SPECIAL ISSUE

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CONTENT

Bill for Introduction into the County Assembly of Garissa—

PAGE

The Garissa County Designated Parking Areas Bill, 2015 1

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THE GARISSA COUNTY DESIGNATED PARKING AREAS BILL, 2015

ARRANGEMENT OF CLAUSES

Clauses

PART 1—PRELIMINARY

1—Short title.

2—Interpretation.

PART II—REQUIREMENTS FOR PARKING AND PARKING PERMITS

3—Designation of parking areas.

4—Number and situation of parking areas.

5—Marking of areas.

6—Duration of parking place payments.

7—No reserved parking.

8—Manner of parking.

9—Charges of parking.

10—Charges of campaigning.

11—Display of parking permit.

12—Free parking.

13—Identification of officers.

14—Multiple parking.

15—Transfer.

16—Parking for permit business.

17—Signaling, guiding or directing parking areas.

18—Offences concerning designated parking areas.

19—Obstruction.

20—Remove of a vehicle.

21—Parking on payments.

PART III— MISCELLANEOUS PROVISIONS

22—Personal liability.

23—General penalties.

24—Regulations.

25—Revision.

THE GARISSA COUNTY DESIGNATED PARKING AREAS BILL, 2015

A Bill for

AN ACT of the Garissa 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 Garissa as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Garissa County Designated Parking Areas Act and shall come into operation on such date as the County Executive Committee member responsible for transport may appoint.

Interpretation

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

"Authorized officer" means an officer authorized by a County Executive Committee to do or not or to order another to do or not to do in accordance with the provision of this Act;

"charge" includes fines, parking fees, parking levies and advertising charges;

"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 Garissa County Government;

"county government motor vehicle" means a vehicle owned by the Garissa County Government or registered as a Government of Kenya vehicle;

"Inspector" means an officer of the county government authorized by the County Executive Committee to control and supervise the designated parking areas and includes authorized officer;

"parking permit" means a permit issued by a County Executive Committee member authorizing the owner of the vehicle to use a designated parking area;

"parking space" means a space in a parking place, which is provided for parking 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 hire purchase agreement or hiring agreement includes the person in possession of vehicle under the agreement.

"revenue officer" means an officer of the county government authorized in writing by the County Executive Committee members to collect fees; and

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

PART II— REQUIREMENTS FOR PARKING AND PARKING PERMITS

Designation of parking areas

3. The area on the off the road described on the first schedule are the designated parking areas for vehicles.

Number and situation of parking areas

4. The number and situation of parking areas shall be determined by the County Executive Committee member.

Marking of areas

5. The limits of each parking place and limits of parking space shall be marked on the roads by line studs or such other indications as the County Executive Committee member may determine.

Duration of parking areas 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 a sign post 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 a vehicle stands in ,or passes over part of one parking space and part of the another or

(b) any line, studs or other indication marking the limits of a parking space.

Charges of parking

9. (1) No owner or driver of a vehicle shall drive into or park within the limits of a parking place without first paying the prescribed parking fees as set out in the second schedule.

(2) All vehicles parked within an undesignated area shall be liable to parking fees and fine.

Charges of campaigning

10. (1) Where a vehicle is parked in undesignated parking place or space with prior payment of required charge, an authorized officer shall clamp the vehicle after which the motor vehicle shall be towed by an enforcement 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 fees set out in the Second Schedule.

(3) Where the owner of the vehicle which has been clamped or removed under this section does not pay the fees and expenses due within a period of sixty days from the day on which a vehicle was removed from undesignated area the county government may sell or otherwise dispose the said vehicle by auction.

(4) Notice of the intended auction under section (III) shall be placed in the print media and the proceeds of the said 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. A driver or other person in charge of a motor vehicle who drives or parks within a limit 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 date and time the vehicle entered the parking place.

Free parking

12. (I) Parking fees shall not be payable after 2.00pm on Saturdays, whole day on Sunday and public holidays.

(2) Save for reservation for official use by one place within designated parking areas shall be a free parking area.

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 and the county government.

Multiple parking

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

Transfer

15. A parking permit shall not be transferred so as to apply to a vehicle other than that the one to which it was originally issued.

Parking for permit business

16. (1) A person having a commercial private parking place within the County 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 sub section (1) commits an offence.

Signaling, guiding or directing parking areas

17. (1) A person 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 designated as parking place provided by the County Government; or

(b) on any road under the County Government or land owned by the County or under its control or in adjoining any area on roads designated as parking areas for vehicles under the designated parking areas.

Offences concerning designated parking areas

18. A person—

(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) willfully damages vehicle clamp or at any of its part;

(d) willfully uses the parked vehicle to carry out business on a county government designated parking space;

Removal of a vehicle clamp

(e) without the authority of the County Executive Committee member removes of attempts to remove a clamp from a clamped vehicle commits an offence.

Obstruction of officer

19. 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.

20. (1) where a vehicle—

(a) is a left designated packing area and the parking charge or de clamping charge incurred is not dully paid;

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

(c) is left in a designated parking area otherwise than is authorized by part VI A of the traffic act or by this law; or

(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.

(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 pounding 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

21. (1) A vehicle should not be parked on 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 be held until the owner of said vehicle pays for restoration of the said pole.

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

PART III— MISCELLANEOUS PROVISIONS

Personal liability

22. No matter or thing done by an authorized officer, employee or agent of the County Executive Committee Member shall, if the matter 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.

General 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 KSh. 200,000.

Regulations

24. The County Executive Committee Member may make regulations for the better carrying into effect of 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 days' notice for any revisions intended under subsection (1) into two daily newspapers of wide circulation within the County.

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

FIRST SCHEDULE

AREAS OF DESGINATED PARKING AREAS

(Please insert)

s.9 and s 10

SECOND SCHEDULE

CHARGES OF PARKING AND CLAMPING

(Please insert)

MEMORANDUM OF OBJECTIVES AND REASONS

The purpose of this bill is to provide a legislative framework for regulation on parking of motor vehicles on designated parking areas and for connected purposes.

PART I provides for preliminary matters which includes the short title and interpretation.

PART II provides for requirements for parking and parking permits. This part includes the following provisions, designated of parking areas, number and situation of parking areas, marking of areas, durations of parking area payments, no reserved parking, manner of parking, charges of parking ,charges for clamping, display of parking, permit free parking, identification of officers, multiple parking, transfer, parking permit, business, signaling, guiding or directing driver, offences concerning designated parking areas, obstructions, removal of a vehicle and parking on payments.

PART III provides for miscellaneous provisions, it contains provisions of personal liability, management of information, penalties, regulations and revision.

The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided through the estimates.

Dated the 7th May, 2015.

SHAFII ODHOWA,
Chair, Roads and Infrastructure Committee.