

THE VIHIGA COUNTY REVENUE ADMINISTRATION ACT, 2015

REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

PART I – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Application

PART II – ADVERTISEMENT

5. Application for advertisement
6. Fees
7. Expiry of permit
8. Cancellation of advertisement
9. Application for advertising device

10. Maintenance of advertising device
11. Production of advertisement authority
12. Removal of advertising device
13. Exemptions
14. Penalties

PART III– BUSINESS PERMITS

15. Application for a business permit
16. Fees
17. Transfer of a permit
18. Cancellation of a business permit
19. Inspection
20. Production of a permit
21. Display of a permit
22. Offences
23. Penalties

PART IV – PUBLIC MARKETS AND STALL

24. Establishment of markets and stalls
25. Hours and days opening
26. Prohibited sales
27. Remaining in the market when closed
28. Dogs not allowed in the market
29. Motor bikes and bicycles
30. Cooking in the market
31. General nuisance
32. Sale of diseased and unwholesome goods
33. Prohibited places
34. Livestock not to be brought in the market
35. Numbering of stalls
36. Stall holders
37. Non-compliance with instructions and directions of a market master
38. Stalls specified for particular use
39. Stall charges
40. Persons entering the market to use authorized entrance
41. Power to evict
42. Market committee
43. Penalties

PART V – PARKS AND OPEN PLACES

44. Opening and closing hours
45. Prohibition to entry before opening time or closing time
46. Entry or exist through appointed gates
47. Interferences with notices, signs or boards
48. Entry fees
49. Removal or displacement
50. Riding or driving a beast of burden

51. Grazing of livestock in the parks
52. Restriction on domestic animals
53. Management of the parks
54. Trading in soft drinks and cakes
55. Fixing of Regulations, placards or notices
56. Destruction of vegetation
57. Depositing of litter
58. Fire
59. Climbing
60. Harming and interfering with birds or butterflies
61. Riding or parking motor cycles or vehicles
62. Interference with switches and meters
63. Disturbance, disorderly or indecent behaviour
64. Driving for hire
65. Residence
66. Offences and penalties

PART VI – DESIGNATED PARKING

67. Designation of parking areas

68. Number and situation of parking spaces
69. Marking of parking spaces
70. Duration of parking place payments
71. Reserved parking
72. Manner of parking
73. Charges for clamping
74. Display of parking permit
75. Free parking days and hours
76. Free parking days and hours
77. Identification of officers manning parking areas
78. Prohibition of transfer of parking permit
79. Permit for commercial parking
80. Signalling, guiding or directing driver of a vehicle into or out of parking places
81. Offences
82. Obstruction
83. Towing of vehicles
84. Loss or damage
85. Changes in fees and charges
86. Offences and penalties

PART VII – BUS PARK AND OMNIBUS STATIONS

87. Provision of bus park
88. Starting and terminating of a journey
89. Stopping on a non-designated area
90. Parking on roads
91. Parking spaces
92. Public nuisance and obstruction
93. Queue
94. Conduct of persons at the bus park station
95. Fees
96. Power to arrest drivers and impound vehicles
97. Offences and penalties

PART VIII – TAXI-CABS

98. Permit
99. Application for permit
100. Authorized Officer to issue permit
101. Grounds for refusal to grant permit
102. Transfer of permit
103. Permit to corporation
104. Duplicate permit or plate

105. Insanity, death or bankruptcy of a permit holder
106. Limitation on the number of taxi-cabs
107. Examination
108. Tariff card
109. Display of permit plate
110. Fittings in taxi-cabs
111. Taxi meters
112. Identification
113. Conduct of taxi-cab drivers
114. Use of taxi meters
115. Prohibition of importuning for hire
116. Use of taxi ranks
117. Refusal of passenger
118. Additional passenger
119. Demand of taxi fares by the operator
120. Prohibition against demanding
121. Position of taxi ranks
122. Unlicensed vehicles
123. Unlicensed drivers
124. Presumption as to plying for hire
125. Penalties

PART IX – NON-MOTORIZED VEHICLES

126. Application for a permit
127. Application in writing
128. Duration of a permit
129. Authorized Officer to issue a license
130. Misuse of non-motorized vehicles
131. Maximum load
132. Transfer of a permit
133. Persons under eighteen years not to be licensed
134. Renewal and cancellation of a licence
135. Offences
136. Penalties

PART X – DEVELOPMENT CONTROL

137. Class -B, development
138. Class -A, development
139. Exemptions
140. Grant of permission
141. Applications
142. Supplemental plans
143. Retention of plans

144. Restriction on developments
145. Payment of fees
146. Compliance with requirements
147. Approval of building plans
148. Disapproval
149. Minor alterations and additions
150. Nullification of approval
151. Notification of commencement of construction
152. Access to building plans by the County Physical Planner
153. Survey beacons
154. Inspection of foundation bed of buildings
155. Qualification of approval
156. Certificate of completion
157. User other than specified
158. Facilities for people living with disabilities in new and existing buildings
159. Safety and performance certificate
160. Classification of safety/performance compliance certificate
161. Conservation and heritage
162. Strategic development plan
163. Environment impact assessment
164. Subdivisions
165. Offences and penalties

PART XI – COUNTY GOVERNMENT RENTAL HOUSES

166. Application
167. Assigning or subletting
168. Payment of rent
169. Alteration, additions to the approved design of the premises
170. Illegal extensions to buildings
171. Eviction
172. Impounding and sale of tenants' goods for recovery of rent arrears
173. Forceful or breaking into the premises
174. Inspection of premises
175. Keeping of animals or poultry
176. Planting of crops
177. Nuisance
178. Premises to be used on as private residence
179. Damages to floors, walls, timber premises, trees, water pipes, boundary fences and hedges
180. Notices
181. Offences
182. Penalties

PART XII – SLAUGHTER HOUSES

183. Establishment of slaughter houses
184. Slaughter of animals
185. Opening and closing of slaughter houses
186. Methods of slaughtering

187. Dead or moribund animals, gut cleansing
188. Disposal
189. Dogs at slaughter houses
190. Admission into the slaughter houses
191. Liability
192. Prevention of spread of disease
193. Lawful instruction
194. Obstruction of officer
195. Exemption from liability
196. Fees
197. Offences
198. Penalties

PART XIII – PRIVATE LEARNING INSTITUTIONS

199. Permitted premises
200. Form of permit
201. Duration
202. Transfer of permit not allowed
203. Conditions for issuance of permit
204. Conditions of premises
205. Infected persons
206. Inspection of schools
207. Fees
208. Duty of permit holder
209. Offences
210. Penalties

PART XIV – HAWKING

211. Application for permit
212. Issuance of permit
213. Production of a permit
214. Hawkers assistant
215. Transfer of permit
216. Impounding of goods
217. Hawking in central business district
218. Buying, negotiating, soliciting and inducing
219. Offences
220. Penalties

PART XV – DRAINAGE AND SEWARAGE

221. Provision for conveying surface water
222. Provision of conveying foul water
223. Construction of private sewer
224. Provision of drain for new building
225. Prohibition of conveyance of fouled water into sub-soil surface store or rain water

226. Notice for provision of drain
227. Connection to a foul sewer to be seventy yards from a boundary
228. Notice to connect to a public sewer
229. Maintenance of drains
230. Examination of drainages
231. Prohibition of draining into a public sewer
232. Grant of permission
233. Inspection chamber
234. Interference with free flow of sewerage
235. Maintenance of opening to any drain
236. Permission to construct a drain
237. Conditions for drainage works
238. Construction of drains
239. Recovery of costs
240. Safety measures
241. Request for testing
242. Cover of drainage work before inspection
243. Issuance of a certificate upon approval
244. Provisions of latrines
245. Form of permit
246. Examination of plumbers' pursuant to grant of permit
247. Register
248. Inspection of plumber's permit
249. Cancellation of a plumber's permit
250. Failure to comply with a notice
251. Offences
252. Penalties
253. Prohibition of quarrying activities
254. Application for permit
255. Duration of a permit
256. Keeping of records

PART XVI – QUARRYING

257. Provision of amenities to workers at a quarrying site
258. Closure of a quarry
259. Conditions before leaving a quarry site
260. Entry and inspection
261. Fees
262. Offences
263. Penalties

PART XVII – SAND HARVESTING

- 264. Licensing of sand harvesting
- 265. Licensing of sand transporters
- 266. Application for permit
- 267. Approval of permit
- 268. Payment of approved fees
- 269. Prohibition of a transfer of a permit
- 270. Offences
- 271. Penalties

PART XVIII- POUNDS

- 272. Establishment of pounds
- 273. Receipt of animals by Pound Master
- 274. Release of impounded animal, vehicle or item
- 275. Declaration of unclaimed items ownerless
- 276. Sale of unclaimed animals, items or vehicles
- 277. Slaughter of unclaimed animals
- 278. Immunity
- 279. Fees
- 280. Offences
- 281. Penalties

PART XIX – PUBLIC LAVATORIE

- 282. Partnerships
- 283. Use of lavatory
- 284. Person managing a lavatory
- 285. Permit
- 286. Offences
- 287. Penalties

PART XX – RESTAURANT, EATING HOUSE, SNACK BAR AND CAFÉ

288. Application for permit
289. Permits
290. Authorized officer to issue permit
291. Power to refuse to grant permit
292. Cancellation of permit
293. Transfer of permit
294. Permit to corporation
295. Application for duplicate permit
296. Death, bankruptcy or unsoundness of mind
297. Restaurant's permit
298. Sculleries in restaurant
299. Sanitary conveniences in restaurant
300. Waste management in restaurants
301. Miscellaneous requirements for restaurants
302. Eating houses
303. Waste management in eating houses
304. Miscellaneous requirements for eating houses
305. Snack bar permit
306. Requirements for snack bars
307. Waste management for snack bars
308. Miscellaneous requirements for snack bars
309. Open air eating place
310. Cooking without permit
311. Sale of food for consumption
312. Liability of a permit holder
313. Power to inspect
314. Persons suffering from infectious or contagious diseases
315. Display of permits
316. Food contamination
317. Personal hygiene
318. Misuse of sinks and kitchen
319. Restriction on names
320. Restriction on trading
321. Nuisance
322. Disorderly, indecent behaviour
323. Storage of fuel
324. Tariff of charges
325. Offences
326. Penalties

PART XXI – FOOD SHOPS AND STORES

- 327. Exemptions
- 328. Permits
- 329. Application for permit
- 330. Form of permit
- 331. Refusal to grant permit
- 332. Cancellation of permit
- 333. Transfer of permit
- 334. Transfer to a body corporate
- 335. Duplicate permit
- 336. Death, insanity, bankruptcy
- 337. Restriction on employment
- 338. Manner of storing food
- 339. Display of permits
- 340. Protection of food
- 341. Wash basins position and persons engaged
- 342. Sanitary convenience
- 343. Manner of handling of food
- 344. Open food
- 345. Grocer's permit
- 346. Grocer's shop
- 347. Butcher's permit
- 348. Butcher's shop
- 349. Uninspected meat
- 350. Manner of handling of meat
- 351. Meat conveyancing
- 352. Fishmonger's permit
- 353. Fishmonger's shop
- 354. Fish boxes
- 355. Manner of handling fish
- 356. Green grocer's permit
- 357. Green grocer's shop
- 358. Food store permit
- 359. Trading without a permit
- 360. Inspection
- 361. Presumption of goods
- 362. Exemptions by Public Health Officer
- 363. Offences
- 364. Penalties

PART XXII – CONTROL OF HAMALI CARTS AND HAND CARTS IN PUBLIC STREETS

- 365. Fees
- 366. Control of hamali carts and hand carts
- 367. Traffic rules
- 368. Offences and penalties

PART XXIII- CONTROL OF GRAZING

- 369. Grazing with the County
- 370. Permit
- 371. Production of permit
- 372. Payment of fees and charges for permit
- 373. Offences
- 374. Penalties

PART XXIV – SALE OF ICE CREAM

- 375. Sale of ice cream
- 376. Sale without permit
- 377. Fees
- 378. Form of application
- 379. Duration of permit
- 380. Transfer of permit
- 381. Inspection
- 382. Cleanliness
- 383. Restriction on employment
- 384. Medical examination
- 385. Breach
- 386. Production of permit
- 387. Offences
- 388. Penalties

PART XXV – CONTROL AND LICENSING OF DOGS

- 389. Issuance of permit and permit badge
- 390. Expiry of a permit
- 391. Refusal to issue permit or permit badge
 - 392. Issuance of duplicate permit or permit badge
 - 393. Offences
 - 394. Right to seize or pound
 - 395. Condition for release of impounded dogs
 - 396. Dealing with unreleased or reclaimed dogs
 - 397. Right of entry
 - 398. Penalties

PART XXVI – PREVENTION AND EXTINCTION OF FIRES AND FIRE BRIGADES

- 399. Premises and use premises for which fire compliance certificate is compulsory / designate use premises
- 400. Power to inspect
- 401. Premises exempt from fire compliance certificate
- 402. Power of County Government to make fire compliance certificate compulsory for use of certain premises as a dwelling
- 403. Right of appeal against and coming into force of notices
- 404. Application for an issue of fire compliance certificate
- 405. Contents of a fire compliance certificate
- 406. Offences in relation to foregoing provisions
- 407. Change of conditions affecting adequacy of certain matters specified in a fire compliance certificate
- 408. Storage of combustible materials
- 409. Licence fees
- 410. Power of the County Government to make regulations on fire precautions
- 411. Responsibility of owners of premises on fire precautions
- 412. Licensing to install service repair of firefighting equipment
- 413. Affixing of labels (inspection sticker)
- 414. The County Government to affix or erect a sign showing fire hydrant
- 415. County Fire Officer to respond to fire
- 416. Role of the County Fire Officer
- 417. Interference with the members of the fire brigade and firefighting appliances
- 418. Enforcement of this Part
- 419. Restriction on disclosure of information
- 420. Falsification of document and false statement
- 421. Defence available to persons charged with offences
- 422. Miscellaneous and general provisions of these Regulations
- 423. General offences and penalties

PART XXVII – GENERAL NUISANCE

- 424. Noisy musical instruments
- 425. Noisy building operations
- 426. Noisy trades and industrial operations
- 427. Barbed wire
- 428. Deposit of debris
- 429. Nuisance by animals
- 430. Game animals
- 431. Encroaching hedges and trees
- 432. Projections
- 433. Source of danger
- 434. Damage and obstructions
- 435. Defacing buildings
- 436. Breaking
- 437. Obstruction
- 438. Pound fee
- 439. Nuisance on the streets
- 440. Deposition of materials
- 441. Discharge of missiles
- 442. Vehicle loads
- 443. Loitering on County Government property
- 444. Signing of notices or consent
- 445. Offences and penalties

PART XXVIII- POLYTHENE CARRY BAGS

- 446. Prohibition

PART XXIX – SOLID WASTE

MANAGEMENT

- 447. Duty of care
- 448. Waste operators
- 449. Waste transporters
- 450. Registers
- 451. Collection
- 452. Disposal
- 453. Payments
- 454. Enforcement
- 455. Offences and penalties

PART XXX – FILM MAKING, CULTURAL EVENTS AND ENTERTAINMENT

- 456. Cinemas, video shows and hiring
- 457. Fees
- 458. Promotion of cultures and cultural heritage
- 459. Penalties

**PART XXXI – TRAFFIC FLOW
CONTROL**

- 460. Signals and signs to be obeyed
- 461. Obstruction
- 462. Unattended motor vehicles
- 463. Traffic signs
- 464. Offences and penalties

**PART XXXII – ENVIRONMENT AND
LITTERING**

- 465. Right to clean environment
- 466. Appointment of environmental officers
- 467. Duties of environmental officers
- 468. Power of entry
- 469. Offences related to inspection
- 470. Provision of street litter bins
- 471. Prohibition against littering
- 472. Penalties

PART XXXIII – ENFORCEMENT PROVISIONS

- 473. Cancellation of licences and permits
- 474. Penalties to permit holders and licensees
- 475. Offences
- 476. Penalties

PART XXXIV DISPOSAL OF CORPSES AND BURIAL

- 477. Disposal of corpses

PART XXXV MATERNITY AND NURSING HOMES

- 478. Maternity homes

SCHEDULES

FIRST SCHEDULE – TAXI- CAB PERMIT

SECOND SCHEDULE- TAXI-CAB DRIVER'S PERMIT

THIRD SCHEDULE-TAXI-CAB DRIVER PERMIT REQUIREMENT

FOURTH SCHEDULE - APPLICATION FOR THE GRANT/RENEWAL OF A PERMIT

FIFTH SCHEDULE- APPLICATION FOR SUPPLY OF WATER

**SIXTH SCHEDULE- FEES AND CHARGES (REFER TO THE FINANCE
ACT, TRADE LICENSING ACT 2017)**

**THE VIHIGA COUNTY REVENUE ADMINISTRATION ACT, 2015
REGULATIONS**

IN EXERCISE of the powers conferred by section 36 of the Revenue Administration Act, 2015, the County Executive Committee Member for finance makes the following Regulations: —

THE VIHIGA COUNTY REVENUE ADMINISTRATION ACT, REGULATIONS, 2018

PART 1- PRELIMINARY

- | | |
|----------------|--|
| Short Title | 1. These Regulations may be cited as Vihiga County Revenue Administration Act, Regulations, 2018 |
| Interpretation | 2. In these Regulations unless the context otherwise requires-

-Accounting Officer, means the person designated in writing by the County Executive Committee Member responsible for matters relating to finance to be responsible for managing the finances of the County Government entities as specified in the appointing letter;

-advertisement, means the use and/or display any word, letter, model, sign, placard, board, notice or representation whether illuminated or not in the nature and employed wholly or in parts for the purpose of promotion of a product or article by a proprietor and without prejudice to the foregoing includes any hoarding or similar structure used or adapted for use for the display of sale promotions accordingly; provided that any advertisement put inside a building or private property shall not be included;

-Advertisement Device, means-
a. Regulations boards including large outdoor advertising structures in high traffic areas such as alongside busy roads and roundabouts;
b. business advertising which involves placing promotional material, commercial Brands, campaign messages on public places including transport vehicles;
c. banners placed on lamp columns or erected posts across the roads;
d. mobile Regulations boards;
e. posters placed on walls and other permitted structures;
f. street advertising done on pavements and on street furniture;
g. taxi advertising done on taxis (h) walls cape advertising done on walls;
h. digital signage on LCD or projected images on public environment; and
i. neon light advertising which includes the use of electrified, luminous tube lights.

-Authorized officer, has the meaning assigned under section 2 of the County |

Government Act and also includes an officer empowered in writing to carry out a specified responsibility or exercise a specified power under this Regulations;

-building, means any structure or erection and part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted and includes any boundary wall, screen wall, fence, hoarding or water or drainage work and any part thereof;

-building operations, - includes though not limited to putting up buildings partly or in whole, rebuilding operations, structural alterations or additions to buildings and other similar operations and the making of access roads, railways, water works, sewerage and drainage works, electrical and telephone installations and any road works preliminary to, or incidental to the erection of buildings;

-bundle waste, includes tree plants, shrubs, bush trimmings, newspapers, magazines, cartons or solid waste securely tied as a package not exceeding one meter in length or 15 kilograms in weight;

-bulk waste, includes large appliances, machines, furniture, and other solid waste (other than construction or demolition debris or dead animals with weights or volumes greater than those allowed for bundle waste or dustbins);

"business" means a concern carrying on the occupation of –

- a. a regulated trade;
- b. importing or exporting goods;
- c. commission agent or indent agent;
- d. manufacturer's representatives;
- e. produce dealer or produce broker;
- f. business broker or management consultant;
- g. insurance agent;
- h. estate agent; or
- i. any other occupation, whether similar to any of the foregoing or not, which the County Executive Committee Members may, by order, declare to be an occupation for the purposes of this definition;

-business permit, means any authorization right issued to any business or trade concern under Part III of this Regulations;

-charge" means an amount of money levied and payable as fees;

-County Fire Officer means the person appointed by the County Public Service Board as the County Fire Officer;

-clamp" means a metallic instrument used to lock the wheels of a vehicle to immobilize;

-clinical waste, includes any waste which consists wholly or partly of human or

animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, swabs or dressings or syringes, needles or other sharp instruments and any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice or the collection of blood for transfusion being waste which may prove hazardous to any person coming into contact with it;

-company, means a business entity registered and or issued with an incorporation certificate in accordance with the provisions of the Companies Act or the Business names Act or any other Law Subsisting in the Republic of Kenya at the time conferring Corporate Entity Status and perpetual succession under the Laws of Kenya;

-complete cold mix, means a product which is capable of manufacture into ice- cream with the addition of water only and is sent out by the manufacturer in air-tight containers, and has been made by evaporating a liquid mixture which has already been subjected to heat treatment comparable with the processes prescribed in this Regulations;

-vehicle, includes any engine propelled automobile, motor car, motor cycle, tractor, trailer, wagon or cart whether for public service or private;

-County Motor Vehicle, means a vehicle owned by the County or for the time being leased by the County Government for sole and exclusive use of the County;

-county waste, means waste which is the responsibility of the County whether under These Regulations or under any other law to collect, treat and otherwise disposes off;

-County, means the area under and/or within the jurisdiction of Vihiga County Government;

-County Government of Vihiga, means the County Government of Vihiga;

-County Chief Engineer, means the person for the time being holding the office of County Engineer in the County, and includes his or her deputy and any other authorized officer;

-County Physical Planner, - Means the person for the time being holding the office of the County Physical Planner and includes any person duly authorized by him or her and/or by the County Public Service Board to act on his or her behalf;

-County modern toilet, means a public lavatory/closet or urinal established and maintained by the County Government or in partnership with any other person or entity;

-development, has the meaning assigned under section 3 of the physical planning Act;

-Director of Environment, means the person at the time being holding the office of the director of environment for the County and includes his or her deputy or a person appointed by the County Public Service Board to be in charge of

environment matters at any particular time;

-domestic waste, means normal household waste produced in a residential building used wholly as a private dwelling;

-drain, -means any channel used for the drainage of one building only, or of premises within the same cartilage and made merely for the purpose of communicating there from with a receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed;

-dwelling, means a building or any part or portion of a building used or constructed, adapted or designed to be used for human habitation as a separate tenancy or by one family only, whether detached, semi-detached or separated by walls or by floors from adjoining buildings, together with such out buildings as are reasonably required to be used and enjoyed therewith, and shall include any residential flat or apartment;

-erection of any building, means-

- a. the putting up of any addition to an existing building;
- b. the refurbishing or alterations of any part of an existing building;
- c. the re-erection of any building or part of a building when an external wall of that building or part of a building has been destroyed or pulled down or burned down or damaged either wholly or partially;
- d. the roofing over of any space between walls or buildings;
- e. the changing of the purpose or purposes for which a building or part of a building or appurtenances of a building are used;
- f. the using for human habitation of any building which has not been previously used for that purpose;
- g. the increasing or the reducing of the number of dwellings or separate tenancies or occupancies in a building;
- h. the using of any building in a manner different from that shown on the plan thereof approved by the County whether before or after the date on which These Regulations becomes operative and whether or not it is proposed to execute any alterations or work in connection with the proposed change;
- i. the carrying out of any water service or drainage work;

-Estate Officer, means the person for the time being holding the office of estate officer of the County;

-external wall, means an outer wall or vertical enclosure of a building not being a party wall, whether or not adjoining a wall of another building;

-Fire Brigade, means the entity designated by the County to inspect for compliance, prevent and combat or deal with fire incidences or undertake extinction of fires within the County under the direction of the County Fire Officer, his officials and Fire

fighters;

-firefighting Purposes, means the purpose of the extinction of fires and includes the protection of life and property;

-film making, means the production of video film or photography;

-film maker, means the producer or Director of a certain film production;

-foundation bed, means the natural geological formation or solid ground at or over the bottom of the foundation trenches and on which the foundation is laid;

-Government Motor Vehicle, means a vehicle owned by the Government of Kenya and registered as a Government of Kenya vehicle and it is in use within the County;

-hamali cart, means a wheeled cart for the carriage of goods propelled by human energy;

-hand cart, means a two or three wheeled cart for the carrying of goods propelled by human energy;

-hawker, means a person who carries on either of the following businesses, whether as a principal, agent or employee-

- a. the sale of or exchange of goods or 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 County) or to go about in street or public places or from premises to premises for purposes of carrying on trade and promotion of sale of items; or
- b. the sale or exchange, or the offer of or exposing for sale or exchange of goods or wares, merchandise and refreshment, but does not include the seeking or taking of orders for subsequent delivery of goods, wares merchandise or refreshments to premises for the purpose of re-sale or trade by any of the means aforesaid;

-hazardous waste, means waste which is toxic, flammable, corrosive, radioactive, explosive or otherwise dangerous, and shall also include motor oil, diesel fuel gasoline (petrol), paint, solvents, dry cells and vehicle batteries, pesticides, and infectious medical wastes from hospitals and clinics, metallic and oily sludge or solvents from commercial and industrial establishments, asbestos materials, radioactive wastes, and any such like waste which possess characteristics that make them hazardous to human beings or to the environment;

-hazardous waste audit, means verification of records of hazardous waste disposal by an authorized institution or authority;

-Inspector, means an officer of the County authorized and/or empowered by the Accounting Officer to control and supervise a certain activity;

-Licensee, means the holder of a valid license;

-License, means a permit issued by the County Government under These Regulations for any

specified activity;

-Licensing Authority, means any entity or department of the County Government empowered to issue permits or licenses for carrying out a particular or specified authority under the relevant written laws;

-Livestock, means domesticated animals notably including though not limited to:- cattle, poultry, pigs, sheep or goats, rabbits;

-Management Board means the Board at that time managing any of the County Institution or facility on behalf of the County Government;

-Market Master, means the person appointed in writing by the County Public Service Board to control and supervise the public market specified in the instrument of his or her appointment;

-Medical Officer of Health, means the person for the time being holding the office of the Officer of Health of the County and includes his or her deputy and/ or the public health officer of the County;

-monthly license means a license issued under These Regulations on a monthly basis;

-Non-Motorized Vehicle means an animal or human drawn vessel used for the carriage of goods or persons and shall include bicycles;

-Occasional License means a license valid only on the date or time frame specified therein and not valid upon lapse of the time frame;

-Occupier, includes any person in actual occupation of premises or residential dwelling subdivided and let to lodgers or tenants;

-open space means a street, road, pathway or open ground;

a. -owner, means:- means a person in whose name a property is registered under the relevant Act; or

b. the person in whose name a vehicle is registered under the Traffic Act, and in relation to a vehicle which is subject of a hire purchase agreement or hiring agreement, includes the person who is in possession of the vehicle under that agreement;

-parking permit means a permit issued by the County Government authorizing the owner of a vehicle to use a designated parking place;

-parking space, means a space in a parking place, which is provided for parking of a single vehicle;

-Park Manager, means the person for the time being holding the office of park manager in the County department responsible for the parks;

-Park means any open space managed by the County Government for temporary resting, recreation purposes or public access at a fee or free;

- Passenger means a person carried in a motor vehicle or non-motorized vehicle for hire or reward;
- Permit Holder means a business entity authorized by the County Government to conduct business within its jurisdiction;
- Permit, means a document or permit issued by the County Government to a person or entity as authority to conduct business within its jurisdiction;
- Person, includes a company, association or other body of persons whether incorporated or un –incorporated;
- ply for hire, means and includes-
 - a. standing on any taxi rank; and
 - b. standing or travelling whilst exhibiting a -For Hire, notice or any other word or sign implying that the vehicle is a taxi cab.
- polythene carry bags, means any plastic bag used for packaging, storing, carrying or dispensing any article or commodity;
- polluter pays principle, means the compensation for the treatment of polluting waste discharged as provided for in the Water Act, Environmental Management and Coordination Act or any discharge regulation in force;
- Poultry, means any domestic bird or birds capable of domestication which include but not limited to fowls, ducks, geese, chicken, turkeys, peacocks, ostriches and guinea fowls;
- Premises, includes-
 - a. land;
 - b. commercial buildings;
 - c. houses, flats, rooms, bungalows or maisonettes belonging to and rented for residential purposes within the County;
 - d. vehicles;
 - e. railway carriage;
 - f. other conveyances and tents;
 - g. vans;
 - h. structures of any kind;
 - i. drains; and
 - j. open places, covered or enclosed, whether maintained or not under statutory authority, of any place within the County.
- Public Health Committee, means the duly constituted committee that handles public health matters of the County;
- public places, means places accessible to the general public like pavements, roads, buildings and parks whether free of charge or for a fee;

-residential dwelling means building, flat or any structure used as a private dwelling and includes undeveloped or partially developed land allotted for residential purposes;

"regulated trade" means –

- a. wholesale or retail trade;
- b. catering;
- c. laundering or dry-cleaning;
- d. hairdressing;
- e. beauty culture;
- f. shoe repairing;
- g. motor vehicle repairing;
- h. cinematograph film exhibition;
- i. advertising;
- j. the sale by a manufacturer of goods manufactured by him; or
- k. any other business designated as a regulated trade by the County Government or the Central Government.

-recommended thickness means a thickness of not less than 30 microns;

-Revenue Officer, means an officer of the County Government authorized in writing by the County Government to collect revenue;

-sand, means any of these loose granular materials between 1-4mm in diameter that results from the broken rocks and consists of particles smaller than gravel but courser used in mortar, glass, abrasive foundry moulds and buildings; or any soil containing 85% or more of sand a maximum of 10% of clay;

-Sand Harvester, a person who by himself or herself or through his agent gathers or collects sand for purposes of sale or own use;

-sealed means sealed by an official seal of the County Government;

-solid waste means County waste material generated by domestic households, institutions, commercial establishments, and industries, and all litter and clandestine piles of such wastes;

-Street, includes any street, road, highways, path, sanitary lane, sand lane, thoroughfare or public space to which the public have access and includes a bridge over which a roadway runs;

-Taxi-cab, means a public service motor vehicle constructed or made to carry a limited number of passengers, excluding the driver, which is licensed under these Regulations to ply for hire and for the purposes of these Regulations shall include tuktuks, maruti boda boda and motorcycles licensed to ply for hire or operate as taxis;

-taxi rank, means any one of the places prescribed by the County under the

provisions of Part IX of these Regulations as a waiting bay for taxi cabs;

-trade waste, means all commercial and industrial waste arising from trading of industrial or industrial output or business or in the provision of services and includes all waste which is not domestic refuse within the meaning of these Regulations. If any trade is carried on in a residential building or any part thereof, the whole of the waste arising therefrom shall be considered as trade waste;

-Transporter, means any individual or firm in the business or system of transporting goods, people or loads from one place to another;

-Vendor, means any person who sells goods, products, articles and commodities within the County;

-waste management service charge means the charge determined by the County Government from time to time either on its own motion or on a proposal from a Waste Manager as a waste management services charge;

-waste management, includes cleansing, removal, collection, transport, source sorting, treatment and disposal of waste in accordance with these Regulations or any other relevant written law;

-waste operator means an entity licensed by the County Government to carry out waste management operations within the County;

-waste treatment includes sorting, separation, and recycling, bulking, or other activity formal or informal which changes the quantity and composition of waste pending final disposal whether or not carried out with a view to extract useable elements;

-waste water, means any water which passes from any premises into a tank, pit, drain, or sewer from any closet, bath or wash basin situated or an appendage to such premises;

-waste, includes any substance which constitutes a scrap material or an unwanted surplus substance arising from the application of any process and any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoilt and for the purposes of these Regulations;

-water service works, means the construction, installation, laying, connection, fixing and alteration of water pipes, fittings or installations or appliances used or to be used in connection with any building;

-water way, includes channel, harbor, canals, ports and any part of a water body; and

-Way Leaves, means space or strip of land that is exclusively used for overhead, underground, ground level service lines for power lines, telephone lines, water pipes, sewer lines, ducts or any other space, conducting and or conveyance such services but not exclusively confined to the same owned by an individual, company,

Or parastatals

Application 4. These Regulations will apply within the County.

PART II – ADVERTISEMENT

Application 5. (1) A person who intends to use an advertisement device within the County shall make
for an application to the County Government.

advertisement (2) Every application for advertisement shall be made using the prescribed form to
the Authorized Officer and shall be accompanied by a plan or sketch showing to the
satisfaction of the Authorizing Officer, the content of the advertisement, position of the
proposed advertising device or notice, its dimensions and the method of erection and
standing, the material of erection and stating the material of which it is to be composed or
constructed, its color and such other information as the County may require.

