such a certificate should be in force in respect thereof.

(2) The authorized officer may withdraw any such certificate if at any time the public health officer ceases to be satisfied as aforesaid and recommends to him or her .

247. (1) A person who contravenes the provisions of this part commits an offence and shall be liable upon conviction to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

Penalties

(2) Any permit holder who, is twice convicted of offences under this part shall be liable, in addition to any other penalty which may be imposed to have his or her permit cancelled.

PART XV—CONTROL OF HAMALI CARTS AND HAND CARTS IN PUBLIC STREETS

248. A person who intends to operate a hamali cart or hand cart within the county shall pay to the county government the prescribed fees.

Fees

249. If the county government is satisfied that it is expedient for facilitating the passage of traffic it may from time to time designate any public street in the county prohibiting the use of the street by Hamali carts or hand carts subject to exceptions specified in the order.

Control of Hamali
carts and hand carts

250. An authorised officer may propel a Hamali or hand cart while observing the traffic rules and the provisions of this Act.

Traffic rules

251. Every such order shall be published in the Gazette and a person who uses a Hamali cart or hand cart or causes or permits a Hamali cart or hand cart to be used in contravention of a prohibition imposed by an order made by the county government or fails to comply with the provisions of this part, commits an offence under this part and shall be liable to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding seven months or both.

Offences and
Penalties

PART XVI—CONTROL OF GRAZING

252. (1) A person shall not graze any livestock within the county unless he or she is the holder of a permit, issued in writing by authorized officer.

Grazing within the
County

(2) The authorized officer may issue a permit or refuse to issue such permit subject to such conditions as he or she may deem necessary.

253. A permit issued under this Act may be revoked by the authorized officer by notice in writing given to the holder thereof if—

Permit

(a) in opinion of the authorized such revocation is necessary or desirable in the interest of grazing land available; or

(b) the holder or his or her agent or employee is convicted of an offence under this part.

254. An authorized officer may require a person found grazing livestock within the county to produce the permit for inspection.

Production of
permit

255. The fees payable under this part shall be as per the prescribed fees and charges.

Fees

256. A person who commits an offence under this part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and a fine not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and a term not exceeding nine months in respect of a second or subsequent offence or both.

Penalties

PART XVII— SALE OF ICE-CREAM

257. A person shall not sell, or offer for sale or cause to be sold an ice-cream which does not meet the following requirements— Sale of ice cream

- (a) the ice-cream has been manufactured in accordance with the provisions of regulation relating to the manufacture of ice cream;
- (b) the ice-cream shall be protected from dirt, dust or other contamination at all times during its storage, distribution and sale;
- (c) the ice-cream shall either—
 - (i) be kept at a temperature not exceeding 28o F;
 - (ii) in the event of the temperature of the ice-cream rising above 28o F at any time since it was frozen then the ice-cream has to again be subjected to the treatment prescribed in sub-section (4) and, (5) and after having again been frozen shall be kept at a temperature not exceeding 28o F; or
- (d) the ice-cream shall be of such quality that it shall fail to decolorize Ethylene Blue at two hours when subjected to the following test, namely—
 - (i) 2 ml. of the ice-cream shall be of such quality that it shall fail to decolorize Ethylene Blue solution and 7 ml. of quarter strength Ringer Solution in a standard reductive tube. The tube shall then be incubated at 20o Centigrade ($\pm \frac{1}{2}$ o) for seventeen hours followed immediately by incubation at 37o Centigrade ($\pm \frac{1}{2}$ o). The tube shall then be inverted once every half hour until decolourisation is complete,
 - (ii) every such test shall be commenced within two hours after the collection of the sample; and
 - (iii) every test shall be carried out by either the government Bacteriologist, the medical officer of health or an authorized officer.

258. A person shall not use any premises for the distribution or for the sale of ice-cream unless he or she shall be in lawful possession of a permit issued by the county government entitling him or her to use the premises for such purpose.

Sale without permit

259. A prescribed fee shall be payable to the county government for permit issued under this part:

Fees

260. An application for a permit under this part shall be made to the authorised officer in the prescribed form.

Form of application

261. A permit issued under this part shall expire on the 31st day of December following its issue.

Permit duration

262. A permit issued under this part shall not be transferred from the holder to any other person without the permission of the authorized officer.

Transfer of permit

263. (1) An authorized officer or a public health officer may enter and inspect any permitted premises, and examine the water supply, any vessels or utensils which may be found on the premises and take samples of any ice-cream found upon the premises and may make such further inquiry as they deem.

Inspection

(2) A person who wilfully hinders obstructs, resists or refuses to give information or gives false or misleading information to the authorized officer or public health officer in the course of such inspection commits an offence.

264. Every permit holder shall—

Cleanliness

- (a) at all times maintain the permitted premises in a state of thorough cleanliness; and
- (b) cause all vessels and utensils brought in contact with ice-cream during the storage, distribution or sale to be thoroughly cleaned and sterilized immediately after use.

265. (1) No permit holder shall cause or permit any person suffering from any infectious or contagious or venereal disease to be employed in or about the permitted premises or in distributing or selling of ice-cream.

Restriction on employment

(2) Every permit holder shall inform the public health officer or authorized officer without delay of the occurrence of any infectious or venereal disease in such

premises and shall comply with any direction which the public health officer or authorized officer may give for the purpose of such diseases.

(3) The permit holder shall not employ any person without a valid medical examination certificate.

266. (1) The medical officer of health or chief officer in the department health may medically examine or cause to be medically examined any person resident on or employed or engaged in or about any permitted premises for the purpose of ascertaining whether such person is suffering from any infectious or contagious or venereal disease.

Medical
examination

(2) Any person who refuses to be examined by such medical officer of health commits an offence.

267. Every permit holder shall at all reasonable time produce his or her permit when so required by the medical officer of health, authorized officer or public health officer.

Production of
permit

268. A person who commits an offence under this Part shall be liable upon conviction to a fine not exceeding seven thousand shillings in respect of a first offence and a fine not exceeding ten thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and an imprisonment not exceeding twelve months in respect of a second or subsequent, offence or both.

Penalties

PART XVIII— CONTROL AND LICENSING OF DOGS

269. (1) An authorized officer may issue to any applicant a permit and a permit badge in respect of any dog or dogs kept in urban and peri-urban areas within the county upon—

Issuance of permit
and permit badge

- (a) payment of the prescribed fee; and
- (b) production to the authorized officer of a valid certificate issued by a veterinary surgeon or a veterinary officer to the effect that the dog in respect of which the dog permits and permit badge are required has been inoculated against rabies.

(2) No dog permit fee shall be payable on issue of any permit or permit badge in respect of—

- (a) any dog kept by a blind person or used for the purpose of guiding a blind person; or
- (b) any dog which the county government in its discretion declare to be except exempted from the provisions of this sub-section(1).

270. A permit issued under this part shall expire on the 31st December in the year in respect of which it is issued.

Expiry of a permit

271. (1) An authorized officer may refuse to issue a permit or permit badge or may by notice in writing addressed to the holder thereof, cancel any permit or permit badge already issued if it appears to the authorised officer that the person who keeps or proposes to keep the dog which the permit relates to is an undesirable or unsuitable person to keep the dog.

Refusal to issue permit or permit badge

(2) Any person aggrieved by a decision of an authorized officer under sub-section(1) may, within thirty days of such decision, appeal in writing to the County Executive Committee Member in charge of matters relating to finance.

272. A duplicate permit or permit badge may be issued upon proof that the original permit or permit badge has been lost or destroyed upon payment of the prescribed fees.

Issuance of duplicate permit or permit badge

273. (1) A person shall not without a permit keep a dog over the age of six months for a period exceeding thirty one days in the urban and peri-urban areas of the county.

Offences

(2) A person shall not—

- (a) allow a dog in respect of which a permit badge has been issued to be at large unless the permit badge is permanently attached to a collar worn by the dog;
- (b) without reasonable or just cause remove a permit badge from the dog in respect of which it was issued; or

- (c) without reasonable or just cause remove a collar from any dog ;
- (d) attach to a collar worn by a dog any badge so similar to a permit badge issued under this Act with the intention to mislead;
- (e) alter, destroy or mutilate any permit badge issued under this Act;
- (f) permit to be let at large or uncontrolled any dog which is kept by him or her and which he or she knows to be either vicious, dangerous or suffering from any infectious diseases;
- (g) permit a dog to be at large or uncontrolled; or
- (h) keep a dog which he knows to be nuisance or annoyance to any person.

274. A police officer, veterinary officer inspector or authorized officer may seize and take to a pound— Right to seize or pound

- (a) any dog found in a public place or public street;
- (b) any dog found at large without collar; or
- (c) any dog found at large without a permit badge attached to a collar or;
- (d) any dog in respect of which a permit has not been issued under this part or the permit issued is invalid.

275. (1) Any dog impounded in a pound shall not be released except— Condition for release of impounded dogs

- (a) on payment of all pound fee due in respect of that dog; and
- (b) to the permit holder of that dog, or someone acting in his or her authority.

(2) Pound fee shall be that specified in the approved fees and charges.

276. (1) Any dog not released or reclaimed from pound within ten days of having been received in the pound may either be sold, given away, painlessly destroyed under the supervision of a veterinary surgeon or an authorised officer dealt away with. Dealing with unreleased or reclaimed dogs

(2) Any dog which is—

- (a) severely injured or suffering from an infectious or contagious disease or is savage or dangerous; and
- (b) not receiving proper or necessary treatment or not under any or sufficient control may be painlessly killed under the supervision of a veterinary surgeon or an authorised officer.

