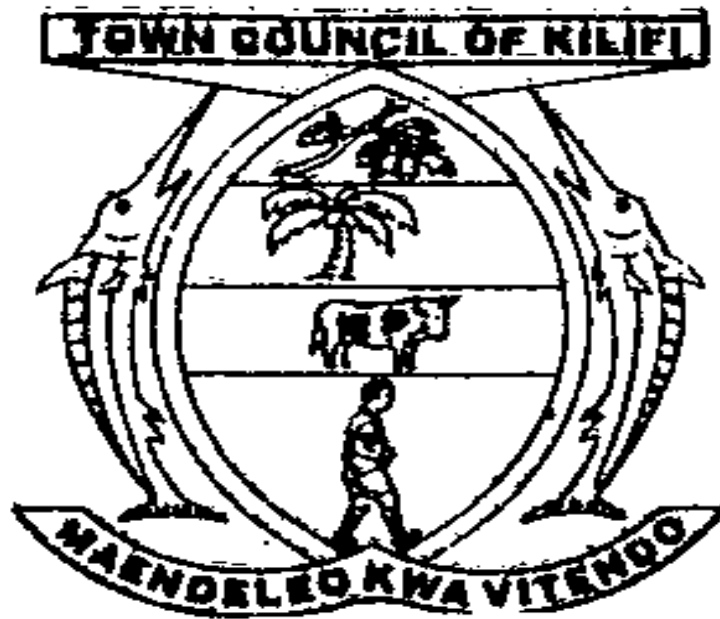


TOWN COUNCIL OF KILIFI



(SLAUGHTER HOUSE AND BUTCHERS)
BY-LAWS, 2008

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 201 of the Local Government Act, the Town Council of Kilifi makes the following by- laws:-

THE TOWN COUNCIL OF KILIFI (SLAUGHTER HOUSE AND BUTCHERS) BY-LAWS, 2008

1. These By-laws may be cited as the Town council of Kilifi (Slaughterhouse and butchers) By-laws, 2008.
2. In this by-law, unless the context otherwise requires:-

Citation

Interpretation

- (a) "**slaughterhouse**" means and includes all buildings, spaces and lair ages provided by the council for the purpose of slaughtering animals and the apparent operations.
- (b) "**Fees and charges**" Shall be those latest gazetted at any point of time by the council
- (c) "**Beast**" means a bull, bullock, ox, cow, heifer, steer or calf,
- (d) "**Animal**" means any beast or other animal, the flesh of this is intended for human consumption.
- (e) "**Clerk**" means the person holding the office of the Town clerk for the time being, his deputy or and officer of the council authorized by him for the purposes of these By-laws.
- (f) "**Superintendent**" means any person appointed by the council to superintend and be in general charge of the Slaughterhouse and its operations.
- (g) "**Meat inspector**" means any person authorized by the council to carry out the duties of a meat inspector, or any authorized Government medical officer of Health operating in the council area.
- (h) "**Slaughters**" means any person employed in a slaughterhouse for the purpose of killing, dressing and preparing any meat for sale for human consumption.
- (i) "**Butcher**" means any person handling any meat or

meat product in any butcher's shop.

- (j) **"Hide"** means the skin of a bovine animal.
- (k) **"Skin"** means the skin of a sheep or a goat.
- (l) **"Council"** means the Town Council of Kilifi
And includes the area within the Town Council of
Council boundaries
- (m) **"Permit"** may be referred to as license, fee or charge,
or a council receipt issued for a particular purpose and
period

- 3 A person not being an officer or official of the council shall not enter or remain in the slaughterhouse except for the purpose of slaughtering or supplying food and water to any animals therein or of preparing any carcasses for sale or otherwise for some lawful purpose connected with the slaughterhouse.
- 4 No animal shall be slaughtered for meat within the council except at the council slaughterhouse, and except within prescribed hours, unless in emergency and with the consent of the clerk to council.
- 5 No dead poultry shall be sold or offered or exposed for sale in or kept in any shop, restaurant, eating house, tearoom, market or hotel, within the council unless such poultry has been killed and prepared at the council slaughterhouse or with the written permission of the Town Clerk, at such other place and in accordance with such terms and conditions as may be prescribed in such written permission.
- 6 Every person using the slaughterhouse shall obey and conform to all reasonable orders given to him by the superintendent. **Conduct of Town Council slaughterhouse**
- 7 A person shall not bring into the slaughterhouse a dog or any animal which is not intended for human consumption.
- 8 A person shall not bring into the slaughterhouse the carcass or any part of the carcass of any animal already dead or slaughtered except with the consent of the superintendent or officer in charge, and such carcass shall be subject to the provisions of the slaughtered in slaughterhouse.
- 9 Every person bringing into the slaughterhouse any animal which is or suspected of being diseased shall take the same to the lair or lairs set apart for the reception of such animals,
and indicates by a notice affixed or set up and contained in conspicuous position near such lairs, and shall immediately inform the superintendent of his having done so.
- 10 If the carcass of any animal slaughtered in the slaughterhouse is found, or suspected, to have been that of diseased animal, it shall be taken to the place set apart for the reception of the superintendent.

Every person who shall bring or cause to be brought into the slaughterhouse any beast, sheep, lamb or goat shall cause the same to be properly penned in a lair assigned for that purpose.

- 11 Every person using any lair in the slaughterhouse shall provide the same with proper and sufficient feeding and shall remove and renew such beddings from time to time as often as may be necessary
- 12 Every person being the owner or person for the time being in charge of any animal brought into the slaughterhouse shall not cause such animal to be without food for more than 24 hours or without sufficient wholesome water.

- 13 A person being the owner or a person in charge of any animal brought to the slaughterhouse for the purpose of being slaughtered and which may require to be supplied with food and water on a public Holiday or Sunday shall supply any such animal or cause it to be supplied with a sufficient quantity of food and water between the hour of six, seven and eight o'clock in the evening of such Sunday or public Holidays.
- 14 A person shall not without satisfactory reason cause any animal which has been brought into the slaughterhouse for the purpose of being slaughtered to be taken out alive.
- 15 A person shall slaughter any animal brought into the slaughterhouse in such a situation as will not interfere with slaughtering of any other animal.
- 16 A person shall not slaughter or attempt to slaughter any animal in any part of the slaughterhouse except in such part as shall be from time to time assigned by the council for the slaughter of animals of the same class or kind and indicates by a notice affixed or set up and contained in a conspicuous position near to such part.
- 17 Every person who shall be about to slaughter or assist in the slaughtering of any animal in the slaughterhouse shall cause the head of such animal to be securely fastened so as to enable such animal to be slaughtered with a little pain or suffering as practicable, and shall in the process of slaughtering use such internments and appliances and adopt such methods of slaughtering and otherwise take such precautions as may be requisite to secure the infliction of as little pain or suffering as practicable.
- 18 Every person who shall slaughter or cause to be slaughtered any animal in the slaughterhouse shall cause the hide or skin and fat of such animal to be removed from any part of such animal as soon as possible after the completion of the slaughter of such animal and from the slaughterhouse within three hours after the inspection of the carcass of such animal.

- 20 Every person who shall use any water tap in the slaughterhouse shall cause the same to be properly turned off immediately after he shall have finished using such tap.

- 21 A person shall not use any article provided by the council for use in connection with the slaughtering or dressing of animals in the Slaughterhouse except for the purpose for which they are intended to be used or use the same for an undue length of time so as hinder any other person from use thereof in due order.

- 22 A person shall not remove from the slaughterhouse any utensils, article, gear or apparatus provided by the council for use therein except with prior consent of the Town Clerk.
- 23 A person shall not obstruct or hinder any other person in the proper use of the slaughterhouse or of any utensils, article gear or apparatus provided by the council for there in.
- 24 A person shall not by any disorder or improper conduct disturb or interrupt any other person in the proper use of the slaughterhouse or of any utensil, article, gear or apparatus provided by the council for use there in.
- 25 A person shall not in the slaughterhouse use any indecent or obscene language or enter or remain therein at a state of intoxication.
- 26 A person shall not spit or smoke tobacco or other like substance in any part of the slaughterhouse in which a notice is placed prohibiting the same.
- 27 A person shall not willfully soil or defile any part of the slaughterhouse. Provided always that these by-laws shall not apply so as to prevent any person making proper use of any sanitary convenience or urinal provided by the council.
- 28 A person shall not except in any case of illness bring any malt or spirituous liquors into the slaughterhouse.
- 29 A person shall not in the same slaughterhouse proceed to slaughter any animal until the same have been effectively stunned. Provided that this by-law shall not be deemed to apply to the Jewish or Mohammedan method of slaughtering, if no unnecessary pain is inflicted.
- 30 No animal shall be slaughtered or stunned in the council slaughterhouse by any person who is not the holder of a permit granted by the council or who is not employed by the council. The council shall satisfy itself that, the applicant is fit and proper person to hold such permit.
- 31 A person shall not in the slaughterhouse slaughter or cause to be slaughtered any animal, or cause its
- 32 carcass to be dressed in the view of another animal.
- 33 Any person using the slaughterhouse shall not cause or allow any blood or other refuse to flow such slaughterhouse so as to be within the sight or smell of any animal in the slaughterhouse and he shall not cause or allow any such blood or other refuse to be deposited in the waiting pens or lairs.
- 34 The council shall have the power to determine the hours within which animals may be brought to the slaughterhouse, the hours during which the animals may be slaughtered, the hours for inspection of carcasses and the hours within which meat may be removed from the slaughterhouse, and no animal may be brought, slaughtered inspected or removed except within the hours so determined.
- 35 No carcass and no portion of any carcass shall be removed from the slaughterhouse until it has been inspected by the meat inspector and properly stamped by him with the

duly authenticated stamps as to its fitness for human consumption, if it is unfit for human consumption an order made for its disposal.

- 36 A person suffering from an infectious or contagious or venereal disease shall not enter the slaughterhouse.
- 37 The council may employ competent slaughterers for slaughtering of animals at the slaughterhouse and make a charge for the service of such slaughterhouse.
- 38 The charges to be paid for the use of the council slaughterhouse, hide and skin bandas, lairs, and of all necessary equipments and for cleansing of hides and skin, etc, shall be as set out into the latest council gazetted fees and charges list.
- 39 Any person who shall be in possession of the carcass of any animal within the Town council area, unless otherwise authorized by the Town clerk, forthwith skin such carcass and deliver the hide or the skin thereof to an officer in charge of the council slaughterhouse.
- 40 The owner of a hide or skin which has been delivered to an officer in-charge of a hide of the Town council of Kilifi slaughterhouse shall upon being requested so as to do by him
- 41 forthwith remove the same for the Town council slaughterhouse, and if such owner shall fail to remove such hide and skin within ten days after such request has been made to him, it shall be sold and the proceeds of the sale shall, after deducting any fees which are due to the council such as for curing or any other be paid to the said owner.
- 42 Carcass of animals or meat intended for human consumption shall not be conveyed in the Town council of Kilifi otherwise than in a clean covered cart or vehicle of a design approved by the Town Council. The owner of any carcass or meat conveyed contravention of this by-law shall be guilty of an offence.
- 43 No butcher or vendor of meat shall employ a person suffering from an infectious or venereal disease to convey meat.
- 44 Save when engaged in the loading or unloading of any carts or vehicles used for the conveyance of carcass of meat as aforesaid no person shall sit or otherwise be in any such carts vehicles in such position as to come into contact with any carcass or meat therein.
- 45 No person shall carry any carcass or meat intended for human consumption into, or serve in, any butchers shop, stall, meat market or slaughterhouse unless he is clothed in clean white tunic or suit reaching from the neck to at least the knee.
- 46 No butcher or vendor of meat shall employ any person to convey any carcass or meat intended for human consumption to or from any butchers shop unless such person during such employment is clothed in a clean white tunic or suit reaching from neck to at least the knee.
- 47 No animal shall be slaughtered for meat within the Town Council land no poultry shall be killed in or at any shop restaurant, eating-house, tea-room or hotel or any other place within the council area, except at the Town council slaughterhouse or, with the written permission of the Town clerk, as such other place and in accordance with such terms and conditions as may be prescribed in such written permission.

curing of hides and skins

- 48 No carcass of any animal slaughtered outside the Town council area shall be brought into the Town Council of Kilifi area for human consumption, except with the written permission of the Town Clerk.
- 49 Any carcass brought into the Town council area with such permission shall be taken to the slaughterhouse at such time as may be notified for the inspection of meat and shall not be exposed for sale until a certificate of its fitness for human consumption has been issued or meat stamped with the official stamp. For the purpose for these by-laws, the whole carcass including all organs and viscera must be produced for inspection.
- 50 No person shall carry on the business of a butcher or vendor of meat without first having obtained a permit or license from the Town Council authorizing him to do
- 51 No person shall sell, or expose for sale or deposit for the purpose of sale or for preparation of sale in or upon premises within the council including a street or other place of public resort, any meat whether derived from an animal slaughtered at the Town council Slaughterhouse or elsewhere unless and until such meat shall have been inspected by a meat inspector and passed by him as fit for human consumption.
- 52 No person shall use for the purpose of human habitation any room or shop where any meat intended for sale is kept.
- 51 No person to whom a permit or license has been issued under the provision of these by-laws shall carry on the tradeoff business of a butcher or vendor of meat in any place other than a public market, provided, however that notwithstanding the provision of these by-laws, the Town council may permit or license private premises which have been recommended by the medical officer of health to be safe for the sale of meat.
- 52 No person shall be employed as a butcher attendant in butchers shop unless he holds a valid permit or license granted by the Town council which shall certify itself that applicant is fit and proper person to hold such licence. Such license shall be produced on demand for inspection by any officer of the municipal council so nominated by the Town clerk to council.
- 53 The council may suspend the operation of any such permit or license at any time for such period as it may determine and if considered necessary the council shall revoke such permit or license.
- 54 The fee payable for such permit or license shall be as prescribed in the council's latest gazette fees and charges list.
- 55 No person suffering from any infectious or contagious or venereal disease shall be employed or engaged in any shop or stall of butcher or vendor of meat.
- 56 Every person employed or engaged in selling meat shall be clean in clothing and in person and shall be clothed in a white long sleeved khaki garment or suit extending from neck to at least the knee, such clothing to be cleaned each morning or each shift as the case may be before commencing work.

**Butchers and
Butchers shops**

- 57 All private premises for which application are made for butchers shop first meet the required standard and the required council fee paid before the issuance of the permit.
- 58 All butchers shop and stall shall be thoroughly washed and cleaned at least once in 24 hours, and shall be provided with running water, both hot and cold.
- 59 No person shall use any wrappings for meat intended for human consumption unless such wrappings are cleaned and free from contamination.
- 60 All meat products exposed for sale in any butchers shop shall be protected against contamination from flies.
- 61 The occupier of every butcher shop shall provide:
- (a) Brushes, clothes, soap soda and bucket of cleaning the shop
 - (b) Nail brush, soap and towel for the use by his employees.
 - (c) Clean clothing in accordance with By-laws 56 above.
- 62 Any person who obstructs any council official on his/her official duties shall be guilty of an offence.
- 63 Any person who is guilty of an offence under the provision of these By-laws shall be liable;

Penalty

- a. In the case of a first conviction for such offence, to a fine not exceeding two thousands Kenya shillings **(kshs.2000/=)**, or imprisonment for a term not exceeding six month, or to both such fine and imprisonment; or
- (b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings **(kshs.3000/=)**, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

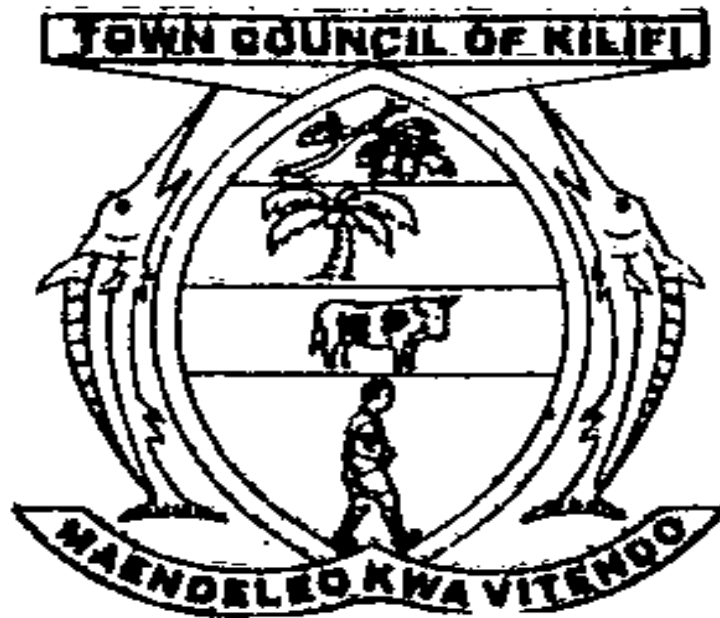
By order of the Town Council of Kilifi.

W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI

Approved this 11th day of December 2008

HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT

TOWN COUNCIL OF KILIFI



SECOND-HAND GOODS
BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 163(c) and 201 of the local Government Act. The Town council of Kilifi hereby makes the following By-laws:-

THE TOWN COUNCIL OF KILIFI (SECOND-HAND GOODS) BY-LAWS 2008

1. These By-laws may be cited as the Town council of Kilifi. (Second-hand Goods)By-laws, 2008.

Citation

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 and any person authorized in writing by him for the purpose of these by-laws:-

Interpretation

"Council" means the Town council of Kilifi.

"Permit" includes a license:-

"Police officer" includes administration police officer, Kenya police officer, or council enforcement official;

"Second hand Goods" includes bottles, sacks, bones, tins and clothes etc for purpose of carrying on trade by sale of second hand goods, to place one self in any Town council area or public place or unenclosed land other than in shop premises approved as such by the council, or to go about in Town council area or public places or from premises to premises

"Fees and charges" shall be those latest gazetted at any point of time and includes a council receipt issued for a particular purpose and period.

