

SPECIAL ISSUE

Isiolo County Gazette Supplement No. 22 (Acts No. 10)



REPUBLIC OF KENYA

**ISIOLO COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2015

NAIROBI, 21st December, 2015

CONTENT

Act—

PAGE

The Isiolo County Designated Parking Places Act, 2015 1

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

No. 10 of 2015

Date of Assent: 14th December, 2015

Date of Commencement: 21st December, 2015

ARRANGEMENT OF SECTIONS

Section

PART I— PRELIMINARY

1—Citation

2—Interpretation

**PART II—REQUIREMENTS FOR PARKING AND PARKING
PERMITS**

3—Designation of Parking spaces

4—Number and situation of Parking spaces

5—Marking of spaces

6—Duration of Parking place payments

7—No reserved parking

8—Manner of Parking

9—Charges of Parking

10—Charges for Clamping

11—Display of Parking Permit

12—Free parking

13—Identification of Officers

14—Multiple Parking

15—Transfer

16—Parking for PermitB

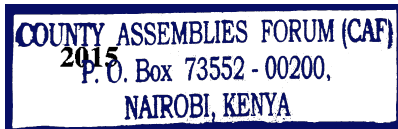
17—Signalling, Guiding or Directing Driver

18—Offences concerning Designated Parking Spaces

19—Obstruction

20—Removal of a Vehicle

21—parking on Pavements

No. 10*Isiolo County Designated Parking Places***PART IV—MISCELLANEOUS PROVISIONS**

22—personal liability

23—Penalties

25—Power to make Regulations

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

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

ENACTED by the County Assembly Isiolo of, as follows—

PART I—PRELIMINARY**Citation and Commencement**

1. This Act may be cited as Isiolo County Designated Parking Places Act, 2015 and shall come into force on the date of publication in the *Gazette*.

Interpretation.

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

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

“charge” includes fees;

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

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters relating to transport and includes authorized officers;

“County Government” means County Government of Isiolo;

“County Government motor vehicle” means a vehicle owned by the County Government of Isiolo and registered as a Government of Kenya vehicle;

“inspector” means an officer of the County Government authorized by the County Executive Committee to control and supervise the Designated Parking Places and includes any authorized assistant;

“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 area on the roads or off the road described in the first schedule as designated parking places for vehicles.

Number and Situation of Parking Spaces

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

Marking of Parking Spaces

5. The limits of—

- (a) each parking place; and
- (b) limits of parking space;

shall be marked on the road, by line studs or such other indication as the County 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.

Reserved Parking

7. A person shall not designate any parking as reserved without prior consent of the County Executive Committee Member and on payment of prescribed fee.

Manner of Parking.

8. A person shall not park in, or drive into or drive out of a designated parking place, a vehicle—

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

Charges of Parking

9. (1) An owner or driver of a vehicle shall drive into or park within the limits of a parking place without first paying the prescribed parking fees as set out in the second schedule.

(2) All vehicles parked within a designated area shall be liable to parking fees.

Charges for Clamping

10. (1) Where a vehicle is parked in a designated parking place or space with no prior payment of the required charge, an authorized officer shall clamp the vehicle after which the vehicle shall be towed by an enforcement officer or police officer for safe custody.

(2) Where a vehicle has been clamped or removed pursuant to this section, the owner of such vehicle shall pay, or cause to be paid to the County Executive Committee Member the prescribed clamping fee set out in the Regulations.

(3) 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.

(4) Notice of the intended auction under sub-section (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 County Executive Committee Member in removing, storing and disposing the said vehicle.

Display of Parking Permit

11. (1) A driver or other person in charge of a vehicle who drives or parks within the limits of a parking place and has paid a parking fee shall conspicuously display the parking permit showing the amount paid, 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 10 shall apply to that vehicle.

Free Parking

12. (1) The County Executive Committee Member may by Regulations set out a schedule for free parking.

(2) Save for reservation for official use by dignitaries, no place within designated parking areas shall be a free parking area.