(3) The County Government may-

a. refuse to approve an application for advertisement in any case where, in its opinion,
the display of an advertisement or the use of an advertising device would likely be
injurious or affect the amenities; or

b. grant an application for advertisement subject to such terms and conditions relating
to the content of advertisement, construction, nature and erection of advertising devices
as it may think fit.

(4) Any person who uses an advertisement device without formal approval of an for
advertisement and shall be guilty of an offence.

Fees 6. There shall be paid to the County Government in respect of every approval of an application
for advertisement issued under this Part the appropriate fees as per the approved fees and
charges.

Expiry of permit 7. Every grant of an application for advertisement issued under these Regulations shall expire
on the 31st day of December of the year for which it is issued unless cancelled prior to such
expiry.

Cancellation of 8. The County Government may from time to time by notice to holder thereof, cancel an
advertisement authority authority for advertisement for contravention of any of the terms and conditions thereof or
any of the provisions of this part or where in its opinion the continued display of any
advertisement device would likely affect or is injuriously the amenities of, or to disfigure
any neighborhood or for any other reason it may think fit.

Application 9. (1) Any person can apply for the use of any adverting device using the application form that
for may be prescribed by the County Government from time to time and upon paying the
advertising prescribed fees.

device (2) Any person who uses an advertisement device without the making an application
for its use and paying the prescribed fees for it shall be guilty of an offence.

Maintenance of 10. Any person who, being the holder an advertisement authority fails to maintain in

- advertising device
- good repair and in a proper and safe condition any advertising device authorized there under shall be guilty of an offence under these Regulations.
- Production of advertisement authority
11. (1) Any person who is granted advertisement authority under these Regulations shall on demand and within Twenty Four (24) hours produce such authority to the authorized officer.
- (2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence under these Regulations.
- Removal of advertising devices
12. (1) The Authorized Officer can with or without notice or under lawful order remove or pull down and dispose off any advertisement or advertising device erected, fixed, placed, maintained, displayed or used in contraventions of these Regulations.
- (2) Any person whose advertisement device has been removed as provided in subsection (1) above may apply to the County Government for the recovery of the impounded device upon payment of enforcement charges and penalties within thirty (30) days.
- (3) Upon the lapse of the thirty (30) days, the County Government shall have the discretion to destroy, dispose off or auction such advertisement device.
- Exemptions
13. Nothing in this Part shall apply to-
- a. public notices exhibited at public worship premises and public hospitals;
 - b. name boards of reasonable dimensions relating to private residential premises; and
 - c. name boards for business premises.
- Penalties
14. Any person who is guilty of an offence under this Part or fails to comply with the provisions under this Part, shall be liable to fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or both.

PART III - BUSINESS PERMIT

- Application for a business permit
15. (1) A person shall not engage in or carrying out any trade, occupation or business unless such person has made an application and obtained a permit for carrying out such business, trade, occupation or profession.
- (2) Every application for a business permit or for renewal of business permit under these Regulations shall be in the prescribed form to be obtained from the Authorized Officer.
- (3) If the application is for a new business permit, it shall be delivered to the authorized Officer not less than thirty days before the date which shall be specified in the application form, upon which it is, desired that, trading, business activity or occupation shall begin.
- (4) Application forms shall be completed by the applicant and the Authorized officer may grant or refuse to grant an application which does not comply with the all requirements of these Regulations or which does not give all the required information.
- (5) Any person who does not comply with the provisions of this section shall be

guilty of an offence.

Fees

16. A permit fee shall be paid to the County Government in respect of every business permit issued under this Part as per the approved fees and charges.

Transfer of a business permit

17. (1) A business permit issued under this Part may be transferred or assigned by the permit holder thereof to any other person, with the prior written consent of the County Government at a fee as may be prescribed from time to time;

(2) Any application for the transfer of any permit under subsection (1) above shall be in such form as may be prescribed by the County Government and shall be accompanied by the permit to which it relates

Provided that the County Government may, in any particular case require an applicant for the transfer of a permit under subsection (1) to submit or to supply such further information as it may require;

(3) A memorandum of the transfer of any permit shall be endorsed on the permit by the Authorized Officer or his or her duly appointed officer.

(4) Every person who does not comply with the provisions of this section shall be guilty of an offence.

Cancellation or revocation of a business permit

18. The County Government shall or may exercise its powers to grant, refuse, renew, or withdraw/cancel any business permit if it contravenes or if it falls under the following specified conditions and grounds set out below-

a. with respect to any business permits whether relating to a trade, business or occupation, or premises or otherwise-

i. that the premises in or at which the applicant intends to carry on his trade, business or occupation does not conform to the requirements under these Regulations or any other written law;

ii. that the granting of such business permit or the renewal hereof, as the case may be, would be contrary to the public interest; and

b. additionally, with respect to any business permits relating to the use of premises as a theatre, music hall, concert room or other place of amusement, or as a restaurant or eating house-

i. that the applicant has failed to produce satisfactory evidence of good character;

ii. that the premises owned or occupied by the applicant are frequented by persons of bad character;

iii. that the granting of the business permit or the renewal thereof would be calculated to cause nuisance or annoyance to persons residing in the neighborhood; and

- c. Additionally, with respect to any business permits for the carrying on of any work or trade thereof declared to be offensive trade-
 - i. that the premises used or proposed to be used therefore by the applicant are unsuitable for the purpose; and
 - ii. that the method adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapours, gases or smells arising from such work or trade are not efficient.

- | | |
|------------------------|--|
| Inspection | <p>19. (1) Authorized Officers may, at any reasonable time enter any premises whether having business permit under these Regulations or not, to make inspections, enquiries or perform any conditions attaching to any business permit issued or transferred under these Regulations are being observed.</p> <p>(2) Any person who-</p> <ul style="list-style-type: none"> a. hinders, obstructs, interferes with or prevents Authorized Officers or any other person duly authorized in writing by the County in exercising his or her powers under subsection (1); or b. refuses to give information or gives false information or misleading information to any such officer in the course of such inspection or inquiries shall be guilty of an offence. |
| Production of a permit | <p>20. Every person to whose business a permit has been issued or transferred under these Regulations shall on demand by Authorized Officers produce such business permit for inspection by such an officer within shortest time possible and not more than twenty four hours from the time of such demand.</p> |
| Display of a permit | <p>21. (1) Every business permit issued under these Regulations shall be exhibited in a prominent and conspicuous place in the premises to which it relates to or a copy certified as a true copy by the issuing authority in case the original is lost, defaced or secured in a safe or Bank.</p> <p>(2) Any person who fails to comply with sub-section (1) above shall be guilty of an offence.</p> |
| offences | <p>22. Any person who does not comply with the provisions under this Part shall be guilty of an offence.</p> |
| Penalties | <p>23. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or both.</p> |

PART IV – PUBLIC MARKETS AND STALLS

- Establishment of markets and stalls 24. (1) No public market and stall shall be established within County other than by the County Government and a person shall not sell or buy goods in, or use a public market except with the consent of the County Government given by the market master and upon the payment of the fees prescribed under these Regulations.
- (2) Any person who fails comply with the provisions of sub-section (1) shall be guilty of an offence.
- Hours and days opening 25. (1) Public markets shall be open on such days and during such hours as the County Government shall determine, for the sale of:
- a. perishable foodstuffs
 - b. live poultry
 - c. earthenware, basket ware, mats, woodwork; or other products approved by the County Government.
- Prohibited Sales 26. (1) A person shall not carry on or engage in any prohibited trade or business in a public market or a stall except such trades or business that are allowed by the County Government or under any laws of Kenya.
- (2) In case of a public market and a stall, a person shall not bring into public market opium or intoxicating liquor or miraa, or any other banned substances or carryout witchcraft or related concoction of any kind therein.
- Remaining in the market when closed 27. A person shall not remain in a public market during the hours in which it is closed unless with express permission from the Market Master and accompanied by Market Security Officers.
- Dogs not allowed in the market 28. Any person who takes or permits any dog to be let loose, roam or loiter into a public market shall be guilty of an offence.
- Motor bikes and bicycles 29. No person is permitted to ride a bicycle or motorbike within the market.
- Cooking in market Cap 242 30. A person shall not cook in the public market unless they have complied with all the requirements under the Public Health Act for such purposes.
- General nuisance 31. Any person who within a public market:
- a. commits any nuisance;
 - b. hawks any un-allowed goods;
 - c. interferes with or molests any other person;
 - d. touts, or shouts, or calls out for customers;
 - e. causes any disturbance or uses any offensive, abusive, obscene, or unbecoming language;
 - f. damages, defaces, misuses, or interferes with any equipment, fittings or fixtures provided therein;

- g. deposits or throws on the floor or ground any refuse, fruit peel or vegetable substances;
 - h. Attempts to procure customers except by means of display of goods; or
 - i. shall be guilty of an offence.
- Sale of diseased and unwholesome goods
32. (1) Any person who sells or offers or displays for sale in a public market any goods or food which is diseased, unwholesome or otherwise unfit for human consumption shall be guilty of an offence.
- (2) The market master shall take possession of and detain goods which are offered or displayed for sale in a public market which appears to him to be diseased, unwholesome, and unfit for human consumption and shall forthwith report and hand over such goods or food to a Public Health Officer appointed under the Public Health Act.
- Cap 242.
- Prohibited places
33. No food, produce, article or anything shall be exhibited for sale on the pathways, or over any drain within a public market and no board, box, basket or other containers shall be left in or upon any such drain.
- Livestock not to be brought into the market
34. No livestock or animals other than poultry shall be brought into any public market other than a livestock yard.
- Numbering of stalls
35. (1) In any public market where stalls have been provided each stall shall be numbered and the County Government may let or hire out such stall upon such conditions as it thinks fit and upon payment of the charges prescribed in the approved fees and charges.
- (2) Stalls provided in public market shall be used only for the class of business indicated in the permit issued by the County Government.
- (3) A stall-holder shall not sublet his stall or any part thereof without the written consent of the County Government.
- Stall holders
36. Every stall holder shall-
- (1) Keep his stall and all fittings and utensils therein or thereon thoroughly clean and in good order to the satisfaction of the market master;
 - (2) When selling by weight or measure, use the prescribed standard weights and provide and maintain proper weight and scales;
 - (3) Dispose of all refuse, garbage, offal and waste liquid or solid, from his stall into the receptacles, channels or drains as are provided for that purpose.
 - (4) Any person who contravenes this section shall be guilty of an offence and subject to eviction from the stall by the Authorized Officer.
- Non-compliance of instructions and directions of a market master
37. 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 of the market shall be guilty of an offence.
- Stalls specified
38. (1) The County Government may set aside, or allocate or provide parts of a public

- for particular use market for the sale therein of only food produce, articles or things as it may specify, and no such food, produce, article, or things shall be sold or displayed in any other part of a public market except in the parts so allowed.
- Stall charges 39. (1) Any person who uses a public market for the purpose of selling or offering for sale any food, produce, article or any other thing shall pay to the County Government charges prescribed in the approved fees and charges.
 (2) The charges levied in accordance with subsection (1) above shall be paid in advance.
 (3) In the 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 a civil debt.
- Persons entering public market to use the authorized entrances 40. A person entering or attempting to enter any public market for the purpose of selling or offering for sale any good, produce, article or other thing shall enter only through such entrance or gateway as shall be specified by the County Government for that purpose.
- Power to evict 41. (1) Any person who is found committing or who is reasonably suspected of having committed an offence under this part in any public market, shall be liable to be evicted from such market by the Authorized Officer.
 (2) A market master may in his discretion refuse admission 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 this part.
 (3) Any person, who, having been refused admission unlawfully enters such public market, shall be guilty of an offence.
- Market committee 42. (1) Every Public Market shall have a Committee for the welfare of the traders.
 Provided that the Committees or any of its members do not interfere with revenue collection or enforcement of the provisions of this Part in the Public Markets.
 (2) Any Committee or any of its members in contravention of the above sub-section (1) above shall be guilty of an offence under this Part.
- Penalties 43. Any person fails comply with the provisions under this Part or is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

PART V – PARKS AND OPEN SPACES

- Opening and Closing hours 44. The parks shall be opened daily at 6.30am and closed to the public at 6.00 pm.
 Provided that this Part shall not be deemed to require the parks to be opened and closed at the hours hereto prescribed on any day when in pursuance of any statutory or other provision in that behalf the County may close such park to the public.

Prohibition to entry before opening time or after closing time	45. A person other than an officer of the County Government or a servant employed by the County Government in connection with the laying out, planting, improvement or maintenance of the park shall not on any day on which the park may be open to the public enter the park before the time appointed for the opening, or enter the park or remain after the time appointed for the closing thereof.
Entry or exit through appointed gates	46. A person shall not enter or exit the park otherwise than through any of the gates, wickets, passages or openings appointed by the County Government as the authorized means of entrance to or exit from the park.
Interferences with notices, signs or boards	47. (1) A person shall not willfully or improperly remove or displace any board, plate or tablet used or constructed or adapted to be used for the exhibition of any notice and fixed by the County Government in any part of the parks or in or on any building or structure therein or at or near to any of the appointed means of entrance to or exit from the park or in or on any wall or fence enclosing the park. (2) A person shall not carelessly or negligently deface, injure or destroy any part of any wall or fence in or enclosing the park, or any part of any building, barrier or fitting, or of any fixed or movable seat, or of any other structure or erection in the park.
Entry fees	48. Any person other than person employed by the County to work in the park shall only be allowed to enter the park upon payment of entry fee as per the approved fees and charges.
Removal or displacement	49. A person shall not willfully, carelessly or negligently remove or displace any barrier, or any fixed or movable seat or any part of any building, structure or erection, or any appliance or article provided for use or adapted to be used or in the care, cultivation or protection of any tree, shrub under wood or other plant in the parks.
Riding or driving of beast of burden	50. A person, other than an officer of the County Government or a person within a written authority by the Authorized Officer in or about any work in connection with the laying out, planting, improvement, maintenance of the park or entertainment of visitors to the Park shall not at any time ride, drive or cause or permit to be ridden, driven or brought into the park any beast of draught or burden.
Grazing of livestock in the parks	51. No person or his servant is allowed to graze stock in the park except with the express permit and/or license from the County Government which permit shall be obtained only on application, vetting and payment of a prescribed fee.
Restriction on domestic animals	52. A person shall not drive or bring, or cause or permit to be driven or brought into the park any bull, ox, cow, heifer, steer, calf, sheep, lamb, hog, sow, goat or any other animal. Provided that this Part shall not be deemed to prohibit any person from taking a dog in the parks provided he is permitted and such dog be on a leash and continue to be under proper control.
Management of the parks	53. (1) The County Government may enter into an agreement with a person, an

association or a company for the purpose of management of the parks or establishment of Conservancy's within Parks for a period of time to be prescribed or negotiated on a case-by-case basis.

(2) The person, an association or a company may form a management board to oversee the day to day running of the parks.

Trading in
soft drinks
and cakes

54. The County Government may authorize, in any park, not more than five persons to engage in trade of soft drinks and cakes.

Provided that-

- a. the authorized person obtains from the County Government a permit for the business upon payment of a fee as per the approved fees and charges;
- b. the authorized person ensures the area of trade is free of litter;
- c. the authorized person does not engage in any offensive trade; and
- d. the authorized person operates only on the areas designated by the County Government.

Fixing of
Regulations,
placards or
notices

55. A person, other than an officer of the County Government or a person acting in pursuance of their directions in that behalf shall not affix or post any Regulations, placard or notice to or upon any or fence in or enclosing the parks or to or upon any tree, wall or other plant or to or upon any part of any building, barrier or railing, or of any fixed or movable seat or any other structure or erection in the park.

Destruction
of vegetation

56. A person shall not damage or deface any tree or shrub or grass or remove any tree, shrub, plant or flowers, or pluck any bud, blossom, flower or leaf of any tree, sapling, shrub, under wood or other plant.

Depositing
of litter

57. A person shall not willfully, carelessly or negligently throw or deposit any filth, rubbish, paper, bottles or other refuse of any kind in any part of the parks or defile any wall or fence in or enclosing the park, or any buildings, barrier or railing or of any other structure or erection in the park.

Fire

58. A person shall not kindle a fire or smoke in the parks.

Climbing

59. A person shall not climb any wall, fence enclosure, any tree, any barrier, railing, post or other erection in the park.

Harming and
interfering
with birds or
butterflies

60. (1) A person shall not in any part of the park take, injure, or destroy a bird or butterfly or spread or use any net or set or use any snare, instrument or any other means for the taking, injuring or destroying of any bird or butterfly.

(2) A person shall not in any part of the park willfully displace or destroy any birds nest, or take, injure or destroy any birds.

Riding or
parking
motorcycles or
vehicles

61. (1) A person shall not ride any cycle or motor cycle or drive any motor vehicle in the park and a person shall not leave any cycle, motor cycle motor vehicle elsewhere in the park other than in an areas reserved as parking ground.

(2) Any person in contravention of any of the provisions cited above shall be guilty

of an offence.

- Interference with switches and meters 62. A person shall not except under the authority of the County Government interfere with any fixture, fitting, lamp, switch or meter in the parks.
- Disturbance, disorderly or indecent behavior 63. A person shall not create any disturbance or disorderly or be guilty of any quarrelsome, violent or indecent behavior in the parks.
- Driving for hire 64. A person shall not drive or take within the park any tractor or trailer, lorry or any vehicle which is used for plying for hire and is licensed to carry seven or more passengers or freight cart drawn by oxen or mules, except he shall have obtained the written authority of the Authorized Officer to do so.
- Residence 65. No person other than an officer of the County or a person or a servant of a person employed by the County to work in the parks shall dwell in the parks or be in the parks beyond the specified times and/or periods.
- Offences and penalties 66. A person who does not comply with the provisions under this Part shall be guilty of an offence and shall be liable to a fine of not exceeding ten thousand or to imprisonment to a term not exceeding seven months or both.

PART VI – DESIGNATED PARKING

- Designation of parking areas 67. The first schedule of these Regulations provides for and shall describe the areas on the roads designated as parking places for vehicles.
- Number and situation of parking spaces 68. The number and situation of parking places shall be such as are determined by the County Government.
- Marking of parking spaces 69. The limits of each parking place shall be marked on the road, by line studs or other indication in such manner as the County Government may determine.
- Duration of parking place payments 70. No vehicle shall park in a designated parking place for a duration exceeding the duration paid for.
- Reserved parking 71. A person shall not put a signpost or any other sign in a parking space stating that the parking is reserved without the prior consent of the County Government and payment of the fees prescribed in the approved fees and charges.
- Manner of parking 72. A person shall not park in, or drive into or drive out of a designated parking place, a vehicle in such a manner that the vehicle stands in, or passes over part of one parking space and part of another, any line, stud, pavements, bollards, street lighting poles or other indication marking the limits of a parking space.

Charges of
parking

73. (1) No vehicle shall be driven into or parked within the limits of a parking place without the owner or the driver first paying to the County Government in advance the charges prescribed in the approved fees and charges.

(2) All vehicles parked within a designated area shall be liable to pay parking fees prescribed in the approved fees and charges.

Charges for clamping	<p>74. (1) Where a vehicle is parked in a designated parking place or space with no prior payment of the required charge, a County Government officer shall clamp the vehicle after which the motor vehicle shall be towed by the authorized officer or a Police Officer for safe custody at the owner's expense.</p> <p>(2) Where a vehicle has been clamped or removed in pursuance of sub-section (1) above the owner of such vehicle shall pay, or cause to be paid to the County Government the fee and penalties as specified in the approved fees and charges.</p> <p>(3) Where the owner of a vehicle which has been towed according to the provisions of this part does not pay the fees, penalties and expenses due within a period of sixty days from the day on which the vehicle was removed, the County Government may sell or otherwise dispose off such vehicle by public auction to recover towing charges and storage charges.</p> <p>(4) Notice of the intended auction shall be placed in the print media, and the proceeds of such sale or disposal, if any, be used to recover the cost incurred by the County Government in towing, storage and disposing of the vehicle.</p>
Display of parking permit	<p>75. (1) Every driver or any other person in charge of a motor vehicle driven into or parked within the limits of a parking place who has paid a parking fee shall display the parking permit in the front windscreen showing the amount paid and the date and time the vehicle entered the parking place.</p> <p>(2) Any person who does not display the parking permit as specified in sub-section (1) above shall be deemed not to have paid and the provisions section 83 of this Part shall apply to the motor vehicle.</p>
Free parking days and hours	<p>76. No place within the designated parking areas shall be a free parking area other than-</p> <p style="margin-left: 40px;">a. for reservation for official use of the Cabinet Secretaries, Principal Secretaries and Heads of Diplomatic missions, County Executive Committee Members, County Chief Officers, County Assembly Speaker, Clerk and Members of County Assembly; and</p> <p style="margin-left: 40px;">b. for people living with disabilities.</p>
Identification of officers manning parking areas	<p>77. The Authorized Officers responsible for the collection of the parking fees within the designated parking areas shall, at all material times in the course of such duty, put on a uniform, carry and have with them a proper identification badge, issued by and bearing the authority of the County Government.</p>
Prohibition of transfer of parking permit	<p>78. Any parking permit issued for a particular vehicle shall not be used for another vehicle other than the one whose registration number appears on the parking permit.</p>
Permit for commercial	<p>79. Any person having a commercial private parking place within the County shall obtain a permit from the County Government to carry on such business under the parking provisions of the single business permit.</p>

Signaling,
guiding or
directing driver
of a vehicle into
or out of parking
places

80. Any person who shall without just cause or excuse, guides or directs or attempts to purport to signal, guide or direct the driver of any vehicle into or out of any parking place provided by the County Government or on any road under its jurisdiction or on any land owned by the County or under its control or in or adjoining any area on roads designated as parking places for vehicles under the Designated Parking Places of the County shall be guilty of an offence.

offences

81. Any person who-

- a. with intent to defraud, interferes with the writings or marks on a parking permit already issued;
- b. without authority of the County uses a parking space for the purpose of advertisement;
- c. willfully damages vehicle clamp or any of its parts;
- d. willfully uses the parked vehicle to carry out business on a County designated parking space;
- e. without the authority of the County removes or attempts to remove a clamp from a clamped vehicle; or
- f. willfully parks in a parking place reserved for people living with disabilities, shall be guilty of an offence.

Obstruction

82. Any person who willfully obstructs, hinders, or otherwise interferes with any officer of the County Government in the execution of his duties under this Part shall be guilty of an offence.

Towing of
vehicles

83. (1) A vehicle shall be towed if-
- a. if it is left in a designated parking place and the parking charge or de-clamping charge which is thereby incurred is not duly paid;
 - b. if it is left in a designated parking place and any of the provisions of part this Part relating to the manner in which the vehicle should stand in a parking place are thereby contravened;
 - c. if it is left in a designated parking place otherwise than is authorized;
and
 - d. if it has remained clamped

(2) Any person appointed in writing by the Authorized Officer may remove such vehicles and keep the same in safe custody by means of break down or any other

means of removal available at that moment at the owner's expense and risk.

(3) Where a vehicle has been removed in pursuance of this Section the owner of such vehicle shall pay, or cause to be paid to the County Government, impounding charges as per the approved fees and charges for safe custody, together with the

towing fees in respect of the expenses incurred by the County Government in towing and keeping such vehicle in safe custody before he can recover the vehicle.

Loss or damage

84. Where a vehicle has been clamped or has been towed in pursuance of the

Government shall not be held responsible for any damage or loss, which may occur during the clamping or towing of such vehicle.

- Changes in fees and charges 85. The County Government shall from time to time amend the schedules for designated parking place, charges for parking, clamping and towing charges and fines.
- Offences and penalties 86. A person who does not comply with the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding seven thousand shillings or to an imprisonment term not exceeding seven months or both.

PART VII – BUS PARK AND OMNIBUS STATIONS

- Provision of bus park 87. (1) The County Government shall provide bus parks and omnibus stations within the County for affording facilities for the arrival and departure of public service vehicles.
- Starting and Terminating of a journey provisions of this Part, the County 87. (2) The numbered situation of parking spaces in any station shall be determined by the County Government.
87. (3) The limits of each parking space shall be indicated on the ground by lines or studs or in such other manner as the county Government may determine.
88. No driver of a public service vehicle when carrying passengers for hire or regard shall without the prior written permission of the /Authorized officer start or terminate any journey at any place other than the bus park station.

- Stopping on a non-designated area 89. (1) Where no designated area has been appointed pursuant to provisions of these Regulations within the County, no driver of a public service vehicle shall set down or pick up passenger at any place other than the bus park station.
89. (2) No public service vehicle, whilst being plied for hire or reward, shall without the prior written permission of the Authorized officer, be parked in any place other than the bus park station.
89. (3) A person shall not drive or be permitted to use a public service vehicle in a dirty.

- Parking on roads 90. (1) The County Government shall provide parking places and may prohibit the parking of vehicles on roads and other places whenever it is necessary to do so.
90. (2) any person who draws up or parks any vehicle on any other road than in circumstances outside his control-
- a. where parking is prohibited,
 - b. otherwise than in accordance with a parking sign, or
 - c. for a period longer than allowed, shall be guilty of an offence under this Part.

- Parking spaces 91. (1) No public service vehicle shall stand in, driven into, or be driven out of a parking space in such a manner that the vehicle encroaches upon any other parking space.

- Public nuisance and obstruction 92. A person shall not except in an emergency parking, repair, take down, assemble, wash, polish or clean any vehicle or part thereof in any such manner to cause any public nuisance or obstruction, and in such case the vehicle shall be towed from the

parking place or bus park station.

- Queue
93. When six or more persons are waiting to enter a public service vehicle at a bus park station, they form a queue and any person who attempts to enter a public service vehicle ahead of any person in such a queue, shall be guilty of an offence under this Part.
- Conduct of persons at the bus park station
94. No person who is at the bus park station shall-
- a. wilfully & unreasonably impede any other person seeking to enter a public service vehicle or to alight there from or;
 - b. enter or alight, or attempt to enter or alight from a public service vehicle otherwise than by the door or opening provided for the purpose of entering or alighting from such public service vehicle, unless in case of an emergency; or
 - c. wilfully and unreasonably obstruct or impede any County authorized person in the performance of his lawful duties.
- Fees
95. (1) Any owner of a public service vehicle shall pay to the County Government in advance the appropriate fees prescribed in the fees and charges in pursuance of these Regulations.
- (2) For the purpose of these Regulations, any public service vehicle driven in to the bus park station shall be deemed to be using the bus park station if the vehicle is not driven into the bus park station in emergency or other reasonably compelling circumstances for a reasonable period of time.
- (3) Subject to sub-section (2) above, any person who drives a public service vehicle when the fee in respect thereof has not been paid; shall be guilty of an offence under this Part.
- Power to arrest drivers and impound vehicles
96. (1) The County Government Authorized Officers may arrest the driver who has contravened any of the provisions of this Part and impound and tow the Public Service vehicle to a County Government yard. The County Government shall not be held liable for any damage on the vehicle while being towed.
- (2) The owner of the towed and impounded public service vehicle shall pay the towing, storage and penalties as provided in the approved fees and charges.
- (3) A person shall not while at the bus park-
- a. tout;
 - b. throw litter;
 - c. defecate or urinate;
 - d. hawk unless he has a hawker's permit; and
 - e. play loud music causing nuisance in the bus park.
- Offences and Penalties
97. (1) A person who does not comply with the provisions under this Part shall be guilty of an offence.
- (2) Every person who is guilty of an offence against this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

PART VIII – TAXI – CABS

- Permit 98. (1) The permits which may be issued under this Part are- a. a taxi – cab permit; and
b. a taxi-cab drivers permit.
(2) A permit shall expire on the 31st of December in the year for which it is issued.
- Application for permit 99. (1) An application for a taxi-cab permit shall be made using the prescribed form and shall be signed by the owner of the vehicle.
(2) An application for a taxi-cab driver’s licence shall be made using the prescribed form and shall be signed by the applicant.
(3) An application form shall be completed and the Authorized Officer may refuse to accept an application form which is not correctly completed.
(4) An application form shall be delivered to the Authorized Officer at least one calendar month before the date on which the permit is intended to take effect.
- Authorized Officer to issue permit 100. (1) An application being made in accordance with these Regulations, the Authorized Officer shall, issue a permit which shall, in the case of a taxi-cab permit be in the form specified in the Second Schedule to these Regulations and in the case of a taxi-cab driver’s permit be in the form specified in the Third Schedule to these Regulations.
(2) The Authorized Officer shall issue, in addition to the permit in respect of which application is made-
a. in the case of a taxi-cab permit, a permit plate bearing the number of the permit issued and the number of passengers the vehicle is permitted to carry;
b. in the case of a taxi-cab driver’s permit, a badge bearing the permit number of the permit issued and his photograph;
c. require all taxi-cab drivers to wear the prescribed uniform when on duty; and
d. in case of bodaboda to have a pair of helmet and reflective jackets.
(3) There shall be paid to the County Government at the time a permit, plate or badge issued pursuant to the provisions of sub-sections (1) and (2) above, the fees prescribed in the approved fees and charges.
(4) Every permit shall be under the hand of the Authorized Officer or of such other officer of the County Government as he may in writing authorize in that behalf.
- Grounds for refusal to grant permit 101. (1) The Authorized Officer shall refuse to issue and the County Government may at any time cancel a permit if-
a. in the case of a taxi-cab permit-
i. the owner is not resident in Kenya;
ii. is an un- discharged bankrupt;
iii. the vehicle to which the application permit relates does not

comply with the requirements of the Traffic Act, or of any Rules made there under, or, in the opinion of the County Chief engineer, does not comply with any of the requirements of this Part or is otherwise unfit for use as a taxi-cab and the County engineer so certifies in writing; or

iv. the vehicle to which the application or permit relates has an engine capacity of less than 800 c.c.; and

b. in the case of a taxi-cab driver's permit-

i. the applicant is unable to comply with the provisions of the Fourth Schedule to these Regulations;

ii. if the applicant or permit holder is not the holder of a valid Kenyan driving licence for the type of vehicle to be used as a taxi-cab issued under the Traffic Act; or

iii. If the applicant fails to satisfy the Authorized Officer that he is a fit and proper person to hold such a permit.

(2) The Authorized Officer may refuse to issue a taxi-cab drivers permit if the applicant has been convicted of an offence against the Traffic Act or this Part and is suspended from driving a motor vehicle.

Transfer
of
permit

102. (1) The Authorized Officer may, with the consent of the holder thereof and upon payment of a fee as prescribed in the fees and charges schedule, transfer a taxi- cab permit from the holder to another person.

(2) No permit shall be transferred so as to apply to a vehicle other than that in respect of which the original application was made and the permit issued.

Permit to
corporation

103. A taxi-cab permit issued to a body corporate shall be issued in the name of the corporation or secretary thereof.

Duplicate
permit or plate

104. (1) An application for a duplicate permit or badge shall be made in writing to the Authorized Officer and shall set forth details of the lost permit, plate or badge, as the case may be and the manner in which the same was lost or destroyed.

(2) The Authorized Officer shall, if satisfied as to the facts disclosed in the application referred to in sub-section (1), and on payment of a fee as prescribed in fees and charges in the case of a taxi-cab permit or plate and in the case of taxi- cab driver's permit or badge, issue to the applicant a duplicate permit or plate as the case may be.

Insanity, Death
or bankruptcy
of a permit
holder

105. (1) In the event of the death, bankruptcy, or unsoundness of mind or absence from Kenya of a person holding a taxi-cab permit it shall be lawful, for the executor, administrator, trustee or receiver manager or any other person approved by the Authorized Officer in writing to carry on until the end of the year in respect of which the permit has been issued without any transfer or grant of a new permit.

(2) Any person permitted to carry on a business under the provisions of sub-section (1) above shall possess all the rights and be liable to all the duties and obligations

of the original permit under this Part.

Limitation on the number of taxi-cabs 106. (1) The County Government may by resolution limit the number of taxi-cabs which may operate within the County at any one time during the next ensuing year, and the Authorized Officer shall not in that year issue any taxi- cab permit in excess of the number contained in such resolution or any amendment thereto.

(2) The Authorized Officer shall, within 14 days of its adoption by the County Government, of any such resolution or amendment as is mentioned in sub-section (1) above to be published in a newspaper circulating within the County.