3. Any person who;
 - a) Sells in the Town council area without a permit.
 - b) Being the holder of a permit sells in the Town council area Otherwise than in accordance with terms and conditions thereof, Shall be guilty of an offence

**Unpermitted
second hand goods**

4. Every application for permit shall be made to the Town clerk on a form issued by him for that purpose, and the applicant shall furnish the clerk to council with particulars of his place of abode. The commodity he intends to sell and the place or places at which he intends to engage in second hand goods.

**Application for
permit**

5. (i) The council may in its discretion, upon receiving the appropriate fee as per the approved single Business permit fee schedule for the council, issue under the hand

of the Town Clerk a permit permitting the person named herein to engage in selling second hands subject to such terms and conditions, as may be specified by the clerk.

(ii) Notwithstanding anything contained in by-law (4) of these by-laws a permit maybe restricted to a particular area or place, and may be issued in respect of specified second hands goods.

6 (i) Every person required by these by-laws to hold a permit shall whilst engaged in selling second hand goods carry the permit with him and produce it on demand to a police officer, enforcement officer, or council enforcement officer, or to duly authorized permitting officer of the council, and shall have a photograph (passport size) duly endorsed by the clerk fixed in his permit and shall keep it in a conspicuous place, the permit relating to his business

(ii) Any Police Officer, or the clerk may inspect any article which he has cause to believe is being sold contrary to these by-laws for the purpose of selling second hand goods.

(iii) Any person who obstructs, hinders or otherwise interferes with any police officer, or the town clerk in the execution of his duties under these by-laws, or who fails to comply with these by-laws, shall be guilty of an offence.

7 The council may in its discretion upon receipt of appropriate fee therefore prescribed in the latest gazette fees and charges for the council issue under the hand of the clerk a permit permitting the person named therein to be employed by or to assist a person permitted under by-law 5 who;-

a) The permit holder will certify the council whether he is an employee or an assistant.

b) Is disabled by reason of the loss of a limb provided that:

(i) Not more than one permit shall be issued under by-law 5 of these by laws;

(ii) Where a permit is issued under these by-laws the relevant permit issued under by-law 5 of these by-laws shall be endorsed with the words "one assistant permit issued.

8 Any permit holder who without the written consent of the clerk transfers his permit to any other person shall be guilty of an offence.

9 Any person who obstruct any council official on his/her official duties shall be guilty of an offence.

10 Any person who is guilty of an offence under the provision of these by-laws shall be liable:-

permit not transferable

penalty

- a) In the case of a first conviction for such offence, to a fine not exceeding two thousand Kenya shillings, or imprisonments for a term not exceeding six months, or to both such fine and imprisonment; or

- b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

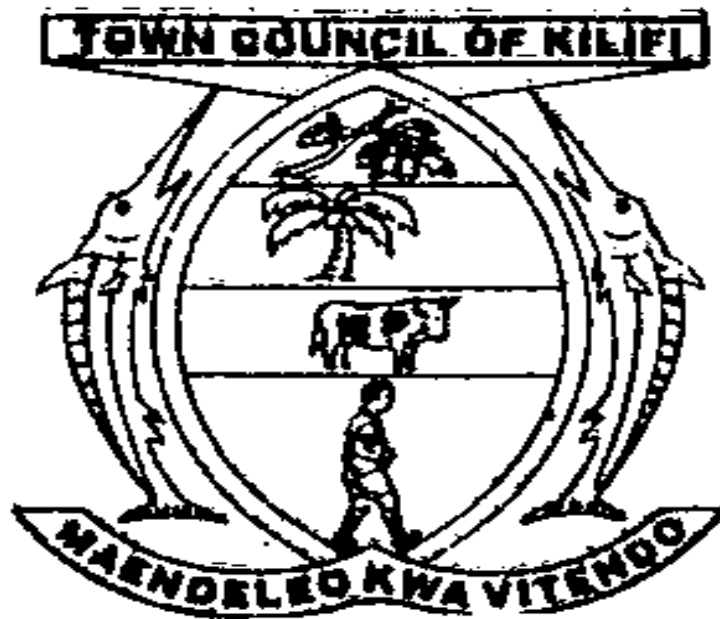
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



QUARRYING BY-LAWS 2008

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by sections 154 and 201 of the Local Government Act, the Town council of Kilifi makes the following by-laws:-

TOWN COUNCIL OF KILIFI (QUARRYING) BY LAWS, 2008

1. These By-laws, may be cited as the Town council of Kilifi (Quarrying) By-laws, 2008 **Citation**
2. In these by-laws unless the context otherwise requires:- **Interpretation**

"Authorized officer" includes the clerk, medical officer of Health, and any person acting under their authority,

"Clerk" means the Town clerk to the Kilifi Town council:

"Council" means the Town council of Kilifi.

"Common minerals" means clay, country rock, ravel, lime, sand, slade, shingle, murrum, brine, diatomite, kaolin, building demission tone, ornamental stone sodium and potassium compounds, slate and surface stone;

"Medical officer of health" means the medical officer of Health for the area of jurisdiction of the council:

"Owner" means the owner of premises where quarrying operations are carried on, includes any agent, contractor or servant of the owner, occupier or lessee of such premises;

"Permit-holder" means a person to whom a permit has been granted under these By-laws:

"Quarry" means to make a hole or excavation for the purpose of removing common mineral for sale and includes the breaking or crushing of common minerals so removed;

"Dealer" means the person who buys and sells common mineral.

- 3 No person shall carry out or cause quarrying operations to be carried out on land within the area of jurisdiction of the council except under, and in accordance with a permit issued by the Clerk.
- 4 (1) Any person who wishes to carry out quarrying operations on land within the area of jurisdiction of the council and any sand dealer shall apply in writing to the clerk for the grant of a permit.
(2) The clerk may require an application for a permit.
 - a) to submit a plan of the site showing that area of the land on which he proposes to quarry and a plan for the surrounding land, and
 - b) to furnish him with such other information as he may require.
- (3) Where the application for a permit is made by the owner of the land on which the quarrying operations are to be

carried on, the owner shall state in his application whether the quarrying will be done by himself or some other person, and in later case shall give the name and address of that other person.

- (4) Where the application is made by a contractor or lessee, that contactor or lessee, shall attach to his application the Written permission of the owner stating that the owner has agreed to his quarrying on the land.
 - (5) That clerk may, on being satisfied that the quarrying operations are not detrimental to public health and safety, issue a permit to the applicant under such conditions as he may consider necessary.
- 5 (1) Subject to paragraph (2) every permit issued under these by-laws shall be valid until the 31st December of the year in respect of which it is issued.
(2) Where the clerk is of the opinion that the permit holder has either by himself, his servants or agents committed a breach of or failed to comply with a condition subject to which the permit was issued he may without prejudice to the institution of proceedings against the permit-holder cancel the permit.
- 6 (1) A permit-holder shall maintain and keep at the quarrying site the quarry site plan, engrossments and other relevant documents and make them available for inspection by the clerk, medical officer of health or other authorized officer of the council.
(2) For the purpose of this by-law **"all relevant documents"** includes orders and delivery books.
- 7 Every permit-holder shall-
- a) Provide housing, water supply and latrines of the type, quality and size approved by the medical officer of health for the persons working at the quarry;
 - b) At all times during the currency of the permit maintain the housing, water supply latrine in a condition and state satisfactory to the medical officer of health
 - c) Maintain the land on which the quarrying operations are being carried on a condition not detrimental to public health or safety.
 - d) Filling or drain all holes or excavation as and when required by, and to the satisfactions of the clerk or the medical officer of health.
 - e) Securely fence holes or excavation to the satisfaction of the clerk or other authorized officer of the council:

Expiry and revocation of permits

plans and documents to be kept at quarry e.t.c

permit holder to provide housing e.t.c

f) Comply with any special conditions which the clerk may endorse the permit

8. (1) The Clerk, Medical Officer of health or other authorized officer of the council may order a permit-holder to stop the quarrying operations and close the quarry if it appears to be that the quarry is in condition dangerous to human life or detrimental to public health and safety;

**power to closure
of quarry**

(2) An order made under sub-rule (1) shall remain in force until the authorized officer is satisfied that the condition of the quarry has been satisfactorily improved.

9 A permit holder shall, before vacating the quarrying site:

a) Leave to the satisfaction of the Clerk, the surface of the land which abuts upon the surface of the quarry in each condition and state as to prevent the dislodging of earth or rock from the surface by natural causes;

b) Fill in or drain all holes and excavation to the satisfaction of the medical officer of health.

10 **I.** The council, its officers, servants or agents may-

1) Enter upon premises and carry out any inspection for the purpose of the enforcement of these by-laws;

2) Execute work that may be necessary to remedy any breach or failure to comply with the provisions of these by-laws or any of the conditions under which a permit has been issued;

3) Recover the expenses incurred in carrying out the work in (2) above from the owner of the premises

II. (1) Every permit holder shall pay the fees as per the latest gazetted council's fees and charges.

(2) Every common mineral dealer shall pay fees as per the latest gazetted councils fees and charges for every ton of common mineral removed from the quarry

Any person who is guilty of an offence under the provision of **penalty**

these By-laws shall be liable:

a) In the case of a first conviction for such offence, to a fine not exceeding two thousands Kenya shillings, or imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or

b) In case of a second or subsequent conviction for such an

offence, to a fine not exceeding three thousand Kenya

shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

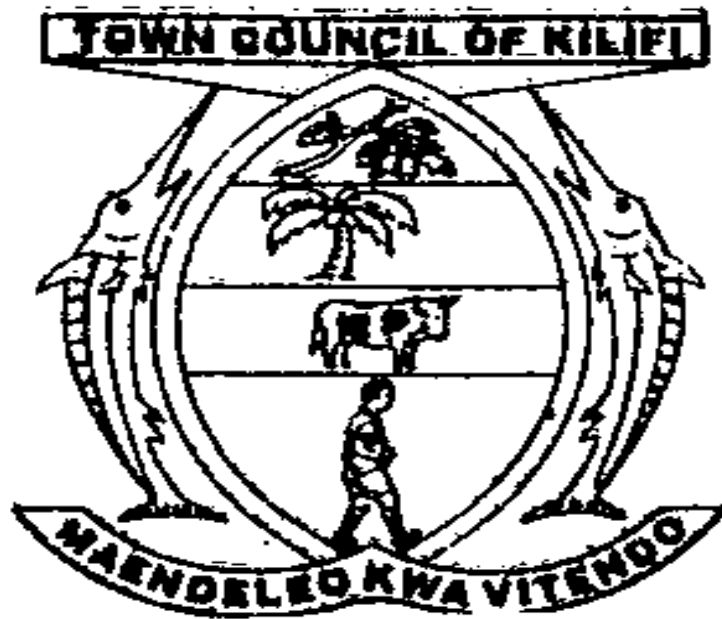
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



BUSINESS PERMIT BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 148, 154,161, 162,163, and 201of the local Government Act, Cap 265 of the laws of Kenya, the Town Council of Kilifi makes the following by-laws;

TOWN COUNCIL OF KILIFI (BUSINESS PERMIT) BY- LAWS, 2008

- 1 These By-laws may be cited as the Town Council **citation**
(Business permit) by-laws, 2008
- 2 In theseBy-laws,unless the context otherwise requires;- **interpretation**
 - " **Clerk**" means the person for the time being holding the office of the Town clerk and any person authorized in writing by him for the purpose of these by-laws:-
 - "**Council**" means the Town Council of Kilifi.
 - "**Permit**" includes a license:-
 - "**police Officer**" includes administration police officer, Kenya police, or council enforcement official.
 - "**Annual consolidated Business permit**" means a permit in respect of one more business activities of which it would otherwise require a separate permit.
 - "**Annual single Business permit**" means a permit issued in respect of class of business activities in view of the separate licenses which would otherwise require to be licensed which would otherwise require to be to be issued in respect of each activity.
 - "**Tariff**" means the pre-approved schedule of permit fees structure used by all Local Authorities.
 - "**Business permit**" means a permit that allows the conduct of a business including a professional occupation within the area of Town Council
 - "**Fees and charges**" shall be those latest gazetted at any point of time by the council.
 - "**Medical office of health**" means medical officer or public health officer in charge of the Town Council area.
 - "**Premises**" means a room or single place where a trade, an occupation or any kind of business is carried on or is to be carried on.
 - "**Permit**" may be referred to as license, fee or charge or a council receipt issued for a particular period and purpose.
 - "**Town**" means the area within the boundaries of the council.
 - "**Trade or business or occupation**" means any act or movement or exercise carried for any gain or profit or for any income or interest.
3. No person shall engage in or carry out any trade occupation or business unless such person has applied for registration and obtained permit for **Business permit**

- carrying out such business, trade occupation or profession.
4. Any person who contravenes or fails to comply with the provision of this by-law shall be guilty of an offence
 5. Authorized officer shall have the power, right and authority to
 - (i) Seize any tools or goods of trade of any person found trading or carrying on or entering into or engaging in any trade, occupation or business at any point of time in the Town Council without a valid council permit for the said trade, business or occupation as an exhibit or proof or evidence for the said illegal practices without a valid council permit. **power to impound goods**
 - (ii) Bond or arrest any person found trading or carrying on or entering into or engaging in any trade, occupation or business at any point of time in the Town without a valid council permit for the said trade, occupation or business.
 6. The councils fees and charges shall be those listed in the councils latest gazetted fees and charges list at any point in time. **fees and charges**
 7. Every registration for a business permit under these By-laws shall be in the form to be obtained from the Town Clerk. **Application for Permit or license**
 8. If the registration is for a new permit, it shall be delivered to the Town clerk Not less than **THIRTY** days before the date which shall be specified in the registration form, upon which it is desired that, trading business activity or occupation shall begin. **No refund of Fees and charges**
Paid to the Council
 9. If registration is for a renewal of a current business permit, it shall be delivered to the Town clerk before 30th November of the year preceding that to which the registration relates provided that upon payment of registration of a late registration fee of the amount prescribed in permit fee structure, the Town clerk shall accept registration made after 30th November.
 10. Registration forms shall be completed by the person registering and the Town clerk may refuse to accept any registration form which does not comply with the requirement of these by-laws or which does not give the required information
 11. A Business permit under these By-laws shall be in a standard form for all Local Authorities.
 12. A penalty fee of twenty five percent, fifty percent, seventy five percent for late and hundred percent of the Business permit fee shall become payable by the person registering if the business permit fee is not paid to council and a permit obtained by 31st March, June 30th, September 30th and November 30th respectively of the permit year. **penalty for late registration**
 13. There shall be paid to the council upon issue of every business permit, a permit fee as per the council chosen single permit fee structure from the pre-approved tariff.

- | | |
|--|--|
| <p>14. A permit issued under these By-laws shall not be transferable from the holder thereof to any other person without the approval of the Town Clerk given in writing.</p> | <p>Transfer of permit</p> |
| <p>15. (a) More than one trade or occupation or Business may be carried on in one premises under one permit unless if not approved by the Town Clerk.</p> <p>(b) No permit issued shall be used in any other premises or other places other than in the premises or particular place it is issued for.</p> | <p>Council permit</p> |
| <p>16. Every permit issued under these By-laws shall unless earlier Cancelled expire on the 31st December in the year in which it is issued.</p> | <p>Expiration Of permit</p> |
| <p>17. The Town clerk may in his discretion or upon receiving a recommendation in writing from the medical officer of Health or public Health officer cancel or refrain from renewing any permit which has been issued under these by-laws.</p> | <p>Cancellation and non renewal of the permit</p> |
| <p>or license</p> | |
| <p>18. (i) Every Business permit issued under these by-laws shall be exhibited in a prominent and conspicuous place in the premises to which it relates.</p> <p>(ii) If it does not relate to the premises, such business permits shall be carried by the person required by these by-laws to be provided with such business permit.</p> <p>(iii) Any person who fails to comply with sub paragraph (1) of these By-laws shall be guilty of an offence.</p> | |
| <p>19 (i) Enforcement officers of the council or any other person duly authorized by the council in writing may, at any reasonable time enter any premises whether having business permit under these by-laws or not, to make inspections, enquiries or perform any conditions attaching to any business permit issued or transferred under these By-laws are being observed.</p> <p>(ii) Any person who hinders, obstructs, interferes with or prevents enforcement officers or any other person duly authorized in writing by the council in exercising his/her powers under paragraph (i) of this By-laws or refuse to give information or gives false or misleading information to any such officer in the course of such inspection or enquiries shall be guilty of an offence.</p> | <p>Display of permit or license</p> |
| <p>20. Where any condition attached to a permit issued under these By-laws requires any person to execute any work, and such person fails to execute such work within the time specified in such conditions, then the council may cause such work to be executed and expenses incurred while so executing such work shall be recoverable from the person required to execute such work as a civil debt due to the council from.</p> | <p>Payment for work undertaken by the Council</p> |
| <p>21. Any person who obstructs any Council official or any authorized officer on his/her official duties under these By-laws shall be guilty of an offence.</p> | |

22 Any person who is guilty of an offence under the provisions of these by laws shall be liable:-

Penalty

- (a) In case of a first conviction for such offence, to a fine not exceeding two thousands Kenya shillings, or imprisonment for a term not exceeding six months, or to both such fine and Imprisonment, or
- (b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

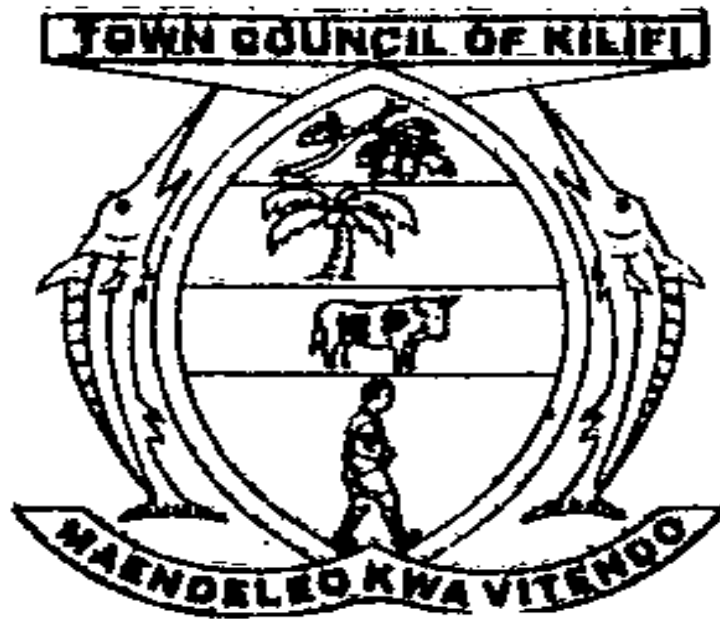
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



CONTROL OF BARTER MARKETS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 201 of the local Government Act, the Town Council of Kilifi makes the following By laws:-

THE TOWN COUNCIL OF KILIFI (CONTROL OF BARTER MARKETS) BY-LAWS, 2008

1. These By-laws may be cited as the Kilifi Town council

Citation

(control of Barter Markets) By-laws, 2008.