(3) No liability shall attach to the county government or any authorised officer for any dog being killed or otherwise dealt with in accordance with the provisions of this part.

277. (1) An authorized officer may having reasonable grounds for suspicion that an offence under this part is being or have been committed, enter upon any premises for the purpose of making such inspection or inquiry as may be reasonable for the proper carrying out and enforcement of this Act.

Right of entry

(2) It shall be the duty of the occupier of any premises to give such information or assistance which such an officer may require for proper carrying out and enforcement of this Act.

(3) A person who fails to give any information required under this part to an authorised officer commits an offence.

278. A person who contravenes the provisions of this part commits an offence and shall be liable upon conviction be liable to a fine not exceeding seven thousand shillings in respect of a first offence and a fine not exceeding ten thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding twelve months in respect of a second or subsequent, offence or both.

Penalties

PART XIX—PREVENTION AND EXTINCTION OF FIRE AND FIRE BRIGADES

279. (1) The county government may issue a fire compliance certificate for respect of a particular premises.

Fire Compliance certificate

(2) The county government may designate a particular

premise for use of the following purposes—

- (a) accommodation;
- (b) hospital
- (c) of entertainment, recreation or instruction or any club, society or association;
- (d) educational institution

280. The county government may inspect fire safety and the provision of fire fighting equipment for the purposes of issuing a fire compliance certificate. Power to inspect

281. (1) A fire compliance shall not be issued for Exemption

- (a) single dwelling house; or
- (b) religious premises.

282. (1) The county government may issue a notice to the occupier or owner of a premise where explosives of highly inflammable materials are kept Power of County Government

(2) The notice shall—

- (a) specify the premises to which it relates; or
- (b) particulars of the person to whom the notice applies to.

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

283. (1) A person to whom a notice has been served may within twenty one days from the date on which the service was made appeal to the county director for the time being responsible for emergency and rescue services. Right of appeal

(2) A notice served under this part shall unless withdrawn by the Director responsible emergency and rescue services, come into force provided-

- (a) where no appeal under this section is bought within the twenty one days from the expiration of that time; or
- (b) where such an appeal so brought is not withdrawn or dismissed as aforesaid and is finally determined

by the confirmation of the notice at the end of twenty one days from the date of the final determination of the appeal.

284. (1) An application for fire compliance certificate shall be made in the prescribed form upon payment of the approved fees and shall state the particular premises or any other information.

Application for fire
compliance
certificate

(2) On receipt of any application for a fire compliance certificate with respect to any premises, the county government may require the applicant within such a time as it may specify—

- (a) to furnish them with such plans of the premises as they may specify; and
- (b) If the premises consists of part of a building must, in so far as it is available to the applicant give such information as may be prescribed about the rest of the building and any prescribed matter connected with it; and
- (c) if the applicant fails to furnish the required plans within that time or such further time as the county government may allow the applicant shall be deemed to have been withdrawn the application at the end of that time or further time as the case may be.

(3) Where an application for a fire compliance certificate with respect to any premises has been duly made and all such plans as are required to be furnished under sub-section (2) in connection with it have been duly furnished, it shall be the duty of the county government to cause to be carried out an inspection of the relevant building including any part of it which consists of premises to which any exemption conferred under this Act applies and the county government shall issue a fire compliance certificate if it satisfied as regards to any use of the premises which is specified in the application that—

- (a) the means of escape in case of fire with which the premises are provided; and
- (b) the means of escape in case of fire other than means of fighting fire are provided can be safely

and effectively used at all material times; and

- (c) the means of giving warning in case of fire are such as may reasonably be required in the circumstances of the case in connection with that use of the premises.

(4) Where the county government after causing to be carried out under sub-section (2) an inspection of the relevant building are as regards any use, notice shall be served on the applicant so as—

- (a) to inform the applicant of that fact and of the steps which would have to be taken to satisfy the county government as aforesaid as regards that use; and
- (b) notify the applicant that they will not issue a fire compliance certificate covering that use unless those steps are taken whether by the applicant or otherwise within a specified time as may be allowed by the county government.

285. (1) Every fire compliance certificate issued with respect to any premises shall specify—

Contents of a fire
compliance
certificate

- (a) the particular use or uses of the premises with which the certificate covers;
- (b) the means of escape in case of fire with which the premises are provided;
- (c) the means other than the means for fighting fire with which the relevant building is provided for ensuring that the means of escape with which the premises are provided 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 warning in case of fire and, may where required, do so by means of or by reference to plan.

(2) A fire compliance certificate issued with respect to any premises may impose such requirements as the county government considers appropriate in the circumstances—

- (a) for ensuring that the means of escape in case of fire with which the premises are provided are properly maintained and kept free from obstruction;
 - (b) or for ensuring that the means which the relevant building is provided as mentioned paragraph (c) to (e) are properly maintained;
 - (c) or for ensuring that the persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire and that records are kept on instructions given for that purpose;
 - (d) for limiting the number of persons who may be in the premises at any one time; and;
 - (e) as to other precaution to the risk in case of fire to persons in the premises by the provision of emergency procedure.
- (3) Any requirements imposed by virtue of sub-section (2) by a fire compliance certificate issued with respect to any premises—
- (a) may so far as it applies to the premises be framed either so as to apply to the whole of the premises or so as to apply to one or more parts of them; and
 - (b) where the premises do not constitute the whole of the relevant building, may where appropriate be framed either so as to apply to one or more parts of the rest of it and different requirements may in either case be imposed in relation to different parts, and a fire compliance certificate covering more than one use of the premises to which it relates may by virtue of sub-section (2) impose different requirements of the premises or of any part of the premises.
- (4) A fire compliance certificate issued with respect to any premises shall be treated as required in every matter specified in the certificate in accordance with paragraph (b), (c) and (d) of sub-section (1) to be kept in accordance with its specifications in the certificate; and reference in this Act to requirements imposed by a fire compliance certificate shall be construed accordingly.
- (5) A fire compliance certificate issued under this part shall be sent to the occupier of the premises and shall be kept in the premises so long as it is in force.

(6) A fire compliance certificate shall be applied for and obtained for cover of designated use of any premises on annual basis.

(7) A fire compliance certificate shall be issued upon payment of prescribed fee.

286. (1) When a fire compliance certificate is in force with respect to any premises and the occupier intends to—

Change of conditions of a fire compliance certificate

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

(2) An occupier of any premises who intends to make the changes in sub-section (1) shall before the carrying out of the changes, give notice to the county government.

(3) If the county government is satisfied, as regards to any premises with respect to which a notice under sub-section (1) has been given to them, that the carrying out of the proposals notified would result in any of the matters mentioned in paragraph (b),(c), (e) and (e) of sub subsection (1) of this Act becoming inadequate in relation to any use of the premises covered by the relevant fire compliance certificate, it may by notice serve to the occupier within two months from the receipt of the notice under sub-section (1)—

- (a) inform the occupier of the steps which would have to be taken in relation to the relevant building to prevent the matters in question from becoming in their opinion inadequate in relation to that use in the event of the proposals being carried out; and
- (b) give him or her such directions as the county government consider appropriate for safety and if these directions are duly taken in connection with the carrying out of the proposals, the county government shall amend the certificate or issue a new one.

(4) A person contravenes a directive given to him or her in pursuance of paragraph (b) of sub section commits

an offence, and the county government may cancel the fire compliance certificate issued with respect to any premises if they are so satisfied that there has been such a contravention as aforesaid by the occupier, whether or not proceedings are brought in respect of the contravention.

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

Storage of
combustible
materials

(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 the county government may require.

(3) No quantity of celluloid shall be stored or kept in any premises used in whole or in part for the purpose of human habitation or in any premises, used for any other purpose unless the store is separated from other parts of the premises by fire resisting partitions, floors, and ceilings constructed to the satisfaction of the county.

(4) No quantity of inflammable cinema-to-graphic film shall be stored or kept in any premises used in whole or part for the purpose of human habitation or in any premises in which any other combustible material is stored or kept or which is used for any other purposes unless the store is separated from other parts of the premises by fire resisting partitions, floors and ceilings constructed to the satisfaction of the county provided with an outlet gas vent to the open air so placed as to constitute a fire or explosion risk to any other building.

(5) All such films shall be stored in closed metal boxes and shelving shall be of non-combustible material. -

(6) The county government may by notice require any person storing or causing or permitting to be stored any such 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 he shall be in possession of a current licence in respect of such premises issued by the

authorized officer or other relevant authority in the specified form or otherwise than in accordance with the terms and conditions, if any, of his or her licence.

(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 13 kilograms shall be stored or kept except in isolated and well ventilated building set apart for the purpose in which no artificial light or heat is used and in which no material of a combustible nature is kept or stored

288. (1) A fee shall be paid to the county government for every licence issued under this part. Licence fees

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

(3) A licence shall not be transferable from the holder to any other person without the permission of the county government and for every such transfer; a fee as prescribed in the in the approved fees and charges shall be paid; and

(4) No such licence in respect of section sub-section (3) (a) shall in any case be transferred from the premises in respect of which it is granted to any other premises.

289. (1) The county government may issue guidelines on— Guidelines

- (a) the provision, maintenance and keeping free from obstructions and means of escape in case of fire;
- (b) provision and maintenance of means of escape that can be safely and effectively used as 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 used in that construction for—
 - (i) prohibiting altogether the presence of use in the premises of furniture or equipment of any specified description or prohibiting its presence of use unless specified standards or conditions are complied with;

- (ii) ensuring that persons employed to work in the premises receive appropriate instructions or training in 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.
- (4) 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.