Examination 107. (1) An owner shall, when so required in writing by the Accounting/Authorized Officer, cause his taxi-cab to be produced for examination.
Provided that, subject to the provisions of sub-section (5) below, no taxi-cab having been examined and certified as fit for use as a taxi-cab, shall be required to be re- examined within a period of three months from the date of such certification.

(2) The Accounting Officer/Authorized Officer may, on the advice of the County Chief Engineer after such examination, suspend the permit in respect of any taxi- cab until such time as the vehicle is, in the opinion of the County engineer, fit in all respects to be used as a taxi-cab.

(3) There shall be paid to the County at the time of each such examination, as is referred to in sub-section (1) above, a fee as prescribed in the approved fees and charges.

Provided that if a vehicle has to be examined two or more times before it is certified by the county engineer as being fit for use as a taxi-cab, a fee as prescribed in the fees and charges shall be payable by the owner for each examination subsequent to the first.

(4) An owner shall within forty-eight hours of its occurrence, report in writing to the Authorized Officer any accident in which damage is caused to a taxi-cab.

(5) On receipt of notification of an accident, as is provided for in sub-section (4) above, the Authorized Officer may immediately require the taxi-cab to be re- examined, and such taxi-cab shall then be produced for examination within forty- eight hours of the time of posting a notice to this effect by registered post to the last known address of the owner.

(6) Any owner who-

a. contravenes or fails to comply with any of the provisions of this section;

or

b. permits the vehicle to be on hire or to ply for hire whilst the permit relating thereto is suspended shall be guilty of an offence under this Part.

Tariff card 108. An owner and driver of a taxi-cab shall cause to be exhibited in such vehicle in a position clearly visible to a passenger the tariff card.

Display of permit plate 109. (1) An owner shall cause the permit plate issued under this Part to be attached to the vehicle and maintained in such a manner and position as the County Chief

Engineer may direct.

(2) Any owner who causes or permits a taxi-cab to be on hire or to ply for hire without the plate referred to in sub-section (1) being attached thereto or with such plate so defaced that any figure or material particular thereon is illegible shall be guilty of an offence under this Part.

(3) An owner shall within seven days of the expiry of his taxi-cab permit either by expiry of time, surrender or cancellation return to the Authorized Officer the permit plate referred to in sub-section (1).

Fittings in
Taxi- Cab

110. An owner shall in respect of a taxi-cab-

- a. provide and maintain sufficient means by which any passenger may communicate with the driver;
- b. cause the roof or covering to be kept water-tight;
- c. provide and maintain any necessary windows and a means of opening and closing not less than one window on each side;
- d. cause the seats to be properly cushioned and covered;
- e. cause the floor to be provided with a proper carpet, or other suitable covering;
- f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- g. provide and maintain adequate means of securing luggage carried on the vehicle;
- h. provide and maintain adequate internal lighting with at least one light switch so fitted as to enable a passenger to operate it; and
- i. provide and maintain easily accessible means of a passenger to open at least one door on each side of the vehicle from the inside.

(2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire whilst the provisions of sub-section (1) above are not complied with, shall be guilty of an offence under this Part.

Taxi-meters

111. (1) Every taxi-cab shall be provided with a taxi-meter of a type approved by the County Chief engineer who shall be maintained in proper working order and shall be set to indicate no greater fares than those prescribed in this Part.
- (2) The taxi-meter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any passenger and for that purpose the letters and figures shall be capable of being suitably illuminated.
- (3) If the taxi-meter provided under sub-section (1) above is not fitted with a flag or other device bearing the words -For Hire, clearly visible to persons outside the vehicle, the owner shall cause the vehicle to be provided with a sign so constructed as to comply with the following requirements-
- a. the sign shall bear the words -For Hire, in plain letters at least one and a half inches in height; and
 - b. the sign shall be capable of being operated so that it indicates clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire and for that purpose the letters and figures shall be capable of being suitably illuminated.
- (4) The taxi-meter and all fittings thereof shall be so sealed that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or seals.
- (5) Any person who plies for hire in any taxi-cab or permits any other person so to do whilst-
- a. no taxi-meter is fitted thereto;
 - b. the taxi-meter is not in working order; and
 - c. the taxi-meter is not sealed, shall be guilty of an offence under this Part.

Identification

112. (1) Every taxi-cab shall have painted on the outside of both front doors of the vehicle and affixed inside in a position plainly visible to a passenger, in legible letters and figures-
- a. the name of the owner;
 - b. the business address of the owner;
 - c. the number of the permit issued in respect of the vehicle; and d. the number of passengers the taxi-cab is permitted to carry.
- (2) Any owner of a taxi-cab who causes or permits the vehicle to be on hire or to ply for hire without any such painting or sign as is mentioned in sub-section (1) above or so defaced that any letter or figure is illegible, shall be guilty of an offence under this Part.

Conduct of taxi- cab drivers

113. (1) Every driver of a taxi-cab shall whilst in charge of the taxi-cab:-
- a. behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons conveyed in or entering into or alighting from the vehicle and the security of passengers' luggage;
 - b. if he has been hired to be in attendance with the vehicle at an appointed

- time and place, unless prevented or delayed by some cause outside his control, punctually attend with such vehicle at such appointed time and place;
- c. subject to any directions given by the hirer, when hired to drive to some particular destination proceed to that destination by the shortest available route;
 - d. not convey in the vehicle any greater number of passengers than the number for which it is permitted;
 - e. wear the prescribed uniform and permit badge issued to him in such a position and manner as to be plainly and distinctly visible; and
 - f. if the vehicle is so constructed as to carry luggage, when requested by any person hiring or seeking to hire the vehicle-
 - i. convey on the vehicle a reasonable amount of luggage;
 - ii. secure any luggage carried outside the vehicle;
 - iii. afford reasonable assistance in loading and unloading the vehicle; and
 - iv. afford reasonable assistance in removing the luggage to or from the entrance of any house, station or place at which he may take up or set down such persons.
 - v.
 - g. if any property left in the vehicle be found by or handed to him, convey such property (if not sooner claimed by or on behalf of the owner thereof) within 24 hours to a police station in the County and leave it in the custody of a police officer on his giving a receipt for it;
 - h. except when engaged on hire or obstructed by traffic or other reasons beyond his control, not allow the vehicle to stand on any street or other public place elsewhere than at a taxi-rank;
 - i. if to his knowledge he has conveyed a person suffering from or who is a carrier of any infectious or contagious disease, forthwith report to the department of health in County and carry out such instructions as he may receive with respect to the disinfection of his vehicle;
 - j. whilst his vehicle is on hire or ply for hire as the case may be, carry his driver's license and produce the same to a County inspector or police officer if requested so to do;
 - k. be clean in person and clothing;
 - l. refrain from smoking or spitting whilst carrying passengers.

(2) Any driver who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence under this Part.

Use of taxi
meters

114. (1) The driver of a taxi cab shall-

- a. when plying for hire keep the taxi meter locked in the position in which no fare is recorded on the face of the taxi-meter or, if a sign is

provided, operate the sign that the words -for Hire, are clearly and conveniently legible to a person outside the vehicle;

- b. as soon as the vehicle is hired operate the said sign so that the words -for Hire, are not visible to persons outside the vehicle;
- c. as soon as the vehicle is hired, bring the machinery of the taxi-meter into action;
- d. cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the night, as defined in the Traffic Rules and also at any other time at the request of the hirer.

(2) Any driver who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence under this Part.

Prohibition of importuning for hire

115. Any driver who, when plying for hire, importunes any person to hire the vehicle by calling out or otherwise attracting their attention or makes use of the services of any other person for that purpose, shall be guilty of an offence under this Part.

Use of taxi ranks

116. (1) The driver of a taxi-cab, when plying for hire in any street, shall- a. proceed with reasonable speed to a taxi rank;
- b. if a taxi rank, at any time of his arrival, is occupied by the full number of vehicles authorized to occupy it, proceed to another rank;
 - c. subject to paragraph (b) above when drawing up at a taxi-rank, station the vehicle immediately behind the hindmost vehicle on the rank;
 - d. from time to time when any other vehicle immediately in front is driven off or moved forward cause his vehicle to be moved forward so as to fill the place previously occupied by the vehicle so moved off or driven forward;
 - e. When in front or next to the front position in taxi rank remain with the vehicle ready for hire.

Refusal of passenger

117. (1) A driver of a taxi-cab, unless already on hire or returning to the garage, shall not refuse to accept any person as a passenger unless-
- a. he believes on reasonable grounds that such person is suffering from an infectious or contagious disease; or
 - b. he believes on reasonable grounds that the acceptance of such person would result in damage to the vehicle or danger to himself or herself or other passengers.

Additional passenger

118. Any driver of a taxi-cab who when on hire accepts any other passengers without the consent of the original hirer shall be guilty of an offence under this Part.

Demand of taxi fares by operator

119. The owner or driver of a taxi-cab shall be entitled to demand for the hire of the vehicle the fare prescribed by the tariff card unless the hirer expresses at the Commencement of the hiring to hire at different fares.

Provided that where the hiring is by distance the owner or driver thereof shall not be entitled to demand a fare greater than that on the face of the taximeter, save for any extra charges as displayed on the tariff card.

Prohibition against demanding Position of t a x i ranks	<p>120. Any owner or driver of a taxi-cab who demands a greater fare than that authorized by the tariff card shall be guilty of an offence under this Part.</p> <p>121. (1) The County may from time to time by resolution prescribe an area to be a taxi rank. (2) The position of each taxi rank prescribed in accordance with sub-section (1) above shall be indicated by a sign erected by the County Government adjacent thereto and shall state the maximum number of vehicles authorized to occupy the rank. (3) Any person who parks a vehicle other than a taxi-cab in an area prescribed under sub-section (1) as a taxi rank shall be guilty of an offence under this Part.</p> <p>122. (1) An owner of a vehicle who permits such vehicle to be on hire or to ply for hire within the County whilst no permit issued under the provisions of this Part of such vehicle shall be guilty of an offence under this Part. (2) Any person who shall: - a. drive a vehicle on hire; or b. ply for hire in a vehicle whilst no permit issued under the provisions of this Part in respect of such vehicle shall be guilty of an offence under this Part.</p> <p>123. Any person who not being the holder of a taxi-cab driver's licence issued under the provisions of this Part, drives a vehicle whilst on hire or plying for hire, shall be guilty of an offence under this Part.</p> <p>124. For the purpose this Part, a vehicle which without good and sufficient reason stands in the immediate vicinity of a railway station, omnibus stop or taxi rank for a period of more than ten minutes during any three days in any one period of seven days, shall, until the contrary is proved be deemed to be plying for hire.</p>
Unlicensed Vehicles	
Unlicensed Drivers	
Presumption as to plying for hire	
Penalties	<p>125. (1) A person who does not comply with the provisions of this Part shall be guilty of an offence. (2) Any person who is guilty of an offence under this Part shall be liable for a fine not exceeding five thousand shillings to imprisonment for a term not exceeding seven months or both.</p>
PART IX - NON MOTORIZED VEHICLES	
Application for a permit	<p>126. (1) A person shall not use any non-motorized vehicle or permit a non-motorized vehicle to be used for any commercial purposes within the County unless the owner thereof has been granted and is in lawful possession of a valid permit issued by the Authorized Officer under these Regulations to use such a non-motorized vehicle for commercial purposes</p>

Application in writing	<p>127. (1) An application for a permit by the owner of any non-motorized vehicle shall be made to the Authorized Officer using the prescribed form.</p> <p>(2) The Authorized Officer may cause such a non- motorized vehicle to be inspected prior to issuance of a permit.</p> <p>(3). The permit shall be in such form as may be determined from time to time by the County Government and shall contain;-</p> <p>a. the name and address of the permit holder; b. a description of the non-motorized vehicle; c. the date on which the permit expires</p> <p>d. the maximum load to which the non-motorized vehicle is to carry provided that in the case of bicycles only one passenger shall be permitted to be carried on the bicycle, and;</p> <p>e. any conditions which the County Government may deem necessary to impose.</p>
Duration of a permit	<p>128. (1) No permit shall be granted for a longer period than one year and every permit shall unless earlier revoked expires on 31st December of the year in respect of which the permit was granted.</p> <p>(2) The permit holder shall upon the issuance of a permit under these Regulations, pay to the County Government such fees as prescribed in the approved fees and charges.</p>
Authorized Officer to issue the licence	<p>129. (1)The Authorized Officer shall issue with every permit, a plate bearing a registration number and date of issue and the plate shall be affixed to a conspicuous place on the outside body of the non-motorized vehicle.</p> <p>(2) Any permit holder who contravenes sub-section (1) above shall be guilty of an offence.</p>
Misuse of non-motorized vehicle	<p>130. No persons shall unlawfully take, use, have possession of, remove, damage or destroy any plate affixed or intended to be affixed to any non-motorized vehicle during the period of its validity</p>
Maximum load	<p>131. (1) Every person who loads or is in charge of non-motorized vehicle shall ensure that the load is securely fastened to the vehicle.</p> <p>(2) Every non-motorized vehicle shall have rubber tyres on all its wheels.</p> <p>(3) A person shall not, except with the written permission of the Authorized Officer and in accordance with the terms and conditions which may be attached to such permission, carry or cause to be carried any article on a non- motorized vehicle so as to project more than two meters behind the body of that vehicle or more than thirty centimeters outside the wheel’s hubs of the vehicle.</p>
Transfer of a permit	<p>132.The Authorized Officer may, with the consent of the holder and upon payment of a fee from time to time transfer the permit thereof to another person.</p>
Persons under eighteen years not to be	<p>133. (1) No person under the age of eighteen years shall be licensed to use, drive, manage or control a non-motorized vehicle for commercial purposes.</p>

Licensed	(2) Any person who causes or permits any person under the age of eighteen years to use, drive, manage or control a non-motorized vehicle or bicycle for commercial purposes shall be guilty of an offence.
Renewal and cancellation of a Licence	134. The County Government may refuse to renew a license or cancel a permit, if the holder of such permit has been convicted of any offence within the preceding twenty-four months under this Part.
Offences	135. A person who does not comply with the provisions of this Part shall be guilty of an offence.
Penalties	136. Any person who is guilty of an offence under these Regulations shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

PART X – DEVELOPMENT CONTROL

Class –B,
Development

137. (1) The County Government shall approve erection of buildings or substantial alterations, works and the carrying out of building operations, as the County Executive Member responsible for matters relating to development controls may from time to time determine, which for the purposes of this Part is classified as class -B, development:

Provided that-

- a. the carrying out of works for the maintenance of improvements or other alteration of or addition to any building where such alterations or additions do not exceed 10% of the floor area of the building
- b. the carrying out by a competent authority of any works required for the construction, maintenance or improvement of a road, if the works are carried out on land within the road reserves;
- c. the carrying out by the County Government of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including breaking open of any street for that purpose and the installation of services by the County Government; shall not constitute development for the purposes of part:

Provided further that the County Government and any other person carrying out works approved by the County Government, shall within seven days after completion of works carried out in this section restore the site to conditions that would not be injurious to users and the environment.

Class –A,
Development

138. (1) For the avoidance of doubt, it is hereby declared that for the purpose of this Part-

- a. the deposit of refuse, scrap or waste materials on land involve a change of use thereof;
- b. the use as two or more dwellings of a building previously used as one dwelling constitutes class -A, development;
- c. the erection of more than one dwelling or shops or of both dwelling and

shop on one plot constitutes class -A, development;

d. the display of any advertisement constitutes class -A, development;

(2) The use of any buildings or land within the cartilage of a dwelling for any purpose incidental to the enjoyment of the dwelling constitutes class -A, development.

Exemptions

139. Building which is not a public building or a dwelling and is not constructed to be used either wholly or partially for human habitation or as a place of habitual employment of any person in manufacturing, trade or business but which is constructed for use exclusively in connection with any farm, ranch, tea, coffee or sisal or horticultural estates, shall be exempt from the operations of this Part if it:-

a. is situated not less than ten (10) metres from any public road or road of access and not less than two (2) metres from any building other than a building exempted under this part and from the nearest boundary of any adjoining land and premises; and

b. is constructed on land not being within any residential, business, commercial or industrial area or zone so determined by the County Government.

Grant of permission

140. (1) Notwithstanding anything contained in this Part the County Government may by agreement grant permission for the erection of building where the materials used or the standard of construction and general appearances of the buildings are not regarded by the County Government as consistent with good, and satisfactory development, or which are of temporary nature or for an occupancy of short duration.

(2) Any permission granted under this Part shall be upon such terms and conditions as the County Government may prescribe.

(3) Any person who fails to comply with the terms, conditions and obligations contained in the agreement shall be guilty of an offence under this Part.

Applications

141. (1) Every person who proposes to erect a building on any land within the County jurisdiction shall lodge with the Authorized Officer an application for approval by the County of his proposals and the plans relative there to.

(2) Such applications shall be made in the form prescribed in the Fourth Schedule of the Physical Planning Act and shall contain written particulars relating to the following the purposes for which the building or erection will be used-

Cap 286

a. the number of dwellings or separate tenancies or occupancies to be provided in the building;

b. the material of which the building will be constructed;

c. the mode of drainage and means of disposal of waste water, soil water, roof water and other liquid;

d. the water supply;

e. in the case of public building the number of persons to be

accommodated in each part thereof, the means and capacity thereof for ventilations and the provisions made for the safety of the public; and

- f. in the case of any building other than public building, the maximum number of persons to be employed and otherwise is accommodated in each part thereof.

(3) The person shall also submit with the Authorized Officer of the County Government, in triplicates or in the case of factories in quadruplicates, or upon the request of County Planner such further copies.

(4) Permanent blue prints made from a tracing in permanent ink), the following plans, sections, elevations and drawings delineated in a clear and intelligible manner and signed by the applicant or his duly authorized agent-

- a. a plan of every floor or storey
- b. a drawing of each elevation;
- c. sufficient sections of the building or buildings from the foundations to the uppermost part of the structure to illustrate the construction thereof;
- d. such detailed drawings as may be necessary or required;
- e. a block plan of building and site;
- f. a key plan showing the building and the site when it is not sufficiently identifiable from the block plan or as not properly shown thereon; and
- g. in the case of alterations and additions, sufficient drawings to show clearly the existing structure and arrangements and the proposed alterations and additions.

(5) The plans, elevations and sections shall be to a scale of not less than one is to one hundred (1:100) or if the building is so extensive as to render a small scale necessary not less than one to two hundred (1:200), but in the latter case ample detailed drawings shall be provided to show clearly methods of construction. The block plan shall not be to a scale of not less than one is to one thousand (1:1000) except where the area of the plot is in excess of two hectares in which case the block plan may be one is to two thousand five hundred (1:2500) but in the latter case sufficient detailed plan shall be provided on other drawings to show clearly the sitting and layout of buildings and drainage thereof.

(6) There shall be shown-

- a. upon the plans, elevations and sections-
 - i. the levels of the site of the buildings; the levels of the lowest floor of the building, the level and slope of any street adjoining the cartridge of the building in relation to one another and above some known datum, provided that the relationship between the level of the lowest floor and the level and slope of the street need not be known

- if the building is more than six metres away from the boundary of the street;
- ii. the position, form and dimensions of the foundations, walls, floors, roofs, chimneys and several parts of the buildings;
 - iii. the position, form and dimensions of every water- closets, urinal, pail closet, water tank, cistern to be constructed or installed in connection with the building;
 - iv. details of the proposed drainage work including the position, form and arrangement of the several part of the building to which such drainage work refers, the size, gradient materials and position of every drain; the size position and construction of every manhole, inspection chamber, septic tank, cess pool, storage tank, sewage filter installation or other work for the treatment, storage, reception or disposal of sewage or drainage; the size materials of every galley, soil type, waste pipe, ventilating pipe and rain water pipe; the position of every soil fitting and waste water fitting and the position of every soil fitting and waste water fitting and the position of all windows and other openings into the building situated within a distance of six metres from the open end of every soil pipe, waste pipe and ventilation pipe; and
 - v. the purpose or purposes of which each portion of the building will be used and the extent of each portion which will be separately occupied or tenanted.
- b. upon the block plan-
- i. the size and position of the building and its appurtenances and the size and position of any existing buildings on the plot or sub-plot and the nature of their construction and use;
 - ii. the position of any buildings on any adjoining plots or sub-plot which are within fifteen metres from the plot or sub-plot on which the proposed building is to be erected, and the nature of their construction and use, and the building line or lines of the adjacent buildings;
 - iii. the name, position and width of every street adjoining the cartilage of the building;
 - iv. any established, proposed or prescribed building line;
 - v. the size and position of every yard and open space belonging to the building;
 - vi. the position of every water-closets, urinal, pail, closet, latrine, well and water tank or cistern and every out-building in connection with the building;

	<ul style="list-style-type: none"> vii. the lines of drainage of the building, the size, the depth and inclination of every drain and the means to be provided for ventilation of the drain, and the position of every manhole, inspection chamber, gulley, junction, bend, intercepting trap and connection with a sewer combined drain, septic tank or other receptacle for drainage; viii. the position and level of the outfall of the drain and the sewer, if any, to which the drain will be connected; and ix. the means of disposal of sewage, waste water, rain water and the liquid discharged from the building and the position of such means.
	<ul style="list-style-type: none"> c. upon the detail drawings, such parts of the structure as cannot be adequately illustrated on the plans and drawings made to the scales herein specified.
Supplemental plans	<p>142. There shall be supplied such additional or supplemental plans, drawings, figured dimensions, particulars and structural calculations as the County Physical Planner may require, and in the case of structural work of steel, reinforced concrete or timber, there shall be provided certificate from the designer(who shall be a practicing, chartered, civil or structural engineer or other person possessing similar qualifications acceptable to County Government) that the design conforms in all respects with relevant recommendation of British Standard Codes of practice 113,114, 112 or any other relevant British Standard codes.</p>
Retention of plans	<p>143. One set of the plans and drawing submitted for approval will be retained by the County Government in the case of lease hold land, one set will be retained by the Commission of Lands in the case of factories, one set may be retained by the Chief Inspector of Factories.</p>
Restriction on development	<p>144. (1) A person shall not carry out development within the County without development permission from the Authorized Officer.</p> <p>(2) Any person who contravenes sub-section (1) above shall be guilty of an offence and shall be liable to a fine not exceeding Kenya Shillings one hundred thousand or to an imprisonment not exceeding five years or to both.</p>
Payment of fees	<p>145. Every person who submits any application to the County Government under the provision of this Part shall at the time of such submission pay to the County Government, fees in accordance with the approved fees and charges.</p>
Compliance with requirements	<p>146. (1) Every plan for the erection of a building and every person who erects a building shall comply in all respect with the County Government requirements for the purpose of this Part the requirements of the County Government shall be deemed to be satisfied if, in regard to the following-</p> <ul style="list-style-type: none"> a. siting, design and amenities; b. coverage; c. space about buildings, lighting and ventilation;

- d. boundary walls or hedges;
- e. materials;
- f. building sites;
- g. drainage, sewerage, septic tanks, conservancy;
- h. fire safety precautions and emergency exits, refuse disposals;
- i. water supply; and
- j. advertisements and signs.

(2) Requirements as to loadings, foundations, resistant to fire, damp and weather, roofs, floors, chimneys, flues, hearths, reinforced concrete and steel structures, stairs and lifts;

(3) The plans and building are in conformity with the Provisions of this Part in force from time to time, the British Standard Specification published by the British Standard institution, for any material or the British Standard code of practice published by the British Standard institution, for any building preparation.

Approval of
building plans
Cap, 286

147. If the County Government approves the plans for the erection of a building, it shall signify notice of its approval thereon as soon as practicable and issue a PPA2 Form as per Fifth Schedule of Physical Planning Act.

Disapproval

148. If the County Government disapproves the plans for the erection of a building, it shall notify the applicant within thirty days the reason for disapproval and it shall signify to the person submitting the plans detail of the manner in which the said plans have failed to comply with the provision of this Part and the Provisions of Physical Planning Act.

Cap 286

Minor
alterations and

149. (1) Notwithstanding anything contained in this Part the County Physical Planner may grant permission to any person to proceed with any minor alteration or addition to a building or to the erection of any boundary wall or screen wall or fence or of a hoarding which complies generally with the intent and purpose of the provisions of this Part but which may be regarded as of minor importance and such permission shall be deemed to be the approval of the County Government of the applicant's proposals and drawings.

(2) In the event of any such permissions not being acted upon within six months from the date of such permission, it shall lapse.

Nullification of
approval

150. The approval by the County Government of any plans for the erection of a building shall be null and void if-

- a. the erection has not been commenced within twelve months after the date of such approval, or
- b. erection has been commenced as aforesaid but the building has not been completed within a period of two years from the said date of approval unless County Government approves an extension of such period.

Notification of
commencement

151. (1) Any person who-

of construction

- a. commences to erect a building without plans thereon having been approved by the County Government or in respect of which the approval of plans has become null and void;
- b. having obtained the County Government's approval of the plans for the erection of a building, erect such building otherwise than in accordance with the approved plans, shall be guilty of an offence under this Part; or
- c. in such case, whether or not proceedings have been instituted against the person offending, the County Government may serve upon the owner of building a notice under the hand of the Authorized Officer requiring him within the period of the time specified in such notice to do any of the following things-
 - i. to cease the erection of such buildings;
 - ii. to erect such buildings strictly in accordance with the approved plans;
 - iii. to execute such works or alterations or additions to such buildings as may be prescribed in such notice in order to render such buildings safe and sanitary or otherwise conform to the requirements of the provisions of this Part; or
 - iv. to remove or demolish such building.

(2) If the owner shall fail to comply with all or any of the requirements of such notice, then the County Government, after not less than fourteen days' notice, in writing under the hand of the Authorized Officer served upon the owner, may by County Physical Planner enter the premises and execute such work or make such alterations or additions to such building or remove or demolish the building without liability for any loss or damage which may be occasioned thereby and may recover the cost thereof from the owner as a civic debt.

Access to
building by the
County Physical
Planner

152. (1) Any person who proceeds to erect any building the plans of which have been approved by the County Government shall-
- a. give the County Planner not less than four days' notice in writing, of the time and date when-
 - i. the erection of the building will be commenced;
 - ii. the concrete or other materials laid over the site, or the foundation bed, or the foundation, or the footings or the damp-proof course will be completed and ready for inspection;
 - iii. the reinforcement of a reinforced concrete structure will be placed in a position ready for inspection;
 - iv. the roof construction will be commenced; and
 - v. any drainage work will be commenced;
 - b. at all reasonable times afford the County Physical Planner, Medical Officer of Health, Public Health Officer, Building Inspector, Health

Inspector and other persons deriving authority from the County Government, free access to the building or work for the purpose of inspection;

- c. permit the County Physical Planner to take such samples of the materials to be used in the construction of any building or execution of work, as may be necessary to enable him to ascertain whether such materials comply with the provisions of this Part or with the approved plans;
- d. not to erect any building or execute work otherwise than in conformity with the plans approved by County Government and in compliance with the provisions of this Part;
- e. if he has received a notice from the Authorized Officer pointing out the respect in which the work or building does not conform to the plans as approved by the County Government or contravenes the provisions of this Part, he shall alter or amend the work or building to conform to the said plans and to comply with the provisions of this Part within the time stated in such notice, and shall advise the County Planner, in writing, of the completion of the alteration or amendment;
- f. provide sanitary conveniences for the workmen employed on the works to satisfaction of the medical officer of health;
- g. erect such hoarding as shall be necessary for the protection of the public;
- h. if any concrete or other material laid over the site, or any foundation bed, or foundation, or footing or damp-proof course is covered up before the same has been inspected and approved by the County Physical Planner, the County Planner will issue a notice in writing requiring him within the time specified in the notice to cut into, lay open or pull down so much of the building as prevents the County Physical Planner from ascertaining whether any of the provisions of this Part have been contravened or whether the approved plans have been complied with;
- i. not to permit the damage or obstruction of any drain or drainage channel within any road reserve during building operations; not dump or permit to be dumped any building materials or rubbish or erect any hoarding within any road reserve without the written consent of the County Physical Planner nor otherwise than in compliance with any conditions he may stipulate;
- j. on completion of the building or work-
 - i. remove from the site or from any adjacent land which he may have occupied all surplus building and excavated materials and all rubbish and leave such site or land

clean and tidy; and

ii. restore and leave in good condition all pipes, drains, roadways, kerbs, water channel, roadside drains, footways, pavements or other things which may have been damaged or through his operations and transport.

k. notify the County Physical Planner, in writing, when the erection of the building or execution of the work has been completed, such notice to be given as soon as practicable after completion thereof.

(2) Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

Survey beacons 153. (1) The owner of any plot or sub-plot who submitted any application to erect any building thereon shall, if required by the County Physical Planner, point out the survey beacons making the corners of such plot or sub-plot either before the application is approved or after the application is approved and before building operations are commenced.

(2) Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

Inspection of foundation bed of buildings 154. (1) No foundation bed, foundations, footings, damp-proof course, reinforcement in reinforced concrete, roof construction or drain shall be covered up unless and until the said works have been inspected and approved by the County Planner.

Provided that such inspection shall be made within three days of the receipt by the County Physical Planner of a notice, in writing from the owner of the building or the builder that such works are ready for inspection.

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

Qualification of approval 155. The approval of any plans, drawings, sections, particulars or calculations of any building or structure or work or the inspection thereof shall not in any way impose or imply acceptance of any responsibility on the part of County Government for the structural stability of any such building, structure or work.

Certificate of completion 156. (1) Every owner who shall intend to occupy a new building or permit the same to be occupied shall furnish to the County Government with a certificate of completion, signed by him or his authorized agent, to the effect that the building has been completed in every respect in accordance with the approved plans and particulars thereof, and shall apply for a certificate of occupation.

(2) On receipt of such certificate, the County Physical Planner, County Fire Officer and Public Health Officer, if satisfied that the building is in conformity with such approved plans and particulars and that it is fit for occupation, shall issue a certificate of occupation.

(3) A person shall not occupy any new building or being the owner thereof allow such building to be occupied unless and until he has obtained a written permit of

occupation as required by the provision of this Part.

(4) Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

User other than that specified

157. (1) Where any building has been erected, a person shall not except with the permission of the County Government given under the hand of the County Physical Planner and upon such terms as the County Government may prescribe, use or being the owner thereof allow to be used such building otherwise than for the purposes specified or indicated in the approved plan in respect thereof and for which purposes the building was constructed.

(2) -Purpose, or -purposes, in this Part shall mean the particular purpose for which a building or part thereof has been erected or to which it has lawfully been altered and not solely its general purpose as a domestic building, public building or other type of building.

(3) In a domestic building only, that portion thereof which has been erected as a dwelling may be used as such. In a dwelling any habitable room therein which complies with the provisions may be used as such notwithstanding its designation on the approved plans but no apartment such as a larder, store, pantry, closet or scullery, not designated or designed as a habitable room shall be used as a habitable room. No apartment provided in connection with a domestic building for the express purpose of housing domestic servants shall be used by other than domestic servants of the occupier or occupiers of the building.

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

158. (1) All public and industrial/warehouses for public use shall be designed and constructed as to allow maximum access and facilities for the people living with disabilities such toilets, lifts and access facilities.

Facilities for people living with disabilities in new and existing buildings

(2) All existing public and industrial/warehouses for public use shall be modified to accommodate maximum access and facilities for people living with disabilities such as toilets, lifts and access facilities within such time frame as shall be specified upon commencement of these Regulations.

Safety and performance certificate

159. (1) The County Government shall issue -safety/performance certificate (SPCC) to all buildings periodically every five (5) years. The SPCC shall cover all aspects of maintenance mentioned here below.

(2) Planned maintenance- maintenance carried out as a result of fore thought, control and the issue of records to a predetermined plan.

(3) Preventive maintenance: - the maintenance carried out at predetermined intervals or corresponding to prescribed criteria and intended to reduce the probability of failure or the performance degradation of an item. An all-inclusive audit shall be conducted to ascertain all aspects of building constructed and installation.

(4) Condition based maintenance the preventive maintenances initiated as a result of knowledge of the condition of the building from routine or continuous monitoring that is through periodic condition surveys.

Classification
of
safety/performance
compliance
certificate

160. (1) safety/performance compliance certificates shall be classified into the following categories for the different types of buildings-

- a. category 1;
- b. category 2; and
- c. category 3;

Where category 1: Domestic/Public/Industrial buildings which are sound and which do not require any immediate maintenance activities/remedial action.

Where category 2: Domestic/Public/Industrial buildings which are sound and but with minor defects requiring remedial action.