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

"**Council**" means the Kilifi Town council.

"**Town Clerk**" means the person for the time being holding the

Interpretation

Office of the Clerk to Kilifi Town council and any other person authorized in writing by him for the purpose of these By-laws.

"**Authority**" means the clerk of Kilifi Town council and any other person authorized in writing by him for the purposes of these By-laws.

"**Police officer**" includes Administration police officer, Kenya police officer or council enforcement official.

"**livestock**" means bull, cows, heifers, calves, steers, oxen, sheep or goat.

"**Poultry**" means fowls, ducks, and geese, turkeys and guineas fowls.

"**Cart**" means a wheeled carriage of goods propelled by human or animal energy.

"**Vehicles**" includes any motor vehicle, motor cycle, tractor, wagon, cart or ordeal cycle.

"**collector**" means any person authorized in writing by the clerk of the council to collect fees under these by-laws.

"**inspector**" means Health Official.

"**market master**" means a person (s) appointed by authority in writing to supervise barter markets.

"**permits**" May be referred to as license, fee or charge and includes council receipt issued for a particular purpose and period.

"**Fees and charges**" shall be those latest Gazetted at any point of time by the council, or in the approved single Business permit fees schedule.

3. Barter Markets shall be on such days and during such hours as the council shall determine for the sale of:-

**Hours and
day of opening**

- a) Perishable foodstuffs
- b) Livestock or poultry
- c) Earthen ware, basket were, woodwork or other products approved by the council.

d) Such other goods as may be authorized by the council.

4 Any person who does any of the following shall be guilty of an offence under these by-laws:-

Offences

- a) Sells any of the goods, livestock or poultry outside the barter markets or,
- b) Enters or leaves the barter markets other than through the established gate or gates; or
- c) Remains in the barter markets during the hours it is closed or
- d) Sells any goods in the barter markets on a non-market day, or
- e) Allows livestock to enter or remain in the Barter market, save livestock for sale; or
- f) Damages, defaces, misuses, or interferes with any equipment, fittings, furniture or fixtures provided therein or
- g) Commits any nuisance or any assault or uses any abusive language or
- h) Causes any disturbance or does any offensive, obscene, injuries or unbecoming language; or
- i) Allows any motor vehicle to remain in a Barter market save when loading or unloading; or
- j) Fails or refuses to comply with lawful instructions, directions or orders given by the market master; or
- k) Fails to pay barter markets fees as may be determined by the council as per its latest gazetted fees and charges list.
- l) Commits an offence under these by-laws,

5. Any person who obstructs any council official on his/her duties shall be guilty of an offence.

6. 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 two thousand Kenya shillings, or imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
- b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

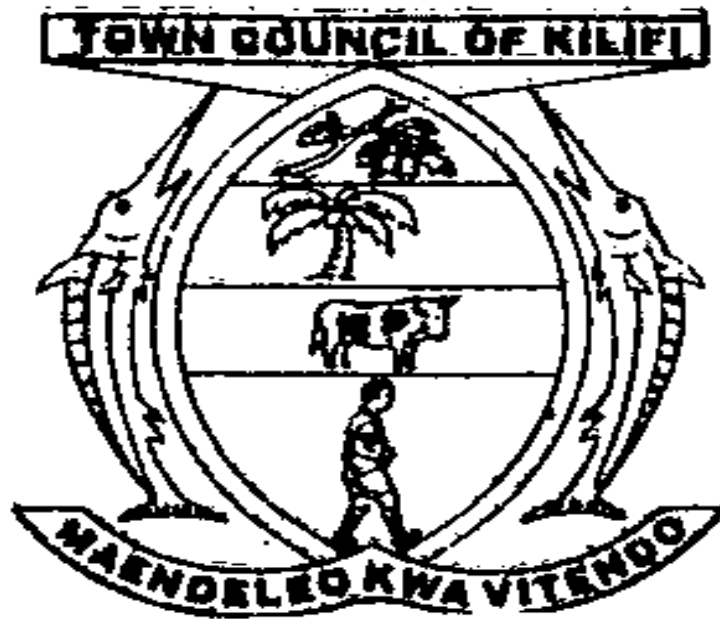
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



CONTROL OF HIDES AND SKINS
(CESS) BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 201 of the local Government Act, the Town Council of Kilifi makes the following By-laws:-

TOWN COUNCIL OF KILIFI (CONTROL OF HIDES AND SKINS CESS) BY-LAWS, 2008

1. These By-laws may be cited as the Kilifi Town council (Control of hides & skins cess) By-laws, 2008 **Citation**
2. In these by-laws, unless the context otherwise requires:-
 - "Council"** means the Town Council of Kilifi.
 - Interpretation**
 - "Clerk"** means the person for the time being holding the office of Town clerk, his deputy and any other person authorized in writing by him for the purpose of these by-laws.
 - "goods"** means hides & skins of livestock.
 - "inspector"** means the Clerk, his deputy or any person authorized by him in writing for the purpose of these by-laws.
 - "Town "** means the area within the boundaries of the council.
 - "permit"** may be referred to as license, fee or charged and includes council receipt issued for a particular purpose and period.
 - "transport"** means any person or group of persons transporting the goods and includes the operator of the transporting vehicle or cart.
 - "authorized agent"** means any person authorized in writing by the council to collect and issue receipt for hides and skin cess imposed in accordance with the provisions of By-laws 3 and includes the Clerk.
 - "owner"** means any person or group of persons having the ownership of the goods and includes the operator of the transport vehicle or cart.
3. A hides and skin cess spelled out in the latest Gazetted fees and charges list of the Council shall be paid by the owner of the goods to Council provided the goods are sold within the Town Council or being transported outside the Town council area of jurisdiction.
4. The hides and skins cess payable under these by-laws shall be collected by the authorized agent who shall then remit the proceeds to the council in a spelled out intervals.
5. An authorized agent shall issue a receipt to an owner for any hides and skin cess received under by-laws 3.
6. Subject to these by-laws, no person shall transport or cause to be transported any goods unless such goods are being transported to an authorized agent or to an authorized market.

7. Where goods are being transported to an authorized agent they shall be accompanied by a movement permit relating to such goods written and signed by an authorized agent.
8. (i) An inspector may order any transport to stop, and produce relevant records, and may make such inquiries and such inspection of goods carried by such transporter, and make a comprehensive report to the clerk on such inquiries and inspection.
(ii) An inspector may order the authorized agent to produce to him the hide and skins records for this inspection, inquiries and comprehensive report to the Clerk.
9. Any person who obstruct any council official on his/her official duties under these by-laws shall be guilty of an offence.
10. (a) Any person who contravenes any provisions of these by-laws shall be guilty of an offence and shall be liable to a fine not exceeding two thousand Kenya shillings or to imprisonment to a term not exceeding six months or both such fine and imprisonment.

(b) In the case of a second or subsequent conviction for such offence, to a fine not exceeding three thousand Kenya shillings, or Imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

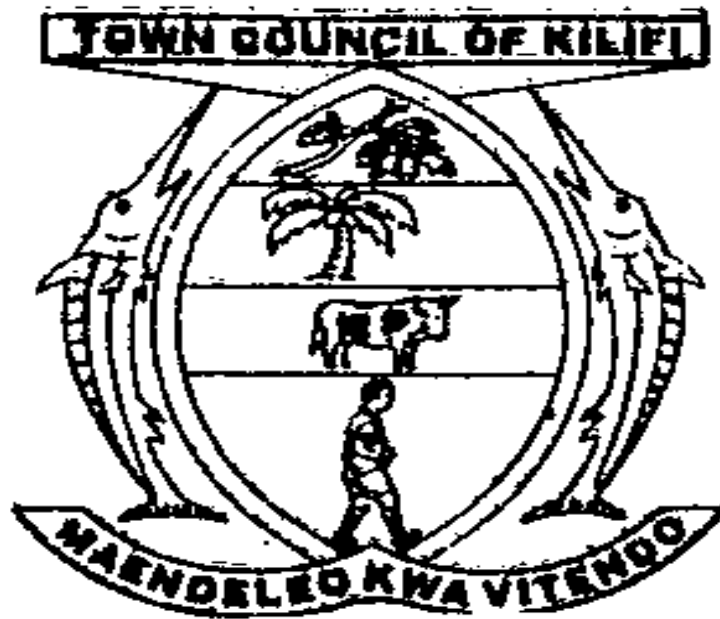
By order of the Town Council of Kilifi.

W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI

Approved this 11th day of December 2008

HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT

TOWN COUNCIL OF KILIFI



POUNDS BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

**THE LOCAL GOVERNMENT ACT
(CAP 265)**

IN EXERCISE of the powers conferred by sections 160 (q) and 201
Of the local Government Act, the Town council of Kilifi makes the
Following By-laws:

**THE TOWN COUNCIL OF KILIFI (POUNDS)
BY-LAWS, 2008**

- 1) These by-laws, may be cited as the Town council of Kilifi.
(pounds) By-laws, 2008.
- 2 In these By-laws, unless the context otherwise requires:

"Animal" means any horse, donkey, mule, cattle, sheep, goat
swine, dog or camel;
"Council" means the Town council of Kilifi.
- 3 The council may establish, control and maintain pounds for the
reception and detention of any animal impounded under these
By-laws and may appoint a pound master to be in charge of such
pounds.
- 4 Any person authorized to do so by the council may seize any
animal found straying in any street or public place and may take
such animal to pound where such animal shall be impounded.
- 5 The owner or occupier of any land may seize any animal which
he finds trespassing on his land and may take it, or cause it to be
taken, to a pound where such animal shall be impounded.
- 6 The pound master may receive into any pound and detain therein
any animal brought to him for such purpose and shall feed every
animal impounded therein properly.
- 7 Every person seeking the release of any animal impounded under
these By-laws shall pay to the council or any duly authorized agent
of the council the appropriate fee prescribed as the latest council fees
and charges.
- 8 The pound master shall not release any animal from any pound
until the person seeking the release of the animal has paid to
the council charges as below:-

a) Donkey, cattle per day.....kshs.300/=
b) Goat, sheep, pig per day..... kshs.200/=
- 9 No animal shall be released from any pound, within fourteen

Citation

Interpretation

days of being received into the pound, to any person other than the owner of, or the person normally having control of, that animal.

- 10 (1) Any animal not claimed within fourteen days of having been received into a pound shall be deemed to be ownerless.
(2) The council, or any person so authorized by the council, may cause any animal deemed to be ownerless to be sold by public auction.
(3) The proceeds of such sale shall be applied firstly, to the expenses incurred by holding such sale, and secondly, to the payment of the pound fees, and thirdly, the surplus, if any, shall be retained for a period of ninety days from the date of the sale and thereafter paid to the owner of the animal sold upon proof of ownership and the making to a claim within ninety days from the date of sale, or credited to the council.
- 11 The council or any person authorized by the council so to do, may at any time order the killing of any animal taken to a pound and detailed therein, if it appears to the council that such killing is necessary or advisable for the prevention of spread of disease or for humane reasons.
- 12 No liability shall attach to the council, the pound master or any person in respect of;
 - a) the release of any animal to a person other than the owner or the person normally having control of the animal: or
 - b) the payment of proceeds of sale to a person other than the owner of the animal sold: or
 - c) the killing of any animal: or
 - d) any loss or damage incurred by or caused to any person by reason of the impounding of or other dealing with an animal according to these By-laws.
- 13 Any person who, without lawful authority, either releases or attempts to release any animal being properly conveyed to or held within a pound, or damages any pound, shall be guilty of an offence.
- 14 Any person who is guilty of an offence under the provisions of these by-laws shall be liable;-
 - (a) In the case of a first conviction for such offence, to a fine not exceeding two thousand Kenya shillings, or imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
 - (b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Penalty

Made this 19th day of November 2008.

By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



HAWKERS' BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by sections 163 (a) and 201
Of the local Government Act, the Town council of Kilifi makes the
Following By-laws:-

THE TOWN COUNCIL OF KILIFI (HAWKERS) BY-LAWS, 2008

- | | | |
|---|---|--------------------------------|
| 1 | These By-laws may be cited as the as the Town council of Kilifi
(Hawkers) By-laws, 2008 | Citation |
| 2 | In these By-laws, unless the context otherwise requires
"Council" means the Town council of Kilifi.
"Hawk" means, whether as principal, agent, or employee:-
(a) for the purpose of carrying on trade by the sale or
exchange of goods, wares, merchandise or refreshment, to place
oneself in any street or public place or unenclosed
land (other than in shop premises approved as such by the council)
or to go about in street or public places or from premises: or

(b) by any of the means aforesaid to carry on trade by the sale
or exchange, or the offer or exposing for sale or exchange
of any goods, wares, merchandise or refreshment, but does not
include the seeking or taking of orders for subsequent delivery,
or the delivery of goods, wares, merchandise or refreshment to
premises for the purpose of re-sale

"Town Council area" means the area within the boundaries of
the Town council of Kilifi.
"Hawkers" includes any person who, whether as principal agent
or employee, carries on the business of offering, or exposing goods
for sale, barter or exchange elsewhere than in a building;
"permit" means a permit issued under these By-laws:

"clerk" means the person for the time being holding the office of
the Town clerk of the Town council of Kilifi and any other person
authorized in writing by him for the purpose of these By-laws. | Interpretation |
| 3 | Any person who:-

a) Hawks in the Town Council area without a valid permit; or
b) Being the holder of a permit hawks in the
Town Council area otherwise than in accordance with the terms and
Conditions the terms and conditions | unpermitted
Hawking |

- 4 Every application for permit shall be made to the clerk on a form issued by him for that purpose and the applicant shall furnish the Clerk with particulars of his place of abode and of the commodity and the place or places at which, he intends to engage in hawking. **Application or permit**
- 5 (1) The council may in its discretion, upon payment to the town of the appropriate fee as per the council's approved Single Business Permit fee schedule, issue under the hand of the Clerk a permit permitting the person named therein to engage in hawking, subject to such terms and condition, if any as may be specified in the permit. **Issue of permit**
- (2) Notwithstanding paragraph (1) of this By-law, a permit may be restricted to a particular area or place, and may be issued in respect of specified goods, wares merchandise or refreshment.
- (3) The council may, by resolution, restrict the number of permits generally or the number of permits of any class which may be issued under these By-laws for such period as shall be specified in such resolution
- .
- (1) Every person required by these By-laws to hold a permit with him and produce it on demand to a police officer, permit inspector or council askari in uniform, or to duly authorized officer of the council
- .
- (2) Any such officer, inspector or askari may inspect any article which he has reasonable cause to believe is being used for the purpose of hawking.
- (3) Any person who obstructs, hinders or otherwise interferes with any such officer, inspector or askari in the execution of his duties under this by-law, or who fails to comply with any of the provisions of these by-laws, shall be guilty of an offence
- .
- 7 (1) The council may in its discretion, upon payment to the clerk of the appropriate fee as per the council's approved Single Business Permit fees schedule issued under the hand of the clerk a permit permitting the person named therein to be employed by or to assist a person permitted under by-law 5 of these By-laws who:
- a) Hawks refreshments: or
- b) Is disabled by reason of loss of a limb
- c) Where permit is issued under this by-laws the relevant permit issued under by-law 5 of these By-laws shall be endorsed with the words "one assistant's permit issued"
- 8 Any hawker who without the written consent of the clerk transfers his permit to any other person, shall be guilty of an offence.
- 9 (1) Every hawker shall keep his name and the words "permit holder" visibly written, painted or printed on every box or other package and every vehicle used for the carriage of his goods, **Permitted Hawker**

and upon every bill for advertisement which he distributes or publishes

- (2) No person shall use the words "permit holder" or any other words importing that he carries on the trade of a hawker or is permitted to do so unless he has a valid permit under these By-laws.

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
- b) fine not exceeding two thousand Kenya shillings, or imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
- c) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

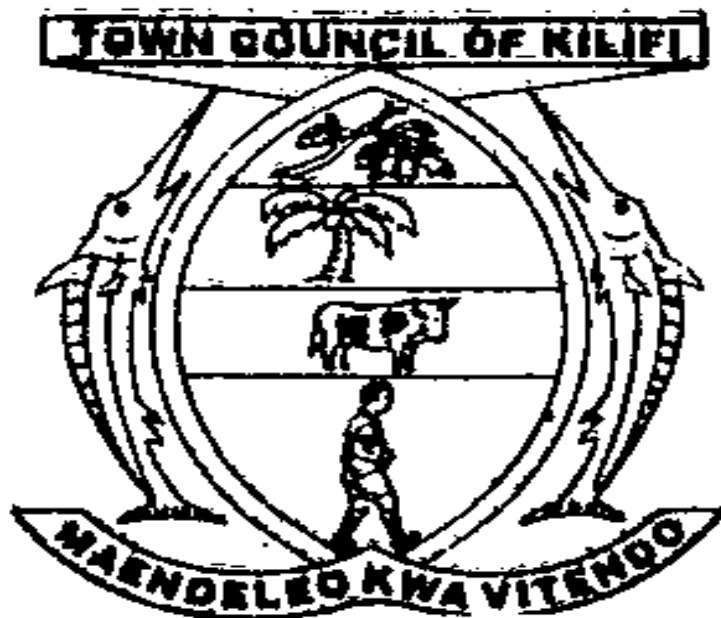
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



PUBLIC MARKETS BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 145 and 201 of the Local Government Act, the Town council of Kilifi makes the following By-laws:

THE TOWN COUNCIL OF KILIFI (PUBLIC MARKETS) BY-LAWS 2005

1. These by-laws may be cited as the Town council of Kilifi (Public markets) By-laws, 2008. **citation**

2. In these By-laws, unless the context otherwise requires: **"council"** means the Town council of Kilifi.

interpretation

"market master" means the person appointed in writing by the council to control and supervise the public market or public markets specified in such appointments:

"poultry" means fowls, ducks geese, turkeys, and guinea fowls.

