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THE MACHAKOS COUNTY FINANCE ACT

No. 1 of 2019

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THE MACHAKOS COUNTY FINANCE ACT, 2018

AN ACT of the Machakos County Assembly to regulate and govern taxes, duties, levies, charges and fees; to amend and align certain written laws relating to the collection and management of county revenues; to give effect to article 209(3) and (4) of the Constitution and Section 132 of the Public Finance Management Act; to set out county revenue raising measures; and connected purposes

ENACTED by the Machakos County Assembly, as follows—

PART I—PRELIMINARY

Short Title

1. This Act may be cited as the Machakos County Finance Act, 2018

Interpretation

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

"advertisement" means the use and or display of 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 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 properties shall not be included;

"advertisement device" means-

(a) bill 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 bill 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;
(i) digital signage on LCD or projected images on public environment; and
(j) neon light advertising which includes the use of electrified, luminous tube lights;

"authorized officer" has the meaning assigned under section 2 of the County Governments Act;

"building" means any structure or part of any structure whether permanent, temporary immovable 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 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;

"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 Member may, by order, declare to be an occupation for the purposes of this definition;

"business permit" means any authorization issued to any business or trade;

"charge'' an amount of money payable to the county government ;

"county fire officer" means the person appointed by the County Public Service Board as the county fire officer;

"clamp'' means devise used to lock wheels of a parked vehicle;

"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 be hazardous to any person coming into contact with it;

"company" means body corporate registered in Kenya;

"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" means county government of Machakos;

"county chief engineer" means the holder of the office of chief county engineer and includes any other authorised officer;

"county physical planner" means the holder of the office of chief county physical planner and includes any other authorised officer;

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

"Director of Environment" means the holder of the office of director of environment and includes any other authorised officer;

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

"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 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 this Act becomes operative and whether or not it is proposed to execute any alterations or work in connection with the proposed change; or

(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;

"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;

"film making" means the production of video film or photography;

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

"hand cart" means a two or three wheeled cart for the carrying of goods propelled by human energy and includes a hamali cart;

"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 include motor oil, diesel, fuel ,gasoline, paint, solvents, dry cells, vehicle batteries, pesticides, infectious medical wastes from hospitals and clinics, metallic and oily sludge ,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;

"inspector" means an authorised officer assigned to control or supervise a certain activity;

"licencee" means the holder of a valid licence;

"licence" means a permit issued by the county government under this Act for a specified activity;

"Licensing Authority" means any entity or department of the County Government empowered to issue permits or licences for carrying out specified authority under the relevant written laws;

"livestock" means domesticated animals and includes

cattle, poultry, pigs, sheep or goats, rabbits;

"market master" means the holder of the office of market and includes any other authorised officer;

"medical officer of health" means the person holding the office of medical officer of health and includes any other authorised officer;

"non-motorized vehicle" means an animal or human drawn vessel used for the carriage of goods or persons and bicycles;

"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;

''owner'' means a person in whose name a property is registered;

"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" means any open space managed by the county government for temporary resting, recreation purposes or public access either for free or at a fee;

"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 issued by the county government to a person or entity as authority to conduct business within its jurisdiction;

"ply for hire" includes parking or waiting taxi rank or exhibiting on a motor vehicle;

"poultry" means any domestic bird or birds capable of domestication and includes fowls, ducks, geese, chicken, turkeys, peacocks, ostriches and guinea fowls;

"premises" includes—

(a) land;

(b) commercial buildings;

(c) houses, flats, rooms, bungalows or masionettes 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 ; or

(j) open places, covered or enclosed, whether maintained or not under statutory authority, of any place within the County;

"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; or

(k) any other business designated as a regulated trade by the county government or the national government;

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

"sand" means has the meaning assigned in the Machakos County Sand Harvesting Act;

"Sand Harvester" has the meaning assigned in the Machakos County Sand Harvesting Act;

''solid waste" means waste material generated by domestic households, institutions, commercial establishments, and industries, litter and piles of such waste;

"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 licenced under this Act to ply for hire and for the purposes of this Act shall include tuktuks, maruti boda boda and motorcycles licenced to ply for hire or operate as taxis;

"taxi rank" means a place designated 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 waste which is not domestic refuse within the meaning of this Act;

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

"waste management" includes the cleansing, removal , collection , transport, source sorting, treatment and disposal of waste in accordance with this Act or any other relevant written law;

"waste operator" means an entity licenced by the county government to carry out waste management operations within the county;

"waste treatment" includes sorting, separation, 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;

"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, harbour, cannels, 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.

PART II – ADVERTISEMENT

Application for advertisement

3. (1) A person who intends to use an advertisement device within the county shall make an application to the county government.