290. (1) The owner of any premises may be required by the county fire officer or an authorized officer to provide on such premises any fire extinguisher or other appliances for extinguishing fire.

Owners
Responsibility

Provided that any person who is aggrieved by the decision of the county fire officer or the authorized officer requiring him or her to provide on any premises any fire extinguisher or other appliances for extinguishing fire may appeal to the Director responsible for emergency and rescue services in the County within fourteen days of such decision of the county fire officer.

(2) The owner of any premises who has been required by the county fire officer to provide on such premises any fire extinguisher or other appliances shall maintain such extinguisher or other appliances in an efficient working order.

(3) Every such owner shall ensure that all portable fire extinguishers relying on internal pressure for their operation shall have their initial date of commission indelibly marked on the body of the extinguisher.

(4) Every such owner shall ensure that the body of the extinguisher is subjected to a hydraulic pressure test to the prescribed pressure for the type of such extinguisher three

years, after the initial commissioning and every year thereafter and the data of such tests shall be indelibly marked on the body of the extinguisher.

(5) Every such owner shall ensure, if the premises, has fixed fire fighting installations, such as sprinklers, alarms and detectors that such installations are tested on a monthly basis to confirm their dedication and efficiency and a certificate of serviceability produced on demand by the authorized officer.

291. (1) A person shall not install, service or repair any fire fighting equipment or portable fire extinguisher installed in any premises or area wherein such equipment is required under this Part, unless he or she is in possession of a current licence issued under this Act to carry out such installation, service or repair as specified in the licence, nor otherwise than in accordance with the terms and conditions, if any, of his or her licence.

Licensing to install
service repair of
fire fighting
equipment

(2) A licence to install, service or repair any fire fighting equipment or portable fire extinguisher may be granted to a person who satisfies the county fire officer that he or she possesses satisfactory mechanical knowledge to service, repair or install fire fighting equipment or portable fire extinguishers and use of the fire fighting equipment or portable fire extinguishers specified in the application.

(3) An application for a licence to install, service or repair any fire fighting equipment or portable fire extinguisher shall be made in the prescribed form.(4). The authorized officer may subject to the provisions of sub-section (2) issue a licence in the prescribed form.

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

Inspection sticker

- (a) the name of the licensee carrying out such service, repair, examination or installation;
- (b) the number of his or her licence;
- (c) the date of such installation, service or repair and the condition of equipment or any portable fire extinguisher; and

(d) the date of the next service.

(2) If any defect is found in any fire fighting 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 county fire officer.

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

(4) A licensee shall not close down any fixed fire fighting installation for any purpose whatsoever on any premises without first obtaining written authority from the county fire officer.

(5) A person shall not install in any premises or area any second hand fire equipment or portable fire extinguisher unless a certificate of efficiency has been issued by a licensee in respect of such fire equipment.

(6) A person shall not issue a certificate of efficiency in respect of any fire fighting equipment or portable fire extinguisher unless he or she is in possession of a current licence granted to him or her under this Act.

(7) All portable fire extinguishers installed in any premises shall be serviced on a quarterly basis and whenever they have been used and a certificate of serviceability obtained.

293. (1) The county government may erect on any premises or may affix or cause to be affixed to any building, wall, post, fence or other structure or on any tree any fire alarm, telephone, telegraph or other appliances for the transmission of calls of fire to any fire station and any board or metal plate indicating thereon the position of any fire hydrant and may at any time, repair, remove or alter or cause to be repaired, removed or altered any such appliance or board or metal plate. Signals

(2) No unauthorised person shall tamper with, damage, destroy or remove any such appliance, boards or metal plate, or any notice or any kind thereon or other apparatus of any fire alarm apparatus.

294. (1) On the occasion of an outbreak of fire, the County Fire

county fire officer or his or her deputy shall with such other members of the fire brigade attend to such fire with such appliances as he or she may deem necessary and he or she may in his or her discretion reject or avail himself or herself and take command of any persons who may voluntarily place their services at his or her disposal.

Officer to respond
to fire

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

(3) Drivers of all vehicles, shall in relation to sub-section (2) afford immediately passage to such fire fighting machine, vehicle or appliances by drawing into the side of the street and remaining stationery until such fire fighting machine or appliances have passed.

(4) The use of sirens or bells on any motor vehicle other than a fire fighting machine or appliance, ambulance or police is prohibited.

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

295. (1) The county fire officer or his or her deputy, or in their absence, any police officer of or above the rank of inspector or an authorized officer may take any measures that may appear expedient for the prevention of or extinction of fire outbreak or the prevention or spread of fire or the protection of life or property, and in particular he or she may-

Role of the
County Fire Officer

- (a) if it should be necessary for such purpose break into or pull down any premises being or appearing to be on fire, or in danger of becoming on fire; and
- (b) do all such acts or things as may be deemed necessary for extinguishing or preventing fire in any such premises or for protecting them or rescuing persons or salvaging property therein from fire.

(2) Any street or public place in or near which a fire has broken out may be temporarily closed and any officer of the fire brigade or any police officer may order any person who may by his or her presence or otherwise

interfere with the operation of the fire brigade or police to move from such street or other public place.

(3) A person shall not at any fire, break in to or enter any premises for the purpose of salvaging property without the authority of the county fire officer or his or her deputy or a police officer of or above the rank of Inspector or an authorized officer.

(4) Where the fire brigade is in attendance at any premises which are on fire, any person who breaks into or enters the premises without the express permission of a senior fire officer present except for the purposes of saving a life of any other person commits an offence.

296. (1) A person shall not interfere with, drive over or in any way damage the hose of any fire fighting appliance in use by the fire brigade whilst engaged in preventing or extinguishing a fire or at a fire training drill.

Interference with the members of the fire brigade and the fire fighting appliances

(2) A person shall not interfere with, molest, or obstruct any member of the fire brigade in the execution of his or her duties or with any person acting under the command of the county fire officer or his or her deputy.

(3) 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.

297. (1) It shall be the duty of county government to enforce within county the provisions of this Act and regulations made, and for that purpose appoint fire prevention officers.

Enforcement

(2) Subject to the provisions of this section, any of the following persons appointed under sub-section (1) and a fire prevention officer may do anything necessary for the purpose of carrying out this Act and regulations there under into effect and, in particular shall so far as may be necessary for that purpose, shall have the power to-

- (a) enter any such premises and to inspect the whole or any part thereof and anything therein;
- (b) make such inquiry as may be necessary for any of the purpose mentioned in sub-section (3);
- (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 as are referred to in sub - section (1) whether or not the owner or occupier of the premises or a person employed to work thereunto give him or her such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the fire prevention officer to exercise any of the powers conferred on him or her by this sub-section.

(3) The fire prevention officer shall, if so requires when visiting any premises in the exercise of his powers produce to the occupier of the premises duly authenticated document showing his or her authority.

(4) A person who—

- (a) intentionally obstruct any fire prevention officer in the exercise of performance of his or her duties under this Act; or
- (b) without reasonable excuse fails to comply with any requirements imposed by a fire prevention officer under this section commits an offence.

298. If a person discloses (otherwise than in the performance of his or her own duties or for the purposes of any legal proceedings including arbitration any information obtained by him in any premises entered by him in the exercise of power conferred by this Act, shall be guilty of an offence.

Non-disclosure of information

299. (1) If a person—

- (a) with intent to deceive, forges a fire compliance certificate or makes or has in his or her possession a document so closely resembling a fire compliance certificate as to be calculated to deceive;
- (b) for the purpose of processing the issue of a fire certificate makes any statement or gives any information which is so false; or

Falsification of document

(c) in purported compliance with any obligation to give information to which he or she is subject under or by virtue of this Act, or in response to any inquiry made by virtue of this Act, gives any information which he or she knows to be false in a material particular commits an offence

(2) A person with the intention to deceive who 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, he or she as well as 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 his or her functions of management as if he or she were a director of the body corporate.

(5) Where the commission by any person of an offence under this Act or any regulations made is due to the act or default of some other person, that other person may be charged with and convicted whether or not proceedings are taken against the first mentioned person.

300. In any proceedings for an offence under this Act or under Regulations made there under, it shall be a defence 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.

Defence

301. (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 or building.

Miscellaneous

(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 authorized officer.

302. Any person who contrives the provision of this part commits an offence and shall be liable upon conviction

Offence and Penalties

to a fine not exceeding ten thousand shillings in respect of a first offence and not exceeding twelve thousand shillings in respect of a second or subsequent offence, or imprisonment for a period term not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both such fines and such periods of imprisonment.

PART XX— GENERAL NUISANCE

303. Any person who shall—

Noisy musical instruments

- (a) in any street or in connection with any shop, business premises or other place which adjoins any street and to which the public are admitted wilfully obstruct;
- (b) upon any other premises, by playing, operating or causing to be played or operated, any musical instrument, wireless, loud-speaker, gramophone, amplifier or similar instrument, make or cause or suffer to be made any noise which is so loud and so continuous or repeated as to cause an annoyance to occupants or inmates of any premises in the neighborhood or to passers-by on a street commits an offence; and
- (c) any person making loud noises, speeches or wailings as to cause annoyance to the occupants' inmates or persons passing by a street or an open space commits of an offence.

Provided that no prosecution shall be instituted against any person for any offence under this Act unless the annoyance remain unabated after the expiry of seven days from the date of the service on such person of a notice signed by the authorized officer alleging such annoyance.