3. (1) No public markets shall be provided within the area of jurisdiction of the council otherwise than by the council, and no person shall sell or buy goods on or use a public market except with consent of the council given by market master and upon the payment of the fees as per the council latest gazette fees and charges.

a. Any person who contravenes the provisions of this by-laws shall be guilty of an offence.

4. All public markets shall be under the control of the council who shall appoint a market master or market masters and such other persons as may be necessary to secure the effectual control and supervision of such markets.

5. (1) Public markets shall be open on such days and during such hours as the council shall from time to time determine for the sale of the following goods:

I. Perishable foodstuffs

II. Live poultry

III. Locally manufactured earthenware, basket ware, mats, wood work, metalwork, or other local-made products approved by the council;

Iv. Such other goods as may from time to time be authorized by the council.

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

(1) No person shall or engage in any trade or business in a public market except such trades or business.

(a) In case of a stall, charges in form of monthly rent shall be payable by the holder of the stall and any default for three consecutive months shall invite eviction of the holder and the charges accrued upon the time of eviction shall be recoverable as civil debt.

(b) No person shall bring into public market opium or any other drug or intoxicants or carry out hand craft of any kind herein.

7. (1) No person shall remain in a public market during the hours in which it is closed.

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

8. Any person who takes, or causes or permits to be taken, any dog into a public market shall be guilty of an offence

9. (1) No fire or cooking shall be allowed in a public market.

a. Any person who contravenes the provisions of this by-laws shall be guilty of an offence.

10. Any person who cleans vegetables or other produce in a public market anywhere except in such basins, sinks or other receptacles as are provided by the council for such purpose shall be guilty of an offence.

11. (1) Every person employed in any public market shall be clean in clothing and in person.

(2) Any person who fails to comply with the provision of this by-law shall be guilty of an offence.

12. (1) A person suffering from any infectious or contagious or venereal disease shall not be employed or engaged in any public market.

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

13 Any person who within a public market:

- I. Commits any nuisance; or
- II. Hawks any goods; or
- III. Interferes with or molests any other person, or touts, or shouts, or calls out for customs; or
- IV. Causes any disturbance or uses any offensive, obscene, injurious or unbecoming language; or
- V. Damages, defaces, fouls or misuse, or interferes with any part of such market or any equipment, fittings or fixtures provided therein; or
- VI. Deposits or throws on the floor or ground, any refuse, fruit peel or vegetable substance;
- VII. Expectorates; or

Remaining in the Market when closed

General nuisance

- VIII. Plays games, or loiters; or
- IX. Attempts to procure custom except by means of display of goods, shall be guilty of an offence.

- 14. (1) Any person who sells or offers or exposes for sale in a public market any article of food which is diseased, unwholesome or otherwise unfit for human consumption shall be guilty of an offence.
 - (a.) The market master shall take possession of and detain any food which is offered or exposed for sale in a public market which appears to him to be diseased unwholesome or otherwise unfit for human consumption and shall forthwith report and hand over such food to a health inspector appointed under the Public Health Act.

Sale of diseased and wholesome good prohibited

- (b.) No compensation shall be payable by the council in respect of any food which is detained in accordance with paragraph (2) of this by-law, and which is in fact found to be diseased, unwholesome or otherwise unfit for human consumption.

- 15. (1) No food, produce, article or other thing shall be exhibited for sale on the pathways, or over any drain, within a public market and no board, box, basket or other container shall be left in, or upon any such drain or pathway.

Prohibited places

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

- (a) No livestock, other than live poultry shall be brought into any public market other than a public market provided for the sale of livestock.

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

- 16. (1) In any public market where stalls have been provided each stall shall be numbered and the council may let or hire out such stalls upon such conditions as they shall think fit and upon payment of the charges as per the council latest gazzetted fees and charges.

stalls

- (2) Under no circumstances shall one stall be used for carrying on two or more different classes of business at any time or under the same permit

- (3) A stallholder shall not sublet his stall or any part thereof without the previous consent in writing of the council.

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

- 17. Every stallholder shall: -

Stall Holder

- I. Keep his/her stall and all fittings and utensils therein or thereon thoroughly clean and in good order to the satisfaction of the market master;
 - II. When selling by weights and measure use the prescribed standard weights and measure and provide and maintain proper weights and scales;
 - III. Dispose of all refuse, sweepings, garbage offal and waste liquid or solid from his stall into the receptacles, channels or drain as are provided for that purpose.

- (2) Any person who contravenes or fails to comply with

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

(a) Every person in a public market who fails or refuses to comply with and obey all lawful instructions, directions and orders given by the market master for the purpose of controlling or supervising the market shall be guilty of an offence

(b) (1) The council may set aside, or allocate or provide parts of a public market for the sale therein of only such food, produce, article or thing as it may specify, and on such food, produce, article or thing shall be sold or displayed in any other part of a public market except in the parts so allocated.

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

18. (1) For the use of a public market for the purpose of selling or offering for sale any food, produce, article, or other thing there shall be payable to the council such charges as per council latest fees and charges.

(a) The council may determine or alter the charges referred to in paragraph (1) of this by-law at any time but at least one month before such charges are to come into force shall give notice in at least on newspaper circulating in the area in which the public markets is situated of such determination or alteration.

(b) The council shall display and keep displayed at every public markets a list of charges levied in accordance with paragraph (1) of this by-law.
The charges levied in accordance with paragraph (1) of this by-law shall be paid in advance, in the case of a stall by the holder of such stall and in any other case by the person taking or attempting to take any food, produce, article or other thing into a public market.

19. (1) Any person entering or attempting to enter any public market for the purpose of selling or offering for sale any food, produce, article or other things shall enter only through such entrance or gateway as shall be specified by the council for the purpose and though no other entrance or gateway. **person entering public markets to use authorized entrances**

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

0. (1) Any person who is found to have committed, an offence **power to evict**

under these By-laws in any public markets, shall be liable to be evicted from such market master or by any police officer.

A market master may in his sole discretion refuse admittance to any person to enter a public market if to his knowledge the person has been convicted on more than one occasion of any offence under these By-laws.

(2) Any person, who having been lawfully evicted from a public market, or having been refused admittance unlawfully enters such public markets, shall be guilty of an offence

(21) Every person who is guilty of an offence under these By-laws shall be liable on conviction to a fine not exceeding two thousand shillings or six months imprisonment or both.

22 offences under these By-laws shall be cognizable to the police and the Kenyan court of law.

Made this 19th day of November 2008.

By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



ADVERTISEMENT BY-LAWS 2008

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT
(CAP 265)

IN EXERCISE of the powers conferred by section 162 (1) and 201 of the Local government Act, the Town council of Kilifi hereby makes the following By-laws:

THE TOWN COUNCIL OF KILIFI (ADVERTISEMENTS)
BY-LAW 2008

1. These By-law may be cited as the Town council of Kilifi (Advertisement) by-law 2008. **citation**

2. In these by-laws unless the context otherwise requires **“advertisement”** includes any notice, billboard, placard poster, print, picture and any other printed or written, advertisement matter.
“Advertising device” includes any board, framework screen, signboard, flag, banner, or lamp or need signs or any other fixture or device used or constructed for the purpose of advertisement;
“Council” means the Town council of Kilifi.
“permits” means permits issued under the provision of by-law 4 of these by-laws.
“Town clerk” means the person for the time being holding the office of the Town clerk of Kilifi, his deputy and any other officer of the council authorized by the Town clerk in writing for purpose of these By-laws.

3. Any person who in or view of any street or public place, erects, fixes, places, maintains, displays or uses or permits to be erected, fixed placed, maintained, displays or used, any advertisements devise without first obtaining a permit, or otherwise than in accordance with the terms and conditions of permit shall be guilty of an offence against these By-laws

4. (1) Every application for a permit shall be made in writing to the Town clerk and shall be accompanied by a plan or sketch showing, the satisfaction of the Town clerk, the position of the proposal advertising device notice, it's dimension and the method of execution and stating the material of which it is to compose or constructed its color and such other information as the council may require.

(2) The Council may refuse a permit in any case where, in its opinion, the display of an advertisement or the use of an Advertisement device would be likely to affect injuries to the amenities of, or disfigure, any neighborhood or for any other reason it may think proper, or may grant a permit subject, to such terms and condition relating to the construction, nature and erection of advertising devise as it may think fit.

5. There shall be paid to the Council in respect of every permit issued under this by-laws the appropriate fees as determined by the council from time to time.

6. Every permit issued under these By-laws shall expire on the 31st day of December of the year for which it is issued unless cancelled prior to such expiration.

7. The Council may at any time by notice to holder thereof, cancel a permit for contravention of any of the terms and conditions thereof or any of the provision of these By-laws or wherein its opinion the continued discipline of any advertisement or use of any advertisement devise would likely be injuriously to the amenities of or to disfigure any neighbourhood or for any other reason it may think fit.
8. Any person who, being the holder of a permit, fails to maintain in good repair and in proper and safe conditions any advertising devise authorized there under shall be guilty of an offence against these By-laws.
9. (1) Any person to whom it may grant a permit under these By-laws shall on demand at any reasonable time produce such as permit to the Town Clerk or to Police Officer.
(2) Any person who contravenes or fails to comply with the provisions of these By-laws shall be guilty of an offence against these By-laws.
10. The Town Clerk, may without notice cause to be removed or put down and disposed of any advertising device erected, fixed, placed, maintained, displayed or used in contravention of these By- laws.
11. Nothing in these By-laws shall apply to;
 - a) Public notices exhibited at places of public worship and hospital.
 - b) Advertisements within the windows of premises, the name and business of the person occupying such premises.
 - c) Name of boards of reasonable dimensions relating to private residential premises.
 - d) Advertisements in or on motor vehicles.
12. Any person who is guilty of 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 two thousands **(2000/=)** Kenya shillings or imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
 - b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand **(3000/=)** Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

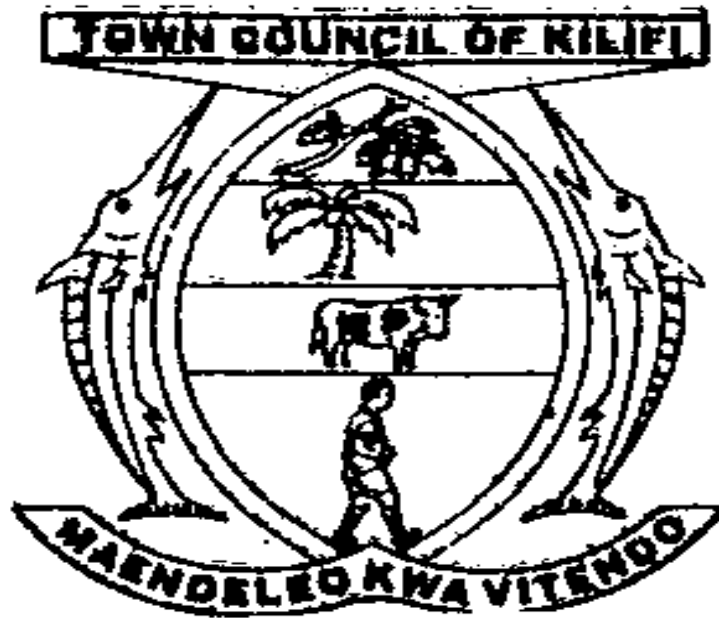
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



COMMERCIAL, PASSENGER
TRANSPORT USER PERMIT
BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by sections 148 and 201 of the local Government Act, the Town council of Kilifi makes the following by-laws;

TOWN COUNCIL OF KILIFI (COMMERCIAL, PASSENGERS TRANSPORT USER PERMIT) BY-LAWS, 2008

PRELIMINARY

1. These By-laws shall be cited as the Town council of Kilifi (Commercial, passenger transport user permit) By-laws, 2008 **citation**
2. These by-laws shall come into operation on upon approval by the Minister for Local Government. **Government**
3. In these By-laws unless the context otherwise require -
 "clerk" means the person for the time being holding the office of the Town Clerk of Kilifi Town council and includes his deputy or other authorized officer by the council. **interpretation**
 "vehicle" includes any passenger carrying vehicle for more than six passengers, taxi, pick-ups, canters, lorries for hire, light goods vans and private vehicles transporting goods for gain and of more than 1200 tons and have weight of 6720 pounds.

Issue of permits

4. (1) No person shall within the jurisdiction of the council engage in any commercial, passenger transport business unless he is permitted to do so by the Council. **Council permit**
- (2) No person shall permit any person, agent or servant conduct any such transport without user permit for the time being allowing him to do so.
- (3) Any person who contravenes paragraph (1) and (2) of these Bylawsshallbeguiltyofanoffenceagainst these By-laws. **Duration**
- 5 User permit granted under these By-laws shall be granted on daily basis but not longer than one (1) year and if granted for 1 year, such permit shall end on the 31st day of December of that year. **Duration of permit**

Display, carrying and production of permit for inspection

6. (1) Such user permit shall be produced to an authorized council **Display of permit**

officer or any police officer on demand.

- (2) Every user, agent or servant shall on demand furnish his/her full name and address to a police officer or authorized council office for inspection.
- (3) The user of the permit will at all times stop after being required to do so by a police officer or an authorized council officer.
- (4) Any person who contravenes paragraph 1,2,and 3 of these by-laws shall be guilty of an offence against these by-laws.

Power of arrest, detention, towing and confiscation of vehicles

- 7 (1) A Police Officer or an authorized officer of the council shall have powers to detain and prosecute any vehicle owner, user agent or servant who contravenes these by-laws.
- (2) A police officer or an authorized officer of the Council shall have the powers to arrest, tow and detain vehicles and/or confiscate vehicles where there has been a contravention of these by-laws.
- (3) Any user, agent or any other person who obstructs a police officer or an authorized council Officer from enforcing these by-laws shall be guilty of an offence.
- (4) If a vehicle is towed and detained the council will release it to the owner after payment of the towing charges, and after proof that he has complied with the council-by-laws earlier contravened.

**power of
officers**

Liability

8. The Council, Police Officer or any officer of the council shall not be liable in respect of:-
 - (1) Any damage incurred by or caused to any vehicle being taken into custody.
 - (2) Any damage caused to a vehicle while in pursuit as a result of contravention of these by-laws
Any damage caused to a vehicle when the vehicle is being towed to a police station or council yard.
 - (4) The release of a vehicle taken into custody to a person other than the owner

Offences under these by-laws

9. (a) Any person who is guilty of an offence under these By-laws shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
- (b) Where the offence is of continuing nature, a daily

Penalty

fine of not less than three hundred shillings shall be imposed until the offence complained of is abated.

Made this 19th day of November 2008.

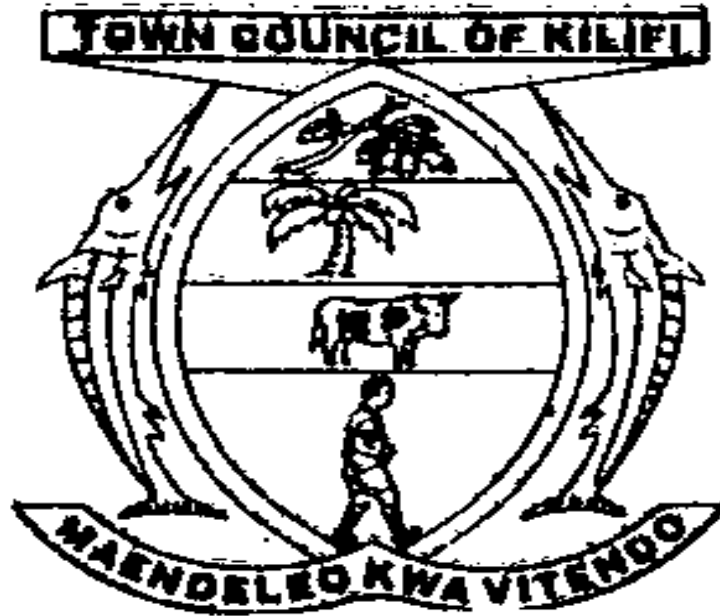
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



COMMERCIAL COLLEGES
BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 148, 154 and 201 of the local Government Act Cap 265 Laws of Kenya, the Kilifi Town Council makes the following by-laws:-

TOWN COUNCIL OF KILIFI (COMMERCIAL COLLEGES AND PRIVATE SCHOOL) BY-LAWS

IN EXERCISE of the powers conferred by section 148, 154 and 201 of the local Government Act Cap 265 Laws of Kenya, the Kilifi Town Council makes the following by-laws:-

1. These By-laws may be cited as Town Council of Kilifi
(Permitting and control of Commercial Colleges, Private Schools and Nursery schools) By-laws 2008. **Citation**
2. These By-laws shall come into operation the day they are approved by the Minister for Local Government. **Commencement**
3. These by-laws unless the context otherwise requires:- **Interpretation**
 - "**Council**" means the Town council of Kilifi
 - "**Clerk**" means the person for the time being holding the office of the Clerk to Town council and includes his deputy.
 - "**Child**" means a person under the age of six years.
 - "**Commercial College**" means a place or an institution offering Professional courses.
 - "**Private School**" means a place or an institution where academic studies are offered.
 - "**Permit**" may be referred to as license, fees or charges on a council receipt issued for a particular period and purpose.
4. No person shall operate a Commercial College, Private Primary and Nursery school or any other institution within the jurisdiction of Kilifi Town Council without a permit allowing him/herto do so. **Permit/License**
5. Every application for a permit shall be made in writing shall be addressed to the Clerk to council as set forth;
 - (a) The name, address and occupation of the applicant for the permit, the description of the premises in which it is proposed to operate a commercial college, private school and so on.

