

LEGAL NOTICE No. 240

THE TRAFFIC ACT

(Cap. 403)

IN EXERCISE of the powers conferred by section 72r of the Traffic Act, the County Council of Kakamega hereby makes the following By-laws:—

THE COUNTY COUNCIL OF KAKAMEGA (PARKING PLACES AND OMNIBUS STATIONS) BY-LAWS, 1976

1. These By-laws may be cited as the County Council of Kakamega (Parking Places and Omnibus Stations) By-laws, 1976. 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 County Council of Kakamega, the deputy clerk or any other person authorized by the Council in writing to act as a clerk or a deputy clerk for the purpose of these By-laws;

“Council” means the County Council of Kakamega;

“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 at the township of Butere, Mumias, Luanda and Lunyerere and the trading centres prescribed in columns A and B of Schedule I to these By-laws 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 or pedal cycle.

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

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

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: Parking Place.

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

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

Persons to wait
in a queue.

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.

Conduct at an
omnibus station.

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; or
- (b) enter or alight from, or attempt to enter or alight from, an omnibus otherwise than by the door or opening provided for the purpose 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 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 Schedule II 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 fee due in respect thereof has not first been paid, shall be guilty of an offence.

Council to
provide parking
places.

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

(2) Any person who draws up or parks any vehicle on any road otherwise than in circumstance outside his control—

- (a) where parking is prohibited; or
- (b) otherwise than in accordance with a parking sign; or
- (c) for a longer period than allowed, shall be guilty of an offence.

Parking,
construction,
repair, etc. not
to cause
obstruction.

9. (1) 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.

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

Parking of
broken
down
vehicle.

10. (1) No person shall park any broken down vehicle in 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.

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

11. Any person who is guilty of an offence under 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; and
- (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 I

(By-law 2)

*Trading Centres A**Trading Centres B*

Luanda

Wekhomo

Ebusiratsi

Emakata

Mwichio

Essaba

Mbale

Majengo

Magada

Mahanga

Wangoya

Buguga

Chavakali

Mago

Kilingili

Mudete

Kivagala

Munoywa

Kigama

Wengondo

Seremi

Jebroke

Gisambai

Gambogi

Cheptulu

Musasa

Cheptechi

Mulundu

Gamulembe

Wengondo

Shamakhokho

Banja

Hamisi

Kinu

Koyonzo

Mayoni

Buhuyi

Musamba

Munami

Lwanda

Kholera

Murumba

Shibale

SCHEDULE—(Contd.)

<i>Trading Centres A</i>	<i>Trading Centres B</i>
Musanda	Ungasi
Lukongo	Ruwe
	Imanga
Shianda	
Isongo	
Mukunga	
Butere	Shiatsala
Lunza	Mudhiero
Manyala	
Mureko	Buchanya
Isulu	Malinya
Shikulu	Lidambidza
	Shisejeri
	Mpaka
Manyulia	Ebulakayi
Khwisero	Ekambuli
Shibinga	Hambulishe
Mulwanda	
Shinyalu	Murhanda
Khayega	Kambiri
	Mussa
Bukura	Ingotse
Shimanyiro	Shibuli
Nambacha	Navakholo
Malaha	Muregu
	Lutaso
Lupao	Samitsi
Malava	Ingavira
Lukume	Chimang'eti
Kakunga	
Matete	Nambirima
Luandeti	Matsakha
Butali	Lumani
Chegulo	Mautuma
Matunda	
Kipkarren	

SCHEDULE II

(By-law 7 (1))

ANNUAL FEES FOR USE OF OMNIBUS STATIONS

	<i>Sh.</i>
1. For each omnibus with carrying capacity of over 40 passengers	100
2. For each omnibus with carrying capacity of under 40 passengers and not less than 28 passengers	60

SECOND SCHEDULE—(Contd.)

ANNUAL FEES—(Contd.)

	Sh.
3. For each omnibus with carrying capacity of under 28 passengers and not less than 12 passengers	40
4. For each omnibus with carrying capacity of under 12 passengers	35

Made this 12th day of October, 1976.

By Order of the County Council of Kakamega.

B. C. K. MANDU,
Clerk to the Council.

Approved this 29th day of October, 1976.

R. S. MATANO,
Minister for Local Government.