Where category 3: Domestic/Public/Industrial buildings which have deteriorated to a level where no remedial action can restore it to original designed function and is therefore condemned and must be demolished.

(2) The buildings to which categories (2) and (3) of this Part apply are Domestic building, Industrial/factory/warehouse buildings and Public buildings with the exception of buildings of historical value as defined in the relevant Act.

161. (1) For the purposes of conservation and heritage, the County Government shall need to regularly identify and list buildings of historic and heritage value.

(2) The above buildings are to be protected and conserved by the owners. They should not be demolished or altered without authority of the County Government who will work in consultation with antiquities bodies or National Museums of Kenya.

(3) Incentives in the form of reduction on land taxes to be provided for by the National Government and County Government.

(4) The buildings and their neighborhoods to be identified and preserved as conservation sites or areas.

Conservation
and heritage

162. The County Government will put in place zoning maps which will guide developments within the County. These are to be reviewed regularly within the review period of development strategies. Spot zoning- anything missed out for through spot zoning. It is important that a building code would need to be adopted

Strategic
development
plan

by the County Government to be put in operation.

Environmenta
l impact
assessment

163. If in connection with a development application of the opinion for industrial location, dumping site, sewerage treatment, quarries or any other development activities will have injurious impact on the environment, the applicant shall be required to submit together with the application an environmental Impact assessment report.

Subdivisions

164. (1) No private land within the County may be sub-divided except in accordance with the requirements of the County's Physical Development Plans approved in relation to that area under this Part and upon application made in the form prescribed in the fourth schedule of the Physical Planning Act.

(2) The sub-division and land use plans in relation to any private land shall be prepared by a registered physical planner and such plans be subjected to the approval by the County Government.

(3) Where in the opinion of the County Government an application in respect of development, change of user or subdivision has important impact on contiguous land or does not conform to any conditions registered against the title deed of the property, the County Government shall, at the expense of the applicant, publish the notice of the application in the Gazette or in such other manner as it is deemed expedient, and shall serve copies of the application on every owner or occupier of the property adjacent to the land to which the application relates and to such other persons as the County Government deems fit.

(4) If the County Government receives any objection to, or representation in connection with an application made under sub-section (1), the County Government shall notify the applicant of such objection or representations and shall before the application is determined by it afford the applicant an opportunity to make representation in response to such objections or representations.

(5) The County Government may approve with or without such modifications and subject to such conditions as it may deem fit, or refuse to approve, an application made under sub section (1).

(6) Any person carrying out subdivision of more than five acres and change of user from agriculture to commercial, residential or industry shall provide ten percent of land for public use and communicate the same and surrender to County Government strictly for public utility.

(7) Any person who contravenes sub-section (6) above shall be guilty of an offence under this Part.

Provided that if such person is aggrieved by a decision of County Liaison Committee he may appeal against such decision to the National Liaison Committee in writing stating the grounds of his appeal: provided further that the appeal against the decision of the National Liaison Committee may be made to the High Court in

accordance with the rules of procedure for the time being to the High Court.

Offences and Penalties

165. A person who fails to comply with the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding Kenya Shillings One Hundred Thousand and to imprisonment to a term not exceeding seven months or both.

PART XI – COUNTY GOVERNMENT RENTAL HOUSES

- Application 166. This Part shall apply to all County Government estate tenants.
- Assigning or 167. The tenant shall not assign, underlet or part with the possession of the premises
subletting or any part thereof without the written consent of the County Government.
- Payment of rent 168. The tenant shall pay the rent reserved in advance on or before the first day of every
month at the County’s Government appointed revenue offices as per the approved
fees and charges.
- Alteration, 169. A tenant shall not without a written consent of the County Government make any
additions to the alterations or additions to the premises and shall not remove any partitions, doors
approved design or other fittings and fixtures so affixed and designed by the County Government.
of the premises
- Illegal 170. (1) A tenant shall not construct or cause to be constructed any structures for
extensions to dwelling whether permanent or semi-permanent in nature within the County
buildings Government’s estates.
(2) Any tenant who contravenes sub-section (1) above shall in addition to the
penalties prescribed under this Part be liable to have the said structures
demolished at the tenant’s cost.
- Eviction 171. The County Government may upon giving a notice of twenty eight days to a tenant,
who has breached these provisions, evict the said tenant.
- Impounding and 172. The County Government shall at the time of evicting a tenant who is in rent arrears,
sale of tenants impound the tenant’s household goods and after the expiry of the notice given to
goods for the tenant to clear the rent arrears have the right to dispose off the tenants goods to
recovery of rent enable the County Government recover the rent arrears.
arrears
- Forceful or 173. (1) Any tenant who upon eviction from the County Government’s premises and
breaking into the before settling any rent arrears or receiving a written authority of re-entry to the
premises premises forcefully breaks into and damages any part of the premises shall be
guilty of an offence under this Section.
(2) Any tenant who is in breach of this Section shall be liable to a fine not
exceeding twenty thousand shillings or to imprisonment for a term not exceeding nine
months or both.
- Inspection of 174. The tenant shall allow the estate officer or any other officer authorized in writing by
premises the County Government to carry out an inspection of the premises upon receiving a
reasonable notice and the inspection carried out within working hours.
- Keeping of 175. No tenant shall keep any poultry or animals on the premises (except as domestic
animals or pets).
poultry
- Planting of crops 176. A tenant shall not plant any crop in his garden or compound of the premises he
occupies unless with a written consent of the estate manager.
- Nuisance 177. A tenant shall not permit or cause to be done in or about the premises anything
which in the opinion of the County Government may be or become a nuisance or

annoyance to the County Government or to the occupants of neighbouring premises or to the public generally.

- Premises to be used on as private residence 178. A tenant shall not use the premises for commercial purposes and shall not conduct any business or cause to be conducted any business activity whatsoever, but shall rather use the premises as a private residence only and for no other purpose whatsoever.
- Damages to floors, walls, timber premises trees, water pipes, boundary fences, hedges 179. A tenant shall not damage the floors, walls, timber of the premises, water pipes, boundary fences, hedges or cut any of trees.
- Notices 180. Any notice required to be served under this Part shall be deemed to have been served if the same is either delivered at the tenant's premises or posted to the tenant's registered post.
- offences 181. A person who does not comply with the provisions under this Part shall be guilty of an offence.
- Penalties 182. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding seven months or both.

PART XII – SLAUGHTER HOUSES

- Establishment of slaughter houses 183. The County Government may establish and maintain slaughterhouses for the slaughter of animals and may appoint a manager to be in charge thereof.
- Slaughter of Animals 184. (1) A person shall not, except with the written permission of the Authorized Officer-
a. slaughter an animal elsewhere other than the slaughter house; or
b. bring a slaughtered animal or meat into the County.
- Opening and closing 185. (1) A slaughterhouse shall be open on such days and during such hours as the County Government shall determine.
(2) A person shall not remain in a slaughterhouse during the hours in which it is closed.
- Methods of slaughtering 186. (1) The inspecting officer may require a person intending to slaughter an animal to use such methods of slaughtering instrument and appliances or to adopt such methods of slaughtering or to otherwise take such precautions as are necessary to secure the infliction on the animal or as little pain or suffering as practicable.
(2) A person shall not-
a. drive or bring an animal to the slaughter house in such a manner to inflict on it unnecessary pain and suffering;
b. use an instrument for slaughtering or stunning an animal unless his

training, physical condition and ability qualify him to use the instrument to inflict on the animal as little pain as practicable;

- c. slaughter or cause to suffer an animal in the presence or in view of another animal; or
- d. proceed to slaughter or cause an animal to be slaughtered until that animal is securely fastened to enable it to be slaughtered with as little pain as possible.

	187. (1) No dead or moribund animals shall be admitted into a Slaughterhouse.
Dead or moribund animals, gut	(2) The process of the gut cleaning shall only be carried out in that part of the slaughterhouse set-aside for the purpose and only between such hours as may be from time to time prescribed by the County Government.
Disposal cleansing	188. (1) The hide or skin, fat and offal of every animal slaughtered in a slaughterhouse shall be removed within twelve hours after the slaughtering of the animal. (2) Blood, manure and gut contents shall be deposited in the place or receptacles provided for that purpose.
Dogs at slaughter houses	189. (1) No dogs shall be allowed in or near a slaughterhouse. (2) Any person who causes or permit a dog to be in or near a slaughterhouse shall be guilty of an offence.
Admission into the slaughter house	190. (1) A person shall not enter or be admitted to a slaughterhouse except with permission of a manager and on such condition as he may impose.
Liability	191. (1) The manager may permit animals intended for penning to remain in the slaughterhouse pen during the hours in which the slaughterhouse is closed (2) The County Government shall not be liable for any loss of, or injury to an animal left in the slaughter house pen pursuant to this Part. (3) Any person who allows or causes an animal to remain in the slaughterhouse pen during the hours which it is closed otherwise than with the permission of the manager shall be guilty of an offence under this Part.
Prevention of spread of disease	192. (1) The manager or inspecting officer may at any time order the slaughter of an animal which has been permitted to remain in the slaughter house pen if it appears to the manager or the inspecting officer that it is necessary or advisable for the prevention of the spread of diseases or for humane reasons. (2) No liability shall attach to the County Government, the Manager or the inspecting officer in respect thereof.
Lawful instruction	193. Every person in a slaughterhouse who fails or refuses to comply with or obey all lawful instructions, directions and orders given by the Manager for the purpose of controlling or supervising the slaughterhouse shall be guilty of an offence under this Part.
Obstruction of officers	194. Any person who obstructs or hinders the Manager or the Inspecting Officer in the

course of his duties shall be guilty of an offence under this Part.

- Exemption from Liability
195. The County Manager or the Inspecting Officer shall not be liable for any loss or damage suffered.
- a. during the slaughtering process or,
 - b. in the course of transporting the meat from the slaughterhouse for delivery.
- Fees
196. (1) The fees payable for the services rendered under this part shall be in accordance to the approved fees and charges.
(2) The fees under this Part shall be payable in advance.
- offences
197. A person who does not comply with the provisions under this Part shall be guilty of an offence.
- Penalties
198. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

PART XIII – PRIVATE LEARNING INSTITUTION

- Permitted premises
199. A person shall not carry on the business of a learning institution within the County unless he holds a valid permit and the premises meet the required standards.
- Form of permit
200. Every application for the permits to carry on business of a learning institution and for the premises shall be made in writing and shall be addressed to the Authorized Officer and such application shall set forth-the name, address and occupation of the applicant; the description of the premises in which it is proposed to carry on the business of a learning institution; the number of persons proposed to be employed to teach and take care of children, pupil or student accommodated in the proposed learning institution.
- Duration
201. No permit shall be granted for a longer period than one year and every permit shall expire on the 31st of December of the year in which it is granted.
- Transfer of permit not allowed
202. A permit shall not be transferable either from the holder thereof to any other person or from the permitted premises to any other premises without prior consent in writing of the County Government.
- Conditions for issuance of permit
203. No permit shall be granted unless the County Government is satisfied that-
- a. the premises in respect of which a permit is desired comply with any Building Plan for the time being in force in the County Government;
 - b. the premises are suitable in all respects for use as a learning institution and are capable of accommodating the number of children or pupils or students proposed to be accommodated therein;
 - c. the number of persons proposed to be employed to teach and take care of children or pupils/students is sufficient to safeguard their health, or safety; and

d. the learning institutions meets the Ministry of Education set standards.

- Conditions of premises 204. The permit holder shall maintain the permitted premises in good order and condition to the satisfaction of the County Government and in the event of his failure so to do, the County Government may cause a notice to be served upon the permit holder requiring him within the period specified in the notice, to carry out such works as may in the opinion of the County Government be necessary to put such premises in good order and condition and if the permit holder fails to do such work within the time specified in such notice he shall be guilty of an offence under this Part.
- Infected persons 205. (1) The permit holder shall not permit a person suffering from an infectious, contagious.
(2) Any person working in a learning institution permitted under this Part must have a valid medical certificate from a recognized Medical Officer.
- Inspection of schools 206. The Medical Officer of Health or any other Officer authorized by the County Government in that behalf may at all reasonable times enter and inspect any premises in the County which he has reasonable cause to believe are being used for the purpose of carrying on a learning institution.
- Fees 207. The fee payable for the grant, renewal or transfer of a permit under this Part shall be as per the **trade licensing Act 2017**.
- Duty of permit holder 208. The permit holder shall be responsible for the due observance of these Regulations in respect of the premises for which he holds a permit and any breach thereof by any servant of the permit holder shall be deemed to be a breach by the permit holder.
- Offences 209. A person who does not comply with the provisions of this Part shall be guilty of an offence.
- Penalties 210. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding One Hundred Thousand Shillings or imprisonment for a term or both.

PART XIV – HAWKING

- Application for permit 211. (1) Every application for permit shall be made to the /Authorized Officer using the prescribed form, and the applicant shall furnish the Accounting Officer/Authorized Officer with particulars of the commodity, and the place or places at which he intends to engage in hawking.
(2) A person shall not engage in hawking unless such person has obtained a permit for carrying out such business or trade within the specified area.
- Issuance of permit 212. (1) The County Government in its discretion, upon payment to the Authorized Officer of the appropriate fees in the approved fees and charges as provided for in this Act, issue under the hand of the Authorized Officer a Business permit, permitting the person named therein to engage in hawking subject to such terms and conditions, if any, as may be specified in the permit.

(2) Without prejudice to the generality of sub-section (1), a permit may be restricted to a particular area or specified goods, wares, merchandise and refreshments.

(3) There shall be issued with each permit a badge relating thereto.

Production of a permit 213. (1) Every person required by the provisions of these Regulations to hold a permit shall, whilst engaged in hawking, carry with him and produce it on demand to a duly authorized officer or Inspection Officer of the County Government or a police officer, and shall wear in a conspicuous place the badge relating to his permit.

(2) Any such Authorized Officer of the County Government or Police Officer 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 duly Authorized officer, inspector in the execution of his duties under these Regulations, or who fails to comply with any of the provisions of this Part shall be guilty of an offence.

Hawker's assistant 214. (1)The County Government may in its discretion and upon payment to the Authorized Officer of the appropriate fees prescribed in, issue under the hand of the Authorized Officer a permit, authorizing the person named therein to be employed by or to assist a person having permit under these Regulations who:-

- a. hawks refreshments; or
- b. is disabled.

Provided that:

- i. not more than one permit shall be issued under this section in respect of each permit; or
- ii. where a permit is issued under this section the relevant permit issued shall be endorsed with the words -One Assistant's Permit Issued,.

Transfer of permit 215. Any permit holder who, without the written consent of the Authorized Officer, transfers his permit or badge issued relating thereto to any other person shall be guilty of an offence.

Impounding of goods 216. Any person who without a valid permit and engages in hawking or permit holder who engages in hawking in a non-designated area shall have his goods impounded and forfeited to the County Government, except:-

If the offending Hawker is arraigned in court and charged with the offence, the impounded goods may be released to the accused upon payment of the fine or completion of the jail term.

Hawking in central business district 217. Any person who engages in hawking with or without a permit within the restricted areas of the central business areas defined by the County Government from time to time shall be guilty of an offence under these Regulations.

Buying, negotiating, soliciting and inducing 218. (1) Any person who solicits, bargains, induces or negotiates with any hawker with a view to buy or sell any hawking goods in a non-designated area shall be guilty of an offence

Offences 219. A person who does not comply with the provisions of this Part shall be guilty of an offence.

Penalties 220. Any person who is guilty of an offence under this part shall be liable to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding seven months or both.

PART XV – DRAINAGE AND SEWARAGE

Provision for conveying surface water 221. Where any building is without adequate provisions for conveying surface water there from to a surface water sewer or where such provisions has been made but has fallen into disrepair, the owner of such building shall-

a. on and within such reasonable time as shall be specified therein, provide guttering on downpipes or execute such other work as may be necessary to any surface water sewer which is within seventy yards of the boundary of the plot on which such building is erected or if there is no surface water sewer within the distance; or

b. if, it is not practical to connect to such sewer otherwise suitably dispose of such surface water to the satisfaction of the County Government.

Provision of conveying foul water 222. (1) where any building is without provisions for conveying foul water there from to a foul sewer, the owner of such building shall-

a. on receipt of a notice from the Authorized Officer requiring him to do so and within such reasonable time as may be specified within, provide a drain connecting to any foul sewer which is within seventy yards of the boundary of the plot on which such building is erected; and

b. if this is not practical to connect with such sewer, then emptying into a septic tank or otherwise, as the County may direct.

(2) Every such drain shall be constructed of such materials, be of such size and be laid at such level and in such a manner and with such falls as the County require.

Construction of private 223. (1) If appears to the County that when two or more buildings are to be connected to a sewer they may be drained more economically or advantageously by private sewer than by separate drains, the County Government may, if an adequate public sewer exists or is about to be constructed within seventy yards of any part of the plot on which such building are erected and it is practical to connect therewith, order that such building be drained by a private sewer to be constructed by the owner of such building in accordance with plans to be approved by the County within such the reasonable time as shall be specified in such order.

(2) The cost of the construction of such private sewer and of the repair and maintenance thereof shall be appointed between the owners of such building in such manner as the County Government shall determine.

Provision of 224. (1) every new building shall be provided with an effective drain, to be constructed in

drain for new buildings accordance with the County Government's requirements, emptying into such public sewer as are within seventy yards of the boundary of the plot on which such building is or is to be developed, or if there be no public sewers within that distance, or if it is not practical to connect with such sewers, then emptying into septic tank or soak ways or otherwise as the County Government may direct.

(2) A person shall not occupy or permit to be occupied any building unless it is equipped with an effective drain as provided in sub-section (1).

(3) For the purpose of these Regulations, the expression -new building, shall include any building and two external walls of which have been pulled down to or below the level of the ground floor and which has been rebuilt.

Prohibition of conveyance of fouled water into sub-soil surface store or rain water 225. Notwithstanding anything contained in this Part, a person shall not cause or permit any sub-soil surface store or rain water or any drain for conveyance with any fouled water or with any drain for conveyance of such waters to discharge into or communicate with any foul sewer or with any foul water of any drain for the conveyance of sub-soil surface, storm or rain water.

Notice for provision of drain 226. If it appears to the County that any building is not provided with drain or other appliance for carrying off waste water from such building, the owner of such building shall on receipt of a notice from the Authorized Officer requiring him to do so, provide such drain within reasonable time as may be specified in such notice.

Connection to a foul sewer to be seventy yards from a boundary 227. (1) if any sanitary accommodation of a type other than a water closet is installed or erected on a plot and the boundary is within seventy yards of a foul sewer, and it is practical to connect with such foul sewer, the County Government may, by notice in writing, require the owner of such plot, within reasonable time, to connect such sanitation by means of an approved drain to the foul sewer.

(2) If any sanitary accommodation of a type other than a water closet is installed or erected on a plot where the boundary is not within seventy yards of a foul sewer, the County Government may by a notice in writing require the owner thereof, within such reasonable time as may be specified in such notice to convert such sanitary accommodation into or replace it by water borne sanitation or if there is an adequate septic tank into which such water borne sanitation may drain the septic tank, then the County Government may require the owner thereof to construct within a reasonable time an adequate septic tank and connect such water borne sanitation thereto.

(3) Where, under this Part, any sanitary accommodation has been replaced by water-borne sanitation the County Government may by notice in writing require the owner of such sanitary accommodation to remove it within such time as be specified in such notice.

Notice to connect to a public sewer 228. (1) Where the sewerage or waste water from a building erected on a plot and the boundary whereof is within seventy yards of a public sewer (and it is practical to connect to such sewer empties into a cesspool, septic tank, or elsewhere than into

a sewer the County Government may, by written notice, require the owner of such building within such reasonable time as may be specified in such notice, to cause the sewerage or waste water from such building to discharge into such public sewer in a manner and by the use of such materials as the County Government may require.

(2)The County Government may thereafter, by notice in writing, require the owner of such building within such reasonable time as may be specified therein to remove such cesspool, septic tank or other receptacle and to fill in the ground form which it may be removed.

Maintenance of drains

229. The owner of any building shall, at his or her own expenses, maintain all drains and all drainage works constructed upon or in connection with such building in an efficient condition and in a proper state or repair to the satisfaction of the County Government.

Examination of drainages

230. (1) If it appears to a duly authorized officer by the County Government that any drain, sanitary accommodation, cesspool, septic tank, or other appliance or apparatus for drainage of any building is in a bad state or repair or is inefficient or is a nuisance or injurious or dangerous to health may, after twenty four hours written notice to the occupier of such building or, in the case of emergency, without notice, cause such building and the cartilage thereof to be entered and the ground to be opened and such drain, sanitary accommodation, cesspool, septic tank or other appliance or apparatus for drainage to be examined.

(2)If, after service of the notice as aforesaid the owner neglects to comply with the provision thereof or if such owner cannot immediately be found the Authorized Officer may cause such works as he thinks proper to be done for effecting the removal of such stoppage and the expenses thereof shall be payable by the owner and shall be a civil debt recoverable summarily.

(3)The costs and expenses incidental to the removal of any stoppages as aforesaid in a private sewer shall be apportioned by the County Government between the owners of such premises as are drained into such private sewer.

Prohibition of draining into a public sewer

231. Where it is the opinion of the County Government the introduction into any public sewer of any solid matter, suspended matter, mud, chemical or trade or manufacturing affluent or other waste (inclusive of vapours or gaseous matter) or any steam condensing water, heated water or other liquids, whether directly or through any drain or channel communicating with such public sewer either does or may cause a nuisance or involve danger to the health of persons entering such sewer, or others, or is or may be injurious to the structure or materials of such sewer, or other works, the County Government may serve upon the owner or occupier of any premises a written notice, absolutely prohibiting from a date to be stated in such notice, not being earlier than fourteen days from the date to be stated in such notice, not being earlier than fourteen days from the date of service of such

matter or matters as aforesaid being caused or permitted to fall, flow or enter or be carried or washed into, any public sewer either directly or indirectly;

Provided that the County Government shall not be required to serve a notice upon the same person more than once.

Grant of
permission

232. (1) The County Government may grant permission for the matter referred to in Section 228 to flow into any public sewer upon such terms and for such period and during such time as it may in its absolute discretion, determine.

(2) Where the County Government grants permission, under sub-section (1), for any matter referred to in Section 228 to flow into any public sewer, and extra expense is or is likely to be caused to the County Government then the terms for the granting of such permission may include a provision for the payment to the County Government by the person requiring such permission of such sums as the County may decide, and such sum or sums shall be in addition to any other fees or charges which may fall due to the County Government.

(3) Any person who contravenes or fails to comply with the terms of any permission granted under this Part shall be guilty of an offence.

(4) Where any person has been convicted of an offence for contravening or failing to comply with the terms of any permission granted under this Part the County Government may, by a written notice served on such person, revoke such permission as from such date as shall be specified therein and may take such action as is referred to in these Regulations.

chamber
Inspection

233. The County Government may, at its own discretion, by notice require the owner of any premises from which a private sewer connects to any public sewer to construct in connection with any pipe or channel conveying such affluent, an inspection chamber of such dimensions as the County Government may think fit, and any duly authorized officer shall at all times have access to such chamber and may examine and measure the discharge from such premises and may take samples therefrom.

interference with
free flow of
sewerage

234. (1) A person shall not throw or introduce or cause or permit any other person to throw or introduce into any septic tank, cesspool, drain, soil-pipe solid-water fitting or sewer, any stones, tins, bottles, ashes or other matter liable to interfere with the free flow of sewerage or damage any such septic tank, cesspool, drain, soil water fitting or sewer.

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

Maintenance of
opening to any
drain

235. (1) The owner and occupier of any premises shall maintain all openings whether for ventilation or otherwise, to any drain, and also all taps, gullies and other drainage fittings in connection therewith in a reasonable clean condition and free from obstruction.

(2) Any person who contravenes this section shall be guilty of an offence.

Permission to
construct a drain

236. (1) The owner of any premises who intends to cause any drain to be constructed in connection with such premises, to empty into a sewer, or who has been required

under these Regulations to construct a drain emptying into a sewer shall submit to the County Government an application for permission to construct a drain to connect to such sewer.

(2) An application for permission to construct a drain to connect to sewer shall be in such form as the County may from time to time determine and shall be accompanied by such plans and other information as the County Government may require.

(3) The fee prescribed in the approved fees and charges currently in use shall be paid to the County Government with each application for permission to connect to a public sewer.

(4) As soon as the County Government is satisfied that the owner of the said building is entitled has met the requirements necessary to connect to any drain there from with a sewer and that the making of such connection would not contravene these Regulations the County Chief Engineer shall so notify the owner.

(5) No person other than an employee or agent of the County Government shall make any connection.

(6) The County Government shall at the earliest practicable date after the service of the notification referred to in sub-section (4) and provided all fees due under this Part have been paid, construct the sewer connection.

(7) The County Government may close, demolish or remove any sewer connection made in contravention of these Regulations and may recover as a civil debt recoverable summarily from the person making such sewer connection or causing such connection to be made.

237. The owner of any premises who carries out or wishes to carry out any drainage works in any street or other place under the control of the County Government shall comply in all respects with the conditions specified in the first schedule.

Conditions for
drainage works

238. (1) The owner of any premises outside the County may, with the consent of the County Government and subject to these Regulations, cause any drain constructed upon or in connection with such premises to empty into any sewer within the County upon such terms and conditions as may be agreed upon between such owner and the County Government. Provided that a person shall not cause any drain to empty into such sewer until terms and conditions have been agreed upon.

Construction
of drains

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

239. In all cases where, in accordance with these Regulations, any work is carried out by the County Government in respect of which the County Government is entitled to recover the cost from any person, there may be included in the cost claimed and recoverable such sum as the County Government shall prescribe to cover the cost of surveys, plans, specifications, quantities, supervision, and the use of tools and plants, and there shall also be included in such cost any expenditure involved in

Recovery of
costs

disturbing and making good the surface of any road, street, foot-way or ground affected.

Safety
measures

240. (1) Every person who constructs any drain or private sewer shall lay such drain or private sewer and carry out any excavation necessary for the construction of such drain or private sewer in an expeditious manner and shall maintain during the progress of such hoarding, strutting, shoring and lights as may be necessary for the protection of all persons and property liable to be affected by the works.
- (2) Any person who contravenes this shall be guilty of an offence.

Request for
testing

241. Every person who carries out any drainage work shall, as soon as such works is ready for testing, give notice in writing to the County Government that such work is ready for testing and shall afford to any works as may be deemed necessary upon receipt of any notice aforesaid, the County Government shall within four days cause such work to be inspected and tested.

Cover of
drainage work
before
inspection

242. A person shall not proceed to cover up any drainage work until such work has been inspected, tested, and approved by a duly authorized officer and any person who contravenes these Regulations shall be guilty of an offence.

Issuance of a
certificate upon
approval

243. Where any person carries out any drainage work and where after completion, such works has been inspected, tested and approved, the County Government shall if required, issue to the owner of the premises upon which such work has been carried out a certificate in writing that that the said work, after completion, inspection, and testing has been approved. Provided that such certificate shall not in any way be held to impose any liability on the County Government or any of its officers or any authorized officer for any loss or damage that may be caused through such work not being assigned on or carried out in a proper and efficient manner or through any such work being carried out otherwise than in accordance with the approved plans and any provisions of these Regulations.

Provisions of
latrines

244. (1) The owner of every building, and of every place where workers are employed shall provide sufficient number of latrines for the use of the inhabitants and workers in the building or place, and such accommodation shall be conveniently sited to the satisfaction of the Medical Officer of Health or such other officer as the County Government may authorize for the purpose of these Regulations.
- (2) Any person who contravenes or fails to comply with this shall be guilty of an offence.

Form of permit

245. (1) A person shall not construct or carry out any drainage work unless such person is in lawful possession of a permit obtained from the County Government authorizing him to do so.
- (2) Such permit shall be in the form of a plumber's permit or a drain layer's permit and any person to whom any such permit as aforementioned has been issued by

the County Government shall be empowered to construct or carry such works as are specified in such permit.

Provided that nothing contained in the Act shall be deemed to prohibit any workman carrying out any such under the direction, supervision and control of the permitted plumber or permitted drain layer, or under the authorization of the County Government.

(3) The person seeking registration and grant of permit shall pay to the County Government upon the issue of the permit under the Act, the prescribed fees in the approved fees and charges.

(4) Any person who contravenes this shall be guilty of an offence.

Examination of plumbers pursuant to grant of permit 246. No plumber's permit or drain layer's permit shall be issued by the County Government to any person until such person satisfies to the County Government as to his or her competence to carry out the work of a permitted plumber or a permitted drain layer, and the County Government may require any person who seeks or applies for a plumber's permit or a drain layer's permit.

Register 247. The County Government shall keep and maintain a register of all permits issued under this Part, which register shall be opened to public inspection during office hours.

inspection of plumbers permit 248. Every person to whom a plumber's permit or a drain layer's permit has been issued by the County Government under these Regulations, shall if called upon at any reasonable time to do so, produce his or her permit for the inspection by a duly authorized officer and any person who contravenes this shall be guilty of an offence.

Cancellation of a plumber's permit 249. The County Government may at any time cancel any permit issued to any plumber or drain layer under these Regulations if the County Government is satisfied that such permitted plumber or such permitted drain layer has either by himself or herself or by his or her workmen caused or permitted any plumbing or drain laying work to be carried out in a negligent or workmanlike manner to the injury of any person or property or contrary to these Regulations relating to drainage works. provided that prior to the cancellation of any such permit as aforesaid the person whose permit it is proposed to cancel shall be given an opportunity of appearing before the County Government or before a committee appointed by the County Government, and being heard in his or her own expense.

Failure to comply with a notice 250. (1) If, after service of written notice under this Part the person on whom such notice is served fails to comply with the notice and the expense thereof shall be payable by the persons on whom the written notice was served and shall be a civil debt revocable summarily. (2) Any person who fails to comply with the provisions of written notice served upon him under this Part shall be guilty of an offence.

Offences 251. A person who fails to comply with the provisions of this Part shall be guilty of an offence.

Penalties	252. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.
PART XVI – QUARRYING	
Prohibition of quarrying activities	253. A person shall not carry out or cause quarrying operations to be carried out on land within the area of jurisdiction of the County except under, and in accordance with permit issued by the Authorized officer.
Application for permit	254. (1) Any person who wishes to carry out quarrying operations on land within the area of jurisdiction of the County shall apply in writing to the Authorized officer for the grant of a permit. (2) The Authorized officer may require an applicant for a permit; <ul style="list-style-type: none"> a. to submit a plan of the site showing that area of 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 land on which the quarrying operations are to be carried on, the owner shall state in his or her application the quarrying operations to be carried on, the owner shall state in his or her application whether the quarrying will be done by himself or herself 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 contractor or lessee, shall attach to his or her application the written permission of the owner stating that the owner has agreed to the quarrying on the land. (5) The Authorized officer 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 or she may consider necessary.
Duration of a permit	255. (1) Subject to paragraph (2) below every permit issued under these Regulations shall be valid until the 31 st December of the year in respect of which it is issued. (2) Where the Authorized officer is of the opinion that the permit holder has either by himself or herself, his or her servants or agents committed a breach of or failed to comply with condition subject to which the permit was issued, he may, without prejudice to the institution of proceedings against the permit- holder cancel the permit.
keeping of records	256. (1) A permit holder shall maintain and keep the quarry site plan, engrossments and other relevant documents and make them available for inspection by the Authorized officer or Medical Officer of Health (2) For the purpose of these Regulations, all -relevant documents, includes orders and delivery books.
Provision of amenities to workers at a	257. Every permit holder shall- <ul style="list-style-type: none"> a. provide housing, water supply and latrines of type, quality and size

quarrying site	<p>approved by the medical officer of health for the persons working at the quarry;</p> <p>b. at all times during the currency of the permit maintain the housing, water supply latrine in condition and state satisfactory to the medical officer of health;</p> <p>c. maintain the land on which the quarrying operations is being carried on in a condition not detrimental to public health or safety;</p> <p>d. filling or drain all holes or excavations as and when required by, and to the satisfaction of the Authorized officer or the medical officer of health;</p> <p>e. securely fence holes or excavations to the satisfaction of the Authorized officer; and</p> <p>f. comply with any special conditions which the Authorized officer may endorse on the permit.</p>
Closure of a quarry	<p>258. (1) The Authorized officer or Medical Officer of Health may order a permit-holder to stop the quarrying operations and close the quarry if it appears to be that the quarry is in a condition dangerous to human life or detrimental to public health and safety</p> <p>(2) An order made under sub-section (1) above shall remain in force until the authorized officer is satisfied that the condition of the quarry has been satisfactorily improved.</p> <p>259. A permit holder shall, before vacating the quarrying site-</p>
Conditions before leaving a quarry site	<p>a. leave to the satisfaction of the /Authorized officer, 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; and</p> <p>b. fill in or drain all holes and excavations to the satisfaction of the Medical Officer of Health.</p> <p>260. (1) The County Government, its officers, servants or agents may-</p>
Entry and inspection	<p>a. enter premises and carry out any inspection for the purpose of the enforcement of these Regulations;</p> <p>b. execute work that may be necessary to remedy any breach of failure to comply with the provisions of these Regulations or any of the conditions under which a permit has been issued; or</p> <p>c. recover the expenses incurred in carrying out the work in (b) above from the owner of the premises.</p>
Fees	<p>261. (1) Every permit holder shall pay the fees as per the approved fees and charges.</p> <p>(2) Every common mineral dealer shall pay fees as per the approved fees and charges for every ton of common mineral removed from the quarry.</p>
Offences	<p>262. A person who fails to comply with the provisions of this Part shall be guilty of an offence.</p>

Penalties 263. Any person who is guilty of an offence under the provisions of this Part shall be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not twelve months or both.