304. A person who causes annoyance to occupants of any premises in connection with any building, demolition or road construction works commits an offence.

Noisy building operations.

305. A person who causes any loud, annoyance to the occupants of any neighbouring premises commits an offence.

Noisy trades and industrial operations

306. (1) A person who causes to be erected any barbed wire alongside the street of the county without written authority of the authorized officer commits an offence

Barbed wire

(2) The county government may serve a notice upon the owner or occupier of any land or building upon which any barbed wire has been erected who contravention the provisions of sub-section (1) .

(3) Any person who fails to comply with the requirements of a notice served in pursuance of sub-section (2) commits an offence.

307. Any person who shall without lawful authority deposit or cause or permit to be deposited any soil, vegetation, refuse or debris on any public land and streets in the county commits an offence.

Deposit of debris

308. Any person who shall keep within the County any animal or poultry which causes a nuisance to any of the residents in the neighbourhoods commits an offence.

Nuisance by animals

Provided that no prosecution shall be instituted against any person for an offence against this section unless such nuisance be continued after the expiry of seven days from the date of the service on such person of a notice signed by the authorized officer alleging a nuisance.

309. (1) Any person who shall, except with the written permission of the authorized officer and subject to such conditions as he or she may deem fit, keep within the county, except in agricultural land, a game animal or reptile other than a lizard, or an ass, mule, ox, bull, or cow, goat, sheep or pig commits an offence.

Game animals

(2) The county government may remove any of the species of animals referred to in sub-section (1) which have been kept within the county except in agricultural land or left in a street in contravention of this section and impound the same.

(3) The owner of a game animal or reptile other than a lizard or an ass, mule, ox, horse, bull or cow, goat, sheep or pig removed from the county in pursuance of sub-section (2) shall not be entitled to recover the same until he or she has paid to the county government the prescribed fees as per the approved fees and charges.

Provided that if such owner does not pay the fees and expenses due within a period of seven days from the date the said animal was impounded, the county may sell or otherwise dispose of the same by auction or any other means and the proceeds of such disposal, if any, shall be set off against the outstanding fees and expense, if any, incurred by the county government in removing or disposing of the same.

(4) Any person who has under his or her control or in his or her custody—

- (a) any game animal or any reptile, or any ass, mule, bull, goat, sheep or pig which causes a nuisance or annoyance to any of the residents of the area;
- (b) any animal, reptile, poultry or bird which is so kept as to be or likely to become injurious to the health of any person; or
- (c) any animal reptile poultry or bird which wanders on a street in such a manner as to cause obstruction or inconvenience to traffic commits an offence.

(5) Any person who shall except with the written permission of the authorized officer and subject to such conditions as he or she may deem fit, permit any animal of the species referred to in sub-section (1) to graze on public land and streets within the county shall commits an offence.

310. (1) Where in the opinion of the county government, any hedge tree or other growth is so placed or in such condition as—

Encroaching
hedges and trees

- (a) to be a danger to any person or vehicle using a street; or
- (b) to interfere with—
 - (i) the view along any street or from one street into another; or
 - (ii) the use of the street by pedestrian or vehicle traffic;
 - (iii) the county government may serve a notice on the owner or occupier of the land on which such hedge, tree or other growth is situated

requiring him, within such period of time, not exceeding fourteen seven days as shall be specified in such notice to cause the hedge, tree or other growth to be chopped, trimmed or removed.

(2) Any person who fails to comply with the requirements of a notice served in accordance with sub-section (1) commits an offence.

(3) The county government may on expiry of the period of time specified in a notice served execute any of the work specified in the said notice and any expenses incurred by the county government in so doing shall be recoverable from the said person as a civil debt.

(4) Any person who shall without statutory authority or the consent of the authorized officer given in writing erect or permit the erection of any structure in such a position that it is sited in or protrudes over a street commits an offence.

(5) For the purpose of this section "structure" includes a machine, pump, post, billboards or other object, capable of causing an obstruction to a passenger or a vehicle in a street.

311. (1) A person shall not attach, hang, erect or permit the erection of any object from or alongside any street in such a manner as it protrudes over or into a street without an approval from the county government or otherwise than in accordance with any condition attached to that approval.

Projections

(2) The authorized officer may serve a notice to the owner or occupier of any premises from or alongside which an object has been attached, hung or erected in contravention of sub-section (1).

(3) The provisions of this section shall not apply to an advertisement permitted under any laws of the county for the time being in force or to any structure approved by the county government under any such laws.

312. (1) If in or on any land adjoining a street, there is an unfenced danger or inadequately fenced source of danger to persons using the street, the county may, by

Source of danger

notice to the owner or occupier of that land, require him or her within such time not being less than seven days as may be specified in the notice, to execute such works of repair, protection, removal or enclosure as will remove the danger.

(2) Any person who fails to comply with a notice served in pursuance of sub-section (1) within the time specified in such notice commits an offence.

313. Any person who shall—

Damage and
obstructions

- (a) in any way wilfully obstruct the free passage of any street;
- (b) wilfully or negligently damage or destroy the surface of any public street;
- (c) pull down, destroy, obliterate, deface, displace or remove any property of the county on or near a street;
- (d) damage or destroy any tree, shrub, flower, plant or grass on land forming part of a public street;
- (e) disturb, damage or destroy any barrier, fence or other erection or any trestle, lamp, stone or other material placed on a street or by fitting attached thereto;
- (f) wilfully or negligently pull down, damage or destroy any lamp standard or bollard in a street or damage or remove any bulb or fitting attached thereto; or
- (g) dig, plough, till or cultivate any public street without the written permission of the authorized officer, commits an offence.

314. Any person, who shall, without lawful authority, deface any building by writing, signs or other marks thereon commits an offence.

Defacing buildings

315. (1) Any person who, without statutory authority, shall break up or authorize the breaking up of the surface of a public street, without the permission of the county chief engineer, commits an offence.

Breaking

(2) Any person who contravenes or fails to comply with any condition attached to the approval permit granted under this section, commits an offence.

316. (1) Any person who shall place or leave or allow or cause to be placed or left any vehicle or article or material in a street in such a manner that it causes or is likely to cause an obstruction to persons or vehicles using the street, commits an offence.

Obstruction

(2) The county government may remove any vehicle or article or material which has been placed or left in a street in contravention of this Act and impound the same.

317. (1) The owner of a vehicle, article or material removed from a street in pursuance of section 386 of this Part shall not be entitled to recover the same until he or she has paid to the county government the prescribed fees for removing and impounding the same as per the approved fees and charges.

Pound fee

(2) The fees shall be charged per day for the period the vehicle, item or material has remained impounded.

Provided that if such owner does not pay the fees and expenses due within a period of sixty days from the date the vehicle, article or material was impounded, the county government may sell or otherwise dispose of the same and the proceeds of such sale or disposal, if any, shall be set off against the outstanding fees and expenses, if any, incurred by the county in removing or disposing of the vehicle or article or material.

318. Any person who shall in any street—

Nuisance on the streets

- (a) ignite any firework;
- (b) without the permission of the authorized officer in writing and for the purpose of hawking, selling, distributing or advertising any article or event, shout or use any bell, gong, or other noisy instrument or loudspeaker;
- (c) without the permission of the authorized officer in writing draw, wheel or drive any vehicle or carry any board or placard used solely or chiefly for the purpose of exhibiting advertisements;
- (d) without the permission of the authorized officer in writing and for the purpose of advertising distribute any document or other paper;

- (e) commit any act contrary to public decency;
- (f) without statutory authority deface the footway or roadway by writing or other marks;
- (g) place or deposit and leave any glass, china, earth ware, tin, carton, paper, sawdust or other rubbish so as to create or tend to create litter;
- (h) throw down or leave any orange peel, banana skin, or other substance likely to cause a person to fall down;
- (i) to the inconvenience or danger of any person carry or convey any bag of lime, charcoal, or other offensive material, timber or any pointed or edged tools or implements not properly guarded;
- (j) play any game in such a manner as to cause likelihood of damage to property, or danger to any person;
- (k) ride, drive or propel a vehicle on a footpath;
- (l) spit on any footpath or blow his or her nose otherwise than into a suitable cloth or tissue;
- (m) loiter or importune for the purpose of prostitution;
- (n) procure or attempt to procure a female or male for the purpose of prostitution;
- (o) while being in charge of any dog, allow such dog to foul any footpath;
- (p) wash any vehicle or, except in the case of an emergency, repair or dismantle any vehicle on any foot path;
- (q) except in the case of emergency, sound any motor horn, cycle bell or similar warning instrument;
- (r) without the consent of the authorized officer, light or maintain or suffer to be lit or maintained any fire or brazier on a foot path;
- (s) in the central area as defined in any laws of the county for the time being in force, ride or drive any animal on a foot-path;
- (t) defecate or urinate on the street or any open space;

or

(u) smoke cigarettes in Public places as provided for in the Tobacco Control Act, commits an offence.

319. (1) A person shall not deposit or cause to be deposited or have or harbour or store on any public land and streets, any building material, road materials, earth, stones or soil other than for the purpose of erection of approved buildings thereon.

Deposition of Materials

(2) A person shall not deposit or cause to be deposited or have harbour or store on any public land and streets, any disused vehicles, old metals, or any kind of materials which, in the opinion of the medical officer of health, are likely to cause any nuisance or conditions liable to be injurious or dangerous to health without the written permission of the authorized officer.