- (b) The number of students or children proposed to be accommodated in the institution (Commercial College, Private School or any other institution).

6. The permit shall be in such form as may be determined From time to time by the Council and shall contain:-

**Condition
Permit**

- a) The name and address of the permit holder.
- b) Description of the licensed premises.
- c) The number of the students or children to be accommodated.
- d) The number of persons to be employed in the care of the students or children accommodated in the permitted premises. The date in which the permit expires.
- e) Any other conditions which the council may deem necessary to impose.

7. No permit shall be granted for a period not longer than one year and every permit shall expire on the 31st day of December of the year in which it was granted.

Duration

8. (1) A permit shall not be transferred either from the holder thereof, or to any other from the permitted premises to any other premises without the prior consent in writing of the council being first obtained.

**Transfer of
Permit**

(2) No permit shall be granted unless the council is satisfied that:-

- a) The premises in respect of which a permit is desired comply with the building code.
- b) The premises are suitable in all respect for use of a Commercial College, Private School or capable of accommodating the number of students / children supposed to be accommodated in the college.
- c) The number of persons proposed to be employed in the care of students/children, is sufficient to safeguard the health, safety and welfare of the students or children to be accommodated in the proposed institution (Commercial College or Private School)

9. The permit holder shall maintain the permitted premises

**Maintenances
of**

In good order and condition to the satisfaction of the Council
Premises

and in the event of his failure to do so, the Council may cause a notice to be served upon the permit holder requiring him/her within the period specified in the notice, to carry out such work as may in the opinion of the Council be necessary to put such premises in good order and condition. If the permit holder fails to work within the time specified in such notice shall be guilty of an offence against these by-laws.

10. The permit holder shall not at any time permit any larger number of student or children be accommodated in the permitted premise than the number specified in the license relating to such premises.

**Number of Students
and Children**

- | | | |
|----|---|----------------------------|
| 11 | The permit holder shall ensure that at all times the number of persons employed in the care of students or children accommodated in the permitted premises shall not be more than the number specified for his purpose in the permit. | Number of Employees |
| 12 | The permit holder shall not permit a person suffering from infectious, contagious or venereal disease to be employed or engaged in or upon the permitted premises. | Health of Employees |
| 13 | The Medical Officer of Health or any other Officer authorized in writing by the council on their behalf may at all reasonable times enter and inspect any permitted premises in the jurisdiction of the Council, which he has reasonable cause to believe are being used for the purpose of carrying on a day Nursery, Commercial Collage or Private School. | Inspection |
| 14 | The fee payable for the grant, renewal or transfer of a Permit under these by-laws shall be as per approved fees and charges for that year. The permit holder shall be responsible for the due observance of these by-laws in respect of the premises for which he holds permit and any other breach thereof by any servant/agent of the permit holder shall be deemed to be a breach by the permit holder. | Permit/License |
| 15 | Any person who contravenes or who fails to comply with any of the provisions of these by-laws shall be guilty of an offence and shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term of six months or to both such fine and such imprisonment. | Penalty |

Made this 19th day of November 2008.

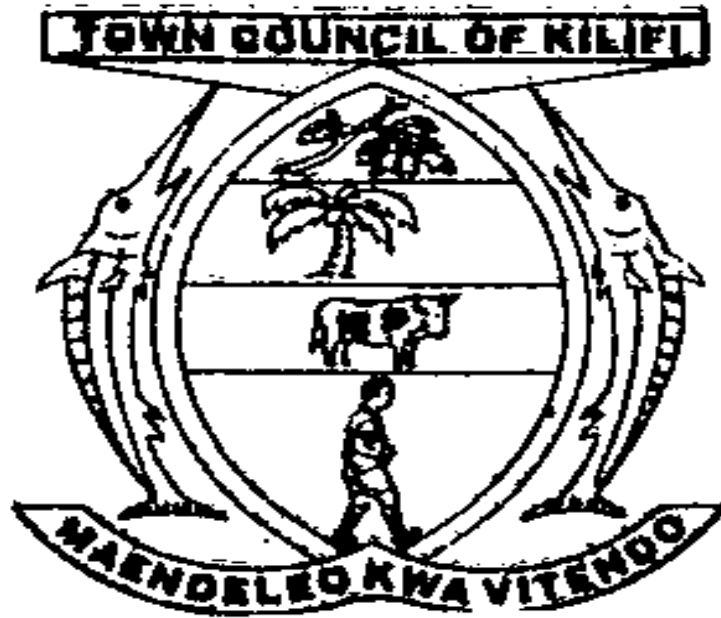
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



GENERAL NUISANCE BY-LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 201 of the Local Government Act, the Town council of Kilifi hereby makes the following By-laws:-

THE TOWN COUNCIL OF KILIFI (GENERAL NUISANCE) BY-LAWS, 2008

PART 1-PRELIMINARY

1. These by-laws may be cited as the Town council of Kilifi (General nuisance) By-laws, 2008.
2. In these By-laws, unless the context otherwise requires:
"Council" means the Town Council of Kilifi.
"Medial Officer of Health" means the person for the time being holding the office of Medical Officer of Health of the Council, and includes his deputy and the Chief Public Health officer;

"Public Street" means a street maintainable by the Council.
"Street" include any land reserved for a street and any open space to which a public has access;
"Clerk" means the person for the time being holding the office of the Kilifi Town Council his deputy and any other officer of the Council authorized by the Clerk in writing for the purposes of these by-laws.
"Permit" may be referred to as license, fee or charged and include a Council receipt issued for a purposes and period. street or in any shop, business or premises any other place Adjoining any street to which the public are admitted; or upon any other premises;

Citation

Interpretation

plays, operates, causes or allows to be played or operated any musical instrument, thereby making, causing or authorizing noise to be made, which is so loud continuous or repeated as to constitute a nuisance to the occupants or inmates of any premises in the neighborhood or to passers by on the street, shall be guilty of an offence.

Provided that no prosecution shall be instituted against any person for any offence under this by-law in respect of any premises referred to in paragraph (b) of this by-law unless the

nuisance remains unabated after the expiration of seven days from the date of the service on such person of a notice signed by the Clerk notifying him of the nuisance.

4. Any person who, in connection with the building operations, demolition or road construction or reconstruction works causes or allows to be made noise which is so loud and continuous as to constitute a nuisance to the occupants of any premises in neighborhood shall be guilty of an offence.
5. Any person who, in any part of the Town Council of Kilifi, other than the industrial or light industrial or light industrial zones as specified in any by-law of the Council for the time being in force, in connection with any trade or industrial process causes or allows to be made any noise which is so loud, continuous or repeated as to constitute a nuisance to the occupants of any premises in the neighborhood shall be guilty of an offence.
6. (1) Any person who erects or authorizes the erection of any barbed wire alongside a street without the prior written consent of the clerk shall be guilty of an offence.

(2) The council may serve a notice upon the owner or occupier of any land or building upon which any barbed wire has been erected in contravention of paragraph (1) of this by-laws requiring such person with a period specified in such notice, to remove such barbed wire.

(3) Any person who fails to comply with the requirement of a notice served under paragraph (2) of this by-law shall be guilty of an offence.
7. Any person who, without lawful authority, deposits or causes or permits to be deposited any soil, vegetation, refuse or debris on any land in the township shall be guilty of an offence.
8. Any person who keeps within the Town Council area any animal or Poultry which is a nuisance to any of the residents in the neighborhood shall be guilty of an offence:
provided that no prosecution shall be instituted against any person for an offence under this by-laws unless such nuisance is continued after the expiration of fourteen days from the date of the service on such person of a notice signed by the Town Clerk notifying him of the nuisance.
9. (1) Any person who, except with the written permission of the Clerk and subject to such conditions as he may deem fit, keeps within the Town Council area a game animal, reptile (other than a lizard), an ass, mule, ox, bull, cow, goat, sheep, or pig shall be guilty of an offence.

(2) Any person who has under his control or in his custody:
 - (a) any game animal, a reptile, an ass mule, ox, bull, cow, goat, sheep or pig shall be guilty of an offence.
 - (b) any animal, reptile, poultry or bird which wanders on

Noisy building operations

Noisy trades and Industrial operations

Erection of barbed wires

Deposit of debris

Nuisance by Animals

Game Animals

a street in such a manner as to cause obstruction or inconvenience to traffic, shall be guilty of an offence.

- (3) Any person who, except with the written permission of the Clerk and subject to such conditions as he may deem fit, permits an animal to graze within the Town Council area shall be guilty of an offence.
- (4) For the purpose of this by-law:
 - a) "**game animal**" means an animal specified in the first schedule to the wildlife (conservation and management) Act, or any animal of a wild species not indigenous to Kenya.
 - b) "**poultry**" includes fowls, turkeys, geese, and ducks.

PART 111-ROAD AND STREETS

10. (1) Where, in the opinion of the council, any hedge, tree or other growth is so placed or in such conditions as:
 - a. to be a danger to any person or vehicle using a street; or
 - b. to interfere with:
 - (i) the view along any street or from one street into another, or

(ii) the use of the street by pedestrian or vehicle traffic;

The council may serve a notice on the owner or occupier of the land on which such hedge, tree or other growth is situated requiring him within such period of time not being less than fourteen days, specified in such notice, to have the hedge, tree or other growth hopped, trimmed or removed.

- (2) Any person who fails to comply with the requirements of a notice served in accordance with paragraph (1) of this by-laws, shall be guilty of an offence.
 - (3) Without prejudice to any prosecution which may be instituted under paragraph (2) of this by-law the council may, on the expiration of the period of time specified in a notice served under paragraph (1) of this by-laws enter upon any land Owned or occupied by the person upon whom such notice was Served and execute any of the work specified in such notice, and any expenses incurred by the Council shall be recovered as a civil debt from such person.
11. (1) Any person who, without, lawful authority or the consent of the Clerk given in writing, erects or permits the erection of any Structure in such a position that it is sited in or protruded over a street shall be guilty of an offence.
 - (2) For the purpose of this by-laws "**structure**" includes a machine, Pump, post or other object capable of causing an obstruction to a passenger or a vehicle in a street.
 - (3) The provisions of this by-law shall not apply to any structure approved by the council under any by-laws of the Council for the time being in force.

Encroaching Structures

12. (1) No person shall attach, hand or erect or permit the attachment, hanging or erection of any object to, from or alongside any premises in such a manner that it protrudes over or into a street without a permit so to do from the council or otherwise than in accordance with any conditions attached to any such permits.
- (2) A permit issued under this by-law shall expire on the 31st day of December the year in respect of which it is issued.
- (3) Every person to whom a permit in respect of which it is issued under this By-law shall pay to the council a fee as per the latest gazetted fees and charges by the council.
- (4) The Town clerk may serve a notice on the owner or occupier of any premises to, from or alongside which an object has been attached, hung or erected in contravention of paragraph (1) of this by-law requiring of such object within a period specified in such notice.
- (5) Any person who contravenes or fails to comply with the provisions of this by-law or any conditions attached to a permit issued there under or a notice served under, the provisions of paragraph (4) of this by-law shall be guilty of an offence.
- (6) The provisions of this by-law shall not apply to an advertisement licensed or permitted under any by-laws of the Council for the time being in force, or to any structure approved by the council under any such by-laws.
13. (1) Where, in or on any land adjoining a street, there is an unfenced or source of danger inadequately fenced source of danger to persons using the street, the Council may, by notice to the owner or occupier of that land, require him, within such time (not being less than seven days) as may be specified in the notices, such work or repairs removal or protection enclosure as will obviate the danger.
- (2) Any person who fails to comply with a notice served under paragraph (1) of this by-law within the time specified in such notice, shall be guilty of an offence
14. Any person who:
 - a. Willfully obstructs the free passage from, into or along any street;
 - b. Willfully or negligently damages or destroys the surface of any public street;
 - c. Pulls down, destroys any tree, shrub, flower plants or grass on land forming part of a public street;
 - d. Disturbs, damages or destroys any barrier, fence or other erection or any trestle, lamp, stone or other material placed on a street by or by order of the council;
 - e. Willfully or negligently pulls down, damages or destroys any lamp standard or ballad in street or damages or removes any bulb or fitting attached thereto shall be guilty of an offence.
15. Any person who, without lawful authority, defaces any building by any

wirings, signs or other marks shall be guilty of an offence.

16. (1) Any person who, without lawful authority breaks up or authorizes the breaking the surface of a public street, without the written permission of the person for the time being holding the office of Town Engineer, shall be guilty of an offence.
(2) Any person who contravenes or fails to comply with any conditions attached to a permit granted under this by-law shall be guilty of an offence.
17. (1) Any person who leaves or allows or causes to be placed or left in a street any vehicle, article or materials in such a manner as to cause an obstruction to person or vehicles using the street shall be guilty of an offence.
(2) The council may remove any vehicle or article or material which has been placed or left in a street contravention of this by-law and impound the same.
18. (1) The owner of a vehicle, article or material removed from a street under by-law 17 of these by-laws shall pay to the council, a fee as per the latest gazzetted fees and charges by the council together with, the expenses incurred by the council in removing and impounding the same.
(2) If the owner of a vehicle, article or material does not pay the fee and expenses due and payable under paragraph (1) of this by-law within a period of sixty days from the date the vehicle, article or material was impounded, the council may sell or otherwise dispose of the same and the proceed of such sale or disposal, if an shall be set off against any outstanding fees and expenses, incurred by the council in removing or disposing of the vehicle or article or material.

19. Any person who, in any street:

- (a) ignites fireworks;
- (b) without the permission of the Town Clerk in writing and for the purpose of hawking, selling distributing/advertising any article shouts or uses any bell, going or other noisy instrument or loudspeakers;
- (c) without the permission of the clerk in writing draw, wheel or drive any vehicle or carry any board or placard or exhibiting advertisements;
- (d) without the permission of the clerk in writing and for the purpose of advertising distribute any bill or other paper;
- (e) without lawful authority deface the footway or roadway by writing or other marks;
- (f) place or deposit and leave any glass, china earthenware, tins cartons, paper, sawdust or other rubbish so as to create or tend to create litter;
- (g) throw down or leave any orange peel, banana skin, or other substance likely to cause a person to fall down,
- (h) to the inconvenience or danger of any person carry or convey any bag of lime, charcoal, or other offensive material, timber or any pointed or edged tools or implements whilst not properly guarded;
- (i) play any game in such manner as to cause likelihood of damage to property, or danger to any person;
- (j) ride, drive or propel a vehicle on a foot-path;
- (k) spit on any footpath or blow his nose otherwise than into a suitable cloth or tissue;
- (l) while being in charge of any dog, allow such dog to foul any footpath;
- (m) wash any vehicle or, except in the case of an emergency, repair or dismantle any vehicle;
- (n) except in the case of an emergency, sound any motor horn, cycle bell or similar warning instrument;

nuisance in streets

- (o) without the consent of the clerk, light or maintain or suffer to be lit or maintained any fire or brazier;
- (p) in the central area, as defined in any by-laws of the council for the time being in force, ride or drive any animal on a foot-path, shall be guilty of an offence.

- 20. Any person who drives or permits to be driven any vehicle so loaded that its contents or any part thereof spill onto the surface of a street shall be guilty of an offence.
- 21. Any person who loiters on any council property, other than a street or in a residential property, without lawful authority shall be guilty of an offence.
- 22. Any person who loiters in or in an area adjoining car parks without lawful authority shall be guilty of an offence.
- 23. Any person who loiters for immoral purpose, without lawful authority shall be guilty of an offence.

Vehicle loads

PART IV-CARRIAGE OF FOOD

- 24 In this part **"open food"** means food not contained in a container of such materials and so closed as to exclude all risk of contamination.
- 25 (1) Any person who in connection with any trade or business, conveys in or on a vehicle or who permits to be so conveyed any open food in a manner likely to involve the risk of contamination shall be guilty of an offence.
- (2) The owner of any open food which is carried in a vehicle in contravention of paragraph (1) of this by-law shall be guilty of an offence.

- 26 (1) Any person engaged in the handling, storage or conveyance of open food in connection with any trade or business shall whilst so engaged:-
 - a) Keep as clean as may be reasonably practicable all parts of his person which are likely to come into contact with food,
 - b) Keep as clean as may be reasonably practicable all parts of his clothing which are likely to come into contact with food,
 - c) Keep any cut or abrasion and any exposed part of his person covered in a suitable and clean waterproof dressing;
 - d) Refrain from spiting or blowing his nose otherwise than into a suitable cloth or tissue;
 - e) Refrain from smoking;
 - f) If the food is meat wear a white garment of a pattern approved by the medical officer of health.

personal cleanliness

- 1. Any person who contravenes or fails to comply with any of the provisions of paragraph (1) of this by-law shall be guilty of an offence.