PART XVII- SAND HARVESTING

Licensing of Sand harvesting 264. (1) Save on small scale for domestic use of home construction, a person shall not use, cause or permit to remove sand from rivers, farms, ranches, road reserves, storm water drains, play grounds, for Commercial Enterprise or for the purpose of selling the sand to commercial sites, harvesters unless a valid permit is issued by the Authorized Officer for such trade, occupation or business.
(2) The license shall be issued and renewed on a monthly basis as per the approved fees and charges for the year.

Licensing of sand transporters 265. (1) No person or agent shall transport sand within the County, unless a valid permit for such business has been issued by the County Government.

Application for Permit 266. An application for a permit under these Regulations shall be in such form as may be by the County Government.
Provided that the County may, in any particular case require an applicant to submit or supply such further information as the County Government shall deem fit.

Approval of Permit 267. (1) The County Government shall not approve any application made in the first instance for a permit in respect of any vehicle by a person who is not the owner of such vehicle.
(2) There shall be charged by the County Government for the issue of the said permit for sand harvesting fees in accordance with the approved fees and charges.

Payment of approved fee 268. (1) The approved fees shall be payable to the County Government, for every application for a license.
(2) The approved fees shall be subject to review by the County Government from time to time.

Prohibition of transfer of a permit 269. (1) A license issued under this Part shall not be transferred from one vehicle to another without the consent of the Authorized Officer.
(2) An application for the transfer of any license shall be in such form as may be prescribed by the County Government and shall be accompanied by the license to which it relates;
Provided that the County Government may in any particular case require an applicant for the transfer of a permit to submit or supply such further information as the County Government shall deem necessary.
(3) For each such transfer there shall be payable to the County Government such fee as may be prescribed in the approved fees and charges for the year.
(4) A memorandum of the transfer of any permit shall be endorsed on the permit by the County Government.
(5) Any person who contravenes the provision of this Section shall be guilty of an offence.

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- Offences 270. Any person who fails to comply with the provisions of this Part shall be guilty of an offence.
- Penalties 271. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding seven or both.

PART XVIII- POUNDS

- Establishment of Pounds 272. (1) The County Government may establish, control and maintain for the reception and detention of any animals, vehicles or items impounded under this Act and may appoint a pound master to be in- charge of such pounds.
 (2) Any person authorized to do so by the County Government may seize any animal found straying in any street, or public place or any vehicle or item being in use in contravention of these Regulations and may take such animal, vehicle or item to a pound to impounded.
 (3) The owner or occupier of any land may cause any animal which he or she finds trespassing on his or her land and may take it, or cause it to be taken to a pound to be impounded.
- Receipt of animals by Pound Master 273. The Pound Master may receive into any pound and detain therein any animal brought to him or her for such purpose, and he or she shall supply every animal impounded with suitable and sufficient food and drink.
- Release of impounded animal vehicle or item 274. (1) Every person seeking the release of any impounded animal, vehicle or item properly impounded shall pay to the County Government or authorized agent the appropriate fee prescribed in the approved fees and charges.
 (2) The Pound Master shall not release any animal, vehicle or item from any pound until the person seeking such release has paid to the County Government the appropriate fee so prescribed.
 (3) No animal shall be released from any pound within one month of being received into the pound to any other person, other than the owner of or the person normally having control of that animal.
- Declaration of unclaimed items ownerless 275. Any animal, items or vehicle not claimed within one month of having been received into a pound shall be deemed to be ownerless.
- Sale of unclaimed animals, items or vehicles 276. The County Government, or any person so authorized by the County Government may sell or cause to be sold any animal deemed to be ownerless-
 a. the proceeds of such sale shall be applied to the cost of such sale and the surplus, if any, shall be retained for a period of three months from the date of sale;
 b. the surplus for such sale, if any shall be returned to the owner of the animal, item or vehicle sold upon proof of ownership and making of a claim

within three months from the date of such sale;

- c. any surplus from such sale, if not claimed within three months from the date of such sale shall be credited to the County Government; and
- d. in the case of vehicle or item, the provisions of section 437 will apply.

Slaughter of unclaimed animals

277. It shall be lawful for the County Government, or any person authorized by the County Government to do so, at any time, to order the slaughter of any animal taken to a pound and detained therein, if it appears to the County Government that such slaughter is necessary or advisable for prevention of spread of disease or for humane reasons.

Immunity

278. (1) No liability whatsoever shall attach to the County, the Pound Master, or any other person in respect of-
- a. the release of any animal other than to the owner or the person normally having control of the animal;
 - b. the payment of any proceeds of sale to a person other than the owner of the animal;
 - c. the slaughter of any animal; or
 - d. any loss or damage incurred by or caused to any person by the reason of or in the process of impounding any animal, vehicle or item according to these Regulations.

Fees

279. The County Government will from time to time impose fees and charges in respect to this Part.

offences

280. A person who fails to comply with provisions of this Part shall be guilty of an offence.

Penalties

281. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand or to imprisonment of a term not exceeding seven months or both.

PART XIX – PUBLIC LAVATORIES

Partnership

282. (1) The County Government may:—
- a. partner with any person to provide public lavatory services at a fee agreed between the parties;
- Provided the above partnership is only for management purposes.
- b. enter into a lease agreement with a private party to manage the existing public lavatories.
- (2) The partnership and lease agreement mentioned in sub-section (1) above will be reviewed as agreed by the parties.
- (3) The person managing the public lavatory shall pay for the water, sewerage, electricity and refuse to the relevant bodies.
- (4) The person Managing or leasing a public lavatory will pay the County Government a monthly fee or quarterly fee or such a fee as may be agreed between the County Government and that person.

Use of lavatory

283. A person who uses or enters a lavatory shall not-

- a. enter any water closet without first paying any fee which the County may charge for its use;
- b. willfully annoy or interfere in any way with the privacy of any other person using the convenience;
- c. willfully and improperly soil any part of the convenience;
- d. write on, mark or otherwise deface or damage any part of the convenience;
- e. affix any picture or printed or written matter to any part of the convenience;
- f. leave any litter in the convenience except in any receptacle provided for the purpose; or
- g. interfere with any officer or servant of the County Government or any other person authorized to manage the convenience in the execution of his or her duties:

Person
managing a
lavatory

284. (1) A person managing a lavatory shall keep the lavatory in a clean and in hygienic conditions at all times.
(2) The disposal of liquid waste from a mobile toilet should be hygienic and disposed as directed by the County Government.

Permit

285. (1) The mobile toilet shall be permitted by the Authorized Officer on the advice of Medical Officer of Health and upon payment of applicable charges.
(2) Any other person carrying on convenience services within the county will be required to obtain a permit from the Accounting/Authorized Officer on the advice of Medical Officer of Health at a fee as per the approved fees and charges.
(3) Any person who contravenes this Section shall be guilty of an offence.

Offences

286. A person who fails to comply with the provisions of the Part shall be liable to an offence.

Penalties

287. A person who is liable to an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or to imprisonment of a term not exceeding seven months or both.

PART XX– RESTAURANT, EATING HOUSE, SNACK BAR AND CAFÉ

Application
for permit

288. (1) An application for a permit shall be made using the single business permit application form.

(2) if an application is for the renewal of an existing permit, it shall be delivered to the Accounting Officer on or before the 30th September of the year preceding that to which the application relates.

Provided that upon payment by the applicant of a late application fee as per the approved fees & charges the Authorized shall accept an application after the 30th September of the year preceding that to which the application relates.

- (3) if an application is for a new permit, it shall be delivered to the Authorized Officer

not less than 30 days before the date, which shall be specified in the application, upon which it is desired to commence business.

(4) The Authorized Officer may refuse to accept any application, which does not comply with the provisions of these Regulations.

- Permits 289. (1) The permits which may be granted upon payment of fees as per the approved fees and charges under this Part are-
- a. a restaurant license;
 - b. an eating house license, c.
 - a snack bar permit, and
 - d. café
- Authorized Officer to issue permit 290. (1) The Authorized Officer may issue a permit and may attach there to such reasonable conditions as he may think fit.
- (2) There shall be paid at the time the permit is issued the appropriate fee prescribed in the approved fees and charges.
- (3) Every permit shall be issued under the hand of the Authorized Officer or of such officer of the County as he may in writing authorize in that behalf.
- Power to refuse to grant permit 291. The Authorized Officer may refuse to grant a permit upon the advice of Medical Officer of Health.
- Cancellation of permit 292. (1) The Authorized Officer may, by written notice issued to the permit holder, cancel the permit in respect of any premises if so recommended by the Public Health Officer that the premises are, in a condition as to be dangerous to health or liable to contribute to the spread of disease or do not comply with any of the provisions of this Part.
- (2) Where a permit has been cancelled under the provisions of sub-section (1) above, the Authorized Officer shall not issue any further permit in respect of the same premises without the applicant first obtaining the approval in writing of the Medical Officer of Health.
- Transfer of Permit 293. (1) The Authorized Officer may, with the approval of the Public Health Officer, on application and upon payment of the approved fees and charges transfer a permit from the holder thereof to another person.
- (2) No permit may be transferred so as to be made applicable to premises other than those in respect of which the original application was made and the permit issued.
- Permit to corporation 294. A permit issued to a body corporate shall be issued in the name of the body.
- Application for duplicate permit 295. (1) An application for a duplicate permit shall be made in writing to the Authorized Officer and shall set forth details of the permit lost or destroyed and the manner in which it was lost or destroyed.
- (2) The Authorized Officer shall, on payment by the applicant of a fee as per the approved fees and charges issue a duplicate permit.
- Death bankruptcy or 296. (1) In the event of death, bankruptcy or unsoundness of mind of a permit holder, the

unsoundness of mind widow/widower, executor, administrator, trustee or receiver manager or any other person approved by the Authorized Officer in writing shall carry on, until the end of the year in respect of which a permit has been issued, the business of the permit holder without any transfer of permit as the case may be.

(2) Every person permitted to carry on a business under the provisions of sub- section (1) above shall possess all the rights and be liable to all the duties and obligations of the original permit holder under this Part.

Restaurants permit

297. (1) A restaurant permit shall be an authority to the permit holder at the premises specified therein, to prepare or cook for sale and sell food for consumption.

(2) a restaurant shall comply with the following requirements of this Part.

a. dining space – sufficient space for the intended number of customers. b. in relation to Kitchens-

i. the floor shall be of an approved impervious material and shall be adequately drained.

ii. the walls shall be tiled or finished in terrazzo to a height of six feet from the floor and above that height shall be either tiled, finished in terrazzo or rendered with cement plaster brought to a smooth finish and painted with a light colored fire resistant washable paint;

iii. cooking shall be done with electricity, gas, coal, anthracite, oil burning or charcoal-burning equipment of an approved type and such equipment shall be sited to the satisfaction of the Public Health Officer;

iv. an approved means of extracting smoke and fumes shall be provided;

c. at least two suitable sinks of stainless steel with a constant supply of piped hot and cold water connected thereto or there over shall be provided and sited to the satisfaction of the Public Health Officer;

d. without prejudice to the generality of subparagraph (e) of this paragraph, there shall be provided for the cleaning and preparation of vegetables a sink of stainless steel, which shall be situated in a portion of the kitchen suitably, separated from the remainder thereof and used exclusively for the cleaning and preparation of vegetables; and

e. a wash hand basin with a constant supply of piped hot and cold water connected thereto or there over, together with soap and a nail-brush and a clean towel or other device for the drying of hands shall be provided in or adjacent to the kitchen for use by persons engaged in the preparation or cooking of food.

Sculleries in

298. (1) A scullery separated from the kitchen shall be provided in which shall be situated

- restaurants all sinks intended for use in the cleaning of utensils and equipment and bin which all such cleaning shall be carried out.
- (2) The floor shall be of and approved impervious material and shall be adequately drained.
- (3) The walls shall be tiled or finished in terrazzo to a height of six feet from the floor and above that height shall be tiled, finished in terrazzo or rendered in cement plaster brought to a smooth finish and painted with a light colored washable paint.
- (4) Approved type of apparatus shall be provided for the sterilization of crockery and cutlery.
- (5) Approved equipment with a constant supply of piped hot and cold water connected thereto or there over shall be provided for the cleaning of all utensils and equipment other than crockery and cutlery.
- Sanitary conveniences in restaurants 299. In relation to sanitary conveniences-
- a. sufficient sanitary conveniences and wash hand basins shall be provided;
 - b. sanitary conveniences for use by customers shall be approached from within the premises through an intervening ventilated space and separate provisions shall be made for persons of each sex;
 - c. wash hand basins with a piped supply of water connected thereto or there over, together with soap and a clean towel or other device for the drying of hands shall be provided for use by customers; and
 - d. sanitary conveniences shall be provided for people living with disabilities.
- Waste management in restaurants 300. A sufficient number of refuse receptacles with properly fitting lids shall be provided all the time.
- Miscellaneous requirements for restaurants 301. Miscellaneous requirements for restaurants shall be as follows-
- a. adequate refrigerated storage space shall be provided and maintained for the storage of food;
 - b. a changing room shall be provided where employees shall remove and store outdoor clothing and there shall be provided, in connection with such room, shower facilities and wash-hand basins with a constant supply of piped hot and cold water connected thereto or there over together with soap, a nail-brush and a clean towel or other device for the drying of hands;
 - c. access shall be provided to a yard of a size which in the opinion of the Public Health Officer is sufficient for the servicing of the premises;
 - d. at least one room of adequate size shall be provided for the sole purpose of storing food and such room shall be adequately lit, ventilated and rendered rodent proof;
 - i. dust proof ceilings shall be provided in all rooms where food is prepared or stored; and

ii. a constant supply of pure and wholesome water shall be provided. e. emergency exits from the premises shall be provided and maintained.

f. The permit holder operating the restaurant shall provide adequate and appropriate firefighting facilities, located strategically;

Eating houses

302. (1) Subject to the provisions of sub-section (2) below, an eating house permit shall authorize the permit holder at premises, the address of which shall be specified therein, to prepare or cook for sale and sell food for consumption.

(2) An eating house shall comply with the following requirements under this Part:-

- a. dining space – the area available for dining space shall be adequate; and
- b. yard space – a yard space of an approved size the use of which is exclusive to the premises, shall be provided.

(3) In relation to kitchens-

- a. a kitchen shall be provided which shall be separate from the dining room and be of an area of not less than 10 square feet;
- b. the floor shall be of an approved impervious material and shall be adequately drained;
- c. cooking shall be done with electricity, gas, coal, anthracite, oil burning or charcoal-burning equipment of an approved type;
- d. an approved means of extracting smoke and fumes shall be provided,
- e. the walls shall be finished in smooth cement plaster or other approved material and painted with a light coloured fire resistant washable paint;
- f. at least two suitable sinks of stainless steel with a constant supply of piped hot and cold water connected thereto or there over shall be provided in approved positions, one of which shall be used solely for the cleaning and preparation of vegetables; and
- g. a wash basin with a constant supply of hot and cold water connection thereto or there over, together with soap, a nail brush and a clean towel or other device for the drying of hands shall be provided in or adjacent to the kitchen for use by persons engaged in the preparation or cooking of food.

(4) In relation to sculleries-

- a. a scullery, separated from the kitchen shall be provided in which shall be situated all sinks intended for use in the cleansing of utensils and equipment; and
- b. the floor shall be of an approved impervious material and shall be adequately drained.

(5) In relation to sanitary conveniences-

- a. sufficient sanitary conveniences shall be provided to satisfy the provisions of this Part;
- b. sanitary conveniences shall be provided and separate provisions shall be made for persons of each sex and, where approached from within the

premises, such conveniences shall be entered through an intervening ventilated space;

- c. wash hand basins with a piped supply of water connected thereto or there over, together with soap and a clean towel or other device for the drying of hands, shall be provided for use by customers; and
- d. sanitary conveniences shall be provided for people living with disabilities.

Waste management in eating houses

303. A sufficient number of refuse receptacles with properly fitting lids shall be provided.

Miscellaneous requirements for eating houses

304. Miscellaneous requirements are as follows-

- a. at least one room of adequate size shall be provided for the sole purpose of storing food and such room shall be adequately lit, ventilated and rendered rodent proof;
- b. adequate storage space for employees outdoor clothing shall be provided, c. adequate refrigerated storage space for food shall be provided and maintained;
- d. dustproof ceilings shall be provided in all rooms where food is prepared or stored;
- e. a constant supply of pure and wholesome water shall be provided;
- f. the permit holder operating the eating house shall provide adequate and appropriate firefighting facilities, located strategically; and
- g. emergency exits from the premises shall be provided and maintained.

Snack bar permit

305. (1) A snack bar permit shall authorize permit holder at the premises, the address whereof which shall be specified therein, to prepare for sale and sell for consumption in the premises the following-

- a. hot or cold drinks;
- b. boiled or poached eggs;
- c. tinned foodstuff prepared for consumption solely by the immersion of the tin in hot water;
- d. cold pies and cooked meats including a dish known as hot dog;
- e. bread including toast;
- f. biscuits, cakes and pastries; and
- g. any other food which is consumed uncooked.

(2) A holder of a snack bar permit who sells or permits the sale of food of a type other than those specified in sub-section (1) above for consumption on the permitted premises shall be guilty of an offence under this Part.

Requirements for snack bars

306. A snack bar shall comply with following requirements of this Part-

(1) The floor shall be of an approved impervious material and shall be adequately drained.

(2) in relation to sanitary conveniences,

- a. sanitary conveniences and wash basins with a piped supply of hot and cold water connected thereto or there over together with soap, a nail-brush and a clean towel or other device for the drying of hands shall be provided for use by persons employed on the premises;
- b. sanitary conveniences separate from those required by the provisions of subsection (2) (a) shall be made available for use by customers and separate provisions shall be made for persons of each sex and, where approached from within the premises, such conveniences shall be entered through an intervening ventilated space; and
- c. sanitary conveniences shall be provided for people living with disabilities.

Waste management for snack bars

307. A sufficient number of refuse receptacles with properly fitting lids shall be provided.

Miscellaneous requirement for snack bars

308. Miscellaneous requirements-

- a. at least two suitable sinks of stainless steel supplied with hot and cold water shall be provided, sited in approved positions;
- b. no heating apparatus other than one using electricity or gas shall be used in the preparation of food;
- c. adequate storage space for employees' outdoor clothing shall be provided; d. the walls shall be finished in smooth cement plaster or other approved material and shall be painted with a light colored fire resistant washable paint;
- e. adequate refrigerated storage space shall be provided and maintained for storage of food;
- f. approved storage space for foodstuffs, suitably lit, ventilated and rendered rodent proof shall be provided;
- g. access shall be provided to a yard of a size which in the opinion of the Public Health Officer is sufficient for the servicing of the premises;
- h. dustproof ceiling shall be provided in all rooms where food is prepared or stored;
- i. a constant supply of pure and wholesome water shall be provided;
- j. emergency exits from the premises shall be provided and maintained; and k.

The permit holder operating the snack bar shall provide adequate and appropriate firefighting facilities, located strategically.

Open air eating place

309. Every open air eating place shall operate under the following requirements-

- a. structure should be an approved design by the County Government;
- b. structure should contain adequate sanitary facilities;
- c. persons carrying/handling the food must have valid medical examination certificate issued by Public Health Officer;
- d. adequate receptacles for disposal of litter should be provided;

- e. it is the responsibility of the person operating the open air eating place to dispose the solid and liquid waste generated; and
 - f. the person operating the open air-eating place shall provide adequate firefighting facilities, located strategically.
- Cooking without permit 310. Any person who, in any premises in the County, prepares or cooks or permits the preparation or cooking of food for sale or sell for consumption on those premises unless he is the holder of a permit in respect of those premises shall be guilty of an offence.
- Sale of food for consumption 311. Any person who in any premises in the County sells or permits the sale of food for consumption on those premises shall unless he is the holder of a permit in respect of those premises authorizing such sale, or an employee of such a permit holder, be guilty of an offence under this Part.
- Liability of a permit holder 312. Any act done or omitted to be done by an employee of a permit holder in contravention of any of the provisions of this Part shall be deemed also to be the act or omission of the permit holder and any proceedings for an offence arising out of such act or omission may be taken against both such permit holder and such employee.
- Power to inspect 313. (1) The Medical Officer of Health, any Public Officer of Health, an Authorized Officer or any person authorized in writing by the Medical Officer of Health in that behalf may at any reasonable hour enter any premises in respect of which a permit has been applied for or issued and may make such inspection thereof as he may deem necessary.
(2) Any such person as is referred to in sub-section (1) shall-
a. if he has reasonable cause to believe that food is being consumed on any premises after having been purchased thereon, demand that the person in charge or appearing to be in charge of such premises shall allow him free entry thereon and afford him all reasonable facilities to inspect the premises; and
b. if after notification of his or her authority and purpose, entry thereon and afford him all reasonable facilities and purpose, entry cannot be obtained, the said person may enter such premises and make such inspection thereof as he may deem necessary.
- Persons suffering from infections or contagious diseases 314. (1) Any person who works in a restaurant, eating houses, snack bar and knows that he or she is suffering from an infectious or contagious disease shall be guilty of an offence.
(2) Any permit holder who employs in a restaurant eating house or snack bar any person without a valid medical examination certificate shall be guilty of an offence under this Part.
- Display of permits 315. Any permit holder who fails, without reasonable cause, to exhibit his or her permit in a prominent and conspicuous position in the permitted premises shall be guilty of an

offence under this Part.

Food
Contamination

316. (1) A permit holder shall take all such steps as may be reasonably necessary to protect food from risk of contamination and in particular, without prejudice to the generality of the foregoing, shall-

- a. not place food or permit it to be so placed as to involve any risk of contamination;
- b. maintain the permitted premises in a clean and wholesome condition;
- c. not use or permit to be used as a living or sleeping room any room which communicates directly to a room used for the preparation, cooking, storage or consumption of food;
- d. maintain all utensils, crockery, cutlery, linen and other articles of whatsoever description used on the permitted premises for or in connection with the preparation, cooking, serving or consumption of food, in a clean and sound condition,
- e. keep all food, other than that in the house of preparation, cooking, serving or consumption, in a store or refrigerator reserved solely for the keeping of such foods,
- f. keep in the kitchen only such articles and equipment as are required for or used in the preparation, cooking, serving or consumption of food, and
- g. Comply with all the requirements of the Public Health Officer intended or designed to ensure the sanity and hygienic use of the permitted premises.

(2) A permit holder shall not sell nor have in his or her possession for sale in the permitted premises any food which is not fit for human consumption and wholesome.

Personal
hygiene

317. (1) A person engaged in the handling of food or any utensils used in connection with the preparation, cooking, serving or consumption of food, shall, whilst so engaged-

- a. keep as clean as may be reasonably practicable all parts of his or her person which may be liable to come into contact with such food or utensils;
- b. wear a clean garment and head covering of an approved pattern which, in the case of a person engaged in the preparation or cooking of food, shall be white;
- c. keep any cut or abrasion on any exposed part of his or her person covered with a suitable and clean waterproof dressing;
- d. refrain from spitting; and e.
refrain from smoking.

(2) No permit holder shall permit any person to be engaged in the handling of food or any utensil in connection with the preparation, cooking, serving or consumption of food, whilst such person does not comply with any of the requirements of sub-section (1).

(3) Any person who contravenes or fails to comply with any of the provision of sub-

sections (1) and (2) shall be guilty of an offence.

- Misuse of sinks and kitchen 318. (1) Any person who uses or permits to be used any sink provided under the provisions of this part for the purpose of the cleaning and preparation of vegetables, for any other purpose, shall be guilty of an offence under this Part.
- (2) Any person who uses or permits to be used any sterilizing apparatus, provided this part for the purpose of sterilization of crockery and cutlery, for any other purpose, shall be guilty of an offence under this Part.
- (3) Any person who uses or permits to be used any sink, provided under the provision of this part for any purpose except the cleaning of utensils and equipment's other than cutlery and crockery shall be guilty of an offence under this Part.
- (4) Any person who uses or permits to be used any part of the premises, for cooking or preparation of food other than the kitchen and preparation room or scullery shall be guilty of an offence under this Part.
- Restriction on names 319. (1) Any holder of an eating house permit who includes in the name of the permitted premises the word -restaurant, or by any words, letters, or sign implying that a restaurant permit is in force in respect of such premises shall be guilty of an offence under this Part.
- (2) Any holder of a snack bar permit who includes in the name of the permitted premises either the words eating house or by any words , letters or sign implies that a eating house permit is in force in respect of such premises, shall be guilty of an offence under this Part.
- Restriction on trading 320. Any permit holder who, without the written permission of the Authorized Officer, uses or permits to be used the permitted premises or any part thereof for a trade other than one connected with that of a restaurant, eating house or snack bar ,as the case may be, shall be guilty of an offence under this Part.
- Nuisance 321. Any permit holder who uses or permits to be used any permitted premises in such a manner that they are or are likely to become a nuisance or annoyance to inhabitants of neighbouring properties or persons using any street, shall be guilty of an offence under this Part.
- Disorderly , indecent behaviour 322. Any permit holder, who permits any disorderly or indecent behavior on the permitted premises, shall be guilty of an offence under this Part.
- Storage of fuel 323. Where charcoal, coal, anthracite or fuel oil is used on the permitted premises shall be stored in an approved manner and a permit holder who permits such charcoal, anthracite, coal, or fuel oil to be stored elsewhere on the permitted premises shall be guilty of an offence under this Part.
- Tariff of charges 324. (1) The holder of an eating house permit or a snack bar permit shall affix and maintain in the permitted premises in a position clearly visible to customers a tariff of charges legibly printed in the English or Kiswahili languages.
- (2) Any person who demands from a customer a charge for food greater than that

indicated on the tariff of charges referred to in sub-section (1) of this Section shall be guilty of an offence against this Part.

Offences 325. Any person who fails to comply with the provisions of this Part shall be guilty of an offence.

Penalties 326. A person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or to imprisonment of a term not exceeding seven months or both.

PART XXI- FOOD SHOPS AND STORES

Exemptions 327. This Part shall not apply to: -

- a. dairies registered under the public health (Milk and Dairies) Regulations in which no trade is carried on in any food other than milk or cream;
- b. save as otherwise provided, premises permitted to trade as bakeries and lodging houses;
- c. the sale by auction by an auctioneer, permitted under the Auctioneers Act; and
- d. premises registered under the Pharmacy and Poisons Act.

Permits 328. (1) The permits which shall be granted under this Part upon payment of fees as per the approved fees and charges are-

- a. grocer's permit;
- b. butcher's Permit;
- c. fishmonger's permit; d. greengrocer's permit; e. food Store permits;
- f. supermarket; and g. milk permit.

(2) Every permit shall become due to be taken out on 1st January in each year and shall expire on 31st December of the year of current issue.

Application for permit 329. (1) Application for permit shall be made in the form specified in the Fifth Schedule hereto and it shall be stated therein whether the application is for a new permit or for the renewal of an existing permit.

(2) If the application is for the renewal of an existing permit, it shall be delivered to the Authorized Officer on or before 30th September of the year preceding that to which the application relates:

Provided that upon payment by the applicant of a late application the approved fee as per fees and charges, the Authorized Officer shall accept an application submitted after 30th September of the year preceding that to which the application relates.

(3) If the application is for a new permit, it shall be delivered to the authorized Officer not less than 30 days before the date, which shall be specified in the application, upon which it is desired that trading or storing shall begin.

(4) Application forms shall be completed in English language and shall be signed by the applicant and the Authorized Officer may refuse to accept any application which does not comply with these requirements.

Form of permit

330. (1) The Authorized Officer shall, subject to the provisions of this part issue a permit which shall be in the form prescribed in the Fifth schedule and may attach thereto such reasonable conditions as he or she may think fit.

(2) Every permit shall contain sufficient particulars of the shop, or as the case may be, the store to which the permit applies.

(3) There shall be paid to the County Government fees as per approved fees and charges for every permit issued.

(4) Every permit shall be under the hand of the Authorized Officer of the County Government.

Refusal to grant permit

331. (1) The Authorized Officer shall refuse to issue a new permit if-

a. the premises to which the application relates are, in the opinion of the Public Health Officer, not in good repair or not provided with adequate sanitary arrangements, or not provided with adequate stock room facilities or do not conform with requirements of the Public Health Officer, or do not conform with the provisions of this Part;

b. the articles, apparatus, fittings or utensils provided, or to be provided, for use in connection with trade do not conform with the requirements of the; or

c. the shop, or as the case may be, the store does not comply with the provisions of this Part.

(2) The Authorized Officer may refuse to renew a permit if:-

a. the business to which the application relates is or has been, in his or her opinion, conducted in an improper manner;

b. the premises to which the application relates are, in the opinion of the Public Health Officer, not in good repair or not provided with adequate sanitary arrangements, or do not conform with the provisions of these Regulations, or have been altered materially so as to affect prejudicially the facilities originally provided; or

c. if the articles, apparatus, fittings or utensils originally provided or if the articles, apparatus, fittings or utensils provided for use in connection with trade do not conform to the requirements of the Public Health Officer.

Cancellation of permit

332. (1) The Authorized Officer may by written notice to the permit holder, cancel any permit if it is recommended by Public Health Officer, that the premises to which the permit applies or any part thereof, or any article, piece of apparatus, fitting or utensils or any person working therein are in such condition as to be dangerous to health or liable to favour the spread of diseases.

(2) Where a permit has been cancelled under the provisions of sub-section (1) above

the Authorized Officer shall not issue or transfer to the holder of the cancelled permit any further permits nor issue any further permit in respect of the same premises without first the applicant obtaining the approval in writing of the Public Health Officer.