320. Any person who shall be in or near a street discharge a missile in a manner likely to cause damage to property or danger to any person, commits an offence.

Discharge of missiles

321. Any person who shall drive or allow to be driven any vehicle so loaded that its contents or any part thereof spill on to the surface of a street, commits an offence.

Vehicle loads

322. (1) Loitering on any county government property other than residential property, without lawful authority is prohibited.

Loitering

(2) Any person in contravention of this Section shall be guilty of an offence.

323. (1) Except where otherwise specifically provided in these sections any notice, permit or consent which the county government is authorized or required to give may be signed on behalf of the county government by the authorized officer or by any officer of the county government duly authorized by him or her to sign such notice or consent.

Signing of Notices

(2) Any such notice, permit or consent purporting to bear the signature of the authorized officer shall for the purpose of this Act be deemed, until the contrary is proved, to have been duly issued by the county government.

(3) Any notice or other document required or authorized by or under this Act to be served to a

corporation shall be duly served if served to the Chief Executive Officer;

(4) Where any premises are jointly owned or occupied by more than one person a notice required or authorized to be served by or under this Act in respect of such premises shall be duly served if served in accordance with this section on any one of those persons.

(5) Any notice or other document required or authorized by or under this Act to be served on any person may be served either—

- (a) by delivering it to that person;
- (b) by leaving it at his or her proper address; or
- (c) by registered post addressed to him or her at his or her proper address.

(6) For the purpose of this part, the proper address of any person shall, in the case of a corporation be that of the registered or head office of the corporation, and in any other case, be the usual or last known place of a abode or business of the person on whom the notice is to be served.

(7) If the name or the address of any notice for the owner or occupier of premises upon whom any notice is to be served cannot, after reasonable inquiry, be ascertained, the notice may be served by addressing it to the person on whom it is to be served by the description of “owner” or occupier of the premises describing them to which the notice relates, and by delivering it to some responsible person occupying or appearing to occupy the premises, or by fixing it or a copy of it to some conspicuous part of the premises.

324. A person who fails to comply with the provision of this part commits an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or an imprisonment for term of nine months or both . Offences

325. No person shall litter any public place with polythene carry bags. Prohibition

326. A person who contravenes the provision of this part commits an offence and shall be liable upon conviction to a fine not exceeding five thousand Penalty

shillings or an imprisonment for a term not exceeding nine months or both.

PART XXI—SOLID WASTE MANAGEMENT

327. (1) It is the county government's primary duty to regulate waste and its management within the county and for this purpose, all waste generated or otherwise arising within the area of the county shall be subjected to this Act and shall be regulated by the county government accordingly. Duty of care

(2) The county government shall prepare a waste management plan of its arrangements for managing waste arising within the county.

(3) The plan shall include information on the kinds and quantities of waste likely to be present within the county during the plan period, the methods by and arrangements under, which the waste should be treated or disposed of the sites and equipment which the county government and other persons are providing or propose to provide for treating and disposing of the waste; and an investment plan for implementing the plan.

(4) The county government shall establish and maintain schemes and arrangements for the removal and destruction of, or otherwise dealing with all kinds of waste generated or otherwise arising within the county and may establish different schemes or arrangements for different parts or zones of different categories of waste and, where such schemes or arrangements are established or otherwise exists, to compel the use of such schemes or arrangements by persons residing in or carrying on business or other activities within the county.

(5) It shall be the duty of any person who produces, carries, keeps, treats, disposes of or otherwise handles waste or who otherwise has control of waste or that of any other person and, on the transfer of waste, to ensure that the transfer is made only to an authorized person or to a person for authorized transport purposes and that there is transferred with the waste such a written description of the waste and also to enable other persons to comply with this duty as respects the escape of the waste.

(6) The duty under sub-section (5) does not apply to

an occupier of a domestic property in respect to the household waste produced on the property.

(7) The occupier or owner of any residential dwelling or trade premises the county shall deal with waste arising from the premises in accordance with directions issued by the county government either specifically or under the scheme or arrangement established by the county government under this Act for the management of domestic or trade waste arising in the area where the particular occupier or owner resides or carries on business or other activities.

328. (1) The county government shall issue permit to waste operators who satisfy such requirements as to technical and financial capability as it shall stipulate upon payment of the prescribed fees in the approved fees and charges. Waste Operators

(2) The county government shall determine categories of waste operation for which an application may be made and may from time to time alter such categories.

(3) An application for a waste operator's permit shall be made on an application form provided by the county government and shall include information about the technical and financial capability of the applicant to provide the services specified in the application.

(4) Where the county government receives an application it shall publish the fact of the application in one newspaper with a circulation within the county and shall provide members of the public who inquire with details of the application.

(5) The county government shall take into account such representations as it receives within twenty-eight days of the publication of the application.

(5) Any person who, in an application for a waste operator's permit makes any statement which he or she knows to be false or reckless in any material fact commits an offence under this Act.

(6) A waste operator's permit shall include such terms and conditions as the county government sees fit to specify in the permit including a description of the activities which may be undertaken under the permit; the duration of the

permit; the supervision by the holder of the permit of activities to which the permit relates.

(7) The county government shall from time to time review the performance of waste operators and may suspend or cancel a waste operator's permit if the permit holder has breached the terms and conditions of the permit or has been guilty of negligence in managing waste whose management is authorized by the permit; or if there is some other reason which, the county government seems to justify such action.

(8) The county government may on its own initiative, or on the application of the permit holder, modify the terms and conditions of the permit but any such modification shall be enforced and effected unless published in a local daily and representations from members of the public dealt with as if it were a new application.

(9) Where it appears to the county government that the continuation of activities to which a waste operator's permit relates is causing or would cause pollution of the environment, danger to the public health or serious detriment to the amenity of the locality affected by the activities and the pollution, danger or detriment cannot be avoided by modifying the conditions of the permit the county government may revoke the permit with effect from a specified date after serving notice on the permit holder and hearing any representations that the permit holder may wish to make as to why the permit should not be revoked.

(10) The holder of a permit may transfer the permit to another person but such a transfer shall be of no force and effect until the county has notified the holder that it does not object to the proposed transfer and upon payment of the prescribed fees in the approved fees and charges.

(11) The holder of a permit may relinquish the permit by giving notice to the county government that he or she no longer requires the permit and delivering the permit to the county government.

(12) Relinquishment shall be of no force and effect until the permit holder receives notification that the county government does not object to the relinquishment and in any case shall not absolve the permit holder from any liabilities or obligations whether civil or criminal incurred during the period when he or she held the permit.

329. (1) It shall be an offence for any person who is not a registered transporter of solid waste or a permit holder in the course of any business of his or otherwise with a view to profit, to transport any solid waste within the county unless he belongs to a category of transporters who have been exempted by the county government from registration.

(2) The county government shall make provision for the registration of waste transporters.

(3) Applicants shall provide information regarding their physical address and their financial and technical capability to transport waste.

(4) The county government may require registered waste transporters to execute a bond as a condition for registration.

(5) In determining whether it is desirable for any individual to be or to continue to be authorized to transport waste, the county government shall have regard, in a case in which a person other than the individual has been convicted of an offence under this Act, to whether that individual has been party to the carrying on of business in a manner involving the commission of an offence under this Act.

(6) The county government may revoke the registration of a person who has been convicted of an offence under this Act.

(7) If it appears to a duly authorized officer of the county government that any waste is being or has been transported in contravention of this Act he or she may, in the presence of a police officer, stop any person appearing to him or her to be or to have been engaged in transporting that waste and require that person to produce his or her authority or, as the case may be, his or her employer's authority, for transporting that waste and search any vehicle that appears to him or her to be a vehicle which is being or has been used for transporting waste.

(8) A person's authority to transport waste is his or her certificate of registration as a transporter of waste or a certified copy thereof or evidence that he or she is not required to be registered as a waste transporter.

330. (1) The County Government shall maintain a register containing prescribed particulars of all waste operator's permits and registrations of transporters which are for the time being in force. Registers

(2) The County Government shall ensure that the register is open for inspection at its principal office by members of the public free of charge at all reasonable hours.

(3) The County Government shall accord members of the public reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in the register.

331. (1) It shall be the duty of the County Government to arrange for the collection, treatment and disposal of, or otherwise dealing with, all domestic waste and street and other litter generated or otherwise arising within the county and to take all necessary and reasonably practicable measures to maintain all places falling within the county in a clean and sanitary condition at all times. Collection

(2) For the purposes of carrying out its duty under sub-section (1) the county government may enter into such agreements with third parties as it deems appropriate including contracts, franchises, and concessions.

(3) It shall be the duty of the person who generates trade waste or on whose premises trade waste otherwise arises to arrange for the collection, treatment and disposal of all trade waste generated by him and to take all necessary and reasonably practicable measures to ensure that the trade waste is not released into the environment so as to cause pollution thereof.

(4) It shall be the duty of every occupier and every owner of premises wherein any hazardous waste or clinical waste is generated, to make suitable arrangements, including the separation of such waste from other non-hazardous waste or non-clinical waste, to the satisfaction of the county government, for the proper management of the waste and in doing so shall comply with any directions issued by the county government.

(5) It shall be the duty of every occupier and every owner of premises wherein bulk waste is generated to make suitable arrangements for the disposal of such waste and in

doing so shall comply with any directions of county government.

