

**SPECIAL ISSUE**

*Machakos County Gazette Supplement No. 22 (Acts No. 9)*



REPUBLIC OF KENYA

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**MACHAKOS COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2015**

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**NAIROBI, 4th November, 2015**

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ACT, 2015**

**No. 9 of 2015**

*Date of Assent: 28th October, 2015*

*Date of Commencement: 18th November, 2015*

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**THE MACHAKOS COUNTY DESIGNATED PARKING PLACES  
ACT, 2015**

**AN ACT of the County Assembly of Machakos to provide for  
regulation on parking of motor vehicles on designated parking  
areas; and for connected purposes**

**ENACTED** by Machakos County Assembly, as follows—

**PART I—PRELIMINARY**

**Citation**

1. This Act may be cited as Machakos County Designated Parking Places Act, 2015.

**Interpretation**

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

“authorized officer” means an officer authorized by County Executive Committee to do or not to do in accordance with the provisions of this Act;

“charge” means money payable to the county government and includes fees;

“clamp” means a metallic instrument used to lock wheels of a vehicle;

“executive committee member” means the County Executive Committee Member for the time being responsible for matters relating to transport;

“County Government” means the County Government of Machakos;

“County Government motor vehicle” means a vehicle owned or operated by machakos county government;

“inspector” means an officer of the County Government authorized to control and supervise the designated parking places;

“parking permit” means a permit issued by the County Executive Committee Member 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;

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

“revenue officer” means an officer of the County Government authorized in writing by the County Executive Committee Member to collect fees; and

“vehicle” includes any motor vehicle, motor cycle, tractor, trailer, wagon or cart.

## **PART II—REQUIREMENTS FOR PARKING AND PARKING PERMIT**

### **Designation of parking spaces**

3. The designated parking places for vehicles shall be as provided in the first schedule’

### **Parking Guidelines**

4. The Executive Committee Member may issue guidelines on the use of designated parking spaces for different places in the county.

### **Marking of Parking Spaces**

5. The limits of car parking space shall be marked on the road, by line studs or such other indication as the Executive Member may determine.

### **Duration of Parking Place Payments**

6. A vehicle shall not be parked in a designated parking area for duration exceeding the paid for duration.

### **No Reserved Parking**

7. A person shall not put up a signpost or any other sign in a parking space stating that the parking is reserved without prior consent of the Executive Committee Member and on payment of prescribed fee.

### **Manner of Parking**

8. (1) A person shall not park or drive a vehicle into or out of a designated parking place—

- (a) in such manner that the vehicle stands in, or traverses over another parking slot; or
- (b) on any line, stud or other indication marking the limits of a parking space.

(2) A person who contravenes this section commits an offence

**Charges of Parking**

9. (1) The Executive Committee Member shall, with the approval of the assembly, from time to time determine parking charges for designated parking areas.

(2) The parking charges shall be determined based on the period of parking.

(3) An operator or owner of a vehicle shall not park or permit to be parked any vehicle on the roadway or public place for any period longer than is permitted by the applicable traffic control device.

(4) Where a vehicle is parked in a space where payment is required the owner or operator of the vehicle shall make payment for the entire duration the vehicle is parked in that space.

(5) A person who contravenes the provisions of this section commits an offence.

**Authorized Officers**

10. (1) The Executive Committee Member shall designate authorized officers to be in charge of designated parking places.

(2) An authorized officer may be assisted by uniformed parking assistants.

(3) Every parking assistant shall wear an identification badge and shall be responsible to the authorized officer.

**Charges for Clamping**

11. (1) An authorized officer may authorize the clamping of a vehicle if the vehicle is parked—

(a) in a non-designated parking area;

(b) without evidence of payment;

(c) in a manner that contravenes the provisions of this Act.

(2) A clamped vehicle shall be unclamped and released upon payment by the owner or operator of the prescribed fee.

(3) Where the owner of a clamped vehicle does not pay the prescribed fee within a prescribed period, the authorized officer may cause it to be towed to a designated yard, at the owner's cost.

(4) Where the owner of a vehicle which has been clamped or removed under this section does not pay the fees and expenses due within a period of sixty days from the day on which the vehicle was removed

from a designated area, the County Government may sell or otherwise dispose of such vehicle by public auction.

(5) Notice of the intended auction under subsection (3) 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 Executive Committee Member in removing, storing and disposing the said vehicle.

#### **Display of Parking Permit**

12. (1) A driver or other person in charge of a motor vehicle who drives or parks within the designated parking place shall display the parking permit in front of the windscreen showing the amount paid and the date and time the vehicle entered the parking place.

(2) A person who does not display the parking permit in accordance with subsection (1) shall be deemed not to have paid the required parking fees and provisions of section 11 shall apply to that motor vehicle.

#### **Free Parking**

13. (1) Parking fees shall not be payable the whole day on Sunday, Public Holidays and after 2.00 pm on Saturdays.