Identification of Officers

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

Multiple Parking

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

Transfer

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

Permit for Parking Business

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

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

Signaling, Guiding or Directing Driver

17. (1) A person who without justifiable cause or excuse—

- (a) guides or directs or attempts to signal, guide or direct the driver of a vehicle into or out of any parking place provided by the County Government; or
- (b) on any road under the County Government or land owned by the County Government or under its control or in or adjoining any area on roads designated as parking places for vehicles under the designated parking places; commits an offence.

Offences Concerning Designated Parking Spaces

18. 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 County 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 County Executive Committee Member removes or attempts to remove a clamp from a clamped vehicle; commits an offence.

Obstruction

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

Removal of a Vehicle

20. (1) Where a vehicle—

- (a) is left in a designated parking place and the parking charge or de-clamping charge incurred is not duly paid;
- (b) is left in a designated parking place and any of the provisions of part VI A of the Traffic Act or this Act relating to the manner in which the vehicle should stand in a parking place are contravened;
- (c) is left in a designated parking place otherwise than is authorized by Part VI A of the Traffic Act or by this law;
- (d) has remained clamped, an authorized officer may remove such vehicles and keep the same in safe custody by means of break down or any other means of removal available at that moment at the owners risk.

(2) Where a vehicle has been removed in pursuance of this Act, the owner of such vehicle shall pay, or cause to be paid to the County Executive Committee Member pounding charges for safe custody, together with towing fees in respect of expenses incurred by the County Executive Committee Member in removing and keeping such vehicle in safe custody before he can recover the vehicle.

Parking on Pavements

21. (1) A vehicle shall not be parked on a pavement on County Government garden or an area not designated as a parking area.

(2) A vehicle parked on a pavement as envisaged in subsection (1) shall be towed and the owner shall be liable to pay towing fees and charges for illegal parking which shall be paid to County Executive Committee Member.

(3) A vehicle which knocks down an electric pole shall be towed and detained by the County Executive Committee Member and shall be held until the owner of the said vehicle pays for the restoration of the said pole.

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

PART III—MISCELLANEOUS PROVISIONS

Personal liability

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

Penalties.

23. A person who commits an offence under this Act shall be liable on conviction in respect of a—

- (a) first offence a fine not exceeding Kenya Shillings two thousand or to an imprisonment term not exceeding three months or both;
- (b) second offence to a fine not exceeding Kenya Shillings three thousand or to an imprisonment term not exceeding six months or both; or ;
- (c) any other appropriate penalty the judge or magistrate deems fit for a repeat offender.

Power to make Regulations

24. (1) The County Executive Committee Member may make regulations for the better carrying into effect of the provisions of this Act including—

- (a) schedules for designated parking areas;
- (b) charges for parking, clamping and towing; or
- (c) fines for offences under this Act.

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

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

FIRST SCHEDULE**AREAS OF DESIGNATED PARKING PLACES**

The following are the approved parking areas by Isiolo County Government;

- (1) Off total-Airport road
- (2) Kiithe Hotel
- (3) Baraza Park Area
- (4) Frontage Jamia Mosque
- (5) KCB Frontage
- (6) Rear KCB
- (7) Cooperative Bank-Equity Bank
- (8) Frontage Wabera Primary
- (9) Wabera Street
- (10) Silver Bells Frontage
- (11) Frontage of Moti Pearl Hotel
- (12) Bomen Frontage
- (13) Barclays /Consolidated Bank
- (14) Mwangaza Hardware
- (15) Josera Hotel
- (16) Downtown Frontage
- (17) Trends House
- (18) Opposite Post Office
- (19) TB Manyatta
- (20) Galaxy Hotel Frontage and Environs
- (21) Lobos Hotel
- (22) Club liquid up to mukuu tress
- (23) Madiba Area(Jua Kali Road)
- (24) Kulamawe Estate
- (25) Isiolo Corner Area
- (26) Frontage Frontier Area
- (27) Mashallah Frontage