SPECIAL ISSUE

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WEST POKOT COUNTY GAZETTE SUPPLEMENT

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AN ACT of West Pokot County Assembly to provide for regulation on parking of motor vehicles on designated parking areas and for connected purposes

ENACTED by the County Assembly of West Pokot, as follows—

PART I—PRELIMINARY

Citation

1. This Act may be cited as West Pokot County Designated Parking Places Act, 2015, and shall come into operation upon publication in the Kenya gazette and County Gazzette.

Interpretation

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

   “authorized officer” means an officer authorized by County Executive Committee Member to do or to order another to do or not to do in accordance with the provisions of this Act;

   “charge” includes fees;

   “clamp” means a metallic instrument used to lock wheels of a vehicle;

   “County Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters relating to transport;

   “County Government” means the County Government of West Pokot;

   “County Government motor vehicle” means a vehicle owned by the West Pokot County Government and registered as a Government of
Kenya vehicle;

"inspector" means an officer of the County Government authorized by the County Executive Committee member to control and supervise the designated parking places and includes any authorized officer;

"parking permit" means a permit issued by the County Executive Committee Member 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;

"owner" means the person in whose name a vehicle is registered under Part II of the Traffic Act, and in relation to a vehicle which is a subject of a hire purchase agreement or hiring agreement, includes the person in possession of the vehicle under that agreement;

"revenue officer" means an officer of the County Government authorized in writing by the County Executive Committee Member to collect fees; and

"vehicle" includes any motor vehicle, motor cycle, tractor, trailer, wagon or cart.

PART II—REQUIREMENTS FOR PARKING AND PARKING PERMIT

Designation of parking spaces

3. The area on the roads or off the road as may be described by the County Executive Member as designated parking places for vehicles.

Number and situation of parking spaces

4. The number and situation of parking places shall be determined by the County Executive Member.
Marking of parking spaces

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

Duration of parking place payments

6. A vehicle shall not be parked in a designated parking area
   for duration exceeding the paid for duration.

No Reserved Parking

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

Manner of parking

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

Charges of Parking

9. (1) An owner or driver of a vehicle shall drive into or park within
    the limits of a parking place and pay the required fees as the County
    Assembly shall determine for each year through its annual County
    finances as set out in the finance bill.
(2) All vehicles parked within a designated area shall be liable to parking fees.

**Charges for Clamping.**

10.  (1) Where a vehicle is parked in a designated parking place or space with no prior payment of the required charge at 6 pm, an authorized officer shall clamp the vehicle after which the motor vehicle shall be towed by an enforcement officer or police officer for safe custody.

   (2) Where a vehicle has been clamped or removed in pursuance to this section, the owner of such vehicle shall pay, or cause to be paid to the County Executive Committee Member the prescribed clamping fee as determined by the County Assembly for each year under the Act providing for annual county finances.

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

   (4) Notice of the intended auction under subsection (3) shall be placed in the print media, and the proceeds of such sale or disposal, if any, be used to recover the cost incurred by the County Executive Committee Member in removing, storing and disposing the said vehicle.

**Display of Parking Permit**

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

(2) A person who does not display the parking permit in accordance with subsection (1) shall be deemed not to have paid required parking fees and provisions of section 10 shall apply to that motor vehicle.

**Free Parking**

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

(2) County vehicles, National government vehicles, parastatals and diplomatic vehicles shall be exempted from paying parking fees

**Identification of Officers**

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

**Multiple Parking**

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

**Transfer**

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

(2) A person who contravenes subsection (1) commits an offence.
Signaling, Guiding or Directing Driver

16. (1) A person who without justifiable cause or excuse—
   (a) guides or directs or attempts to signal, guide or direct the driver of a vehicle into or out of any parking place provided by the County Government; or
   (b) parks on any road under the County Government or land owned by the County Government or under its control or in or adjoining any area on roads designated as parking places for vehicles under the designated parking places; commits an offence.

   (2) A person who contravenes sub-section (1) and (2) above commits an offence.

