

LEGAL NOTICE No. 80

THE TRAFFIC ACT**(Cap. 403)**

IN EXERCISE of the powers conferred by section 72J of the Traffic Act, the Municipal Council of Kitale hereby makes the following By-Laws:—

THE MUNICIPAL COUNCIL OF KITALE (OMNIBUS STATIONS AND PARKING PLACES) BY-LAWS, 1977

Citation

1. These By-Laws may be cited as the Municipal Council of Kitale (Omnibus Stations and Parking Places) By-Laws, 1977.

Interpretation.

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

“clerk” means the person for the time being holding the office of the town clerk of the council, the deputy town clerk or any other person authorized by the council in writing to act as town clerk or a deputy town clerk for the purposes of these By-Laws;

“council” means the Municipal Council of Kitale;

“omnibus” means a public vehicle having a 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, which is used to carry passengers for hire or reward, whether or not such vehicle is licensed to be a public service vehicle;

“omnibus station” means the area of land provided by the council under by-law 3 of these By-Laws;

“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;

“owner” means the person in whose name an omnibus or any other vehicle is registered under Part II of the Act, and in relation to an omnibus or any other vehicle which is the subject of a hire-purchase agreement or hiring agreement, includes the person in possession of the vehicle under that agreement.

Provision of omnibus stations.

3. (1) The council shall provide and maintain an omnibus station within the area of its jurisdiction for affording facilities for the arrival and departure of omnibuses.

(2) The council shall have regard to both the interests of traffic and the interests of adjoining property when providing an omnibus station.

4. (1) No driver of an omnibus shall set down or pick up passengers at any place other than an omnibus station: Stopping places.

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 Traffic Act.

Cap. 403

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

5. (1) The number and situation of parking spaces in an omnibus station shall be determined by the council. Number and situation of parking spaces.

(2) The limits of each parking space shall be indicated on the ground by lines or studs, or in such other manner as the council may determine.

6. (1) No omnibus shall stand in, be driven into, or be driven out of, a parking space in such a manner that the omnibus encroaches upon other parking space. Proper parking.

(2) Any driver who contravenes or fails to comply with the provisions of this by-law shall be guilty of an offence.

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

Conduct at omnibus station.

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

(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 the provisions of this by-law shall be guilty of an offence.

8. (1) An owner of an omnibus shall pay to the council a fee of two shillings per trip for the use of an omnibus station. Fees or charges.

(2) No person shall drive an omnibus into an omnibus station unless the fee or charge for the use of the omnibus station has been paid pursuant to paragraph (1) of this by-law.

(3) Any person who contravenes or fails to comply with the provisions of this by-law shall be guilty of an offence.

9. (1) The council shall, in respect of heavy or such other vehicles proceeding to or from the main industrial area of the council to deliver or remove agricultural produce, provide exclusive parking spaces in such a place or places to be determined by the council. Exclusive parking.

(2) No person shall use parking facilities provided under the provisions of paragraph (1) of this by-law unless he pays the appropriate fee of twenty shillings per trip.

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

Penalties.

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

(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;

(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.

Revocation
L.N. 73/1963.

11. The Kitale Municipality (Omnibus Terminus) By-Laws, 1962, are hereby revoked.

Made this 17th day of March, 1977.

By Order of Kitale Municipal Council.

N. W. FEDHA,
Town Clerk.

Approved this 23rd day of March, 1977.

R. S. MATANO,
Minister for Local Government.