- Transfer of permit 333. (1) The Authorized Officer may, with the consent of the permit holder and subject to the provisions of this part upon payment of a fee transfer permit from the holder thereof to another person.
- (2) A permit may be transferred so as to be made applicable to premises other than those in respect of which the original application was made and the permit issued. Provided the new premises meet the basic requirements of a premises.
- Transfer to a body corporate 334. (1) A permit issued to a body corporate shall be in the name of the body corporate and be issued to the Chief Executive Officer thereof.
- (2) No transfer of a permit issued to a body corporate shall be necessary on any change in the holder of the office of Chief Executive Officer.
- Duplicate permit 335. (1) An application for the duplicate permit shall be made in writing to the Authorized Officer and shall set forth details of the permit lost and the manner in which it was lost or destroyed.
- (2) The Authorized Officer shall, upon payment by the applicant of the prescribed fee issue a duplicate permit.
- Death, insanity, bankruptcy 336. (1) In the event of the death, bankruptcy or unsoundness of mind of a Permit holder, it shall be lawful, for the purposes of this Part for the widow/widower, executor, administrator, trustee or manager or any other person approved by the Authorized Officer, to carry on until the end of the current year, the business of the permit without any transfer or grant of a permit.
- (2) Every person permitted to carry on a business under the provisions of sub-section (1) above shall possess all the rights and be liable to all the duties and obligations of the original permit holder.
- Restriction on employment 337. (1) Any person who is suffering from or knows himself or herself to be carrier of any infectious or contagious or venereal disease shall not work in any shop or store.
- (2) A permit holder shall not employ in any shop or store any person whom he knows to be suffering from or to be carrier of any infectious, contagious or venereal disease;
- (3) Any person working in a food shop/store must have a valid medical examination certificate issued.
- Manner of storing food 338. In any shop or store where goods other than food are sold, stored or offered for sale, or as the case maybe, the permit holder shall reserve a part of such shop or store in which nothing shall be kept or stored other than food, and no food shall be kept or stored in any other part thereof.
- Display of permit 339. A permit holder shall exhibit his or her permit in a prominent and conspicuous place in premises to which it applies alongside the certificate of incorporation or registration certificate.
- Protection of 340. A permit holder shall take all such steps as may be reasonably necessary to protect

- food from risk of contamination and in particular, without prejudice to the generality of the foregoing, shall-
- a. not so place food or permit it to be so placed as to involve any risk of contamination;
 - b. not place uncovered food at height of less than eighteen inches from the floor;
 - c. maintain his or her shop or store in a clean and wholesome condition;
 - d. comply with all the requirements of the Public health Officer intended or designed to ensure the sanitary and hygienic use of his or her shop or store;
 - e. provide and maintain a sufficient supply of hot and cold water;
 - f. maintain in a clean condition apparatus or utensils in the shop or store which is likely to come into contact with uncovered food; and
 - g. maintain in a clean condition any apparatus or utensil in the shop or store which is likely to come into contact with uncovered food.
- Wash basins position and persons engaged
341. (1) A permit holder shall provide in a conveniently accessible position and maintain a sufficient number of wash-basins for the use of in the handling of food.
- (2) For each such wash-basin, a permit holder shall provide and maintain a sufficient supply of hot and cold water,
- (3) At or near each such washbasin, a permit holder shall provide adequate supplies of soap or other suitable detergent, nail brush and a clean towel or other suitable drying facilities.
- Sanitary convenience
342. (1) A permit holder shall provide, in a conveniently accessible position and shall maintain in a good condition an adequate number of suitable sanitary conveniences. (2) A permit holder shall not use or permit to be used for handling or storage of food any room which either-
- a. contains sanitary convenience; or
 - b. communicates otherwise than through an intervening ventilated space with a room containing a sanitary convenience.
- Manner of handling of food
343. Any person engaged in the handling of food shall while so engaged-
- a. keep as clean as may be reasonably practicable all parts of his or her clothing which may be liable to come into contact with food;
 - b. keep any open cut or abrasion on any exposed part of his or her person covered with a suitable and clean water proof dressing;
 - c. refrain from spitting; and
 - d. refrain from smoking.
- Open food
344. (1) Any person engaged in the handling of food shall not use for the wrapping of open food any paper or wrapping material or container which is not clean or which is liable to contaminate the food and in particular, shall not allow any printed material other than printed material designed exclusively for wrapping or

containing food to come into contact with any open food.

(2) Any person engaged in the handling of food shall not handle any unwrapped sweets, cakes, pastries or sliced cooked meat except with a suitable apparatus or instrument.

- Grocer's permit 345. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions this part a grocer's permit may authorize the permit holder, at premises the address of which shall be specified therein, to trade in food. Provided that for the purpose of this Part, -food, shall not include unprocessed vegetables, processed fruit, processed meat or processed fish.
- Grocer's shop 346. A grocer's shop shall comply with the following requirements and subject to the provisions of this part no grocer's permit shall be issued in respect of a shop which does not so comply, that is to say-
- a. the floor is of rendered concrete or other durable and impervious material and is suitably drained; and
 - b. adequate yard space is provided, equipped with suitable refuse containers.
- Butcher's permit 347. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of these Regulations a butcher's permit shall authorize the permit holder at premises the address of which shall be specified therein, to trade in meat, whether processed or unprocessed.
- Butcher's shop 348. A butcher's shop shall comply with the following butcher's requirements and, subject to the provisions of this part , no butcher's permit shall be issued in respect of a shop which does not so comply, that is to say:-
- a. the unencumbered floor area of that part of the shop which is to be used for the sale of meat is adequate;
 - b. the height from the floor to ceiling of that part of the shop which is to be used for the sale of meat is not less than 10 feet;
 - c. all walls are constructed of brick, stone, concrete or other durable material with the interior surface rendered smooth and either tiled or painted with a light coloured fire resistant washable paint;
 - d. the floor is of rendered concrete or other durable and impervious material and is suitably drained;
 - e. the shop front is glazed;
 - f. adequate cold storage space is provided;
 - g. suitable and adequate provision that no meat shall come into contact with any wall or be liable to obstruct or hinder the free passage of customers; and
 - h. adequate yard space is provided, equipped with suitable refuse containers.

Uninspected meat	349. (1) A permit holder shall not trade in meat which has not been inspected by a meat inspector or an officer authorized in that behalf and approved as being fit for human consumption. (2) Any person who contravenes this shall be guilty of an offence.
Manner of handling of meat	350. (1) A person engaged in the handling of meat shall while so engaged, wear a white outer garment of a pattern approved by the Public Health Officer. (2) Any person who handles meat when not clothed in accordance with the provisions of sub-section (1) and any permit holder who permits any person to handle meat when not so clothed shall be guilty of an offence.
Meat conveyancing	351. Carcasses of animals or meat intended for human consumption shall not be conveyed in the county otherwise than in a clean container or clean covered cart or a design approved by the veterinary officer. 1) The owner of any carcass or meat in contravention of this regulations shall be guilty of an offence. 2) Safe when engaged in the loading or unloading of any cart or vehicle for conveyance of carcasses or meat as aforesaid, no person shall sit or otherwise be in any such cart or vehicle in such position as to come into contact with any carcass o meat therein. 3) No person shall carry any carcass or meat intended for human consumption or serve in any butcher's shop unless he is clothed in a clean white tunic or suit reaching from the neck to the knee. 4) No butcher or vendor shall employ any vendor to convey any carcass or meat intended for human consumption to or from any butcher's shop unless such person during such employment is clothed in a clean white tunic or suit reaching from the neck to the knee.
Fishmonger's permit	352. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this part a fishmonger's permit shall authorize the permit holder at premises the address whereof which shall be specified therein, to trade in fish whether processed or unprocessed.
Fishmonger's shop	353. A fishmonger's shop shall comply with the following requirements and subject to the provisions of this part, no fishmonger's permit shall be issued in respect of a shop which does not so comply, that is to say:- a. all walls are constructed of brick, stone or concrete or a durable material with the interior surfaces rendered smooth and either tiled or painted with a light coloured fire resistant washable paint; b. the floor is of rendered concrete or other durable impervious material and is suitably drained; c. the shop front is glazed; d. adequate cold storage is provided; and e. adequate yard space is provided adjacent thereto with suitable facilities for the cleaning of fish boxes.
Fish boxes Manner of handling	354. Fish boxes shall be thoroughly cleansed immediately after use. 355. A person engaged in the handling of fish shall, a. While so engaged wear a white outer.

- b. not suffer from any infectious, contagious or venereal disease
- c. Not use any paper for wrapping fish other than plain paper.

Green grocer's
permit

356. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of this part a greengrocer's permit shall authorize the permit holder, at premises the address whereof which shall be specified therein, to trade in fruit and vegetables, whether processed or unprocessed.

Green grocer's
shop

357. A green grocer's shop shall comply with the following requirements and subject to the provisions of this part , no greengrocer's permit shall be issued in respect of a shop which do not so comply, that is to say-

- a. all walls are constructed of brick, stone or concrete or other durable materials with the interior surfaces rendered smooth and either tiled or painted with a light coloured fire resistant washable paint;
- b. the floor is of rendered or other durable and impervious material and is suitably drained; and

c. adequate yard space is provided equipped with suitable refuse containers.

- Food store permit 358. Subject to any limitation which may be placed there on by a condition attached thereto pursuant to the provisions of these Regulations a food store permit shall authorize the permit holder, at premises the address whereof which shall be specified therein, to store food.
- Trading without a permit 359. A person shall not within the County trade in or as the case maybe, store food unless he is in possession of the appropriate permit issued under this Part, nor otherwise than in accordance with the terms of the permit.
- Inspection 360. (1) Any Public health officer or any person authorized in that behalf or an Authorized Officer may at any reasonable hour enter any shop or store in respect of which a permit under this Part has been applied for or issued and may conduct an inspection as may be deemed necessary.
(2) Any such person as is referred to in sub-section (1) above may-
a. if he/she has reasonable cause to believe that trade is being carried on or that food is being stored in any premises in respect of which a permit has not been issued or applied for under this Part, demand that the person in charge or appearing to be in charge of such premises allow him free entry thereon and afford him all reasonable facilities to inspect the same; and
b. if after notification of his or her authority and purpose of entry, cannot without reasonable delay be obtained, the said person may enter such premises and may make such inspection thereof and of the stock therein as may be deemed necessary.
- Presumption of goods 361. In any proceedings under this Part, any food in any shop or store shall be deemed unless the contrary is proved, to be kept for the purpose of trade or as the case may before storage.
- Exemptions by a Public Health Officer 362. (1) The Authorized Officer, on the recommendation of the Public Health Officer, may issue to any person a certificate in relation to any shop or store to the effect that compliance with any of the provisions of this Part specified in this Section is not required for such period as he shall therein specify;
Provided that the Public Health Officer shall not recommend the grant of any such certificate unless he is satisfied that by reason of restricted accommodation or other special circumstances affecting such shop or store it is reasonable that such a certificate should be in force in respect thereof.
(2)The Authorized Officer may withdraw any such certificate if at any time the Public Health Officer ceases to be satisfied as aforesaid and recommends to him.
- Offences 363. Any person who acts in contravention of or fails to comply with any of the provisions of this Part shall be guilty of an offence.

- Penalties 364. (1) Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.
- (2) Any permit holder who, is twice convicted of offences against this Part shall be liable, in addition to any other penalty which may be imposed to have his or her permit cancelled by the court and such court may:-
- a. order that the permit be cancelled on such a date as, in the opinion of the court will enable the permit holder to dispose of his or her stock; and
 - b. debar such permit holder from obtaining another permit for such period not exceeding one year or, as the court may deem fit.

PART XXII - CONTROL OF HAMALI CARTS AND HAND CARTS IN PUBLIC STREETS

- Fees 365. A person who intends to operate a hamali cart or hand cart within the County shall pay to the County Government the prescribed fees in the approved fees and charges.
- Control of Hamali and hand carts 366. If the County Government is satisfied that it is expedient for facilitating the passage of traffic it may from time to time designate any public street in the County prohibiting the use of the street by Hamali carts or hand carts either generally or subject to exceptions specified in the order and either at all times or at times, or days or during periods so specified.
- Traffic rules 367. Any person authorized by the County Government to propel a Hamali or hand cart shall observe all the traffic rules and the provisions of **any other relevant Act**.
- Offences and Penalties 368. Every such order shall be published in the Gazette and a Person who uses a Hamali cart or hand cart or causes or permits a Hamali cart or hand cart to be used in contravention of a prohibition imposed by an order made by the County Government or fails to comply with the provisions of this Part, shall be guilty of an offence under this Part and shall be liable to a fine not exceeding Five Thousand Shillings or imprisonment for a term not exceeding seven months or both.

PART XXIII- CONTROL OF GRAZING

- Grazing within the County 369. (1) A person shall not graze any livestock within urban and peri-urban areas(including trading centres,markets,public parks and ,county land) unless he is the holder of a permit in writing, issued by the Authorized Officer.
- (2) The Authorized Officer may issue a permit or refuse such permit subject to such conditions as he may deem necessary.
- Permit 370. A permit issued under these Regulations may be revoked by the Authorized Officer by notice in writing given to the holder thereof if-
- a. in opinion of the County such revocation is necessary or desirable in the interest of grazing land available; or
 - b. the holder or his or her agent or employee is convicted of an offence under this Part.
- Production of permit 371. (1) An Authorized Officer of the County Government may require a person found grazing livestock within the County to produce the permit for inspection.

(2) An officer of the County Government exercising the powers conferred by sub-section (1), shall produce his or her written authority if required to do so.

- Payment of fees and charges for permit 372. The fees set out in the approved fees and charges shall be payable to the County Government on the issue of a permit.
- Offences 373. Any person who contravenes or fails to comply with the provisions of this Part shall be guilty of an offence under this Part.
- Penalties 374. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent offence or both.

PART XXIV – SALE OF ICE-CREAM

- Sale of ice cream 375. A person shall not within the County sell or offer for the sale or cause to be sold or offered for sale ice-cream which does not meet the following requirements as to processing and content-
- a. the ice-cream shall have been manufactured in accordance with the provisions of regulation relating to the manufacture of ice cream;
 - b. the ice-cream shall be protected from dirt, dust or other contamination at all times during its storage, distribution and sale;
 - c. the ice-cream shall either-
 - i. kept at a temperature not exceeding 28⁰ F;
 - ii. in the event of the temperature of the ice-cream rising above 28⁰ F at any time since it was frozen then the ice-cream has to again be subjected to the treatment prescribed in sub-section (d) and, (e) below of this Section and after having again been frozen shall be kept at a temperature not exceeding 28⁰ F; or
 - iii. the ice-cream shall be of such quality that it shall fail to decolorize Ethylene Blue at two hours when subjected to the following test, namely:-

2 ml. of the ice-cream shall be of such quality that it shall fail to decolorize Ethylene Blue solution and 7 ml. of quarter strength Ringer Solution in a standard reductive tube. The tube shall then be incubated at 20⁰ Centigrade ($\pm \frac{1}{2}^0$) for seventeen hours followed immediately by incubation at 37⁰ Centigrade ($\pm \frac{1}{2}^0$). The tube shall then be inverted once every half hour until decolourisation is complete,
 - d. every such test shall be commenced within two hours after the collection of the sample; and
 - e. every test shall be carried out by either the government Bacteriologist, the Medical Officer of Health or such other duly qualified person as may be authorized in writing so to do by the County Government.

Sale without permit	376. A person shall not use any premises for the distribution or for the sale of ice-cream unless he shall be in lawful possession of a permit issued by the County Government entitling him to use the premises for such purpose.
Fees	377. A fee as per approved fees and charges shall be paid to the County Government for every permit issued under this Part.
Form of application	378. Any person desiring to obtain a permit shall submit to the Authorized Officer a written application in the form set out in the schedule hereto.
Duration of permit	379. Every permit shall expire on the 31 st day of December following its issue.
Transfer of permit	380. A permit shall not be transferred from the holder thereof to any other person without the permission of the Authorized Officer. No permit in any case can be transferred from the premises in respect of which it is granted to any other premises.
Inspection	381. (1) An Authorized Officer or a Public Health Officer may at any reasonable time enter upon and inspect any permitted premises and for the purpose of such inspection, the Authorized Officer or the Public Health officer may examine the water supply and any vessels or utensils which may be found on the premises and take samples of any ice-cream found upon the premises and may make such further inquiry that seems necessary to him. (2) Any person who willfully hinders obstructs, resists or refuses to give information or gives false or misleading information to the Authorized Officer or Public Health Officer in the course of such inspection shall be guilty of an offence under this Part.
Cleanliness	382. Every permit holder shall- <ul style="list-style-type: none"> a. at all times maintain the permitted premises in a state of thorough cleanliness; and b. cause all vessels and utensils brought in contact with ice-cream during the storage, distribution or sale to be thoroughly cleaned and sterilized immediately after use.
Restriction on employment	383. (1) No permit holder shall cause or permit any person (whether himself or herself or any other) suffering from any infectious or contagious or venereal disease to be employed in or about the permitted premises or in distributing or selling ice-cream. (2) Every permit holder shall inform the Public Health Officer or Authorized Officer without delay of the occurrence of any infectious or venereal disease in such premises and shall comply with any direction which the Public Health Officer or Authorized Officer may give for the purpose of such diseases. (3) The permit holder shall not employ any person without a valid medical examination certificate.
Medical examination	384. (1) The Medical Officer of Health or Chief Officer in the Department Health may medically examine or cause to be medically examined at any convenient place any person resident on or employed or engaged in or about any permitted premises for the purpose of ascertaining whether such person is suffering from any infectious or

contagious or venereal disease.

(2) Any person who refuses to be examined by such Medical Officer of Health shall be guilty of an offence under this Part.

- Breach 385. The breach of the provisions of this Part by any person employed upon the permitted premises while on duty shall be a breach by the permit holder of such premises.
- Production of permit 386. Every permit holder shall at all reasonable time produce his or her permit when so required by the Medical Officer of Health, Authorized Officer or Public Health Officer.
- Offences 387. Any person who fails to comply with the provisions of this Part shall be guilty of an offence.
- Penalties 388. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding seven thousand shillings in respect of a first offence and not exceeding ten thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding twelve months in respect of a second or subsequent, offence or both.

PART XXV – CONTROL AND LICENSING OF DOGS

- Issuance of permit and permit badge 389. (1) An Authorized Officer may issue to any applicant a permit and a permit badge in respect of any dog(s) kept in urban and peri-urban areas within the County upon-
- a. payment of the appropriate fee specified in the approved fees and charges; and
 - b. production to the Authorized Officer of a valid certificate issued by a veterinary surgeon or a veterinary officer to the effect that the dog in respect of which the dog permits and permit badge are required has been inoculated against rabies.
- (2) Notwithstanding the provisions of sub-section (1) (a) above, no dog permit fee shall be payable on issue of any permit or permit badge in respect of-
- a. any dog kept by a blind person or used for the purpose of guiding a blind person; or
 - b. any dog which the County Government in its discretion declare to be except exempted from the provisions of this sub-section(1).
- Expiry of a permit 390. A permit issued under this Part shall expire on the 31st December in the year in respect of which it is issued.
- Refusal to issue permit or permit badge 391. (1) An authorized Officer may refuse to issue a permit or permit badge or may by notice in writing addressed to the holder thereof, cancel any permit or permit badge already issued if it appears to the Authorized Officer that the person who keeps or proposes to keep the dog which the permit relates to is an undesirable or unsuitable person to keep the dog..
- (2) Any person aggrieved by a decision of an Authorized officer under sub-section(1) above may, within thirty days of such decision, appeal in writing to the County Executive Committee Member in charge of matters relating to finance whose decision

shall be final.

- Issuance of duplicate permit or permit badge
392. A duplicate permit or permit badge may be issued upon proof that the original permit or permit badge has been lost or destroyed upon payment of the prescribed fees as per the approved fees and charges.
- Offences
393. (1) Any person who keeps a dog over the age of six months for a period exceeding thirty one days in the urban and peri-urban areas of the County, shall unless a license permit has been issued in respect of the dog and the permit is valid shall be guilty of an offence.
- (2) Any person who shall-
- a. allow a dog in respect of which a permit badge has been issued to be at large unless the permit badge is permanently attached to a collar worn by the dog;
 - b. without reasonable or just cause remove a permit badge from the dog in respect of which it was issued; or
 - c. without reasonable or just cause remove a collar from any dog shall be guilty of an offence.
- (3) Any person who-
- a. attaches to a collar worn by a dog any badge so similar to a permit badge issued under these Regulations with the intention to mislead; or
 - b. alters, destroys or mutilates any permit badge issued under these Regulations shall be guilty of an offence.
- (4) Any person who-
- a. permits to be let at large or uncontrolled any dog which is kept by him and which he knows to be either vicious, dangerous or suffering from any infectious diseases;
 - b. permits a dog to be at large or uncontrolled; or
 - c. keeps a dog which he knows to be nuisance or annoyance to any person; shall be guilty of an offence.
- Right to seize or pound
394. A police officer, veterinary officer or inspector Authorized Officer may seize and take to a pound-
- a. any dog found in a public place or public street;
 - b. any dog found at large without collar; or
 - c. any dog found at large without a permit badge attached to a collar or;
 - d. any dog in respect of which a permit has not been issued under this Part or the permit issued is not valid.
- Condition for release of impounded dogs
395. (1) Any dog impounded in a pound shall not be released except-
- a. on payment of all pound fee due in respect of that dog; and
 - b. to the permit holder of that dog, or someone acting in his or her authority. (2)
- Pound fee shall be that specified in the approved fees and charges.
- Dealing with
396. (1) Any dog not released or reclaimed from pound within ten days of having been

unreleased or
reclaimed dogs

received in the pound may either be sold, given away, painlessly destroyed under the supervision of a veterinary surgeon or a person authorized by the County Government; or otherwise dealt away with.

(2) Any dog which is-

- a. severely injured or suffering from an infectious or contagious disease or is savage or dangerous; and
- b. not receiving proper or necessary treatment or not under any or sufficient control; may be painlessly destroyed under the supervision of a veterinary surgeon or any other person duly authorized by the County Government.

(3) No liability shall attach to the County Government or any officer of the County Government or any veterinary surgeon for any dog being destroyed or otherwise dealt with in accordance with the provisions of these Regulations.

Right of entry

397. (1) An Authorized Officer or police officer may on production of his or her authority and having reasonable grounds for suspicion that an offence under these Regulations is or have been committed, enter upon any premises for the purpose of making such inspection or inquiry as may be reasonable for the proper carrying out and enforcement of these Regulations.

(2) It shall be the duty of the occupier of any premises, within the County upon which a permit authorized officer or police officer may have a reasonable grounds for suspicion that an offence under these Regulations is being committed, to give such information or assistance which such an officer may require for proper carrying out and enforcement of these Regulations.

(3) Any person who fails to give required information or assistance to such an officer shall be guilty of an offence.

Penalties

398. Any person who fails to comply with the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding seven thousand shillings in respect of a first offence and not exceeding ten thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding twelve months in respect of a second or subsequent, offence or both.

PART XXVI- PREVENTION AND EXTINCTION OF FIRE AND FIRE BRIGADES

Premises and use premises for which Fire Compliance certificate is compulsory

399. (1) A certificate issued under this Part by County Government is referred to as a Fire Compliance Certificate it shall be subject to any exemption conferred by or under this Act irrespective of any premises which are put to use for the time being designated under this Section referred to as a -Designated Use,.
- (2) For the purpose of this sub-section, the County Government may designate particular uses of premises, if they fall within at least one of the following classes of use that is to say-
- a. use as or for any purpose involving the provision of sleeping accommodation;
 - b. use as or as part of an institution providing treatment;
 - c. use for purposes of entertainment, recreation or instruction or any club, society or association;
 - d. use for purposes of teaching, training or research;
 - e. use for any purpose involving access to the premises by members of the public, whether on payment or not;
 - f. use for the purpose of employment as a place of work such as factories, workshops, offices and shops; or
 - g. place other than building that is moored and beached crafts and booths, circus, big tops and similar movable structures, if used for purposes within the Act.
- (3) An order under this section may provide that a fire compliance Certificate shall not by virtue of this section be required for premises of any description specified in the order notwithstanding that they are or form part of premises which are put to a designated use.
- (4) An order in this section may include such supplementary and incidental provisions as appears to the County Government to be necessary or expedient for the purposes of the order.
- (5) An order under this section may be varied or revoked by a subsequent order there under.
- (6) The power to make orders under this section shall be exercised by legal notice.
- (7) Without prejudice to any exemption conferred by or under this Part where premises consisting of a part of building which is occupied together with those premises in connection with that use, both of them shall for the purpose of this be treated as forming part of the premises put to that use.

Power to inspect

400. The County Government shall have the power to inspect all designated premises covered by these Regulations to inspect fire safety and the provision of firefighting equipment for the purposes of issuing a fire compliance certificate.

Premises
Exempt from
fire compliance
Certificate

401. (1) No fire compliance certificate shall by virtue of this part be required in respect of premises of any of the following description-

- a. any premises consisting of or comprised in a house which is occupied as a single dwelling unit; and
- b. any premises appropriated to and used solely or mainly for public religious worship, (church halls used for a variety of purposes are unlikely to be exempt).

(2) The County Government may make regulations specifying fire safety precautions for-

- a. places of worship;
- b. prisons and similar penal institutions; and
- c. premises occupied solely for the purposes of armed forces of the Republic, visiting forces, international headquarters and defence organizations.

Power of
County
Government to
make fire
compliance
certificate
compulsory for
use of certain
premises as a
dwelling

402. (1) This section applies to any premises for the time being or are to be used as a dwelling if-

- a. explosives or highly flammable materials or any prescribed kind have been or are being kept anywhere under, in, or on the building which consists or comprises the premises.

(2) If in the case of any premises it appears to the County Government that they are the premises to which this section applies, the County Government may serve a notice under this section relating to those premises on either-

- a. the occupier of the premises;
- b. the owner of the premises; or
- c. a person (whether the occupier or owner of the premises or not) having the overall management of the building constituting or comprising the premises.

(3) A notice under this section shall be in the prescribed form and shall-

- a. specify the premises to which it relates;
- b. give particulars of the facts by reason of which it appears to the fire authority that section applies to the premises;
- c. specify one of the positions mentioned in this section and state that the person on whom the notice is served;
- d. indicate that on the coming into force of the notice a fire certificate will in the circumstances mentioned in sub-section (6) below be required in respect of the premises to which the notice relates; and
- e. state the right of appeal against the notice conferred by this part and the time within which such an appeal may be brought.

(4) Before the County Government serves notice under this section relating to any premises they shall confirm if such premises are situated within the County.

(5) A fire compliance certificate shall be required in respect of any Premises which, while this section applies to them and there is in force a notice under this section relating to them, are used as a dwelling.

(6) Where in the case of any premises, there is in force a notice under this section relating to them and it appears to the County Government that the notified person has ceased to occupy the specified position, they may serve a fresh notice under this section in respect of the premises; and on the coming into force of a notice relating to the premises shall cease to have effect.

(7) In these Regulations--The notified person, in relation to any premises in respect of which a notice under this section is in force means the person on whom that notice was served.

403. (1) Where a notice under of this Part is served in respect of any premises, the person on whom it is served may within twenty one days from the date of the service of notice under the section appeal to the Director, Emergency and Rescue Services County on either or both of the following grounds-

Right of appeal
against and
coming into
force of notices

a. that the premises to which the notice was served are not premises to which section 401 applies; or

b. that he does not occupy the specified premises.

(2) On an appeal under this section the County Director, Emergency and Rescue Services if satisfied as to either of the grounds mentioned in sub-section (1) above shall cancel or confirm the notice.

(3) A notice served under this Part shall come into force subject to the provisions of sub-section (4) below.

(4) A notice served under this Part of these Regulations shall unless previously withdrawn by the

Director, Emergency and Rescue Services, come into force provided:-

a. where no appeal under this section is brought against it within the time mentioned in sub-section (1) above, at the end of twenty one (21) days from the expiration of that time; or

b. where such an appeal so brought is not withdrawn or dismissed as aforesaid and is finally determined by the confirmation of the notice at the end of twenty one days from the date of the final determination of the appeal.

Application for
an issue of fire
compliance
certificate

404. (1) An application for fire compliance certificate with respect to any premises must be made to the County Government in prescribed form and upon payment of the required fees, as per the approved fees and charges-

a. must specify the particular use or uses of the premises which it is desired to have covered by the fire compliance certificate;

b. must give such information as may be prescribed about the premises and any prescribed matter connected with them; and

c. if the premises consists of part of a building must, in so far as it is available

to the applicant give such information as may be prescribed matter connected with it.

(2) On receipt of any application for a fire compliance certificate with respect to any premises, the County Government may require the applicant within such a time as they may specify:-

- a. to furnish them with such plans of the premises as they may specify, and;
- b. If the premises consists of part of a building must, in so far as it is available to the applicant give such information as may be prescribed about the rest of the building and any prescribed matter connected with it; and
- c. if the applicant fails to furnish the required plans within that time or such further time as the County Government may allow the applicant shall be deemed to have been withdrawn the application at the end of that time or further time as the case may be.

(3) Where an application for a fire compliance certificate with respect to any premises has been duly made and all such plans as are required to be furnished under sub-section (2) above in connection with it have been duly furnished, it shall be the duty of the County Government to cause to be carried out an inspection of the relevant building (including any part of it which consists of premises to which any exemption conferred under these Regulations applies) and the County Government shall issue a fire compliance certificate if the it satisfied as regards any use of the premises which is specified in the application that-

- a. the means of escape in case of fire with which the premises are provided; and;
- b. the means of escape in case of fire (other than means of fighting fire) are provided can be safely and effectively used at all material times; and
- c. the means of giving warning in case of fire are such as may reasonably be required in the circumstances of the case in connection with that use of the premises.

(4) Where the County Government after causing to be carried out under sub-section (2) above an inspection of the relevant building are as regards any use, notice shall be served on the applicant so as-

- a. to inform the applicant of that fact and of the steps which would have to be taken to satisfy the County Government as aforesaid as regards that use; and
- b. notify the applicant that they will not issue a fire compliance certificate covering that use unless those steps are taken (whether by the applicant or otherwise) within a specified time as may be allowed by the County Government of or by any order made by a Court on or in proceedings

- arising out of an appeal under section 402 of these Regulations against the notice
405. (1) Every fire compliance certificate issued with respect to any premises shall specify-
- a. the particular use or uses of the premises with which the certificate covers;
 - b. the means of escape in case of fire with which the premises are provided;
 - c. the means (other than the means for fighting fire) with which the relevant building is provided for ensuring that the means of escape with which the premises are provided can be safely and effectively used at all material times;
 - d. the type, number and location of the means for firefighting (whether in the premises or effecting the means of escape) provided for use in case of fire by persons in the building; and
 - e. the type, number and location of the means provided for giving warning to persons in the premises warning in case of fire and, may where required, do so by means of or by reference to plan.
- (2) A fire compliance certificate issued with respect to any premises may impose such requirements as the County Government considers appropriate in the circumstances-
- a. for ensuring that the means of escape in case of fire with which the premises are provided are properly maintained and kept free from obstruction;
 - b. or for ensuring that the means which the relevant building is provided as mentioned sub -section (1) (c) up to (1) (e) above are properly maintained;
 - c. or for ensuring that the persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire and that records are kept on instructions given for that purpose;
 - d. for limiting the number of persons who may be in the premises at any one time and; and
 - e. as to other precaution to the risk in case of fire to persons in the premises, by the provision of emergency procedure.
- (3) Any requirements imposed by virtue of sub-section (2) above by a fire compliance certificate issued with respect to any premises-
- a. may so far as they apply to the premises be framed either so as to apply to the whole if the premises or so as to apply to one or more parts of them, and;
 - b. where the premises do not constitute the whole of the relevant building, may (where appropriate) be framed either so as to apply to one or more parts of the rest of it and different requirements may in either case be imposed in relation to different parts, and a fire compliance certificate covering more than one use of the premises to which it relates may by virtue of sub-section (2) above impose different requirements of the

premises or of any part of the premises.

(4) For the purpose of these Regulations a fire compliance certificate issued with respect to any premises shall be treated as required in every matter specified in the certificate in accordance with sub-section (1) (b), (c) and (d) above to be kept in accordance with its specifications in the certificate; and reference in these Regulations to requirements imposed by a fire compliance certificate shall be construed accordingly.

(5) A fire compliance certificate issued with respect to any premises other than premises in relation to which notice under section 401 of these Regulations in force shall be sent to the occupier of the premises and shall be kept in the premises so long as it is in force.

(6) A fire compliance certificate issued with respect to any premises in relation to which a notice under section 401 of these Regulations is in force the certificate shall be kept in the relevant building or premises

(7) A fire compliance certificate shall be applied for and obtained for cover of designated use of any premises on annual basis.

(8) The fire compliance certificate with respect to any premises in compliance with Section 401 of this Act may be issued on payment of fees as specified in the approved fees and charges of these Regulations.

Offences in relation to foregoing provisions

406. (1) Subject to sub-section (3) below, if any premises are at any time put to a designated use, being premises such that, where they are put to that use, a fire certificate is by virtue of these Regulations required in respect of them, then if no fire certificate covering that use is at that time in force in respect of the premises, the occupier of the premises shall be guilty of an offence.

(2) Subject to sub-section (3) below, if any premises are used as a dwelling at any time while Section 401 of these Regulations applies to them and a notice under that section relating to them is in force, then if no fire compliance certificate covering that use is at that time in force in respect of the premises the notified person shall, unless he proves that at that time he no longer occupies the specified position, be guilty of an offence.

(3) A person shall not be guilty of an offence under sub-section (1) or (2) above by reason of any premises being put to a designated use or used as a dwelling at a time after an application for a fire certificate with respect to them covering that use has been duly made and before certificates is granted or refused.

(4) While a fire compliance certificate is in force in respect of any premises, any requirement imposed thereby is contravened by reason of anything done or not done to or in relation to any part of relevant building; every person who is responsible for that contravention shall be guilty of an offence.