(6) Every occupier or tenant of any residential dwelling shall provide and maintain, to the satisfaction of the County Government, a container for domestic waste of a sufficient size, and fitted with a good and effective lid and shall daily cause to be placed within such container the domestic waste from the said residential dwelling in so far as the said container shall be sufficient to contain the same;

(7) Every occupier or tenant of any trade premises shall provide and maintain to the satisfaction of the county government a container for trade waste of a sufficient size, and fitted with a good and effective lid, and shall daily cause to be placed within such container the trade waste from the said premises in so far as the said container shall be sufficient to contain the same.

(8) If it appears to the county government that there is likely to be situated on any premises in its area trade waste of a kind or in quantities which, if the waste is not stored in containers of a particular kind, is likely to cause a nuisance or to be detrimental to the amenity of the locality in which the premises are situated the county may, by notice served on the occupier, require him or her to provide at the premises, containers for the storage of such waste which are of a kind and number reasonably specified in the notice.

(9) Occupiers of domestic and trade premises shall separate waste which can be recycled and place them in a different container provided by the county or the waste operator as the case may be for the purpose.

(10) It shall be an offence to burn, throw away, or otherwise dispose of domestic and trade waste other than by handing it to, or where there is an arrangement to that effect, leaving it at an appropriate place and in an appropriate container, for collection by a licensed waste manager operator or a registered waste transporter.

332. (1) Waste shall be disposed off only in permitted disposal areas or at an approved disposal facility.

(2) It shall be the duty of the county government to provide places at which to deposit waste before it's transferred to a place for its final disposal and places at

which to dispose of waste and plant and equipment for processing it or otherwise disposing of it.

(3) The County Government may permit another person to use facilities provided by it with or without a charge as may be appropriate.

(4) The person in charge of the waste disposal facility and the person delivering waste to the facility shall maintain a record of all waste loads disposed off at the facility. The record shall take the form of a delivery note signed by both parties at the time of disposal of each load. The records shall be kept for a period of five years and shall be availed to the county government on request within that period.

(5) Waste delivered to a permit holder shall be his or her responsibility to him or her to deal with it under this Act.

(6) No person shall sort over or disturb anything deposited at a place provided or approved by the county government for the deposit of waste or in containers for waste provided by the county government or other person unless he or she is authorized to do so by the county government or unless she or he is a person entitled to the custody of the container or is authorized to do so by such a person or is a person having the function of emptying the container.

(7) The county government shall make provision for small scale resource recovery activities to be undertaken by organized groups at designated sites before disposal of waste.

(8) A permit holder may do such things as it considers appropriate for the purpose of enabling waste belonging to it to be used again or enabling substances to be reclaimed from such waste and it may use, sell, or otherwise dispose of waste belonging to it or anything produced from such waste.

333. (1) The county government shall issue directions on waste collection charges. Payments

(2) The directions shall specify the amount of charge or charges to be imposed for different categories of services or for services in different localities or zones

within the County; the mode of payment and receipt of the charges; and provisions as to the penalty or penalties for failure to pay the charges.

(3) Directions on charges or waste management services may provide for the imposition of a levy to meet the costs of general cleansing but any such levy must be itemized separately on the waste bill or other invoice and must be placed by the collector in a dedicated fund.

(4) Charges shall be collected by the person who provides the waste management services for which the charge is being levied.

(5) There shall be paid by every person or entity to whom a waste management service is provided, a waste charge imposed in accordance with the directions issued by the county government.

(6) The county government may impose the waste charges as per the approved fees and charges.

334. The county government shall establish and implement a system of monitoring, inspections and enforcement of waste management activities and shall inform and keep the public informed of steps it is taking to implement and improve waste management within the county. Enforcement

(2) Any officer or agent of the county government duly authorized in that behalf, may at all reasonable times, enter any residential dwelling or trade premises within the county for the purposes of conducting any inspection, inquiry or the execution of works under the provisions of this Act.

(3) In addition to such penalties for non-payment as may be stipulated in the directions issued by the county government for non-payment of charges for waste management services, any waste management charge payable under this Act shall be a debt due and owing to the collector and may be recovered as a civil debt at the instance to the collector or any person authorized by the collector to collect on its behalf.

(4) Any power or function conferred on the county government under this Act may be exercised or performed by a third party pursuant to an agreement between the

County Government and the third party and will be deemed to have been exercised or performed under the authority of this Act.

335. Any person who refuses or fails to comply with any provision of this Part, commits an offence and shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a term not seven months in respect of the first offence and not exceeding nine months in respect of a second or subsequent offence or both.

Offences and Penalties

PART XXII— FILM MAKING CULTURAL EVENTS AND ENTERTAINMENT

336. Any person operating a cinema, video shows and hiring as a business or occupation shall make an application to the authorized officer for a business permit.

Cinemas, video shows and hiring

337. (1) The county government shall charge such permit fees for operating such cinemas, video shows and hiring as prescribed in the approved fees and charges.

Fees

(2) Any person who operates a cinema, video shows or hiring without the permit or payment of the permit fees commits an offence under this Part.

338. The county government shall—

- (a) promote all forms of cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publication, libraries and other cultural heritage; and
- (b) promote the intellectual property rights of the people in the County; and
- (c) ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage.

Promotion of cultures and cultural heritage

339. Any person who fails to comply with any provision of this part, commits an offence and shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a term not exceeding seven months in

Penalties

respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both.

PART XXIII—TRAFFIC FLOW CONTROL

340. (1) The driver of a vehicle shall at all times—

Signals and signs
to be obeyed

- (a) obey any directions given, whether verbally or by signal by a police officer in uniform or an authorized officer in the execution of his or her duty;
- (b) conform to the indications given by any traffic sign;
- (c) stop his vehicle on being so required by a police officer in uniform or an authorized officer; or
- (d) when any person in charge of any cattle raises his or her hand or in any manner gives a signal to stop, forthwith stop his or her vehicle and keep it stationary for as long as it is reasonably necessary.

(2) Any person who contravenes or fails to comply with any of the provisions of this section, commits an offence and shall be liable on first conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding seven months, and on each subsequent conviction to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding nine months or to both.

341. (1) No vehicle shall be allowed to remain in any position on any road so as to obstruct or to be likely to obstruct or cause inconvenience or danger to other traffic using the road, and, save where the contrary is expressly provided in this Act, every vehicle on a road when not in motion, shall be drawn up as close to the side of the road as possible.

obstruction

(2) The driver of any vehicle shall, in case of a breakdown, remove the vehicle from the road as soon as possible, and until so removed the vehicle shall be placed as close to the side of the road as possible; and as the vehicle remains on the road between the hours of 6.45 p.m. to 6.15 a.m., its position shall be clearly indicated by a light or lights visible to drivers of vehicles approaching from either direction.

(3) If any part of the vehicle remains on or near the road in a position so as to obstruct or to be likely to obstruct or to cause or to be likely to cause inconvenience or danger to other traffic using the road, the driver shall place on the road not less than fifty metres from the vehicle two red reflecting triangles of such construction and dimensions as may be prescribed, one ahead of the vehicle and one behind it so that each is clearly visible to drivers of vehicles approaching from ahead or behind, as the case may be.

(4) Any person who leaves any vehicle on a road in such a position or manner or in such a condition as to obstruct other vehicles or cause or be likely to cause any danger to any person shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding eighteen months or both.

342. No person shall—

Unattended motor
vehicles

- (a) leave unattended on a road any motor vehicle with the engine running; or
- (b) leave any vehicle without having taken due precautions against its moving along the road from its stationary position.

343. (1) Subject to and in conformity with such general or other directions as may be given by the Executive Committee Member responsible for transport, the county government may cause or permit traffic signs to be placed on or near a road.

Traffic signs

(2) Traffic signs shall be of the prescribed size, colour and type except where the Executive Committee Member responsible for transport authorizes the erection or retention of a sign of another character.

(3) No traffic signs shall be placed on or near any road except under and in accordance with sub-section (1) and (2) above.

(4) All traffic signs shall be deemed to have been lawfully erected until the contrary is proved.

(5) The county government in collaboration with the highway authority may, by notice in writing, require the

owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such a notice the highway authority may effect the removal, doing as little damage as may be, and may recover as a civil debt recoverable summarily from the person so in default the expense incurred in so doing:

Provided that this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorized by the highway authority.

344. Any person who contravenes the provisions of this part commits an offence and liable on first conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding seven months, and on each subsequent conviction to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding nine months or to both.

Offences and penalties

PART XXIV— ENVIRONMENT AND LITTERING

345. (1) Every person within the county is entitled to a clean and healthy environment and has a duty to safeguard and enhance the environment.

Right to clean environment

(2) If a person alleges that the entitlement conferred under sub clause (1) has been, is being or is likely to be contravened in relation to him, or her that person may apply to a subordinate court for redress and the subordinate court may make such orders, issue such writs or give such directions as may deem appropriate to-

- (a) compel any officer duly appointed by the county government to take measures to prevent or discontinue any act or omission deleterious to the environment;
- (b) prevent, stop or discontinue any act or omission deleterious to the environment;
- (c) require that any on-going activity be subjected to an environmental audit in accordance with provisions of this Act and any other relevant written law;
- (d) compel the persons responsible for the

environmental degradation to restore the degraded environment as far as practicable to its immediate condition prior to the damage; or

- (e) provide compensation for any victim of pollution and the cost of beneficial uses lost as a result of an act of pollution and other losses that are connected with or incidental to the foregoing.

(3) A person proceeding under subsection (2) of this section shall have the capacity to bring an action notwithstanding that such a person cannot show that the defendant's act or omission has caused or is likely to cause him or her any personal loss or injury provided that such action is not —

- (a) frivolous or vexatious; or
- (b) an abuse of the court process.