PART V –MISCELLANEOUS PROVISIONS

- 26. (1) Except where otherwise specifically provided in these by-laws, any notice, permit or consent which the council is authorized or required to give may be signed on behalf of the council by the Town Clerk or such or the council duly authorized by him to sign such notice or consent.
- (2) Any notice, permit or consent bearing the signature of the clerk shall for the purpose of these By-laws be deemed, until the contrary is proved, to have been duly issued by the council.
- (3) Any notice or other document required or authorized by or order these by-laws to be served on a corporation shall be duly served on the secretary of other principal officer of the corporation.
- (4) Where any premises are jointly owned or occupied by more than one Person, a notice required or authorized to be served by or under these By-laws

Notices

- in respect of such premises shall be duly served if served on any one of those persons.
- (5) Any notice or other documents required or authorized by or under these By-laws to be served on any person may be served whether:-
- a) by delivering it to that person; or
 - b) by leaving it at his proper address;
 - c) by registered post addresses to him at his proper address
- (7) For the purpose of this by-law, the proper address of any person shall, In the case of a corporation be registered or principal office of the Corporation, and in any other case, the usual or last known place of abode or business of the person on whom the notice is to be served.
- (8) If the name or the address of an owner or occupier of premises upon Whom any notice is to be served cannot, after reasonable inquiry, be ascertained, the notice may be addressed to the **"owner" or "occupier"** of the premises to which the notice relates and delivered to some responsible person found on the premises, or fix such notice, or a copy of it, to some conspicuous part of the premises.
- 27 Any person who is guilty of an offence under the provisions of these By-laws shall be liable;-
- (a) In the case of a first conviction for such offence, to a fine not exceeding two thousand Kenya shillings, or imprisonment for a term not exceeding six months, or to both such fine and imprisonment; or
 - (b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

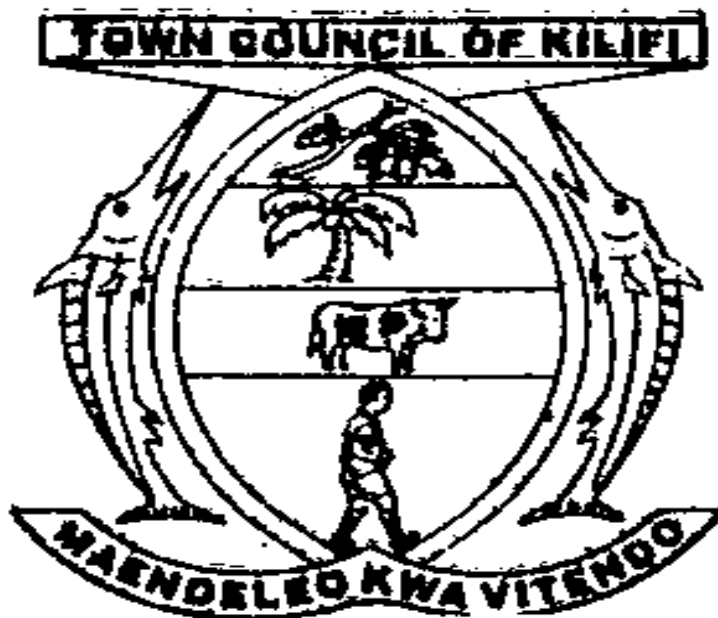
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



CEMETERY BY LAWS

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

THE LOCAL GOVERNMENT ACT CAP 265

IN EXERCISE of the powers conferred by section 161 (a) and 201 of the local Government Act, the Town council of Kilifi hereby makes the following:-

THE TOWN COUNCIL OF KILIFI (CEMETERY BY LAWS 2008)

- 1) these By-laws may be cited as the Town council of Kilifi (Cemetery) By-laws 2008 . **citation**
- 2) In these By-laws, unless the context otherwise requires:-
 - "cemetery"** means any land approved by the council for the burial of deceased persons **interpretation**
 - "common grave"** means a grave not reserved for the exclusive right of burial of any person;
 - "memorial work"** means any tombstone, railing fence, monument, memorial inscription carried out or which may be created or carried out upon any grave in a cemetery.
 - "Reserve grave"** means a grave for which a person has paid to the Town clerk the appropriate fee for the exclusive right of burial of the payee or any person nominated by him in writing.
 - "Town"** means the Town council of Kilifi
 - "Town clerk"** means the person for the time being holding the office of the Town Clerk to Town Council of Kilifi, his deputy and any other officer of the council authorized by the Town clerk in writing for the purpose of these By-laws.
3. Any person who, without the written consent of the Clerk, interns or causes to be interred the body of any deceased person in any place within the Town Council area other than a cemetery shall be guilty of an offence against these By-laws.
4. Every cemetery shall be under the sole control of the council except which is maintained and controlled by any association under the terms of an agreement with the council.
5. Every cemetery shall be upon to the public during such hours as the council may by resolution prescribed from time and such hours of opening shall be displayed at the cemetery.
6. Any person who causes or permits to be erected or placed in a cemetery any memorial work otherwise than under and in accordance with a permit issued by the clerk shall be guilty of an offence against these By-laws:
- 7 (1) If any memorial work falls into such a state of disrepair as in the opinion of the clerk constitutes a disfiguration to the cemetery the clerk may, by written notice, require the permit holder to remove the works or to effect such repairs as he may consider necessary provided that such notice may be published in a newspaper circulating in the area.

- (2) If the permit holder fails to comply with any of the requirement of such notice within two months of service or publication thereof, as the case may be the council may remove the expenses thereby incurred from the permit as civil debt.
 - (3) Any permit holder, who having been with a written notice under the provision of this By-laws, fails to comply with the request therein shall be liable to a fine not exceeding two thousand shillings.
 - (4) Permit holder for the purpose of this By-law, in reference to any memorial work, the person to whom the permit was issued under the terms of By-law 7 of these By-laws to erect or place the memorial work in or upon a cemetery.
8. The Town clerk shall have power at his discretion to remove any shrubs, flowers or receptacles for containing flowers, or any other article that may be deposited on a grave.
 - 9 The council shall not be liable for the custody or care of any memorial work in the cemetery unless it shall have been expressly contracted to accept liability thereof.
 - 10 Any person who during an interment in a cemetery causes any nuisance or annoyance to any person attending such interment shall be guilty of an offence against these By-laws.
 11. Any person who willfully or negligently defaces any memorial work shall be guilty of an offence against these By-laws.
 12. Any person who willfully and improperly removes or damages any force, building, equipment, public seat, flowers, trees or shrubs in a cemetery otherwise than in a receptacle provided for such purpose shall be guilty of an offence against these By-laws.
 13. Any person who throws or deposits any rubbish, paper, bottles or other refuse of any kind in a cemetery otherwise than in a receptacle provided for such purpose shall be guilty of an offence against these By-laws.
 14. Any person who permits or causes an animal, other than drawing in horse to enter a cemetery shall be guilty of an offence against these By-laws.
 15. Any person not being lawfully engaged upon the care of the cemetery who trespasses or walks over any grave or passes through or within the cemetery otherwise than along the paths provided in the spaces between the graves shall be guilty of an offence against these By-laws.
 16. Every grave shall be perpendicular depth of not less than six feet or such lesser depth as may be agreed to in writing by the Medical officer of Health of the council or any Medical officer.
 17. No person shall cause or permit any interment to take in place cemetery maintain by the council without burial permit issued under the birth and deaths registration ordinance in respect of the body interred.
 18. Nothing in these By-laws shall affect in any way in relation to any place or for the burial of deceased persons maintained and controlled any association under the terms of agreement within the council.
 19. Any person who is guilty of an offence against these By-laws, for which no penalty is otherwise provided in these By-laws, shall, be liable to a fine Not exceeding two thousand shillings or to imprisonment not exceeding

Six months, or to both such fine and such imprisonment.

- 19 The council may from time to time determine fees to be paid in respect of any service rendered in pursuance of these By-laws.

Made this 19th day of November 2008.

By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



(SOLID WASTE MANAGEMENT) BY-LAWS, 2008

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 160 (a) and 201 of the Local Government Act, the Town Council of Kilifi hereby makes the following By-laws:-

THE TOWN COUNCIL OF KILIFI (SOLID WASTE MANAGEMENT) BY-LAWS, 2008

1.0 CITATION

1:1 These By-laws may be cited as the Town Council of Kilifi.
(Solid Waste Management) By-laws 2008.

2.0 DEFINITION

2.1 In these By-laws unless the context otherwise requires:-

"Building": Includes any structure whatsoever purpose used.

"Council": Means the Town Council of Kilifi.

"Domestic" Refuse": Includes garbage, tins, bottles, ashes, sweepings from dwellings, offices and shops and all other forms of non liquid domestic refuse, including refuse from gardens, stables and waste products from factories or workshops.

"Nuisance": Includes any accumulation or deposit of refuse whether the same be detrimental to health or not.

"Bags": Means plastic, nylon, or either material sacks designed to contain solid waste with sufficient strength to maintain physical integrity of the container when lifted by its opening. The weight of a bag and its contents shall not exceed 15 kilogrammes.

"Containers": Means metal or durable plastic receptacles designed to store solid waste in minimum volume of 2 cubic meters to be lifted mechanically and emptied by gravity.

"Dead animals": Means animals or portions thereof which have expired from any cause, except they are properly slaughtered or killed for human consumption.

"Dust bins": Means metal or durable plastic receptacles designed to store refuse with a volume of not exceeding 120 litres and provided with a lid and handles for lifting.

"Generators" of waste: Include households, institutions, commercial establishment, industries and either organization operating within the Town Council boundaries.

"Hazardous Waste": Means waste from toxic, flammable corrosive, radioactive, explosive or dangerous waste as defined by the environmental management and corporation Acts or by any other laws and they shall include motor oil, diesel fuel, petrol, paint, solvents, dry cells, vehicle batteries, pesticides, and infectious or otherwise hazardous medical wastes from hospitals, and clinics, metallic and/or oily sludges or solvents from commercial and industrial establishment, batteries, asbestos materials.

"Premises": Means any land, building and/or structure or portion thereof and the adjoining land used in connection therewith

"Recycling": Means the process of sorting, collecting, and turning used materials and/or products including but not limited to newspapers, cartons, cans, bottles, durable plastics, textiles, bones, metals, polythene paper and other materials into new products by reprocessing or re-manufacturing them.

- Refuse has same meaning as solid waste.
- **"Solid waste":** Means all waste materials generated by household, institution, commercial establishment, and industry and discharged from this premise for collections; all litter and clandestine piles of such wastes, and includes street litter, street sweepings, drains cleanings, dead animals, and other waste materials except hazardous waste.

"Zone": Designated area of service for refuse collection as laid down by the Council from time to time.

"Communal Bins": Include masonry structure built to contain solid waste and any other container meant for such type of usage.

PART II

3.0 OWNERSHIP OF REFUSE

- 3.1 Prior to discharge, disposal or removal of refuse from any generator, refuse is owned by the generator or the owner of the property where the generator is located.
- 3.2 All refuse discharged renewal or collected from the generator's premises, including all refuse which is improperly discharged through littering and clandestine disposal, within the Town boundaries is owned by the Council.
- 3.3 No refuse shall be used for land reclamation, recycling or resource recovery or sold to others for any reason without a written consent of the council whether such refuse is owned by the generator or not.
- 3.4 Any person who fails to comply with By-law 3.3 of these By-laws shall be guilty of an offence.

PART III

4.0 COMMUNITY PARTICIPATION IN SOLID WASTE MANAGEMENT

- 4.1 The Council may allow any person or a group of persons within the community to take part in refuse collection service in a specified part or zone of the council.

- 4.2 The council may allow any person or a group of persons allowed to take part in refuse collection to collect such approval fees from generators of refuse to meet their running expenses.
- 4.3 The Council may withdraw or vary the terms of community participation from time to time as it may deem necessary.
- 4.4 The Council may lay down conditions and rules for community participation in refuse collection service.
- 4.5 Any person or a group of persons who: -
(i) Engages in refuse collection service without a specific council's authority.
(ii) Continues to engage in refuse collection service when the council has withdrawn such a permit for him to do so. Or
(iii) Breaks any conditions for engaging in refuse collection service.
- 4.6 All residents of a locality where the Council has allowed an individual or a group of individuals to engage in refuse collection service shall pay for the service rendered to the person or group of persons so authorized.
- 4.7 Any person or a group of persons fails to pay the person or a group of persons lawfully allowed to undertake refuse collection service shall be guilty of an offence.

PART IV

5.0 REFUSE DISPOSAL SITES

- 5.1 The Council may establish new refuse disposal sites and maintain the existing ones.
- 5.2 The Council may close any refuse disposal ground if in its opinion the site is a health hazard or threat to the environment.
- 5.3 No person or a group of persons shall deposit refuse anywhere else other than the designated council's refuse disposal site.
- 5.4 The Council may from time to time levy a fee for use of its refuse disposal site.
- 5.5 Any person who deposits refuse anywhere else than at the council's refuse disposal sites or fails to pay refuse dumping fees commits an offence.
- 5.6 Any person convicted of an offence under By-laws No.5.6 may besides any fine imposed on him also be ordered to pay all costs involving the removal of the wrongly disposal refuse and any other expenses incurred thereof.
- 5.7 The Council may prescribe the kind of refuse to be disposed off in its refuse disposal site and may lay conditions for other types of waste before it is taken there for disposal.
- 5.8 Any one who disposes refuse in a Council's refuse disposal site must have a permit issued under the hand of the Town Clerk and appropriate receipt for payment for disposal of refuse.
- 5.9 The Council may prescribe working hours for its dumping sites.

- 5.10 It is an offence for any one to interfere, remove or otherwise disable any equipment which has been built, for use in the refuse dumping site.
- 5.11 Every one using any refuse disposal sites must follow the instructions of the Council's worker or sign posts in the use of the sites.
- 5.12 Any person who refuses to obey Council worker's instructions or disregards the directives on sign boards put up within the refuse disposal area commits an offence.
- 5.13 Any person including any institution which does not have a permit issued by the Town Clerk to deposit refuse in any established refuse disposal site and takes refuse for such disposal commits an offence under these By-laws.

PART V

6.0 PRIVATIZATION OF REFUSE COLLECTION SERVICE

- 6.1 The Council may appoint individual or companies to carry out refuse collection service in any part or zone of the Town on contract for a specific period of time subject to the following conditions: -
- 6.1.1 The appointment shall be made in an open tendering system
- 6.1.2 The person or company selected shall have adequate equipment, staff and financial base to meet the basic requirements for such an undertaking.
- 6.1.3 The Manager who will oversee the activities of the company shall have relevant qualifications in environmental and/or refuse collections and disposal service.
- 6.2 Any person or company appointed under this part shall have current licenses, permits and insurance cover for all its operations.
- 6.3 The Council may authorize a private garbage company or a person engaged in refuse collection service to do any other related business subject to meeting all requirements thereof.
- 6.4 The Council may either:-
- (i) Pay the private person or company for the refuse collection contract offered
 - (ii) or
 - (iii) Allow the collection of refuse collection fees directly by the refuse collection firm from the residents receiving such service.
- 6.5 Where method (ii) is in practice, the private refuse collector shall pay at 10% of his gross collections to the Council for supervision and administrative
- 6.6 Any person who refuses to pay refuse collection fees provided for in this part commits an offence.
- 6.7 The Council may at its discretion: -
- 6.6.1 Vary the terms of the private refuse collector's contract in line with councils permitting financial or other circumstances.

- 6.6.2 If the contractor's performance does not measure up to council's expectations or comply with terms of contract.
- 6.6.3 Cancel the contract or take over the refuse collection service after due notice he's been given to the contractor.
- 6.6.4 Any refuse collection contractor who fails to abide by the terms of agreement and a public health nuisance occurs creates an offence.
- 6.6.5 Any private refuse collector who is convicted of an offence described in By-law 6.7 may besides a fine also pay the Council as a civil debt all the expenses incurred in aborting the nuisance provided that before any legal action is taken against the refuse collector at least a seven days notice signed by the Town Clerk has been issued to him to rectify the situation.

PART VI

7.0 REFUSE RECYCLING AND RE-USE

- 7.1 Every resident or organization or any other body engaged in re-use and recycling of refuse within the Town Council shall obtain a written permit signed by the Town Clerk.
- 7.2 The permit shall detail the type of recycling or re-use being practiced and specify the period of its validity.
 - 7.2.1 The Council may charge an annual fee for any recycling or refuse re-use activity.
- 7.3 Before the Council issues any permit it shall request for a full report of the suitability of such activity from the medical officer of health.
- 7.4 Any person who engages in refuse recycling and re-use, or breaks conditions laid down in the operations of his business or fails to pay the fees legally imposed on him, shall be guilty of an offence.
- 7.5 Upon conviction, the Court may besides any penalty it may impose on the defaulter; it may also order him to pay all the expenses the Council has incurred up to the finalization of the case.

PART VII

8.0 COMMUNAL REFUSE STORAGE BINS AND LITTERING

- 8.1 The Council may provide masonry, metal or other type of communal storage facility for use by residents of any zone or locality.
- 8.2 No other material other than refuse or solid waste shall be deposited in these communal refuse storage facilities.
- 8.3 Any person who:
 - 8.3.1 Fails to deposit refuse inside the communal refusal facility.
 - 8.3.2 Scatters refuse which had been properly stored in the storage facility,
 - 8.3.3 Breaks or any way interferes with the proper functioning of the storage facility, shall be guilty of an offence.

- 8.3.4 Upon conviction, the offender shall pay a fine of Kshs. 10,000/= or imprisoned for 3 months or to both such fine and imprisonment.
- 8.4 No person is allowed to throw refuse anywhere else apart from depositing it in refuse receptacles described in these By-laws.
- 8.5 No private refuse collector is allowed to deposit any refuse collected from anywhere else than in the Municipal designated refuse disposal site.
- 8.6 Any person who throws refuse on a street, road, road reserve, foot path, open space or in any place which is not a dust bin or refuse disposal ground shall be guilty of an offence.
- 8.7 Any person found littering the town shall pay an instant fine of Kshs. 500/= to the Town Council Cashier or any other officer authorized by the Council in writing to receive such instant fine.
- 8.8 Any person who refuses to pay an instant fine shall be guilty of an offence.
- 8.9 Upon conviction, the Court may also order the offender to pay to council as a civic debt any expenses incurred by the council to remove the nuisance created.

PART VIII

9.0 HAZARDOUS WASTE

- 9.1 All hospitals, Nursing homes and clinics must be registered for refuse collection service by the Council.
- 9.2 The Registration Form the Council will issue to these institutions shall indicate, among other things, the kind of waste expected from the institution and the method of storage prior to disposal.
- 9.3 Registration Form must be filled annually and an appropriate fee for same paid to Council.
- 9.4.0 No hospital, Nursing home or Clinic is permitted to mix any of its domestic refuse with any medical or hazardous waste.
 - 9.4.1 All hazardous or medical waste should be stored separately and be dealt with as per the Ministry of Health guidelines.
 - 9.4.2 Any waste from a hospital, nursing home, or clinic which the Council shall take for disposal shall only contain domestic waste.
 - 9.4.3 Any needles, syringes, other medical equipments shall be handled by the hospital, nursing homes or clinics and dealt with by burning or burying.
 - 9.4.4 Any hospital, clinic or nursing home which throws any of its waste in a manner likely to create a health hazard or nuisance shall be guilty of an offence.
- 9.5 Any factory or trade premises which produce hazardous waste shall be wholly responsible to put such measures as to reduce the nature of hazardous of the waste before it is disposed in the Council Refuse Disposal Site or anywhere else.