Provided that that a person shall not be convicted on an offence unless it is provided that the responsibility for contraventions of the requirement in question has been made known to him before the occurrence or the contravention in respect of which he

is charged unless he fails to take corrective measures within the specified time.

(5) if the owner or occupier of any premises does not to be keep the fire compliance certificate in the premises covered by the certificate, the occupier of the premises he shall be guilty of an offence.

Change of conditions affecting adequacy of certain matters specified in a fire compliance certificate

407. (1) When a fire compliance certificate is in force with respect to any premises and the occupier intends to-
- a. make material extension or material structural alterations to the premises;
 - b. make a material alteration to internal arrangements of the premises or equipment with which the premises are provided; or
 - c. begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the relevant premises.

(2) An occupier of any premises who intends to make the changes in sub-section (1) above shall before the carrying out of the changes, give notice to the County Government.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

(4) If the County Government is satisfied, as regards to any premises with respect to which a notice under sub-section (1) above has been given to them, that the carrying out of the proposals notified would result in any of the matters mentioned in section

404 (1) (b) to (e) of these Regulations becoming inadequate in relation to any use of the premises covered by the relevant fire compliance certificate, they may by notice serve to the occupier within two months from the receipt of the notice under sub-section (1). a.

inform the occupier of the steps which would have to be taken in relation to the relevant building to prevent the matters in question from becoming in their opinion inadequate in relation to that use in the event of the proposals being carried out; and

- b. give him such directions as the County Government consider appropriate for safety and if these directions are duly taken in connection with the carrying out of the proposals, the County Government shall amend the certificate or issue a new one.

(5) If any person contravenes a directive given to him in pursuance of sub-section (4) (b) above, shall be guilty of an offence, and the County Government may cancel the fire compliance certificate issued with respect to any premises if they are so satisfied that there has been such a contravention as aforesaid by the occupier, whether or not proceedings are brought in respect of the contravention.

Storage of combustible materials

408. (1) A person shall not store or cause or permit to be stored any materials of combustible nature in such a quantity or in such a situation or in such a manner as to cause danger of fire to any building.

(2) Inflammables, explosives, or poisonous substances, gases, or fluids, or celluloid shall be stored or kept only in such quantity and in such situation as the County

Government may require.

(3) No quantity of celluloid shall be stored or kept in any premises used in whole or in part for the purpose of human habitation or in any premises, used for any other purpose unless the store is separated from other parts of the premises by fire resisting partitions, floors, and ceilings constructed to the satisfaction to the County.

(4) No quantity of inflammable cinema-to-graphic film shall be stored or kept in any premises used in whole or part for the purpose of human habitation or in any premises in which any other combustible material is stored or kept or which is used for any other purposes unless the store is separated from other parts of the premises by fire resisting partitions, floors and ceilings constructed to the satisfaction of the County provided with an outlet gas vent to the open air so placed as to constitute a fire or explosion risk to any other building. All such films shall be stored in closed metal boxes and shelving shall be of non-combustible material.

(5) The County Government may by notice require any person storing or causing or permitting to be stored any such materials to remove them or to take within a period to be fixed in such a notice such reasonable precautions against fire as it may deem necessary.

(6) A person shall not use or permit to be used any building or other premises or place for storage of any inflammable, explosive or poisonous substances, gases or fluids or any celluloid unless he shall be in possession of a current licence in respect of such premises issued by the Authorized Officer or other relevant authority in the specified form or otherwise than in accordance with the terms and conditions, if any, of his or her licence.

(7)

a. calcium Carbide shall not be stored or kept except in a strong hermetically sealed metal containers placed in a position not exposed to moisture.

b. no quantity of calcium carbide in excess of 13 kilograms shall be stored or kept except in isolated and well ventilated building set apart for the purpose in which no artificial light or heat is used and in which no material of a combustible nature is kept or stored.

(8) A person who fails to comply with the provisions of this section shall be guilty of an offence.

Licence fees

409. (1) A fee shall be paid to the County Government for every licence issued under this Part.

(2) All licences shall expire on the 31st day of December next following the date of issue.

(3)

a. a licence shall not be transferable from the holder to any other person without the permission of the County Government and for every such transfer; a fee as prescribed in the in the approved fees and charges shall

be paid; and

- b. no such licence in respect of section sub-section (3) (a) herein above of this law shall in any case be transferred from the premises in respect of which it is granted to any other premises.

Power of the
County
Government to
make
regulations
about on fire
precautions

410. (1) In the case of any particular use of premises which the County Government has power to designate under this Part, the County Government may by regulations make provisions which, as regards premises put to that use, or make provisions which, as regards premises put to any specified class or such premises, are to be taken or observed in relation to the risk to persons in case of fire.

(2) The County Government may by regulations make provisions as to precautions which are to be taken or observed in relation to the persons in case of fire as regards to premises which are used as a dwelling or any specified class of such premises.

(3) Without prejudice to the generality of powers conferred on the County Government by sub-section (1) and (2) above, regulations made by the County under this section may in particular, as regards any premises to which they apply impose requirements-

- a. as to the provision, maintenance and keeping free from obstructions and means of escape in case of fire;
- b. as to provision and maintenance of means of escape that can be safely and effectively used as all material times;
- c. as to the provision and maintenance of means for fighting fires and means of giving warning in case of fire; and
- d. as to the internal construction of the premises and the material used in that construction.
 - i. for prohibiting altogether the presence of use in the premises of furniture or equipment of any specified description or prohibiting its presence of use unless specified standards or conditions are complied with;
 - ii. for ensuring that persons employed to work in the premises receive appropriate instructions or training in what to do in case of fire; and
 - iii. for ensuring that in specified circumstances specified numbers of attendants are stationed in specified parts of the premises.
- e. as to the keeping of records of instructions or training given or other things done, in pursuance of the regulations.

(4) Regulations under this section-

- a. may impose requirements on persons other than occupiers of the premises to which they apply;
- b. may, as regards any or their provisions, make provisions as to the person or persons who are to be responsible for any contravention thereof; and

- c. may provide that if any specified provision of the regulations is contravened, the person or each of the persons who are under the regulations is or are responsible for the contravention, shall be guilty of an offence under this section.

(5) It shall be the duty of the County before making any regulations under this section, to consult with such persons or bodies of persons as appear to the County Government to be necessary.

Responsibility
of owners of
premises on fire
precautions

411. (1) The owner of any premises may be required by the County Fire Officer or an Authorized Officer to provide on such premises any fire extinguisher or other appliances for extinguishing fire.

Provided that any person who is aggrieved by the decision of the County Fire Officer or the Authorized Officer requiring him to provide on any premises any extinguisher or other appliances for extinguishing fire may appeal to the Director, Emergency and Rescue Services County within fourteen days of such decision of the County Fire Officer.

(2) The owner of any premises who has been required by the County fire Officer to provide on such premises any fire extinguisher of or other appliances shall maintain such extinguisher of other appliances in an efficient working order.

(3) Every such owner shall ensure that all portable fire extinguishers relying on internal pressure for their operation shall have their initial date of commission indelibly marked on the body of the extinguisher.

(4) Every such owner shall ensure that the body of the extinguisher is subjected to a hydraulic pressure test to the prescribed pressure for the type of such extinguisher three years, after the initial commissioning and every year thereafter and the data of such tests shall be indelibly marked on the body of the extinguisher.

(5) Every such owner shall ensure, if the premises, has fixed firefighting installations, such as sprinklers, alarms and detectors; that such installations are tested on a monthly basis to confirm their dedication and efficiency and a certificate of service- ability produced on demand by the authorized officer.

(6) A person who fails to comply with the provisions of this section shall be guilty of an offence.

Licensing to
install service
repair of
firefighting
equipment

412. (1) A person shall not install, service or repair any firefighting equipment or portable fire extinguisher installed in any or premises or area wherein such equipment is required under this Part, unless he is in possession of a current licence issued under these Regulations to carry out such installation, service or repair as specified in the licence, nor otherwise than in accordance with the terms and conditions, if any, of his or her licence.

(2) A licence to install, service or repair any firefighting equipment or portable fire extinguisher may be granted to a person who satisfies the County Fire Officer that he possesses satisfactory mechanical knowledge to service, repair or install firefighting

equipment or portable fire extinguishers and use of the firefighting equipment or portable fire extinguishers specified in the application.

(3) An application for a licence to install, service or repair any firefighting equipment or portable fire extinguisher shall be made in the form specified under of these Regulations.

(4). The Authorized Officer may subject to the provisions of sub-section (2) of these Regulations issue a licence which shall be in the form specified in the fourth schedule of this under these Regulations.

(5) A person who fails to comply with the provisions of this section shall be guilty of an offence.

Affixing of
label(inspection
sticker)

413. (1) A licensee carrying out any installation, examination, service or licence repair of any firefighting equipment or portable fire extinguisher shall affix or cause to be affixed a label (inspection sticker) thereto on which shall be written in indelible writing the following particulars-

- a. the name of the licensee carrying out such service, repair, examination or installation;
- b. the number of his or her licence;
- c. the date of such installation, service or repair and the condition of equipment or any portable fire extinguisher; and
- d. the date of the next service.

(2) If any defect is found in any firefighting equipment or portable fire extinguisher, the licensee shall advise the occupier of the premises thereof in writing and shall cause a copy of such report to be delivered to the County Fire Officer.

(3) A licensee shall not remove any firefighting equipment or portable fire extinguisher from any premises unless that apparatus has been replaced temporarily by similar serviceable equipment or portable apparatus.

(4) A licence licensee shall not close down any fixed firefighting installation for any purpose whatsoever on any premises without first obtaining authority therefore in writing from the County fire Officer.

(5) A person shall not install in any premises or area any second hand fire equipment or portable fire extinguisher unless a certificate of efficiency has been issued by a licensee in respect of such fire equipment.

(6) A person shall not issue a certificate of efficiency in respect of any firefighting equipment or portable fire extinguisher unless he is in possession of a current licence granted to him or her under these Regulations.

(7) All portable fire extinguishers installed in any premises shall be serviced on a quarterly basis and whenever they have been used and a certificate of service-ability obtained.

(8) A person who fails to comply with the provisions of this section shall be guilty of an offence.

The County

414. (1) The County Government may erect on any premises or may affix or cause to be

Government to affix or erect a sign showing fire hydrant	<p>affixed to any building, wall, post, fence or other structure or on any tree any fire alarm, telephone, telegraph or other appliances for the transmission of calls of fire to any fire station and any board or metal plate indicating there on the position of any fire hydrant and may at any time, repair, remove or alter or cause to be repaired, removed or altered any such appliance or board or metal plate.</p> <p>(2) No unauthorized person shall tamper with, damage, destroy or remove any such appliance, boards or metal plate, or any notice or any kind thereon or other apparatus of any fire alarm apparatus.</p>
County Fire Officer to respond to fire	<p>415. (1) On the occasion of an outbreak of fire the County Fire Officer or his or her Deputy shall with such other members of the fire brigade attend fire with such appliances as he may deem necessary and he may in his or her discretion reject or avail himself or herself and take command of any persons who may voluntarily place their services at his or her disposal.</p> <p>(2) The Fire Brigade whilst proceeding to a fire on any fire fighting machine, vehicle or appliances shall have an overriding right of way over all classes of traffic in any street or public place.</p> <p>(3) Drivers of all vehicles, shall in relation to sub-section (2) above afford immediately passage to such fire fighting machine, vehicle or appliances by drawing into the side of the street and remaining stationery until such fire fighting machine or appliances have passed.</p> <p>(4) The use of sirens or bells on any motor vehicle other than a fire fighting machine or appliance, ambulance or police is prohibited.</p> <p>(5). Any person who deliberately causes an obstruction to a fire brigade vehicle, ambulance, a police vehicle proceeding to an emergency commits an offence.</p>
Role of the County Fire Officer	<p>416. (1) The County Fire Officer or his or her Deputy, or in their absence, any police officer of or above the rank of inspector or an Authorized Officer may take any measures that may appear expedient for the prevention of or extinction of fire outbreak or the prevention or spread of fire or the protection of life or property, and in particular he may-</p> <ul style="list-style-type: none"> a. if it should be necessary for such purpose break into or pull down any premises being or appearing to be on fire, or in danger of becoming on fire; and b. may do all such acts or things as may be deemed necessary for extinguishing or preventing fire in any such premises or for protecting them or rescuing persons or salvaging property therein from fire. <ul style="list-style-type: none"> i. any street or public place in or near which a fire has broken out may be temporarily closed and any officer of the fire Brigade or any Police Officer may order any person who may by his or her presence or otherwise interfere with the operation of the fire brigade or police to move from such street or other public place;

- ii. save as provided under sub-section (1) above a person shall not at any fire, break in to or enter any premises for the purpose of salvaging property without the authority of the County Fire Officer or his or her Deputy or a Police Officer of or above the rank of Inspector or an Authorized Officer; and
- iii. 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 purposes of saving a life of any other person shall be guilty of an offence.

Interference with the members of the fire brigade and the firefighting appliances

417. (1) A person shall not interfere with; drive over or in any way damage the hose of any firefighting appliance in use by the fire brigade whilst engaged in preventing or extinguishing a fire or at a fire training drill.
- (2) A person shall not interfere with, molest, or obstruct any member of the fire brigade in the execution of his or her duties or with any person acting under the command of the County fire Officer or his or her Deputy.
- (3) A person shall not knowingly give or cause to be given a false alarm of fire to the Fire Brigade either by means of a fire alarm or by telephone or by word of mouth or by other means.
- (4) Any person contravening or failing to comply with the provision of any this laws or of any notice issued there under shall be guilty of an offence.

Enforcement of this Part

418. (1) It shall be the duty of County Government to enforce within County the provisions of this Act and regulations made, and for the purpose appoint fire prevention officer(s).
- (2) Subject to the provisions of this section any of the following persons (in this section referred to as Fire Prevention Officers) namely Fire Officer appointed under Sub-section (1) and a fire prevention officer may do anything necessary for the purpose of carrying out these Regulations and regulations there under into effect and, in particular shall so far as may be necessary, for that purpose, shall have the power to do at any reasonable time any of the following things namely-
- a. to enter any such premises and to inspect the whole or any part thereof and anything therein;
 - b. to make such inquiry as may be necessary for any of the purpose mentioned in sub-section (3);
 - c. to require the production of, and to inspect, any fire compliance certificate in force with respect to any premises or any copy of any such certificate; and
 - d. to require any person having responsibilities in relation to any such premises as are referred to in sub - section (1) (whether or not the owner or occupier of the premises or a person employed to work therein) to give

him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the fire prevention officer to exercise any of the powers conferred on him by this sub-section.

(3) The fire prevention officer shall, if so requires when visiting any premises in the exercise of his powers produce to the occupier of the premises duly authenticated document showing his or her authority.

(4) A person who-

- a. intentionally obstruct any fire prevention officer in the exercise of performance of his or her duties under these Regulations; or
- b. without reasonable excuse fails to comply with any requirements imposed by a fire prevention officer under this section shall be guilty of an offence.

Restriction on disclosure of information

419. If a person discloses (otherwise than in the performance of his or her own duties or for the purposes of any legal proceedings including arbitration any information obtained by him in any premises entered by him in the exercise of power conferred by these Regulations, shall be guilty of an offence.

Falsification of document and ,false statement

420. (1) if a person-

- a. with intent to deceive, forges a fire compliance certificate or makes or has in his or her possession a document so closely resembling a fire Compliance certificate as to be calculated to deceive;
- b. for the purpose of processing the issue of a fire certificate, makes any statement or gives any information which is so false; or
- c. in purported compliance with any obligation to give information to which he is subject under or by virtue of these Regulations, or in response to any inquiry made by virtue of these Regulations, gives any information which he knows to be false in a material particular.

He shall be guilty of an offence.

(2) If a person with the intention to deceive pretends to be a fire prevention officer he or she shall be guilty of an offence.

(3) Where an offence under these Regulations is committed by a body corporate, is proved to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of an offence.

(4) Where the affairs of body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he were a director of the body corporate.

(5) Where the commission by any person of an offence under these Regulations or any regulations made is due to the act or default of some other person, that other person may be charged with and convicted whether or not proceedings are taken against the

first mentioned person.

- Defence available to persons charged with offences
- Miscellaneous and general provisions of this Part
- General offence and Penalties
421. In any proceedings for an offence under these Regulations or under regulations made there under, it shall be a defence for the accused to provide proves that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such and offence.
422. (1) A person shall not make or cause or permit to be made any fire in the open air in such a manner as to endanger the safety of any person or building.
- (2) A person shall not throw or discharge or cause or permit to be thrown or discharged any fireworks in any street or public assembly without prior permission in writing from the Authorized Officer.
423. Any person who is guilty of an offence under this Part shall be liable to a fine not exceeding ten thousand shillings in respect of a first offence and not exceeding twelve thousand shillings in respect of a second or subsequent offence, or imprisonment for a period term not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both such fines and such periods of imprisonment.

PART XXVII – GENERAL NUISANCE

- Noisy musical instruments
424. Any person who shall-
- a. in any street or in connection with any shop, business premises or other place which adjoins any street and to which the public are admitted wilfully obstruct;
 - b. upon any other premises, by playing, operating or causing to be played or operated, any musical instrument, wireless, loud-speaker, gramophone, amplifier or similar instrument, make or cause or suffer to be made any noise which is so loud and so continuous or repeated as to cause an annoyance to occupants or inmates of any premises in the neighbourhood or to passers-by on a street shall be guilty of an offence; and
 - c. any person making loud noises, speeches or wailings as to cause annoyance to the occupants' inmates or persons passing by a street or an open space shall be guilty of an offence.

Provided that no prosecution shall be instituted against any person for any offence under these Regulations unless the annoyance remain unabated after the expiry of seven days from the date of the service on such person of a notice signed by the Authorized Officer alleging such annoyance.

- Noisy building operations.
- Noisy trades and industrial
425. Any person, who shall, in connection with any building, demolition or road construction work, cause or suffer to be caused any unnecessary noise so loud or so continuous or repeated as to cause an annoyance to occupants of any premises in the neighbourhoods, shall be guilty of an offence.
426. Any person who shall, in any part of the County other than the industrial or light industrial zones as specified in any laws of the County or in the relevant written laws

operations	<p>in connection with any trade or industrial process cause or suffer to be caused any noise so loud or so continuous or so repeated as to cause annoyance to the occupants of any premises in the neighbourhoods shall be guilty of an offence.</p>
Barbed wire	<p>427. (1) Any person who shall erect or authorize the erection of any barbed wire alongside a street without the prior written consent of the Authorized Officer shall be guilty of an offence.</p> <p>(2) The County Government 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 sub-section (1) above.</p> <p>(3) Any person who shall fail to comply with the requirements of a notice served in pursuance of sub-section (2) above shall be guilty of an offence.</p>
Deposit of debris	<p>428. Any person who shall without lawful authority deposit or cause or permit to be deposited any soil, vegetation, refuse or debris on any public land and streets in the County shall be guilty of an offence.</p>
Nuisance by animals	<p>429. Any person who shall keep within the County any animal or poultry which causes a nuisance to any of the residents in the neighbourhoods shall be guilty of an offence.</p> <p>Provided that no prosecution shall be instituted against any person for an offence against this section unless such nuisance be continued after the expiry of seven days from the date of the service on such person of a notice signed by the Authorized Officer alleging a nuisance.</p>
Game animals	<p>430. (1) Any person who shall, except with the written permission of the Authorized Officer and subject to such conditions as he may deem fit, keep within the County, except in agricultural land, a game animal or reptile other than a lizard, or an ass, mule, ox, bull, or cow, goat, sheep or pig shall be guilty of an offence.</p> <p>(2) the County Government may remove any of the species of animals referred to in sub-section (1) which has been kept within the County except in agricultural land or left in a street in contravention of this section and impound the same.</p> <p>(3) The owner of a game animal or reptile other than a lizard or an ass, mule, ox, horse, bull or cow, goat, sheep or pig removed from the County in pursuance of sub-section (2) shall not be entitled to recover the same until he has paid to the County Government the prescribed fees in the approved fees and charges.</p> <p>Provided that if such owner does not pay the fees and expenses due within a period of seven days from the date the said animal was impounded the County may sell or otherwise dispose of the same by auction or any other means and the proceeds of such disposal, if any, shall be set off against the outstanding fees and expense, if any, incurred by the County Government in removing or disposing of the same.</p> <p>(3) Any person who has under his or her control or in his or her custody-</p> <ol style="list-style-type: none"> a. any game animal or any reptile, or any ass, mule, bull, goat, sheep or pig which causes a nuisance or annoyance to any of the residents of the area; b. any animal, reptile, poultry or bird which is so kept as to be or likely to

become injurious to the health of any person; or

- c. any animal reptile poultry or bird which wanders on a street in such a manner as to cause obstruction or inconvenience to traffic; shall be guilty of an offence.

(4) Any person who shall except with the written permission of the Authorized Officer and subject to such conditions as he may deem fit, permit any animal of the species referred to in sub-section (1) to graze on public land and streets within the County shall be guilty of an offence.

431. (1) Where in the opinion of the County Government any hedge tree or other growth is so placed or in such condition as:-

Encroaching
hedges and
trees

- 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 County Government 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 exceeding fourteen seven days as shall be specified in such notice to cause the hedge, tree or other growth to be chopped, trimmed or removed.

(2) Any person who fails to comply with the requirements of a notice served in accordance with sub-section (1) shall be guilty of an offence.

(3) Without prejudice to any prosecution which may be instituted under sub-section (2), the County Government may on expiry of the period of time specified in a notice served execute any of the work specified in the said notice and any expenses incurred by the County Government in so doing shall be recoverable from the said person as a civil debt.

(4) Any person who shall without statutory authority or the consent of the Authorized Officer given in writing erect or permit the erection of any structure in such a position that it is sited in or protrudes over a street shall be guilty of an offence.

(5) For the purpose of this section -structure, includes a machine, pump, post, Regulationsboards or other object, capable of causing an obstruction to a passenger or a vehicle in a street.

Projections

432. (1) A person shall not attach, hang, erect or permit the erection of any object from or alongside any street in such a manner as it protrudes over or into a street without an approval from the County Government or otherwise than in accordance with any condition attached to that approval.

(2) The Authorized Officer may serve a notice to the owner or occupier of any premises from or alongside which an object has been attached, hung or erected in contravention of sub-section (1).

(3) Any person who contravenes or fails to comply with the provisions of this Section

or any conditions attached to an approval there under or a notice served under the provisions of paragraph sub-section (2) shall be guilty of an offence.

(4) The provisions of this Section shall not apply to an advertisement permitted under any laws of the County for the time being in force or to any structure approved by the County Government under any such laws.

Source of
danger

433. (1) If in or on any land adjoining a street, there is an unfenced danger or inadequately fenced source of danger to persons using the street, the County 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 notice, to execute such works of repair, protection, removal or enclosure as will remove the danger.

(2) Any person who fails to comply with a notice served in pursuance of sub-section (1) within the time specified in such notice shall be guilty of an offence.

Damage and
obstructions

434. Any person who shall-

- a. in any way willfully obstruct the free passage of any street;
- b. willfully or negligently damage or destroy the surface of any public street;
- c. pull down, destroy, obliterate, deface, displace or remove any property of the County on or near a street;
- d. damage or destroy any tree, shrub, flower, plant or grass on land forming part of a public street;
- e. disturb, damage or destroy any barrier, fence or other erection or any trestle, lamp, stone or other material placed on a street or by fitting attached thereto;
- f. willfully or negligently pull down, damage or destroy any lamp standard or bollard in a street or damage or remove any bulb or fitting attached thereto; or
- g. dig, plough, till or cultivate any public street without the written permission of the Authorized Officer, shall be guilty of an offence.

Defacing
buildings

435. Any person, who shall, without lawful authority, deface any building by writing, signs or other marks thereon shall be guilty of an offence.

Breaking

436. (1) Any person who, without statutory authority, shall break up or authorize the breaking up of the surface of a public street, without the permission of the County Chief Engineer, shall be guilty of an offence.

(2) Any person who contravenes or fails to comply with any condition attached to the approval permit granted under this section shall be guilty of an offence.

Obstruction

437. (1) Any person who shall place or leave or allow or cause to be placed or left any vehicle or article or material in a street in such a manner that it causes or is likely to cause an obstruction to persons or vehicles using the street shall be guilty of an offence.

(2) The County Government may remove any vehicle or article or material which has been placed or left in a street in contravention of these Regulations and impound the same.

Pound fee

438. (1) The owner of a vehicle, article or material removed from a street in pursuance of section 436 of this Part shall not be entitled to recover the same until he has paid to the County Government in the prescribed fees for removing and impounding the same as per the approved fees and charges.

(2) The fees shall be charged per day for the period the vehicle, item or material has remained impounded.

Provided that if such owner does not pay the fees and expenses due within a period of sixty days from the date the vehicle, article or material was impounded, the County Government may sell or otherwise dispose of the same and the proceeds of such sale or disposal, if any, shall be set off against the outstanding fees and expenses, if any, incurred by the County in removing or disposing of the vehicle or article or material.

Nuisance on the streets

439. Any person who shall in any street- a.
- a. ignite any firework;
 - b. without the permission of the Authorized Officer in writing and for the purpose of hawking, selling, distributing or advertising any article or event, shout or use any bell, gong, or other noisy instrument or loudspeaker;
 - c. without the permission of the Authorized Officer in writing draw, wheel or drive any vehicle or carry any board or placard used solely or chiefly for the purpose of exhibiting advertisements;
 - d. without the permission of the Authorized Officer in writing and for the purpose of advertising distribute any Regulations Act or other paper commit any act contrary to public decency;
 - e. without statutory authority deface the footway or roadway by writing or other marks;
 - f. place or deposit and leave any glass, china, earth ware, tin, carton, paper, saw dust 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 not properly guarded;
 - i. play any game in such a manner as to cause likelihood of damage to property, or danger to any person;
 - j. ride, drive or propel a vehicle on a footpath;
 - k. spit on any footpath or blow his or her nose otherwise than into a suitable cloth or tissue;
 - l. loiter or importune for the purpose of prostitution;
 - m. procure or attempt to procure a female or male for the purpose of prostitution;
 - n. while being in charge of any dog, allow such dog to foul any footpath;

- o. wash any vehicle or, except in the case of an emergency, repair or dismantle any vehicle on any foot path;
- p. except in the case of emergency, sound any motor horn, cycle bell or similar warning instrument;
- q. without the consent of the Authorized Officer, light or maintain or suffer to be lit or maintained any fire or brazier on a foot path;
- r. in the central area as defined in any laws of the County for the time being in force, ride or drive any animal on a foot-path;
- s. defecate or urinate on the street or any open space; or
- t. smoke cigarettes in Public places as provided for in the Tobacco Control Act, 2007 shall be guilty of an offence.

Deposition of
Materials

440. (1) A person shall not deposit or cause to be deposited or have or harbour or store on any public land and streets, any building material, road materials, earth, stones or soil other than for the purpose of erection of approved buildings thereon.
- (2) A person shall not deposit or cause to be deposited or have harbour or store on any public land and streets, any disused vehicles, old metals, or any kind of materials which, in the opinion of the Medical Officer of Health, are likely to cause any nuisance or conditions liable to be injurious or dangerous to health without the written permission of the Authorized Officer.

Discharge of
missiles

441. Any person who shall be in or near a street discharge a missile in a manner likely to cause damage to property or danger to any person shall be guilty of an offence.

Vehicle loads

442. Any person who shall drive or allow to be driven any vehicle so loaded that its contents or any part thereof spill on to the surface of a street shall be guilty of an offence.

Loitering on the
County
Government
property

443. Loitering on any County Government property other than residential property, without lawful authority is prohibited. Any person in contravention of this Section shall be guilty of an offence.

Signing of
Notices
or Consent

444. (1) Except where otherwise specifically provided in these Sections any notice, permit or consent which the County Government is authorized or required to give may be signed on behalf of the County Government by the Authorized Officer or by any officer of the County Government duly authorized by him to sign such notice or consent.
- (2) Any such notice, permit or consent purporting to bear the signature of the Authorized Officer shall for the purpose of these Regulations be deemed, until the contrary is proved, to have been duly issued by the County Government.
- (3) Any notice or other document required or authorized by or under these Regulations to be served to a corporation shall be duly served if served to the Chief Executive Officer;
- (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 Regulations in respect of such premises shall be duly served if served in accordance with this Section on any one of

those persons.

(5) Any notice or other document required or authorized by or under these Regulations to be served on any person may be served either-

- a. by delivering it to that person; or
- b. by leaving it at his or her proper address; or
- c. by registered post addressed to him at his or her proper address.

(6) For the purpose of this Part, the proper address of any person shall, in the case of a corporation be that of the registered or head office of the corporation, and in any other case, be the usual or last known place of a abode or business of the person on whom the notice is to be served.

(7) If the name or the address of any notice for the owner or occupier of premises upon whom any notice is to be served cannot, after reasonable inquiry, be ascertained, the notice may be served by addressing it to the person on whom it is to be served by the description of -owner, or occupier of the premises (describing them) to which the notice relates, and by delivering it to some responsible person occupying or appearing to occupy the premises, or by fixing it or a copy of it to some conspicuous part of the premises.

Offences and penalties

445. A person who fails to comply with the provisions of this Part shall be guilty of an offence and shall be liable to a fine not exceeding five thousand for the first offence or to seven thousand for the second or subsequent offence or to imprisonment term of seven months for the first offence or nine months for the second or subsequent offence or both.

PART XXVIII – POLYTHENE CARRY BAGS

Prohibition

446. No person shall-
- a. sell, import, manufacture, produce or store non bio degradable polythene carry bags of less than the recommended thickness within the jurisdiction of the County;
 - b. being a vendor, use such polythene carry bag for storing, carrying, dispensing or packaging of any articles or commodity;
 - c. litter any public place with polythene carry bags;
 - d. any person in contravention of this part shall be guilty of an offence and shall be liable to a fine not exceeding five thousand for the first offence or to seven thousand for the second or subsequent offence or to imprisonment term of seven months for the first offence or nine months for the second or subsequent offence or both.

PART XXIX- SOLID WASTE MANAGEMENT

Duty of care

447. (1) It is the County Government's primary duty to regulate waste and its management within the County and for this purpose all waste generated or otherwise arising within the area of the County shall be subjected to these Regulations and shall be regulated by the

County Government accordingly.

(2) The County Government shall prepare a waste management plan of its arrangements for managing waste arising within the County.

(3) The plan shall include information as to, among other things, the kinds and quantities of waste likely to be present within the County during the plan period the methods by, and arrangements under, which the waste should be treated or disposed of the sites and equipment which the County Government and other persons are providing or propose to provide for treating and disposing of the waste; and an investment plan for implementing the plan.

(4) The County Government shall establish and maintain schemes and arrangements for the removal and destruction of, or otherwise dealing with all kinds of waste generated or otherwise arising within the County and may establish different schemes or arrangements for different parts or zones of different categories of waste and, where such schemes or arrangements are established or otherwise exists, to compel the use of such schemes or arrangements by persons residing in or carrying on business or other activities within the County.

(5) It shall be the duty of any person who produces, carries, keeps, treats, disposes of or otherwise handles waste or who otherwise has control of waste or that of any other person and, on the transfer of waste, to ensure that the transfer is made only to an authorized person or to a person for authorized transport purposes and that there is transferred with the waste such a written description of the waste and also to enable other persons to comply with this duty as respects the escape of the waste.

(6) The duty under sub-section (5) does not apply to an occupier of a domestic property in respect to the household waste produced on the property.

(7) The occupier or owner of any residential dwelling or trade premises the County shall deal with waste arising from the premises in accordance with directions issued by the County Government either specifically or under the scheme or arrangement established by the County Government under this Act for the management of domestic or trade waste arising in the area where the particular occupier or owner resides or carries on business or other activities.

Waste

Operators

448. (1) The County Government shall issue permit to waste operators who satisfy such requirements as to technical and financial capability as it shall stipulate upon payment of the prescribed fees in the approved fees and charges.

(2) The County Government shall determine categories of waste operation for which an application may be made and may from time to time alter such categories.

(3) An application for a waste operator's permit shall be made on an application form provided by the County Government and shall include information about the technical and financial capability of the applicant to provide the services specified in the

application.