(2) The Executive Committee Member may by notice except certain persons from payment of parking fees, retain the reservation for person living with disability and the county government.

#### **Identification of Officers**

14. All revenue officers shall at all material times in the course of their duties, put on a uniform, carry and have in their possession a proper identification badge, issued by and bearing the authority of the County Government.

#### **Multiple Parking**

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

#### **Permit for Parking Business**

16. (1) A person operating a commercial private parking place within the county shall also obtain a permit from the Executive Committee Member to carry on such business under the provisions of the single business permit.

(2) A person who contravenes subsection (1) commits an offence.

### **Offences concerning designated Parking Spaces**

17. A person who—

- (a) with intent to defraud, interferes with the writings or marks on a parking permit already issued;
- (b) without authority of the Executive Committee Member uses a parking space for the purpose of advertisement;
- (c) willfully damages vehicle clamp or any of its part;
- (d) willfully uses the parked vehicle to carry out business on a county government designated parking space;
- (e) without the authority of the Executive Committee Member removes or attempts to remove a clamp from a clamped vehicle; and
- (f) willfully parks in a parking place reserved for people living with disabilities;

commits an offence.

### **Obstruction**

18. A person, who willfully obstructs, hinders or otherwise interferes with an authorized officer in the execution of their duties under this Act commits an offence.

### **Parking on Pavements**

19. (1) A vehicle shall not be parked on a pavement or other non-designated parking place.

(2) A vehicle parked on pavement or other non-designated parking place shall be towed to the designated yard at the owner's cost.

## **PART III—MISCELLANEOUS PROVISIONS**

### **Personal liability**

20. No matter or thing done by an authorized officer, employee or agent of the Executive Committee Member shall, if the matter or thing is done in good faith while executing the functions, powers or duties under this Act, render the member, officer, employee or agent personally liable for any action, claim or demand whatsoever.

**General Penalty**

21. Where a person contravenes any provision of this Act where no specific penalty is provided, the person shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding Kenya shillings twenty thousand or imprisonment for term not exceeding six months or both.

**Savings**

22. For the avoidance of doubt, the national laws on matters relating to traffic shall apply within the county to the extent of the functions of the national government.

**Regulations**

23. The Executive Committee Member may make Regulations for the better carrying into effect of the provisions of this Act.

**Revision**

24. (1) The Executive Committee Member shall from time to time revise the—

- (a) designated parking areas; and
- (b) charges for parking, clamping and towing.

(2) The Executive Committee Member shall issue a 30 day notice for any revisions intended under subsection (1), in two daily newspapers of wide circulation within the County.

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

**SCHEDULE****AREAS OF DESIGNATED PARKING PLACES****MAVOKO TOWN****Road/Building****A. Pepe-Makadara Road**

- 1) Stadium View Business Centre Frontage
- 2) Nyambura -Sulami Supermarket Frontage
- 3) Box in Restaurant Frontage
- 4) Green Mount plaza and Equity Auto Branch
- 5) Starehe Butchery Frontage (County's open plot)
- 6) Little Rock Restaurant Frontage
- 7) Frontage of the CDF Office
- 8) The frontage of building up to the Pepe Junction
- 9) 24 hours Clinic Frontage
- 10) Makadara EPZ Road
- 11) Road shoulders before matatu stage
- 12) Kivutuni Wines and Spirits Frontage
- 13) Mzee Pauranha Road
- 14) Nzambuni 1900 Woodstock Frontage
- 15) All areas adjacent along the Mzee Pauaranha Road
- 16) Pepe -Shell Road
- 17) Existing barter market space when modern market complete
- 18) Mlolongo-Mombasa Road
- 19) Old Mombasa road from barriers (Mlolongo main) both sides
- 20) View Point Pub
- 21) All area opposite Mlolongo Public Bus Park
- 22) Around Bamburi, New Hospital and Namanga Junction
- 23) Kyumbi Shopping Centre
- 24) Joska Shopping Centre
- 25) Kinanie Shopping Centre
- 26) Githunguri Shopping Centre

**MACHAKOS**

- 1) All that part of central area bounded by Kangundo road, Rashid Road, Kitui road, Mulu Mutisya Highway, Konza road, Mackenzie, Nthula road, Ngei road and Nairobi road.
- 2) All that area along Syokimau, Kitui road.
- 3) All that area of retail market, Uhuru Market, wholesale market, Lukindo Road, along Mbolumalu Park, around Bus Park and Mulu Mutisya
- 4) Masii
- 5) Mbiuni
- 6) Kivaa
- 7) Miu
- 8) Kithyoko
- 9) Kathiani
- 10) Mitaboni
- 11) Vyulya

**KANGUNDO SUB—COUNTY**

Kangundo town

**MATUNGULU SUB—COUNTY**

Tala town

**MATUU**

- 1) Matuu town
- 2) Kithimani
- 3) Sophia