(4) In exercising the jurisdiction conferred upon it under sub clause (2), the Court shall be guided by the following principles of sustainable development-

- (a) the principle of public participation in the development of policies, plans and processes for the management of the environment;
- (b) the cultural and social principles traditionally applied by any community in County for the management of the environment or natural resources in so far as the same are relevant and are not repugnant to justice and morality or inconsistent with any written law;
- (c) the principle of inter-county co-operation in the management of environmental resources shared by two or more Counties;
- (d) the principles of intergenerational and intra generational equity;
- (e) the polluter-pays principle; and
- (f) the pre-cautionary principle.

346. The Director of Environment, Deputy Director of Environment or any other duly appointed officer by the county government shall be the authorized officer for the purpose of enforcing the provisions of this Part.

Appointment of
environmental
officers

- 347.** (1) An environmental or authorized officer shall-
- (a) monitor compliance with the environmental standards established under this Act or other relevant written law;
 - (b) conduct environmental audits; and
 - (c) perform such other functions as may be required under this Act or relevant written law.
- (2) An environmental officer may, in the performance of his or her duties under this Act, at all reasonable times and without a warrant-
- (a) enter any land, premises, vessel, motor vehicle or ox-draw trailer and make examination and enquiries to determine whether the provisions of this Act are being complied with;
 - (b) require the production of, inspect, examine and copy licences, registers, records and other written laws relating and, as may be prescribed, submit such samples for test and analysis;
 - (c) carry out periodic inspections of all establishments and undertakings within their respective jurisdictional limits which manufacture, produce as by-products, import, export, store, sell, distribute or use any substances that are likely to have significant impact on the environment, to ensure that the provisions of this Act are complied with;
 - (d) seize any article, vessel, motor vehicle, plant, equipment, substance or any other thing which he reasonably believes has been used in the commission of an offence under this Act;
 - (e) with the written approval of the Director of Environment order the immediate closure of any manufacturing plant or other establishment or undertaking which is causing or is likely to cause in his opinion significant pollution to the environment;
 - (f) to require the owner or operator of such establishment of undertaking to implement any remedial measures that the environmental officer

may direct;

- (g) any establishment or undertaking closed down under this paragraph may resume its operations only with the written approval of the Director of Environment upon compliance;
- (h) with the approval of the Director of Environment issue an improvement notice requiring the owner or operator of any manufacturing plant, vessel, motor vehicle or other establishment or undertaking to cease any activities deleterious to the environment and to take appropriate remedial measures, including the installation of new plant and machinery if necessary, within such reasonable as the County Government may determine;
- (i) with or without an arrest warrant and with the assistance of a County Enforcement Officer or a Police Officer, arrest any person whom he reasonably believes has committed an offence under this Act; or
- (j) install any equipment on any land, premise, vessel or motor vehicle for purposes of monitoring compliance of this Act.

348. The Director of Environment, Deputy Director of Environment, Environment Officer, Cleansing Superintendent, Public Health Officer, Public Health Technician or an authorised person may at any hour reasonable for the proper performance of his or her duty, enter any land or premises to make any inspection, inquiry, investigation or to perform any other work or so anything which is required or authorized by this Act or any other law to do if such inspection, inquiry, investigation or work is necessary for or incidental to the performance of the duties or the exercise of his or her powers. Power of entry

349. Any person who—

- (a) hinders or obstructs an environment officer in the exercise of his or her duties under this Act;
- (b) fails to comply with a lawful order or requirement made by an environmental Officer in accordance with the Act;

Offences related to
inspection

- (c) refuses an Environmental Officer entry upon any land or into any premises, vessel or motor-vehicle which he is empowered to enter by this Act or other written law;
- (d) impersonates an Environmental Officer;
- (e) refuses an Environmental Officer access to records or documents kept pursuant to the provisions of this Act or any written law;
- (f) fails to state or wrong states his or her name or address to an Environmental Officer in the cause of his duties under this Act;
- (g) misleads or gives wrongly information to an Environmental Officer under this Act; or
- (h) fails, neglects or refuses to carry out an improvement order issued under this Act, commits an offence and shall be liable to a fine of not more than twenty thousand shillings or in default to imprisonment for a term not exceeding six months or to both.

350. (1) The county government shall provide litter baskets or bins for the disposal of litter in the streets and public places.

Provision of street litter bins

(2) Any person who tampers with a litter bin, dustbin, bulk container or any other refuse receptacle shall be guilty of an offence.

351. Any person who throws or causes litter to be thrown in the street, or public litter disposal places or deposits or otherwise disposes off litter in any place other than the litter baskets or bins provided, shall be guilty of an offence.

Prohibition against littering

352. Any person who commits an offence under this part shall be liable on conviction to a fine not exceeding five thousand shillings or an imprisonment for a term not exceeding six seven months or to both.

Penalties

PART XXV— ENFORCEMENT PROVISIONS

353. The county may from time to time by notice to holder thereof, cancel a license or permit for contravention of any of the terms and conditions thereof or any of the provisions of this Act or where in its opinion

Cancellation of licenses and permits

the continued display of any advertisement device would likely to affect injuriously the amenities of, or to disfigure any neighbourhood or for any other reason, the County may think fit county.

354. The county may from time to time by notice to holder levy a penalty to a holder of a license or any other person who is in breach of any provisions of this Act.

Penalties to permit holders and licensees

355. In addition to the offences under this Act, if the person without lawful authority—

Offences

- (a) operates a business within the County without a valid business license or permit;
- (b) erects, fixing, placing, maintaining, displaying or using or permitting to be erected, fixed, placed, maintained displayed or used, any advertisement or advertising device without a permit or otherwise than in accordance with the terms and conditions of a permit;
- (c) operates outside the designated trading area or premises;
- (d) defaces any building by writing, signs or other marks;
- (e) cuts , or permits to be cut a tree in any property whether (private or public) without a permit issued by the County;
- (f) loiters on any County property other than a street or residential property, without lawful authority;
- (g) drives or permits to be driven any vehicle so loaded that its contents or any part thereof spill on to the surface of a street shall be guilty of an offence.
- (h) discharges a missile in a manner likely to cause damage to property or danger to any person;
- (i) participates in or authorizing the breaking up of the surface of a public street, without the permission of the County Chief Engineer,
- (j) deposits or causes or permits to be deposited any soil, vegetation, refuse or debris on any land in the County;

- (k) being in connection with any building, demolition or road construction work, cause or suffer to be caused any unnecessary noise so loud or so continuous or repeated as to cause an annoyance to occupants of any premises in the neighbourhoods;
- (l) being in any part of the town other than the industrial or light industrial zones as specified in any laws of the County for the time being in force, in connection with any trade or industrial process cause or suffer to be caused any noise so loud or so continuous or so repeated as to cause annoyance to the occupants of any premises in the neighbourhoods;
- (m) intentionally or recklessly obstructs or hinders a person while that person is acting in performance or exercise of the person's functions or powers under this Act;
- (n) makes any statement or declaration, or gives any information or certificate, lawfully required by or under this Act knowing it to be false or misleading in material or respect;
- (o) dwell in the parks or be in the parks beyond the specified times;
- (p) fails to pay fees, charges, penalties contrary to the provisions of this Act;
- (q) fails to keep or display licenses or permits at conspicuous place of business;
- (r) transfers business premises license or permit for purposes of undertaking business in non-designated or permitted area;
- (s) constructs, or permits the construction of a sewer connection otherwise than in accordance with this Act; or
- (t) commits any other offence not covered in this Section but is covered under other sections in this Act.

356. Unless otherwise stated in this Act Any person Penalties who contravenes the provisions of this Act shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both.

SCHEDULES

**FIRST SCHEDULE – TAXI CAB PERMIT
MACHAKOS COUNTY FINANCE ACT 2018
TAXI-CAB PERMIT**

No.....

Permit is hereby granted toof
.....

To ply for hire with taxi-cab hereunder described, in accordance with provisions of the Machakos County Finance Act, 2018

Make of vehicle.....

Registration number.....

Maximum number of passengers.....

Subject to the provisions of the said Act, this Taxi Cab permit expires on 31st December,

Date.....

.....
For: Accounting/Authorized Officer, Machakos County Government.