(4) Where the County Government receives an application it shall publish the fact of the application in one newspaper with a circulation within the County and shall provide members of the public who inquire with details of the application. The County Government shall take into account such representations as it receives within twenty- eight days of the publication of the application.

(5) Any person who, in an application for a waste operator's permit makes any statement which he knows to be false or reckless in any material fact shall be guilty of an offence under these Regulations.

(6) A waste operator's permit shall include such terms and conditions as the County Government sees fit to specify in the permit including a description of the activities which may be undertaken under the permit; the duration of the permit; the supervision by the holder of the permit of activities to which the permit relates.

(7) The County Government shall from time to time review the performance of waste operators and may suspend or cancel a waste operator's permit if the permit holder has breached the terms and conditions of the permit or has been guilty of negligence in managing waste whose management is authorized by the permit; or if there is some other reason which, the County Government seems to justify such action.

(8) The County Government may on its own initiative, or on the application of the permit holder, modify the terms and conditions of the permit but any such modification shall be of no force and effect unless published in a local daily and representations from members of the public dealt with as if it were a new application.

(9) Where it appears to the County Government that the continuation of activities to which a waste operator's permit relates is causing or would cause pollution of the environment, danger to the public health or serious detriment to the amenity of the locality affected by the activities and the pollution, danger or detriment cannot be avoided by modifying the conditions of the permit the County Government may revoke the permit with effect from a specified date after serving notice on the permit holder and hearing any representations that the permit holder may wish to make as to why the permit should not be revoked.

(10) The holder of a permit may transfer the permit to another person but such a transfer shall be of no force and effect until the County has notified the holder that it does not object to the proposed transfer and upon payment of the prescribed fees in the approved fees and charges.

(11) The holder of a permit may relinquish the permit by giving notice to the County

Government that he or she no longer requires the permit and delivering the permit to the County Government. Relinquishment shall be of no force and effect until the permit holder receives notification that the County Government does not object to the relinquishment and in any case shall not absolve the permit holder from any liabilities or obligations whether civil or criminal incurred during the period when he or she held the permit.

Waste

transporters

449. (1) It shall be an offence for any person who is not a registered transporter of solid waste or a permit holder in the course of any business of his or otherwise with a view to profit, to transport any solid waste within the County unless he belongs to a category of transporters who have been exempted by the County Government from registration.
- (2) The County Government shall make provision for the registration of waste transporters. Applicants shall provide information regarding their physical address and their financial and technical capability to transport waste.
- (3) The County Government may require registered waste transporters to execute a bond as a condition for registration.
- (4) In determining whether it is desirable for any individual to be or to continue to be authorized to transport waste, the County Government shall have regard, in a case in which a person other than the individual has been convicted of an offence under these Regulations, to whether that individual has been party to the carrying on of business in a manner involving the commission of an offence under these Regulations
- (5) The County Government may revoke the registration of a person who has been convicted of an offence under these Regulations.
- (6) If it appears to a duly authorized officer of the County Government that any waste is being or has been transported in contravention of these Regulations he or she may, in the presence of a police officer, stop any person appearing to him or her to be or to have been engaged in transporting that waste and require that person to produce his or her authority or, as the case may be, his or her employer's authority, for transporting that waste and search any vehicle that appears to him or her to be a vehicle which is being or has been used for transporting waste.
- (7) For the purposes of sub-section (6) of these Regulations a person's authority to transport waste is his or her certificate of registration as a transporter of waste or a certified copy thereof or evidence that he or she is not required to be registered as a waste transporter.

Registers

450. (1) The County Government shall maintain a register containing prescribed particulars

of all waste operator's permits and registrations of transporters which are for the time being in force.

(2) The County Government shall ensure that the register is open for inspection at its principal office by members of the public free of charge at all reasonable hours.

(3) The County Government shall accord members of the public reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in the register.

Collection

451. (1) It shall be the duty of the County Government to arrange for the collection, treatment and disposal of, or otherwise dealing with, all domestic waste and street and other litter generated or otherwise arising within the County and to take all necessary and reasonably practicable measures to maintain all places falling within the County in a clean and sanitary condition at all times.

(2) For the purposes of carrying out its duty under sub-section (1) the County Government may enter into such agreements with third parties as it deems appropriate including contracts, franchises, and concessions.

(3) It shall be the duty of the person who generates trade waste or on whose premises trade waste otherwise arises to arrange for the collection, treatment and disposal of all trade waste generated by him and to take all necessary and reasonably practicable measures to ensure that the trade waste is not released into the environment so as to cause pollution thereof.

(4) It shall be the duty of every occupier and every owner of premises wherein any hazardous waste or clinical waste is generated, to make suitable arrangements, including the separation of such waste from other non-hazardous waste or non-clinical waste, to the satisfaction of the County Government, for the proper management of the waste and in doing so shall comply with any directions issued by the County Government.

(5) It shall be the duty of every occupier and every owner of premises wherein bulk waste is generated to make suitable arrangements for the disposal of such waste and in doing so shall comply with any directions of County Government.

(6) Every occupier or tenant of any residential dwelling shall provide and maintain, to the satisfaction of the County Government, a container for domestic waste of a sufficient size, and fitted with a good and effective lid and shall daily cause to be placed within such container the domestic waste from the said residential dwelling in so far as the said container shall be sufficient to contain the same;

(7) Every occupier and /or tenant of any trade premises shall provide and maintain to

the satisfaction of the County Government a container for trade waste of a sufficient size, and fitted with a good and effective lid, and shall daily cause to be placed within such container the trade waste from the said premises in so far as the said container shall be sufficient to contain the same.

(8) If it appears to the County Government that there is likely to be situated on any premises in its area trade waste of a kind or in quantities which, if the waste is not stored in containers of a particular kind, is likely to cause a nuisance or to be detrimental to the amenity of the locality in which the premises are situated the County may, by notice served on the occupier, require him or her to provide at the premises, containers for the storage of such waste which are of a kind and number reasonably specified in the notice.

(9) Occupiers of domestic and trade premises shall separate waste which can be recycled and place them in a different container provided by the County or the waste operator as the case may be for the purpose.

(10) It shall be an offence against these Regulations to burn, throw away, or otherwise dispose of domestic and trade waste other than by handing it to, or where there is an arrangement to that effect, leaving it at an appropriate place and in an appropriate container, for collection by a licensed waste manager operator or a registered waste transporter.

Disposal

452. (1) Waste shall be disposed off only in permitted disposal areas or at an approved disposal facility.

(2) It shall be the duty of the County Government to provide places at which to deposit waste before it's transferred to a place for its final disposal and places at which to dispose of waste and plant and equipment for processing it or otherwise disposing of it.

(3) The County Government may permit another person to use facilities provided by it with or without a charge as may be appropriate.

(4) The person in charge of the waste disposal facility and the person delivering waste to the facility shall maintain a record of all waste loads disposed off at the facility. The record shall take the form of a delivery note signed by both parties at the time of disposal of each load. The records shall be kept for a period of five years and shall be availed to the County Government on request within that period.

(5) Waste delivered to a permit holder shall be his or her responsibility to him or her to deal with it under these Regulations.

(6) No person shall sort over or disturb anything deposited at a place provided or approved by the County Government for the deposit of waste or in containers for waste provided by the County Government or other person unless he or she is authorized to do so by the County Government or unless she or he is a person entitled to the custody of the container or is authorized to do so by such a person or is a person having the function of emptying the container.

(7) The County Government shall make provision for small scale resource recovery activities to be undertaken by organized groups at designated sites before disposal of waste.

(8) A permit holder may do such things as it considers appropriate for the purpose of enabling waste belonging to it to be used again or enabling substances to be reclaimed from such waste and it may use, sell, or otherwise dispose of waste belonging to it or anything produced from such waste.

Payments

453. (1) The County Government shall issue directions on waste collection charges. The directions shall specify the amount of charge or charges to be imposed for different categories of services or for services in different localities or zones within the County; the mode of payment and receipt of the charges; and provisions as to the penalty or penalties for failure to pay the charges.

(2) Directions on charges or waste management services may provide for the imposition of a levy to meet the costs of general cleansing but any such levy must be itemized separately on the waste Regulations or other invoice and must be placed by the collector in a dedicated fund.

(3) Charges shall be collected by the person who provides the waste management services for which the charge is being levied.

(4) There shall be paid by every person or entity to whom a waste management service is provided, a waste charge imposed in accordance with the directions issued by the County Government.

(5) The County Government hereby imposes the waste charges in the approved fees and charges.

Enforcement

454. The County Government shall establish and implement a system of monitoring, inspections and enforcement of waste management activities and shall inform and keep the public informed of steps it is taking to implement and improve waste management within the County.

(2) Any officer or agent of the County Government duly authorized in that behalf, may at all reasonable times, enter any residential dwelling or trade premises within the County for the purposes of conducting any inspection, inquiry or the execution of works under the provisions of these Regulations.

(3) In addition to such penalties for non-payment as may be stipulated in the directions issued by the County Government for non-payment of charges for waste management services, any waste management charge payable under these Regulations shall be a debt due and owing to the collector and may be recovered as a civil debt at the instance to the collector or any person authorized by the collector to collect on its behalf.

(4) Any power or function conferred on the County Government under these Regulations may be exercised or performed by a third party pursuant to an agreement between the County Government and the third party and will be deemed to have been exercised or performed under the authority of these Regulations.

Offences and Penalties

455. Any person who refuses or fails to comply with any provision of these Regulations Part or gives false information in relation to any requirements of this part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a term not seven months in respect of the first offence and not exceeding nine months in respect of a second or subsequent offence or both.

PART XXX - FILM MAKING CULTURAL EVENTS AND ENTERTAINMENT

Cinemas, video shows and hiring

456. Any person operating a cinema, video shows and hiring as a business or occupation shall make an application to the Authorized Officer for a business permit.

Fees

457. (1) The County Government shall charge such permit fees for operating such cinemas, video shows and hiring as prescribed in the approved fees and charges.

(2) Any person who operates a cinema, video shows or hiring without the permit or payment of the permit fees shall be guilty of an offence under this Part.

Promotion of cultures and cultural heritage

458. The County Government shall—

- a. promote all forms of cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publication, libraries and other cultural heritage; and
- b. promote the intellectual property rights of the people in the County; and

- c. ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage.

Penalties

459. Any person who fails to comply with any provision of this Part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a term not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both.

PART XXXI – TRAFFIC FLOW CONTROL

Signals and signs to be obeyed

460. (1) The driver of a vehicle shall at all times -
- a. obey any directions given, whether verbally or by signal, by a police officer in uniform or an Authorized Officer in the execution of his or her duty;
 - b. conform to the indications given by any traffic sign;
 - c. stop his vehicle on being so required by a police officer in uniform or an Authorized Officer; or
 - d. when any person in charge of any cattle raises his or her hand or in any manner gives a signal to stop, forthwith stop his or her vehicle and keep it stationary for as long as it is reasonably necessary.

(2) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and liable on first conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding seven months, and on each subsequent conviction to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding nine months or to both.

obstruction

461. (1) No vehicle shall be allowed to remain in any position on any road so as to obstruct or to be likely to obstruct or cause inconvenience or danger to other traffic using the road, and, save where the contrary is expressly provided in these Regulations, every vehicle on a road when not in motion, shall be drawn up as close to the side of the road as possible.
- (2) The driver of any vehicle shall, in case of a break-down, remove the vehicle from the road as soon as possible, and until so removed the vehicle shall be placed as close to the side of the road as possible; and as the vehicle remains on the road between the hours of 6.45 p.m. to 6.15 a.m., its position shall be clearly indicated by a light or lights visible to drivers of vehicles approaching from either direction.
- (3) If any part of the vehicle remains on or near the road in a position so as to obstruct or to be likely to obstruct or to cause or to be likely to cause inconvenience or danger to other traffic using the road, the driver shall place on the road not less than fifty metres from the vehicle two red reflecting triangles of such construction and dimensions as may be prescribed, one ahead of the vehicle and one behind it so that each is clearly visible to drivers of vehicles approaching from ahead or behind, as the

case may be.

(4) Any person who leaves any vehicle on a road in such a position or manner or in such a condition as to obstruct other vehicles or cause or be likely to cause any danger to any person shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding eighteen months or both.

Unattended
motor vehicles

462. No person shall –
- a. leave unattended on a road any motor vehicle with the engine running; or leave any vehicle without having taken due precautions against its moving along the road from its stationary position.

Traffic signs

463. (1) Subject to and in conformity with such general or other directions as may be given by the Executive Committee Member responsible for transport, the County Government may cause or permit traffic signs to be placed on or near a road.
- (2) Traffic signs shall be of the prescribed size, colour and type except where the Executive Committee Member responsible for transport authorizes the erection or retention of a sign of another character.
- (3) No traffic signs shall be placed on or near any road except under and in accordance with sub-section (1) and (2) above.
- (4) All traffic signs shall be deemed to have been lawfully erected until the contrary is proved.
- (5) The County Government in collaboration with the highway authority may, by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such a notice the highway authority may effect the removal, doing as little damage as may be, and may recover as a civil debt recoverable summarily from the person so in default the expense incurred in so doing:

Provided that this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorized by the highway authority.

Offences and
penalties

464. Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable on first conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding seven months, and on each subsequent conviction to a fine not exceeding seven thousand shillings or to imprisonment for a term not exceeding nine months or to both.

PART XXXII - ENVIRONMENT AND LITTERING

Right to clean

465. (1) Every person within the County is entitled to a clean and healthy environment and

environment

has a duty to safeguard and enhance the environment.

(2) If a person alleges that the entitlement conferred under sub clause (1) has been, is being or is likely to be contravened in relation to him, then without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to a subordinate court for redress and the subordinate court may make such orders, issue such writs or give such directions as may deem appropriate to-

- i. compel any officer duly appointed by the County Government to take measures to prevent or discontinue any act or omission deleterious to the environment;
- ii. prevent, stop or discontinue any act or omission deleterious to the environment;
- iii. require that any on-going activity be subjected to an environmental audit in accordance with provisions of these Regulations and any other relevant written law;
- iv. compel the persons responsible for the environmental degradation to restore the degraded environment as far as practicable to its immediate condition prior to the damage; or
- v. provide compensation for any victim of pollution and the cost of beneficial uses lost as a result of an act of pollution and other losses that are connected with or incidental to the foregoing.

(3) A person proceeding under subsection (2) of this section shall have the capacity to bring an action notwithstanding that such a person cannot show that the defendant's act or omission has caused or is likely to cause him or her any personal loss or injury provided that such action—

- a. is not frivolous or vexatious; or
- b. is not an abuse of the court process.

(4) In exercising the jurisdiction conferred upon it under sub clause (2), the High Court shall be guided by the following principles of sustainable development;

- a. the principle of public participation in the development of policies, plans and processes for the management of the environment;
- b. the cultural and social principles traditionally applied by any community in County for the management of the environment or natural resources in so far as the same are relevant and are not repugnant to justice and morality or inconsistent with any written law;
- c. the principle of inter-county co-operation in the management of environmental resources shared by two or more Counties;
- d. the principles of intergenerational and intra generational equity;
- e. the polluter-pays principle; and
- f. the pre-cautionary principle.

Appointment of

466. The Director of Environment, Deputy Director of Environment or any other duly

environmental
officers

appointed officer by the County Government shall be the authorized officer for the purpose of enforcing the provisions of this Part.

Duties of
environmental
officers

467. (1) An environmental or authorized officer shall-
- a. monitor compliance with the environmental standards established under these Regulations or other relevant written law;
 - b. conduct environmental audits; and
 - c. perform such other functions as may be required under these Regulations or relevant written law.
- (2) An environmental officer may, in the performance of his duties under these Regulations, at all reasonable times and without a warrant-
- a. enter any land, premises, vessel, motor vehicle or ox-draw trailer and make examination and enquiries to determine whether the provisions of these Regulations are being complied with;
 - b. require the production of, inspect, examine and copy licences, registers, records and other written laws relating and, as may be prescribed, submit such samples for test and analysis;
 - c. carry out periodic inspections of all establishments and undertakings within their respective jurisdictional limits which manufacture, produce as by- products, import, export, store, sell, distribute or use any substances that are likely to have significant impact on the environment, to ensure that the provisions of these Regulations are complied with;
 - d. seize any article, vessel, motor vehicle, plant, equipment, substance or any other thing which he reasonably believes has been used in the commission of an offence under these Regulations;
 - e. with the written approval of the Director of Environment order the immediate closure of any manufacturing plant or other establishment or undertaking which is causing or is likely to cause in his opinion significant pollution to the environment;
 - f. to require the owner or operator of such establishment of undertaking to implement any remedial measures that the environmental officer may direct;
 - g. any establishment or undertaking closed down under this paragraph may resume its operations only with the written approval of the Director of Environment upon compliance;
 - h. with the approval of the Director of Environment issue an improvement notice requiring the owner or operator of any manufacturing plant, vessel, motor vehicle or other establishment or undertaking to cease any activities deleterious to the environment and to take appropriate remedial measures, including the installation of new plant and machinery if necessary, within such reasonable as the County Government may determine;

- i. with or without an arrest warrant and with the assistance of a County Enforcement Officer or a Police Officer, arrest any person whom he reasonably believes has committed an offence under these Regulations; or
- j. install any equipment on any land, premise, vessel or motor vehicle for purposes of monitoring compliance of these Regulations.

Power of entry 468. The Director of Environment, Deputy Director of Environment, Environment Officer, Cleansing Superintendent, Public Health Officer, Public Health Technician or any other person generally or specially authorized in writing by the County, may at any hour reasonable for the proper performance of his duty, enter any land or premises to make any inspection, inquiry, investigation or to perform any other work or so anything which is required or authorized by these Regulations or any other law to do if such inspection, inquiry, investigation or work is necessary for or incidental to the performance of the duties or the exercise of his or her powers.

Offences related to inspection 469. Any person who-

- a. hinders or obstructs an environment officer in the exercise of his or her duties under these Regulations;
- b. fails to comply with a lawful order or requirement made by an environmental Officer in accordance with the Act;
- c. refuses an Environmental Officer entry upon any land or into any premises, vessel or motor-vehicle which he is empowered to enter by these Regulations or other written law;
- d. impersonates an Environmental Officer;
- e. refuses an Environmental Officer access to records or documents kept pursuant to the provisions of these Regulations or any written law;
- f. fails to state or wrong states his or her name or address to an Environmental Officer in the cause of his duties under these Regulations;
- g. misleads or gives wrongly information to an Environmental Officer under these Regulations; or
- h. fails, neglects or refuses to carry out an improvement order issued under these Regulations, commits an offence and shall be liable to a fine of not more than twenty thousand shillings or in default to imprisonment for a term not exceeding six months or to both.

Provision of street litter bins 470. (1) The County Government shall provide litter baskets or bins for the disposal of litter in the streets and public places.
 (2) Any person who tampers with a litter bin, dustbin, bulk container or any other refuse receptacle shall be guilty of an offence.

Prohibition against littering 471. Any person who throws or causes litter to be thrown in the street, or public litter disposal places or deposits or otherwise disposes off litter in any place other than the litter baskets or bins provided, shall be guilty of an offence.

Penalties 472. Any person guilty of an offence under the provision of preceding sections shall be

liable on conviction to a fine not exceeding Five Thousand Shillings or in default to an imprisonment for a term not exceeding six seven months or to both.

PART XXXIV – ENFORCEMENT PROVISIONS

- Cancellation of licenses and permits 473. The County may from time to time by notice to holder thereof, cancel a license or permit for contravention of any of the terms and conditions thereof or any of the provisions of these Regulations or where in its opinion the continued display of any advertisement device would likely to affect injuriously the amenities of, or to disfigure any neighbourhood or for any other reason, the County may think fit
County.
- Penalties to permit holders and licensees 474. The County may from time to time by notice to holder levy a penalty to a holder of a license or any other person who is in breach of any provisions of these Regulations.
- Offences 475. In addition to the offences under the different Sections of these Regulations, if the person without lawful authority-
- a. operates a business within the County without a valid business license or permit;
 - b. erects, fixing, placing, maintaining, displaying or using or permitting to be erected, fixed, placed, maintained displayed or used, any advertisement or advertising device without a permit or otherwise than in accordance with the terms and conditions of a permit;
 - c. operates outside the designated trading area or premises;
 - d. defaces any building by writing, signs or other marks;
 - e. cuts , or permits to be cut a tree in any property whether (private or public) without a permit issued by the County;
 - f. loiters on any County property other than a street or residential property, without lawful authority;
 - g. drives or permits to be driven any vehicle so loaded that its contents or any part thereof spill on to the surface of a street shall be guilty of an offence.
 - h. discharges a missile in a manner likely to cause damage to property or danger to any person;
 - i. participates in or authorizing the breaking up of the surface of a public street, without the permission of the County Chief Engineer,
 - j. deposits or causes or permits to be deposited any soil, vegetation, refuse or debris on any land in the County;
 - k. being in connection with any building, demolition or road construction work, cause or suffer to be caused any unnecessary noise so loud or

so continuous or repeated as to cause an annoyance to occupants of any premises in the neighbourhoods;

- l. being in any part of the town other than the industrial or light industrial zones as specified in any laws of the County for the time being in force, in connection with any trade or industrial process cause or suffer to be caused any noise so loud or so continuous or so repeated as to cause annoyance to the occupants of any premises in the neighbourhoods;
- m. intentionally or recklessly obstructs or hinders a person while that person is acting in performance or exercise of the person's functions or powers under these Regulations;
- n. makes any statement or declaration, or gives any information or certificate, lawfully required by or under these Regulations knowing it to be false or misleading in material or respect;
- o. dwell in the parks or be in the parks beyond the specified times;
- p. fails to pay fees, charges, penalties contrary to the provisions of this Act;
- q. fails to keep or display licenses or permits at conspicuous place of business;
- r. transfers business premises license or permit for purposes of undertaking business in non-designated or permitted area;
- s. constructs, or permits the construction of a sewer connection otherwise than in accordance with these Regulations; or
- t. commits any other offence not covered in this Section but is covered under other sections in these Regulations.

Penalties

476. Unless otherwise stated in these Regulations Any person who contravenes the provisions of these Regulations shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and not exceeding seven thousand shillings in respect of a second or subsequent offence, or imprisonment for a period not exceeding seven months in respect of a first offence and not exceeding nine months in respect of a second or subsequent, offence or both.

PART XXXIV- DISPOSAL OF CORPSES AND BURIAL

477. No corpse shall be buried, burnt or otherwise disposed of within the County Jurisdiction in any place other than a place assigned by the County for such burial, cremation or disposal.

Burial shall only be permitted in a cemetery of the community to which the deceased person belonged, and the interment shall be conducted with such precautions as the Public Health Officer shall direct.

The corpse of every person dying within the County's Jurisdiction shall be buried, cremated or otherwise disposed of within 24 hours from the time of death of the person.

Provided that:-

If the corpse be required for medico-legal examination it may, on a magistrate's order, be kept and only be disposed of such period as may be necessary in the opinion of the medical officer in charge of such examination.

If the corpse be required (with the consent of the relatives if any) for purposes of a post-mortem examination or dissection by the Government Medical Officer.

If the corpse is enclosed in a coffin or case, and such coffin or case is hermetically sealed, it may be kept undisposed of in any place and for any period conditionally upon unwritten permit previously obtained from the Public Health Officer and upon compliance with the terms and conditions shall have been set forth in such permit.

If death was due to any infectious disease the corpse shall be disposed of in such manner and within such time after permission for the burial or other disposal of the same has been granted as the Public Health Officer shall direct.

Whenever a corpse has been kept under paragraphs (a) and (b) of the last proceeding Regulations, the person authorized to make the examination or dissection, as the case may be under the aforesaid paragraphs, shall keep the corpse in such a manner and at such a place that it does not create a nuisance or become injurious to death.

The person in charge of any corpse that is disposed of by the cremation shall take such measures as to ensure that no portion of such corpse remains completely to ashes.

No person shall remove any part from corpse that have been brought to the cremating grounds.

Provided that:

The nearest relative in attendance upon a corpse so brought to the cremating ground may, after the corpse has been completely reduced to the ashes, remove the ashes of the said corpse; and

In case of Hindus the navel may be preserved and disposed of in accordance with their religious rites.

A person shall not convey or cause to be conveyed any corpse or part of any corpse through any street or public thoroughfare unless it be decently covered and sealed from public view.

PART XXXV-MATERNITY AND NURSING HOMES

478. No person shall within the jurisdiction of the County, carry or be allowed to carry on nursing and/or maternity home unless he shall be in possession of a valid license granted for that purpose by the County.

- 1) Every application for such license which shall be made in writing and shall be addressed to the Authorised officer, shall set forth the name, address and occupation of the applicant together with a description of the premises in respect of which the application is made and their situation, and particulars of the number and qualification of the persons proposed to be employed.

- 2) Every application for renewal of any license shall be made on or before the 15th day of October in each year. An application for the transfer of a license may be made at any time.
- 3) Every application for the grant, renewal or transfer of a license shall be accompanied by a scale of charges proposed to be charged to persons accommodated in the maternity home or nursing home.
- 4) The County shall, on receipt of an application for license to carry on a nursing home or maternity home, grant such license on the obligatory grounds:
 - a) That the applicant or any person employed, or proposed to be employed by him at such nursing home or maternity home, is not a fit person, whether by reason of age or otherwise, to carry on or to be employed at a nursing home or maternity home named in the application; or
 - b) That the reason connected with the situation, construction, site, repair, accommodation, staffing or equipment, such nursing home or maternity home or any premises used in connection therewith are not fit to be used for a nursing home or maternity home of such a description as the nursing home or maternity home named in the application, or that the premises proposed to be used for such nursing home or maternity home are in any way improper or undesirable for such purpose; or
 - c) In the case of a nursing home, that such nursing home is not, or will not be under the charge of a person who is either a registered medical practitioner or a qualified nurse who is, or will be, resident in such nursing home, or that there is not or will not be, a proper proportion of qualified nurses among the persons having superintendent of, or employed in the nursing of, the patients in such nursing home: or
 - d) In the case of a maternity home, that the person who has, or will have, the superintendent of the nursing of the patients in such maternity homes is not either a qualified nurse or certified midwife, or that any person employed or proposed to be employed in attending any woman in such maternity home is not a registered medical practitioner, a certified midwife, a pupil midwife or a qualified nurse.
- 5) The County may appoint a committee for the purpose of hearing any application for license or may itself sit to hear such application, and the Committee so appointed shall have power to summon any applicant for or objector to the grant of a license, by writing under his hand served on such person to give evidence before the sitting of the Committee held for the purpose of hearing applications for the license or to produce books or documents in such sitting, and any such person who refuses or fails without sufficient cause shall appeal and give evidence or to produce books documents in his possession under his control as required by such summons shall be guilty of an offence under these regulations;

Provide always that every person summoned under this regulations to give evidence or to produce documents shall be entitled to all the privileges which a witness summoned to give evidence or produce books or documents before the Court is entitled.

- a) A witness giving evidence before the Committee at a hearing of any application for a license shall give evidence on oath which may be registered by the Chairman.
- 6) The Public health officer or any other officer authorized in writing by the Authorised officer in that behalf may at all reasonable time enter and inspect licensed premises and may also inspect any records required to be kept in respect of such premises;

Provided that nothing in these regulations shall be deemed to permit the Public health officer or other authorized officers to inspect any Medical Record relating to a patient accommodated in the premises.

- 7) Any person who contravenes any provision of these regulations shall be guilty of an offence against these regulations and shall be liable;-
 - a) To a fine not exceeding two thousand shillings in respect of a first offence and not exceeding Kenya shilling five thousand in respect of a second or subsequent offence, or imprisonment for a period not exceeding six months in

respect of a first offence and not exceeding nine months in respect of a first offence and not exceeding nine months in respect of a second or subsequent offence, or both such fines and such periods of imprisonment; and

- b) In the case of continuing breach of any such Regulations, a fine not exceeding two hundred shillings for every day during which the offence continues:

That the aggregate of any such fines imposed shall not, in the case of any continuing breach of the Regulations in question exceed Kenya shilling five thousand

SECOND SCHEDULE – TAXI CAB PERMIT

COUNTY FINANCE ACT 2015

TAXI-CAB
PERMIT

No.....

Permit is hereby granted to

.....
Of.....

To ply for hire with taxi-cab hereunder described, in accordance with provisions of the County Finance Act, 2014

Make of vehicle.....

Registration number.....

Maximum number of passengers.....

Subject to the provisions of the said Act, this Taxi Cab permit expires on 31st December,

Date.....

.....
For: Accounting/Authorized Officer, Vihiga County Government. The

permit is only valid if a machine receipt is printed below

**THIRD SCHEDULE – TAXI CAB DRIVER’S
PERMIT**

VIHIGA COUNTY GOVERNMENT

FINANCE ACT 2015

**TAXI-CAB DRIVER’S
PERMIT**

Permit is hereby granted to

.....
.....
.....

of.....
.....

To drive a taxi-cab in the Vihiga County in accordance with the County Finance Act, 2015
Subject to the provisions of the said Act, this permit expires on the 31st December

Photograph

Date.....

.....
For Accounting Officer, Vihiga County Government

This permit is only valid if a machine receipt is printed below

**FOURTH SCHEDULE TAXI –CAB DRIVER PERMIT
REQUIREMENTS**

An applicant for a taxi-cab driver’s permit under these Regulations must:-

(1) Have a thorough knowledge of the tariff of fares authorized for the time being Section 264 of Act, (2)

Have a thorough knowledge of routes, places and distances within the County and of the Traffic
Act and relevant rules and the provisions of these Regulations,

(3) Be able to understand English, or Swahili and read and write numbers in English or *Swahili*; (4)

Be at least 21 years of age,

(5) Produce testimonials of good conduct from two responsible persons, who have known him for a period of
at least 12 months,

(6) Produce a medical certificate that he is free from infirmity of mind and body. (7)

Produce two copies of passport size photograph as a means of identification.

(8) Produce a current Kenyan driving licence valid for the type of vehicle to be used as a taxi-cab. (10)

Certificate of good conduct.

FIFTH SCHEDULE – APPLICATION FOR THE GRANT /RENEWAL OF PERMIT

VIHIGA COUNTY GOVERNMENT

TRADE LICENSING ACT 2017

APPLICATION FOR THE GRANT / RENEWAL OF A PERMIT

No.....

1. I applicant's name
.....
.....
2. Name under which business is / is to be* carried
on.....
.....
.....
3. If business is a partnership, give full names and addresses of all
partners.....
.....
4. Is business registered under the Registration of Business Names Act? If so, give
date and registration No.
.....
5. Address at which business is / is to be* carried or: P. O. Box Plot
No..... or L.R. No.....
in..... Road / street*
6. Give precise description of premises to which permit is to apply
.....
7. Is there a stockroom? If so,
where?.....
.....
8. State if applicant is (a) resident in
Kenya.....
or (b) an un-discharged
bankrupt.....
9. *State number and date of previous permit..... *or date on which it
is desired to begin trading
.....
10. Permit is required to run from to..... I certify that the
particulars given above are true and correct.

Date

Signature of applicant

**Delete where not applicable.*

(Reverse of Application Form)

FOR OFFICIAL USE ONLY

1. To Health Inspector for inspection and comment:-

Date

.....

Permit Officer

2. To Medical Officer of Health with my comment as follows:-

Date

.....

Health Inspector

3. To Accounting Officer with my recommendations as follows:-

Date

.....

Medical Officer of Health

4. To permit Officer:-

Permit may /may not be granted.

Conditions (if any)

Date

.....

Accounting Officer

5. Permit issued No..... Date

.....
Permit Officer

SEVENTH SCHEDULE – APPLICATION FOR SUPPLY OF WATER

VIHIGA COUNTY GOVERNMENT

FINANCE ACT 2018

APPLICATION FOR SUPPLY OF WATER

Accounting/Authorizing Officer,
County Government of Vihiga, P.O.
Box 1996,

VIHIGA

I

(Full name in block letters)

Of.....

Hereby make application for a supply of water in plot No.....Town
.....Sub locationoccupied by me for the purpose of
..... (State whether for residential, business or agricultural purpose, and if for
business State the nature of business).

I understand that this application is subject to the provisions of the County Government of Vihiga
(Control of Water Supplies) Act 2015.

Yours faithfully,

.....

(Signed)

Application accepted/rejected for and on behalf of the County Government of Vihiga

.....

(Signature of authorized Officer)

Made thisday of2015 By order of the County Government of
Vihiga

.....

Accounting/Authorized Officer

