

10. Any person who is guilty of an offence under these By-laws shall be liable—

- (a) in the case of first conviction for such offence, to a fine not exceeding six hundred shillings or imprisonment for a term not exceeding two months or to both such fine and imprisonment;
- (b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding one thousand five hundred shillings or imprisonment for a term not exceeding five months, or to both such fine and imprisonment.

Made this 7th day of January, 1977.

By Order of the Urban Council of Homa Bay.

P. O. OSODO,  
*Clerk to Urban Council.*

Approved 24th day of January, 1977.

R. S. MATANO,  
*Minister for Local Government.*

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LEGAL NOTICE NO. 41

THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 72 (j) of the Traffic Act, the Town Council of Bungoma hereby makes the following By-laws:—

THE BUNGOMA TOWN COUNCIL (PARKING PLACES AND OMNIBUS STATIONS) BY-LAWS, 1977

1. These By-laws may be cited as the Bungoma Town Council (Parking Places and Omnibus Stations) By-laws, 1977. Citation.

2. In these By-laws, unless the context otherwise requires— Interpretation.

“clerk” means the person for the time being holding the office of the clerk of the Bungoma Town Council, or any other person authorized by the Council in writing to act as clerk for the purposes of these By-laws;

“Council” means the Bungoma Town Council;

“Omnibus” means a public service vehicle having seating accommodation for more than seven passengers exclusive of the driver, and includes any motor-car having seating accommodation for not more than ten passengers exclusive of the driver, whether or not such vehicle is licensed to be a public service vehicle.

"Omnibus station" means any of the omnibus stations provided by the Council and indicated as such by a sign, for affording facilities for the arrival and departure of omnibuses;

"park" means to draw up a vehicle and leave the same stationary in a street or other public place, for a continuous period exceeding five minutes;

"vehicle" includes any motor vehicle, motor cycle, tractor trailer, wagon, cart, hand cart and pedal bicycle.

Omnibus to start and finish at station.

3. (1) No driver of an omnibus when carrying a passenger for hire or regard shall, without the prior written permission of the clerk, start or terminate any journey at any place other than an omnibus station.

(2) Any person who contravenes the provisions of this by-law shall be guilty of an offence.

Packing places.

4. (1) No omnibus, whilst being plied for hire or reward shall, without the prior written permission of the clerk, be parked in any place other than an omnibus station:

Provided that nothing in this by-law shall apply to any omnibus stopped at any place appointed as such under section 102 (4) of the Act.

Cap. 403.

(2) Any person who contravenes the provisions of this by-law shall be guilty of an offence.

Queue for omnibus.

5. When six or more persons are waiting to enter an omnibus at an omnibus station, they shall form a queue and any person who enters or attempts to enter an omnibus ahead of any person in such a queue shall be guilty of an offence.

No obstruction.

6. (1) No person who is at an omnibus station shall—

(a) wilfully and unreasonably impede any other person seeking to enter an omnibus or to alight therefrom;

(b) enter, alight from, or attempt to enter or alight from, an omnibus otherwise than by the door or opening provided for the purposes of entering, or alighting from, an omnibus; or

(c) wilfully and unreasonably obstruct or impede any authorized person in the performance of his lawful duty.

(2) Any person who contravenes the provisions of this by-law shall be guilty of an offence.

Fees.

7. (1) An owner of an omnibus shall pay to the Council in advance the appropriate fees prescribed in the Schedule to these by-laws for the use of an omnibus station.

(2) For the purpose of this by-law any omnibus driven into an omnibus station shall be deemed to be using the omnibus station, if the omnibus is not driven into the omnibus station in an emergency or other reasonably compelling circumstances, for a reasonable time.

(3) Subject to paragraph (2) of this by-law, any person who drives an omnibus into an omnibus station when the fees due in respect thereof has not first been paid, shall be guilty of an offence.

8. (1) The Council shall provide parking places and may prohibit the parking of vehicles on roads and other appropriate places whenever it is necessary so to do.

No unauthorized parking.

(2) No person shall draw up or park any vehicle on any road otherwise than in circumstances outside his control—

- (a) where parking is prohibited;
- (b) otherwise than in accordance with parking sign; or
- (c) for a longer period than allowed.

(3) No person shall, except in an emergency, park, construct, repair, take down, assemble, or wash, polish or clean any vehicle, or part thereof, in any parking place or in an omnibus station in such a manner as to cause an obstruction.

(4) Any person who contravenes the provisions of this by-law shall be guilty of an offence.

9. (1) No person shall park any broken down vehicle on any parking place or omnibus station so as to cause any public nuisance or obstruction except in an emergency and in such a case the vehicle shall be removed from the parking place or omnibus station as soon as possible.

Parking of broken down vehicle.

(2) Any person who contravenes this by-law shall be guilty of an offence.

10. Any person who is guilty of an offence under the provisions of these by-laws shall be liable—

Penalty.

(a) in the case of a first conviction for such offence, to a fine not exceeding five hundred shillings, or imprisonment for a term not exceeding two months, or to both such fine and imprisonment; or

(b) in the case of a second or subsequent conviction for such offence, to a fine not exceeding one thousand shillings, or imprisonment for a term not exceeding four months, or to both such fine and imprisonment.

SCHEDULE

(By-law 7)

ANNUAL FEES FOR USE OF OMNIBUS STATION

1. For each omnibus with carrying capacity of over 40 passengers	250
2. For each omnibus with carrying capacity of less than 40 passengers and not less than 28 passengers	200
3. For each omnibus with carrying capacity of less than 28 passengers and not less than 12 passengers	100
4. For each omnibus with capacity of less than 12 passengers	50

Made this 22nd day of September, 1976.

By Order of the Bungoma Town Council.

JACK MUKHONGO,

*Acting Town Clerk.*

Approved this 24th day of January, 1977.

R. S. MATANO,

*Minister for Local Government.*