The permit is only valid if a machine receipt is printed below

SECOND SCHEDULE- Charges for Fire Services

MACHAKOS COUNTY GOVERNMENT

MACHAKOS COUNTY FINANCE ACT 2018

Charge for Fire Services

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

<i>I. Fees and charges</i>	<i>KSh.</i>
(a) Fire protection measure per visit factory	1,600
(b) Commercial and industrial premises	1,600
(c) Boarding houses and public buildings	1,600
(d) petrol stations	1,600
(e) Premises storing dangerous inflammable materials	2,100
(f) Annual inspection petroleum tanker	2,100
<i>2. Special Services Other than Fire Fighting</i>	
(a) Standby against fire risk (per hour)	1,100
(b) Pumping out flooding (per hour)	1,600
(c) Binding of delivery hose compiling labour	600
(d) Binding of delivery hose compiling material	1,100
(e) Training of private personnel (fireman) Per day for a class of 15 people	22,000
(f) Inspection of fire extinguisher (Excluding refill per extinguishers)	600
(g) Hire of ladder per day or part thereof	2,100
(h) Hire of van or requested inspection	2,100
(i) Inspection of fire extinguisher (Excluding refill per extinguisher)	600
(j) Hire of ladder per day or part thereof	2,100
(k) Hire of van or requested inspection	2,100
(l) Firefighting lecture at public institutions within Machakos County two hour session	10,000
(m) Sale of water with County's water tanker for non-Domestic	5,000

use

(n) Sale of water with water tanker (owner)	3,100
(o) Hire of one hose length per day or part of thereof	600
(p) Inspection Hydraulic test of dry and wet risers (Per inspection)	5,000
(q) Issue of fire clearance certificate	2,100
(r) Annual license for installation and service of fire Extinguisher	7,000

Fire vehicles

(a) Turn out fee	1,200
(b) For each proceeding hour or part thereof	1,000
(c) Kilometre covered (per kilometre)	50
(d) Portable plump turn out fee including transport	2,100
(e) For each proceeding hour or part there of	600

Fire personnel attendance

(a) Chief Fire Officer First hour of attendance	1,500
(b) Each proceeding hour or part there of	1,000
(c) Assistant chief fire officer First hour of attendance	1,100
(d) Each proceeding hour or part there of	800
(e) Station officer and other ranks First hour of attendance	800
(f) Each proceeding hour or part there of	600

The fees and charges are exclusive of transportation of officer to and from station

THIRD SCHEDULE – APPLICATION FOR SUPPLY OF WATER

MACHAKOS COUNTY GOVERNMENT
MACHAKOS COUNTY FINANCE ACT, 2018
APPLICATION FOR SUPPLY OF WATER

Accounting/Authorizing Officer,
County Government of Machakos,
P.O. Box 1996,

MACHAKOS

I.....

(Full name in block letters)

Of.....

.....

Hereby make application for a supply of water in plot
No.....TownSub location
.....occupied by me for the purpose of
..... (State whether for residential, business or
agricultural purpose, and if for business State the nature of business).

I understand that this application is subject to the provisions of the County Government
of Machakos (Control of Water Supplies) Act 2018.

Yours faithfully,

.....

(Signed)

Application accepted/rejected for and on behalf of the County Government of Machakos

.....

(Signature of authorized Officer)

Made thisday of2018

By order of the County Government of Machakos

.....

Accounting/Authorized Officer

FOURTH SCHEDULE – FEES AND CHARGES

SCHEDULE FOR FEES AND CHARGES 2018				
PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
1	HAWKING	KSHS	KSHS	KSHS
	Small scale Hawker permit per month	500	300	200
	Motorised Hawkers			
	Motorised Hawkers per day with:			
	Tuktuk/Maruti	100	100	50
	Pickup/Nissan	500	500	400
	Canter	1500	1500	1500
	Lorry	1500	1500	1500
2	PUBLIC LAVATORIES			
	Public toilet lease per year			
	Modern toilet	60,000	60,000	20,000
	Permit of Mobile toilet per day	500	300	200
3	NON-MOTORIZED TRANSPORT (fees and charges shall only be applicable on the product)			
	Hand carts per month	150	150	150
	Ox-cart(Donkey) p.m	100	50	50
	Bodaboda-Motorcycle			
	Per day	30	30	20
	permit per month	200	200	100
	Permit per year	1250	1250	1250
4	SAND HARVESTING/ TRANSPORTATION CESS			
	The provisions of the Machakos County Sand Harvesting Act 2014 No. 3 of 2014 shall apply			
	Sand permit per 7 tonne Lorry per trip	5,000	5,000	5,000
	Penalty on non-payment of permit	20,000	20,000	20,000
	Penalty for transporting sand through undesignated road	20,000	20,000	20,000
	Penalty for harvesting sand in undesignated areas	30,000	30,000	30,000
	Penalty for harvesting/transporting sand during un authorized time	30,000	30,000	30,000
	Transfer of sand permit from one lorry to another	1000	1000	1000
	Sand yard or sand deposit business other than transporting element of the business			
	Application fee per year	1000	1000	1000
	Permit per year	30,000	30,000	30,000
	RED SOIL TRANSPORTATION			
	permit per 7 tonne Lorry per trip	600	600	600
	permit per 8 tonne Lorry per trip	700	700	700
	permit above 8 tonne Lorry per trip	800	800	800
	Permit for trailer	1000	1000	1000
	MANURE TRANSPORTATION			

	Permit per 7 tonne lorry per trip	600	600	600
	Permit per 8 tonne lorry per trip	700	700	700
	Permit above 8 tonne lorry per trip	800	800	800
	Permit for trailer	1000	1000	1000
	EXTRACTION MACHINE			
	Excavators registration	2000	2000	2000
	Excavator permit	10000	10000	10000
	Container Scoopers registration	2000	2000	2000
	Container Scooper permit	10000	10000	10000
	Earthmovers registration	2000	2000	2000
	Earthmover permit	10000	10000	10000
	Forklift registration	2000	2000	2000
	Forklift permit	5000	5000	5000
	FODDER			
	Per trip/canter	750	750	750
	TIMBER			
	Trip per Canter	1000	1000	1000
	Trip per 8 tonnes	2000	2000	1000
SAND TRANSPORTATION PERMIT PER MONTH				
	Sand permit below 7 tonne Lorry 'DIRECT'	28,000	28,000	28,000
	Sand permit per 7 tonne Lorry 'FSR/FVR'	45,000	45,000	45,000
	Sand permit per 8 tonne Lorry 'FVZ/CXZ KUNGIA	70,000	70,000	70,000
	Sand permit-Semi trailer	156,000	156,000	156,000
5	PUBLIC MARKETS AND STALLS			
	Bow & arrow	5	5	CHARGES FOR RURAL MARKETS PROPOSED TO BE ZERO RATED
	Bow	3	3	
	Arrow	3	3	
	Quiver	3	3	
	Cereals per bag (90 kg)(Dry Food stuffs)			
	Maize	60	50	
	Rice	60	50	
	Ndengu	40	30	
	Njugu	60	50	
	Black Beans(njahi)	40	30	
	Peas	30	30	
	Beans	30	30	
	Produce & vegetable per bag(90 kg)- Wholesale			
	Carrots	30	20	
	Onions	60	40	
	Green vegetables	20	10	
	Green Maize	40	25	
	Pumpkins	50	20	

Yams	60	20	
Sweet potatoes	30	25	
Cabbage	30	25	
Cassava	20	10	
Potatoes	30	25	
Arrow roots	30	25	
Sukuma wiki per 90kgs bag	20	10	
Spinach	20	10	
Cauli Flower	40	30	
Cucumber	40	30	
Dhania per 90 kg	40	30	
Pili Pili Hoho per bag	30	20	
Spices per bag	30	20	
Butter nuts per bag	40	30	
Conget per bag	40	30	
Chilly (pilipili Kali) per bag	30	20	
Tomatoes Small crate	30	206	
Tomatoes Medium crate	40	30	
Tomatoes Large crate	50	40	
Extended 90kgs bags(Wholesale)			
Green maize	50	40	
Green vegetables	50	40	
Carrots	60	50	
Potatoes	40	30	
Sukuma wiki per extended bag	50	40	
Pumpkin per extended bag	60	30	
Green Peas	50	40	
Sweet potatoes per extended bag	40	30	
Fruits per bag (Wholesale)			
Oranges	30	25	
Pawpaw	30	25	
Passion	30	25	
Citrus	30	25	
Tomatoes	30	25	
Horticultural (Misanzi)	30	25	
Bananas (sweet)	30	25	
Mangoes	30	25	
Onions small net (6kgs)	30	25	
Onions big net (13kgs)	40	30	
10 Sugarcane bundle	30	20	
10 Cassavas	30	25	
Bananas per bunch	30	20	
Water melon per tonne	700	500	
Avocados per bag	50	40	
Avocados per extended Bag	70	50	
Mangoes per extended bag	50	40	
Sisal strings	30	25	
20 ropes	30	25	
Miatine	30	25	

Chondo (traditional basket)	30	20	
Mat	30	20	
Pot	30	20	
Tray of eggs	30	25	
Chicken, quails, birds etc	20	10	
Fish Monger hawking per day	20	20	
Fish traders using Pickups per day	200	200	
Tin of spices	20	15	
Seedlings	20	10	
Tin of ghee	20	10	
Tin of sour milk (Kikuyu)	30	20	
1-5kg of jigger sugar (ngulu)	30	25	
Hides per piece	30	30	
Skin per piece	30	20	
Snuff ¼ tin	30	20	
Bag of charcoal	40	40	
Banana per bunch	30	10	
Vegetable seller outside market paid daily	40	20	
Bicycle repairs per day	30	30	
Shoe shiners per day	30	30	
Hardware (mali) per day	60	30	
Shoe seller per day	60	30	
New and second hand clothes per day	100	60	
Seller using vehicle			
1/2 ton	200	150	150
1 ton	300	200	200
2 ton	400	300	300
4 ton	500	400	400
Over 4 ton	800	600	500
Cabbages			
½ ton	300	250	250
1 ton	400	300	300
2 ton	500	400	350
4 ton	1000	1000	1000
Over 4 ton	2000	2000	2000
Stock fees per head:			
Cattle, donkey, camel	80	80	80
Goats, sheep, pigs	30	30	30
Livestock Brokers per year	2500	2500	2500
Livestock traders other than Brokers per year	3500	3500	3500
Movement permit per head:			
Cattle, donkey	100	100	100
Goats, sheep, pigs	50	50	50
Camel	200	200	200
Chicken	20	20	20
Farm Produce inspection fees(CESS):Per 90kgs bag			
Beans	30	20	20