- 9.6 It is incumbent upon the factory or any trade premises producing or likely to produce hazardous waste to give such information to Council prior to its establishment in the Town or as soon as its operations produce such type of waste.
- 9.7 Failure to disclose this information is an offence and upon conviction, the manager or any person responsible for operations of such factory or trade
- 9.8 premises may be liable to a fine not exceeding Kshs. 100,000/= or an imprisonment not likely six (6) months or to both such fine and imprisonment.

PART IX

10.0 MARKETS, TRADING CENTERS AND BUS PARKS

- 10.1 Every stallholder, trader, customer and any employee of a stallholder, trader, customer, shall use the communal or individual refuse storage facility or dustbin provided for use in any market or trading centre.
- 10.2 No one is permitted to throw any refuse anywhere else than within the facility provided for refuse storage.
- 10.3 Anyone who interferes with refuse storage bins or such other facility for same shall be guilty of an offence.
- 10.4 Any person who throws refuse in a Bus Park Area instead of putting it on refuse storage bins provided for such use shall be guilty of an offence.
- 10.5 Any person who throws refuse in any market, trading centre or bus park shall be liable to pay an instant fine of Kshs. 500/= to any authorized Council official or the Town Treasurer.
- 10.6 Anyone who fails to pay the fine instantly as demanded of him so to-do shall be charged before the Court of Law.

PART X

11 GENERAL PROVISIONS

- 11.1 Where no specific law has been indicated for any offence in these By-laws, the court may impose Kshs. 5,000/= fine or 1 month imprisonment or to both such fine and imprisonment.
- 11.2 The Council may vary any fee imposed in any refuse collection activity as often as it deems expedient.
- 11.3 Any officer who is employed by the Council may be authorized in writing to ensure compliance with these By-laws.
- 11.4 No person or group of persons is allowed to import or other deal within Town Council of Kilifi area of jurisdiction with any waste or hazardous waste which is dangerous to human health.

Made this 19th day of November 2008.

By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



**KILIFI FIRE BRIGADE
BY-LAWS, 2008**

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section by section 201 of the Local Government Act, the Town Council of Kilifi makes the following by-laws:-

THE TOWN COUNCIL OF KILIFI (FIRE BRIGADE) BY LAWS, 2008

1. These By-laws, any be cited as the Town Council of Kilifi (Fire brigade) by-laws.

Citation

2. In these By-laws, except where the context otherwise requires –

Interpretation

“**Chief Fire Officer**” means the Chief Fire Officer of the fire brigade or any person acting as such;

“**Town**” means the Town of Kilifi.

“**Company**” means the Kilifi, Mariakani Water and Sewerage Co.Ltd

“**Council**” means the Town Council of Kilifi.

“**Fire brigade**” means the fire service of the city:

“**Fire fighting**” includes any act necessary of expedient, or reasonably Believed so to be, to extinguish a fire or to save or protect life or property from fire;

“**Minister**” means the Minister for Local Government

“**Senior brigade officer present**” means the senior member of the fire brigade present at the Incident in question;

“**Special service**” means a service performed by the fire brigade other than fire Fighting.

3. There shall be a fire brigade for the city which shall be under the control of the

Establishment

To a committee consisting of council members.

of fire

brigade

4. The fire brigade shall consist of a Chief Fire Officer appointed by

Constitution of

Council and such fire officers of other ranks as the council shall

the fire

Appoint.

brigade

5 Neither the council nor any member of the fire brigade shall be under any liability in respect of any acts performed in good faith in the course of fire

**liability of
Members**

of

fighting or in the rendering of any special service nor in respect of any

fire brigade

and

failure of the fire brigade to render any service or do any act.

6. It shall be at the sole discretion of the Chief Fire officer to determine whether **Attendance**

the fire brigade shall attend at or remain at any fire or perform or continue any special service.

7. The Chief fire officer may permit the owner or occupier of any premises on **Fire alarm system**

Which an automatic fire alarm system has been installed to connect the same at the expense of the owner or occupier to the fire brigade premises, but neither the council nor any member of the fire brigade shall be in any liable for or in respect of the same.

8. The senior fire officer present shall have sole control of all operations in connection with fire fighting and in connection with **control of service**

Services performed by the fire brigade, but may, in his discretion, in the case of a special service delegates his control to some other person.

9. The senior fire officer present, with or without other members of the fire **Power of entry**

Brigade, may enter and if necessary break into any premises in the city **to premises on**

Which are or appear to be on fire and any premises or land adjoining or near the same which it is necessary to enter for fire fighting purposes, without obtaining the consent of any person, and may fight any fire thereon and do any acts thereon which he may deem necessary for rescuing any person or property therein or fighting fire. **fire**

9. A senior fire officer present may temporarily close any street, **Closure of Streets** passage or thoroughfare in or near which a fire exists.

11. A senior fire officer present shall have power to use for fire fighting **Water supply**

any convenient supply or body of water and shall have free right of access to and liberty to draw or take water from any hydrant, pipe, tank cistern, well or other place, whether on public or private property subject only to the liability of the council to pay reasonable compensation for any water so taken and to make good any damage occasioned thereby.

12. Where the fire brigade is in attendance at any premises which are on fire, any person who breaks into or enters the premises without the express permission of a senior fire officer present, except for the purpose of saving a life of any other person, shall be guilty of an offence. **Entry by other persons**

13. The company in consultation with the council shall have **Power to fix** Power to affix to any building, post or structure which is **hydrant** or structure which is near a fire hydrant, and to maintain thereon, a plate indicating the proximity of the fire hydrant. **fire**

14. Any person who willfully obstructs, molests or interferes with **Obstruction**

- officers** Any member of the fire brigade in the execution of this duty, **Fire**
 Or who willfully interferes with or damages any vehicle, appliance
 Or equipment being used or brought into use by the fire
 Brigade for fire fighting shall be guilty of an offence.
15. Any person who knowingly gives or causes false False alarms
 Alarm to be given to the fire brigade in the execution
 of his duty, or who willfully interferes with or damages
 any vehicle, appliance or equipment being used or brought
 into use by the fire brigade for fire fighting shall be guilty
 of an offence.
16. Any person who makes a fire or causes a fire to be made **Making of fires**
 Shall be guilty of an offence.
17. (1 If the Chief Fire Officer has reasonable cause to believe **Prevention of**
Fire that any building, structure or premises by reason of:-
- a) the method of material of their construction
 - b) the nature of their use:
 - c) the nature of the things kept therein: or
 - d) the method of such keeping
- are likely to catch fire, he may require the person in charge or
 appearing to be in charge thereof to allow him free
 ingress thereto and afford him all reasonable facilities to
 inspect the same and if such ingress or facilities are denied to
 him, any magistrate may by warrant authorize him to enter
 and inspect the premises, using reasonable force for
 the purpose if necessary.
- (2) If the council, after inspection by the Chief Fire Officer
 Aforesaid is of the opinion that any premises, by reason of
 any such matters as aforesaid in paragraph (1) above, are
 likely to catch fire, it may be notice in writing served upon
 the owner, require him within a specified time:_
- a) to remove any building or structure on the premises; or
 - b) not to use the building, structure or premises in any
 particular manner specified in the notice; or
 - c) not to keep therein or thereon things of a particular
 nature or;
 - d) otherwise to remove the danger of fire to the satisfaction
 of the council, as the case may be.
- 3 Any person aggrieved by notice served under paragraph
 (2) of this by-law may within one month after service
 Thereof, appeal to the Minister, and the Minister may
 Confirm or disallow such notice, or may vary any of the
 terms thereof.
- 5 The council and its servants may enter upon any land in

Respect of which a notice has been served under paragraph (2) of this by-law and has not been complied with, and may do such work on or about the premises as is, in its opinion

18. (1) The Chief Fire Officer or any officer may, for the purpose of **obtaining of information** obtaining information for future possible fire fighting operations, if generally or specifically authorized thereto in writing by the Town Clerk and on production of his authority require the owner or occupier of any premises within the city or any person appearing to be in charge thereof to allow him free entry therein, and may inspect the premises and any building thereon.

(2) Any person who denies entry to or obstructs an officer requiring Entry under paragraph (1) of this by-law or inspecting premises there Under shall be guilty of an offence.

19 (1) Where the fire brigade attends at any premises or place for **Charges** she purpose of fire fighting or of performing a special service, there shall be paid by the owner or occupier of she premises, or in the case of movable property, by the owner thereof, whether he requested the attendance or not, charges At the rate specified in the schedule to these by – laws together with a sum of money equal to the aggregate of any sums which the council is required to apt under by law 11 of these by-laws; provided that this by law shall not apply where the fire brigade attends as a result of false alarm given by someone who is not the occupier of the premises or a member of his household, a servant of his or a person who is otherwise under his control; and provided also that where the fire brigade attends the premises of more than one owner or occupier the council may apportion the charges (including the sum of money aforesaid) among the several persons liable under this by-law, or any of them, in such manner as it may deem fit but without prejudice to adjustment of rights as between themselves.

(2)The liability of the owner and occupier to pay the charges Under this by-law shall be joint and several.

20..Any person who is guilty of an offence under these by-laws for which no penalty is specifically provided under these by-laws shall be liable on conviction to a fine not exceeding one hundred thousand Shillings or to imprisonment for a term not exceeding nine months or to both such fine and imprisonment.

Charge for collection of illegal signboards and other display per item	1,000.00	5,000.00	4,000.00	48,000.00
Penalty for non-payment of advertisement fees	unpaid fee.sh. 50			
Storage per day		500.00	500.00	6,000.00
Construction site boards				
Application fee	3,000.00	5,000.00	2,000.00	24,000.00
Annual fee	20,000.00	30,000.00	10,000.00	120,000.00

Estate and Development Section:

Storm water drainage	2,500.00	8,000.00	5,500.00	66,000.00
Connection	2,000.00	4,000.00	2,000.00	24,000.00 Plot
accesses Plot accesses (including inspection fee)		2,000.00	8,000.00	6,000.00 72,000.00

Roadwork and storm water drainage:

Not exceeding 100 meters	2,500.00	4,000.00	1,500.00	18,000.00	
18,000.00 to 100 to 200 meters			3,750.00	5,000.00	1,250.00
15,000.00					
201 to 300 meters	5,100.00	6,500.00	1,400.00	16,800.00	
301 to 400 meters	6,400.00	7,500.00	1,100.00	13,200.00	
401 to 500 meters	7,600.00	10,500.00	2,900.00	34,800.00	
501 to 700 meters	8,900.00		(8,900.00)	106,800.00)	
701 to 1000 meters	12,600.00	15,500.00	2,900.00	34,800.00	
1,001 to 1000 meters	23,000.00	27,000.00	4,000.00	48,000.00	
1,501 to 2000 meters	30,000.00	35,000.00	5,000.00	60,000.00	
2,001 to 3,000 meters	41,000.00	48,000.00	7,000.00	84,000.00	
3,001 to 5,000 meters	51,000.00	60,000.00	9,000.00	108,000.00	
For every extra meter	8.00	12.00	4.00	48.00	

Fire Section:

Fire protection measure second and subsequent visit	2,100.00	3,000.00	900.00	10,800.00	
Factory (per visit)	2,100.00	3,000.00	900.00	10,800.00	
Petrol stations and depots	2,100.00	3,000.00	900.00	10,800.00	
Commercial and industrial premises (offices)	2,100.00	3,000.00	900.00	10,800.00	
Premises storing dangerous inflammable materials	2,100.00	3,000.00	900.00	10,800.00	
Annual for transportation of officer to and from station	2,100.00	3,000.00	900.00	10,800.00	
All above rates are exclusive of transportation owner of site to					-
Arrange for transportation of officer to and from station					-
Special services other than fire fighting					-
Opening door for tenant lock (per hour)			1,000.00	1,000.00	-
Standby against fire risk (per hour)			4,000.00	4,000.00	-
Inspection and hydrant test of dry and wet riser(per inspection)			6,000.00	4,000.00	-
A.S.K. shoe (per person/day)			750.00	750.00	-
A.S.K. show fire engineer (Whole duration)			30,000.00	30,000.00	-
Use of turntable ladder or hydraulic platform per hour			4,000.00	4,000.00	-
Removal of fallen trees (per hour)			2,500.00	2,500.00	-
Removal of bees (per hour)			1,500.00	1,500.00	-
Pumping out flooding (per hour)			1,540.00	1,540.00	-
Binding suction hose coupling – labour			600.00	600.00	-
Binding suction hose coupling – Materials			2,000.00	2,000.00	-
Fire maintenance technicians (hydrants inspection_ per premises			5,000.00	5,000.00	-
Repair of delivery hose 1 patch (per patch) –Labour			500.00	500.00	-
Repair of delivery hose 1 patch (per patch) –Materials			1,000.00	1,000.00	-
Opening of lifts (per service)			7,000.00	7,000.00	-
Training of Local Authority Personnel (firemen) per person per week		5,000.0	6,000.00	1,000.00	12,000.00
Training of Private Personnel (per person per dry			3,000.00	3,000.00	36,000.00
Binding delivery hose coupling – Labour			500.00	500.00	-
Binding delivery hose coupling – Material			1,000.00	1,000.00	-
Hire of one hose length per day or part of thereof			500,00	500.00	-
Inspection of fire extinguisher (excluding refill per extinguisher)			500.00	500.00	-
Hire of ladder per day or path thereof			2,500.00	2,500.00	-
Hire of van or requested inspections			2,000.00	2,000.00	-
Refill of B.A cylinder any capacity			1,500.00	1,500.00	-
Hire of special purpose rope(per day)			1,000.00	1,000.00	-
Hire of standing per day			1,000.00	1,000.00	-
Use of portable fire extinguisher		1,000.00	1,000.00	1,500.00	
18,000.00					

APPENDIX I

FEES AND CHARGES

1.0 DOMESTIC REFUSE COLLECTION FEES

1.1	Single dwelling with not more than 10 residents	Kshs.....Per year
1.2	Single dwelling with more than 10 residents	Kshs.....Per year
1.3	Stored building with two residential unit	Kshs.....Per year
1.4	Stored building with more than two residential units.....	Kshs.....Per year

1.5 Premises let in single rooms (per person) Kshs.....Per year

2.0 BUSINESS PREMISES

2.1 Grocery Shops Kshs.....Per year

2.2 Bars and RestaurantsKshs.....Per year

2.3 Lodging Houses Kshs.....Per year

2.4 Hardware shopsKshs.....Per year

2.5 Hair Saloons /Barbers shopsKshs.....Per year

2.6 Petrol station/GaragesKshs.....Per year

2.7 Market stallsKshs.....Per year

2.8 ButcheriesKshs.....Per year

2.9 Wholesale shops and SupermarketsKshs.....Per year

2.10 Pharmacies Kshs.....Per year

2.11 All other business premises/officesKshs.....Per year

3.0 TOURIST HOTELS

3.1 For every 25 diners/lodgers Kshs.....Per year

3.2 Garden waste (per lorry load)Kshs.....Per year

4.0 HOSPITALS CLINICS AND NURSING HOMES

4.1 HospitalsKshs.....Per year

4.2 Clinics Kshs.....Per year

4.3 Nursing homesKshs.....Per year

4.4 Private laboratoriesKshs.....Per year

4.5 Registrar feesKshs.....Per year

5.0 PRIVATE REFUSE COLLECTORS AND RECYCLING PLANT/SHOP

5.1 Private refuse collector with 1 vehicle 5 ton & aboveKshs.....Per year

5.2 Private refuse collector with 2 or more vehicles 5 ton & aboveKshs.....Per year

5.3 Private refuse collector with pick upKshs.....Per year

5.4 Private refuse collector with wheel cart (mkokoteni)... Kshs.Per year

5.5 Refuse disposal plant Kshs.Per year

5.6 Refuse recycling plant Kshs.Per year

5.7 Refuse recycling plant Kshs.Per year

REFUSE DISPOSAL AT TOWN COUNCIL REFUSE DISPOSAL SITES.

6.1	1 – 5 Ton Lorry load	Kshs.....Per Trip
6.2	1 – 10 Ton Lorry load	Kshs. Per Trip
6.3	10 – 20 Ton Lorry load	Kshs..... Per Trip
6.4	1 Wheel Cart (Mkokoteni)	Kshs.....Per Trip

Made this 19th day of November 2008.

By order of the Town Council of Kilifi.

W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI

Approved this 11th day of December 2008

HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT

TOWN COUNCIL OF KILIFI



**PARKING PLACES AND OMNIBUS STATIONS
BY-LAWS, 2008**

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 201 of the Local Government Act Cap 265 and section 72(j) of the traffic Act (Cap403) the Town Council of Kilifi hereby makes the following by-laws:-

THE TOWN COUNCIL OF KILIFI (PARKING PLACES AND OMNIBUS STATIONS) BY LAWS, 2008

1. These by-laws may be as the Town Council of Kilifi (parking places and omnibus Stations) by –laws ,2008.

2. In these by-laws unless the context otherwise requires:-

“Town Clerk” means the person for the time being holding the office of the clerk of the Town Council of Kilifi, his deputy or any other person authorized by him for the purposes of these by-laws:

“**Council**” means the Town Council of Kilifi:

“ **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 passenger 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 an indicated As such by a sign, for affording facilities for the arrival and departure of omnibus:

“**Permit**” may be referred to as license, fee or charge and includes council receipt issued for A particular purpose and period.

“**Fees or changes**” shall be those latest Gazetted at any point of time

“**Park**” means to draw up a vehicle and leave the same stationary in a street, other public place for a continuous period exceeding five minutes:

“**Vehicle**” includes any motor cycle, tractor, trailer, wagon, hard carts, pedal bicycle and any other motor or manual or electric vehicle.

“Town” means the area covered by the council.