Offences Concerning Designated Parking Spaces

17. (1) A person who—
   (a) with intent to defraud, interferes with the writings or marks on a parking permit already issued;
   (b) without authority of the County Executive Committee Member uses a parking space for the purpose of advertisement;
   (c) damages vehicle clamp or any of its part;
   (d) uses the parked vehicle to carry out business on a County Government designated parking space;
   (e) without the authority of the County Executive Committee Member removes or attempts to remove a clamp from a clamped vehicle;

   (2) A person who contravenes paragraph (a) (b) (c) (d) and (e) above commits an offence.
Obstruction

18. A person, who willfully obstructs, hinders or otherwise interferes with an authorized officer in the execution of their duties under this Act commits an offence.

Removal of a Vehicle

19. (1) Where a vehicle—

(a) is left in a designated parking place and the parking charge or de-clamping charge incurred is not duly paid;

(b) is left in a designated parking place and any of the provisions of part VI A of the Traffic Act or this Act relating to the manner in which the vehicle should stand in a parking place are contravened;

(c) is left in a designated parking place otherwise than is authorized by Part VI A of the Traffic Act or by this law;

(d) has remained clamped, an authorized officer may remove such vehicles and keep the same in safe custody by means of break down or any other means of removal available at that moment at the owners risk and cost.

(2) Where a vehicle has been removed in pursuance of this Act, the owner of such vehicle shall pay, or cause to be paid to the County Executive Committee Member impounding charges for safe custody, together with towing fees in respect of expenses incurred by the County Executive Committee Member in removing and keeping such vehicle in safe custody before he can recover the vehicle.

Parking on Pavements

20. (1) A vehicle shall not be parked on a pavement on County
Government garden or an area not designated as a parking area.

(2) A vehicle parked at a pavement as envisaged in subsection (1) shall be towed and the owner shall be liable to pay towing fees and charges for illegal parking which shall be paid to County Executive Committee Member.

(3) A vehicle which knocks down an electric pole shall be towed and detained by the County Executive Committee Member and shall be held until the owner of the said vehicle pays for the restoration of the said pole.

(4) The owner of the vehicle referred to under subsection (3) shall also pay prescribed towing and storage charges.

PART III—MISCELLANEOUS PROVISIONS

Personal Liability

21. Any action done by an authorized officer, employee or agent of the County Executive Committee Member shall, if the action is done in good faith while executing the functions, powers or duties under this Act render the member, officer, employee or agent personally liable for any action, claim or demand whatsoever.

Management of Information

22. (1) The County Executive Committee Member shall publish and publicize all important information affecting the county within its mandate.

(2) A person may request for information within the mandate of the County Executive Committee Member or any body designated by the County Executive Committee Member in public interest.

(3) A request for information under subsection (2)—

(a) shall be addressed to the County Executive Committee
Member or such other person as the County Executive Committee Member may designate for that purpose;

(b) may, where the designated body incurs expense in providing the information, be subject to payment of a reasonable fee; and

(c) may be subject to confidentiality requirements of the designated body.

(4) Subject to the provisions of Article 35 of the Constitution and the law relating to freedom of information and data protection, the County Executive Committee Member may decline to give information to an applicant where the—

(a) request is unreasonable in the circumstances;

(b) applicant fails to satisfy any confidentiality requirements imposed by the County Executive Committee.

Penalties

23. A person who commits an offence under this Act shall be liable on conviction in respect of a—

(a) first offence a fine not exceeding one thousand shillings or to an imprisonment term not exceeding three months or both;

(b) second offence to a fine not exceeding three thousand shillings or to an imprisonment term not exceeding nine months or both; or

(c) any other appropriate penalty the judge or magistrate deems fit for a repeat offender.

Regulations

24. The County Executive Committee Member may make
regulations for the better carrying into effect of the provisions of this Act.

Revision

25. (1) The County Executive Committee Member shall from time to time revise the—

(a) schedules for designated parking areas;
(b) charges for parking, clamping and towing; or
(c) fines for offences under this Act

(2) The County Executive Committee member shall issue a 30 day notice for any revisions intended under subsection (1), in two daily newspapers of wide circulation within the County.

(3) After issuance of a notice provided under subsection (2), the County Executive Committee Member shall gazette the intended revisions in the County Gazette.