3. (i) No driver or an omnibus when carrying a passenger for hire or reward shall without prior written permission of the Town Clerk start or terminate any journey at any place other than **finish**

an omnibus station.

Omnibus to start and

at station

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

4. (i) No omnibus, whilst being piled for hire or reward shall, without permission of the Town Clerk be packed at 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 of the Traffic Act.

parking places

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

6. (1) (a) No person who is at omnibus station shall:-

Willfully and unreasonably impede any other person seeking to enter an omnibus or to alight there from:

No person

- (b) Enter, alight 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) Willfully and unreasonably obstruct or impede any authorized person in the performance of his lawful duty.
- (ii) Any person who contravenes the provisions of this by-law shall be guilty of an Offence.
6. (i) An owner of an omnibus shall pay to the council in advance the appropriate fees and charges prescribed in the council's latest Gazetted list of fees and charges before entering the omnibus station.
- (ii) For the purpose of this by-law any omnibus driven into an omnibus station shall be deemed to be using the omnibus station.
- (iv) Subject to paragraph (2) of this by-law any person who drives an omnibus into an omnibus station when the fees or charges due in respect thereof have not first been paid, shall be guilty of an offence.
- (I) There shall be no parking of vehicles on roads and any other places other than the places set aside and approved by the council as parking places arranged and designated for it by the council or by a person so contracted by the council.
7. (i) 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.
- (ii) No person shall, 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.
- (iii) Any person who contravenes the provision of this by-law shall be guilty of an offence.
9. (i) No person shall park any broken down vehicle on any parking place or omnibus station except in an emergency and in such a case the vehicle shall be removed from the parking place or omnibus station within forty eight hours. **Parking**
- (ii) Any person who obstructs any council official on his/her official duties shall be guilty of an offence under these by-laws.
- (i) The council may set aside some site (s) within its boundaries as omnibus station and may as well arrange both the roads authority on the ground to allow it use part of any road as an omnibus station, each omnibus shall have to stop at each omnibus station for at least two minutes, provision of clause (vi) of these by-laws notwithstanding.
- (ii) Each omnibus shall have its own lawful driver(s) cashier(s) and turnperson.(s) of
Among other duties, arising passengers and then entering and alighting into and from their omnibus in a proper, orderly and safety manner.
- ((iii) No any other person other than the council or a person so contracted by the council shall carry out any administrative or management role in any omnibus station within the council boundaries.

(iv) All prohibited actions in a public market as specified in public markets by-laws 13 and other Prohibited practices as specified in general Nuisance By-laws 27 both of the council shall be prohibited actions in any omnibus Station within the council boundaries.

(v) Each omnibus shall only enter and leave omnibus station through places designated for its entry and exit respectively.

(vi) Each omnibus shall enter, park and leave the omnibus station through places designated for its entry and exit respectively.

(VI) Each omnibus shall enter, park and leave the omnibus station in an orderly manner as Prescribed by the council or by a person contracted by the council.

(vii) Each omnibus shall enter, park and leave the omnibus station in an orderly manner as prescribed by the council or by a person contracted by the council.

No omnibus shall stand or move in any other place(s) so arranged and

(Vii) No omnibus shall stand or move in any other place(s) in the omnibus station In an orderly manner as prescribed by the council or by a person contracted by the council.

(viii) The council may bar any omnibus from operating in any place within the Council omnibus station included if the said omnibus lacks required licenses or it is unroadworthy or its driver(s) or the turperon(s) or the cashier in relation to the said omnibus operations in any place(s) and at any point of time within the council boundaries shall be an illegal act committee jointly by its said owner(s) driver(s), cashier(s) and truperon(s) and any of these person may cashier(s) and truperon(s) and any of these person maybe charged for the said illegal act jointly or separately.

(xi) The council's omnibus station charges shall be per each omnibus entry with an omnibus station and as per the latest gazetted council fees and charges.

(xii) The omnibus owner(s), driver(s) cashier(s) and turperon(s) shall be either jointly or Separately responsible for paying the said fees and charges referred to in by-laws 11(xii) above and they may be jointly or separately charged for failing or refusing to pay the said entry fees/charges.

(xiii) Provisions of all Acts of Kenya parliament shall apply in the country.

11. Any person who obstructs any council official on his/her official duties under these by-laws Shall be guilty of an offence.

11. Any person who is guilty of an offence under the provisions of these by-laws shall be liable: _

(a) In the case of a first conviction for such offence, to a fine not exceeding two thousand Kenya shillings, or imprisonment for a term not exceeding six months, or to both such fine and imprisonments: or

(b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or to both such fine and imprisonment.

Made this 19th day of November 2008.

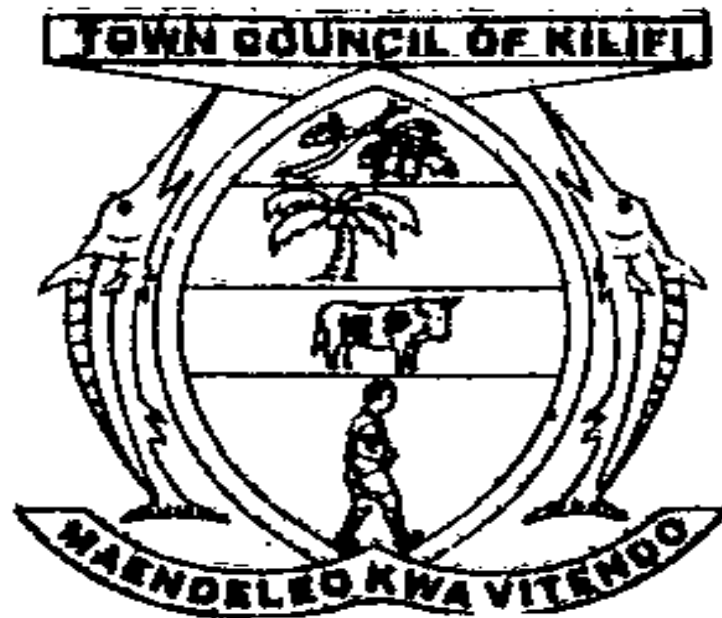
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



AGRICULTURAL PRODUCE CESS
ADOPTIVE BY-LAWS, 2008

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 201 of the Local Government Act, and in conformity with section 192A of the Agricultural Produce Cess Act, the Minister for Local Government with the consent of the Minister for Agriculture makes the following orders:-

THE LOCAL GOVERNMENT (AGRICULTURAL PRODUCE CESS) ADOPTIVE BY-LAWS) ORDER 2008

1. This order may be cited as the Local Government Agricultural Produce Cess **Citation**
(Adoptive By-laws) order.

2. The by-laws set out in this order shall adoptive agricultural produce cess **Adoptive By**
laws by laws which any Municipal, Town or county council may adopt.

In these by-laws, unless the context otherwise requires:-

'Authorized agent' means in respect of the produce specified

Interpretation

In the first column of the schedule and any person authorized in writing by the council to collect

And to issue receipts for produce cess imposed in accordance with the provisions of by-law 4.

"Inspector" means the clerk and any person acting under directions of the clerk or any person

Authorized by the council in writing to carry out inspection for the purpose of these by-laws,

"Owner" means the producer, trader, company, co-operative society or driver transporting the produce on behalf of the owner.

"Produce" means any of the commodities specified in the first column of the schedule,

"transport" means any vehicle or animal used for the transportation of produce.

"transporter" means the person, trader, company, co-operative society or driver transporting

The produce on behalf of the owner.

3. A cess at the rate of one percent (1%) centum of the gross producer price of produce

Imposition

Purchased from the owner within the jurisdiction of the council shall be payable to the Council.

Imposition

of cess

5. The cess payable under these by-laws shall be withheld by the authorized agent from the proceeds payable to an owner for produce and all cess so

Collection of

cess

the proceeds payable to an owner for produce and all cess so withheld shall be remitted to the council in monthly, quarterly or seasonal installments as may be agreed between the authorized agent and the council.

6. An authorized agent shall issue a receipt to an owner for any cess to be withheld under by-law 4.

Receipts to be issued

(1) Subject to these by-laws no person shall transport or cause to be transported any

Produce unless such produce is being transported to an agent.
produce

Movement Of

(2) Nothing in these by-laws shall apply to the movement of produce within the boundaries Of a farm, plot or holding upon which it was produced or to the movement by the most Direct or normal route by the grower of such produce from the place it was grown to the Nearest authorized agent.

Where the produce is being transported to an authorized agent it should be Accompanied by A movement permit required by any law for the time

Produce

by A movement permit required by any law for the time being in force in Kenya relating to such Produce or by a written authority to transport such produce issued by an authorized agent.

9. An inspector may order any transporter to stop, or any authorized agent to produce relevant records, and may make such enquiries and

Inspection of

produce

and such inspection of the goods carried by such transporter, or the records kept by such authorized agent, as **and records** may be necessary for the purpose of enforcing these by-laws.

10. The council may from time to time by a resolution and with the consent of the Consent of the Minister for agriculture given after

Amendment

Consent of the Minister for agriculture given after consultation with the Minister for Local Government amend the produce or authorized agent specified In the schedule.

11. Any person who contravenes these by-laws shall be guilty of an offence and liable to a fine not exceeding two thousand shillings (2000/=) or to imprisonment for a not exceeding six months or to both, and in the case of a second or subsequent offence, a fine not exceeding nine months or both.

12 All previous by-laws by a council imposing cess on produce listed in the first Column of the schedule are revoked.

SCHEDULE

(BY-LAW 3)

Produce

Authorized Agent

Coffee

Coffee Board of Kenya

Wheat & Maize

1. National Cereals and Produce Board.

2. Kenya Seed Company Limited

Cashewnuts

National Cereals and Produce Board

Pyrethrum

Pyrethrum Board of Kenya

Cotton

Cotton Lint and Seed marketing Board or Any other authorized cotton dealer.

Tobacco

British American Tobacco Kenya Limited

Tea

1. Kenya Tea Development Authority

2. Brooke Bond Kenya Limited

3. Mitchell Cotts Kenya Limited

4. George Williamson Kenya Limited

5. Tea estates or organizations which sell tea

Tobacco

Mastermind Tobacco Kenya Limited

Made this 19th day of November 2008.

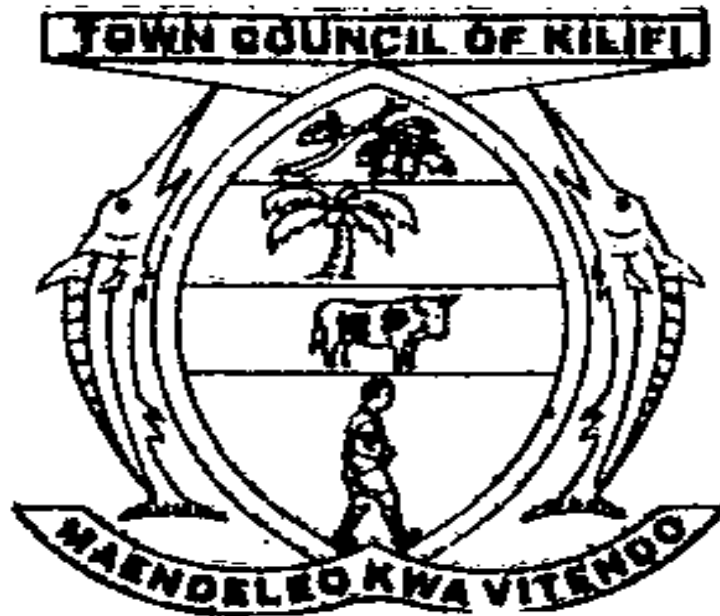
By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**

TOWN COUNCIL OF KILIFI



STOCK AUCTION AND SALES
BY-LAWS, 2008

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 147 (C) and 201 of the Local Government Act, the makes Town Council of Kilifi hereby makes the following by-laws:-

THE LOCAL GOVERNMENT (STOCK AUCTION AND SALES BY-LAWS), 2008

These by-laws may be cites as the Town Council of Kilifi
(Stock Auction and sales) by-laws, 2004.

Citation

In these by-laws, unless the context otherwise:-

Interpretation

"Council" means the Town Council of Kilifi.

"Clerk" means the person holding the office of the clerk to Town Council of Kilifi, his Deputy and any other person authorized by him for the purpose of these by-laws.

"Town" means the area of jurisdiction of the Town Council of Kilifi.

"Collector" means a duly authorized agent the council for purposes of collection of its fees and charges.

"Fees or charges" are those latest gazetted at any point of time by the council.

"Public Market" means any public market and includes a public place for stock action sales

"Permit" any be referred to as license, fee or charge or a council receipt.

"Stock" means any bull, cow heifer, steer sheep ,goat or pig or any other domestic animal.

3. (i) Any person who buys any stock within the town either in a public auction or not, Shall pay to the council the fees specified in the council's latest gazetted fees and charges.
4. Where any stock is brought into public auction the person who brought it shall pay Landing fees specified in the council's latest gazetted fees and charges.
- 5 (i) Every auctioneer or buyer, as the case may be, shall within fifteen days of the date of an auction or sale submit to the council a statement showing the number and description of the stock auctioned or brought by him and specify the names of the parties to every transaction.
- (ii) Every butcher shall, immediately after the end of every month, submit to the council A statement showing the number of stock purchased by him during the previous month And specify whether or not such stock was purchased at a public auction.
- (iii) Any person who sells any stock, whether at a public auction or not shall pay to the council the fees specified in the council's latest gazetted fees and charges as stock transaction registration fee.
- (iv) Any person who contravenes the provisions of these by-laws shall be guilty of an offence.
6. Any person who is guilty of an offence under the provisions of these by-laws shall be

Penalty

Liable:-

- (a) In case of a first conviction for such offence, to a fine not exceeding two Thousand Kenya shillings (**2000/=**), or imprisonment for a term not exceeding six months, Or imprisonment for a term not exceeding six months, or to both such fine And imprisonment; or
- (b) In the case of a second or subsequent conviction for such an offence, to a fine not exceeding three thousand Kenya shillings, or imprisonment for a term not exceeding nine months, or both such fine and imprisonment.

Made this 19th day of November 2008.

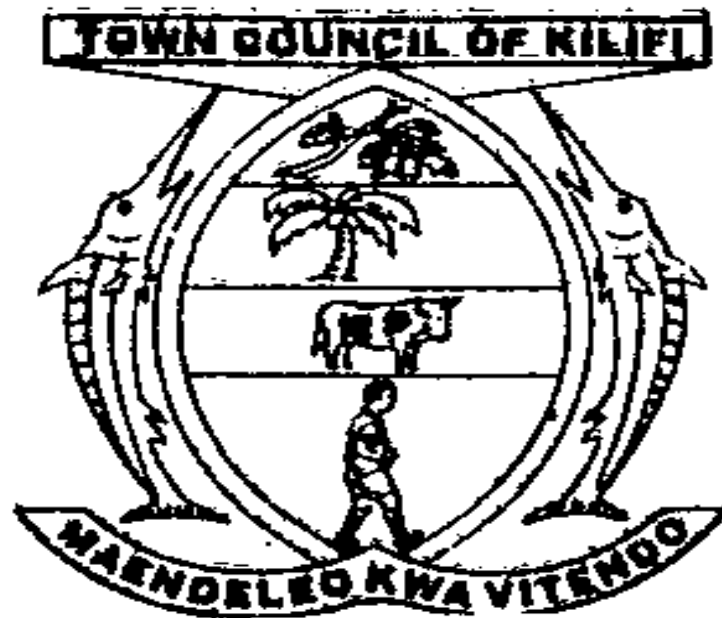
By order of the Town Council of Kilifi.

W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI

Approved this 11th day of December 2008

HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT

TOWN COUNCIL OF KILIFI



GRATUITY BY-LAWS, 2008

LEGAL NOTICE NO 688 OF 14TH JANUARY 2009

THE LOCAL GOVERNMENT ACT (CAP 265)

IN EXERCISE of the powers conferred by section 151 of the Local Government Act, Cap 265, the Town Council of Kilifi hereby makes the following by-laws:-

THE LOCAL GOVERNMENT (STOCK AUCTION AND SALES BY-LAWS), 2008

THE TOWN COUNCIL OF KILIFI GRATUITY RULES

These rules may be cited as the Town Council of Kilifi Councillors Gratuity Rules, 2008.

In these rules, unless the context otherwise requires:-

"Clerk" means the Town Clerk of Kilifi Town Council

"Council " means the Town Council of Kilifi

"Councillor" means the elected or nominated member of the council of a local authority.

"Continuous Service" means the uninterrupted time spent by an individual as a councillor.

"Dependant Relative" means in relation to a deceased councillor, any relative of the deceased who services the and who, on the date of the deceased's death:-

Was wife or husband of the deceased;

Was a son or daughter of the deceased who had not attained the age of eighteen years; or was wholly or substantially dependent on the deceased for the provision of the ordinary necessities of life suitable to his station, and was a relative of the deceased, being a parent, grandparent, son daughter, sister or such other relative as may be prescribed.

QUALIFICATION FOR GRATUITY

Subject to the approval of the council, a councillor who retires after 15 or more years of continuous service may be granted a gratuity as a special award for long and faithful service to the council.

CALCULATION OF GRATUITIES

Gratuities will be calculated at the rate of one twelfth of one month's allowance as at the date of retirement for each completed month of service, payment of a gratuity after approval by the council will be made by the Town Treasurer from the appropriate reserve.

APPLICATION FOR GRATUITY

Application for the payment of a gratuity must be submitted to the Clerk of the Council together with a complete history sheet indicating the date and duration of successive terms spent by the applicant as Councillor.

A Gratuity calculated on the same basis as in rule 4 of these rules is also payable to the dependant relative of a councillor who having completed 15 or more years continuous service, dies while a member of the Council or Commission of Local Authority;-

Made this 19th day of November 2008.

By order of the Town Council of Kilifi.

**W M JILANI
TOWN CLERK
TOWN COUNCIL OF KILIFI**

Approved this 11th day of December 2008

**HON. MUSALIA MUDAVADI, EGH,MP,
DEPUTY PRIME MINISTER AND MINISTER FOR LOCAL GOVERNMENT**