(2) Every application for advertisement shall be made in the prescribed form to the authorized officer and shall be accompanied by-

(a) a plan or sketch;

(b) the content of the advertisement;

(c) position of the proposed advertising device or notice, its dimensions;

(d) the method of erection and standing, the material of erection and stating the material of which it is to be composed or constructed; and

(e) such other information as the county may require.

(3) The county government may—

(a) disapprove 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 injuriously or affect the amenities; or

(b) grant an application on such terms as it deems fit.

(4) Any person who uses an advertisement device without formal approval of an advertisement commits an offence;

Fees

4. There shall be paid to the county government in respect of every approval of an application for advertisement issued under this Part the prescribed fees.

Expiry of permit

5. Every grant of an application for advertisement issued under this Act shall expire on the 31st day of December of the year for which it is issued unless cancelled prior to such expiry.

Cancellation of advertisement

6. The county government may from time to time by notice to a holder, cancel an 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 is likely to affect or is injuriously to the amenities of, or to disfigure any neighborhood or for any other reason it may deem fit.

Maintenance of advertising device

7. A person who, fails to maintain in good repair and in a proper and safe condition any advertising device commits an offence.

Production of advertisement authority

8. (1) Any person who is granted advertisement authority under this Acts shall on demand and within Twenty Four hours produce such authority to the authorized officer.

(2) Any person who contravenes or fails to comply with the provisions of this section commits an offence.

Exceptions

9. This Part shall not apply to—

(a) public notices exhibited at public worship premises, public schools and public hospitals;

(b) name boards relating to private residential premises; and

(c) name boards for business premises.

Penalties

10. Any person who contravenes the provisions of this part commits an offence and shall be liable upon conviction to a fine not exceeding ten thousand shillings or to an imprisonment for a term not exceeding twelve months or both.

PART III— PARKS AND OPEN SPACES

Opening and closing hours

11. Save as may be provided in any other law, the parks shall be opened daily at 6.30 am and closed at 6.00p.m.

Prohibited entry

12. No person other than an employee of the county government may enter the park before the time set for opening or remaining at the time set for closing.

Entry or exist gates

13. .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 exist the park.

Interferences with notices, signs or boards

14. (1) A person shall not wilfully 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 ways 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 such other part in the park.

Entry fees

15. No person other than the employee of a county government shall be allowed to enter the park except upon payment of prescribed fee.

Removal or displacement

16. A person shall not wilfully, carelessly or negligently remove or displace any barrier, or any fixed or movable seat or any part of any building, structure, 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 park.

Riding or driving

17. A person other than an employee of the county government or a person with a written authority by the authorized officer 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 animal.

Livestock grazing

18. No person shall be allowed to graze livestock in the park except with the express permission from the county government which permit shall be obtained only on application, vetting and payment of a prescribed fee.

Restriction on domestic animals

19. (1) A person shall not drive or bring into the park any animal.

(2) Nothing in subsection (1) prohibits a person from taking a dog provided that the person keeps it under proper control.

Management of the parks

20. (1) The County Government may enter into an agreement with a person, 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, may form a management board to oversee the day to day running of the parks.

Trading in soft drinks and cakes

21. The County Government may authorize, such number of persons to sell snacks in any park,

Provided that such persons;-

(a) obtains from the county government a permit for the business upon payment of a fee;

(b) ensures the area of trade is free of litter;

(c) does not engage in any offensive trade; and

(d) operates only on the areas designated by the county government.

Fixing of bills, placards or notices

22. A person, other than an employee of the county government or a person acting in pursuance of their directions in that behalf shall not affix or post any bill,

placard or notice to or on any fence enclosure, wall or any part of any building, barrier or railing, or of any fixed or movable seat or any other structure in the park.

Destruction of vegetation

23. 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

24. A person shall not wilfully, 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 in the park.

Fire

25. A person shall not kindle a fire or smoke in the park other than in designated places.

Climbing

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

Interference

27. (1) A person shall not injure or displace any animal in the park.

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

Riding or parking motorcycles or vehicles

28. A person shall not ride any cycle or motor cycle or drive any motor vehicle in the park or leave any cycle, motor cycle motor vehicle elsewhere in the park other than in an areas reserved as parking ground.

Interference

29. A person shall not except under the authority of the county government interfere with any fixture, fitting, lamp, switch or meter in the parks.

Misconduct

30. A person shall not injure or displace any animal in the park.

Offences and penalties

31. A person who contravenes the provisions of this part commits an offence and shall be liable to a fine not exceeding ten thousand shillings or to seven months imprisonment or both.

PART IV – TAXI – CABS

Permit

32. (1) The county government may issue—

(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

33. (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 permit or driver's licence shall be made using the prescribed form.

(3) 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

34. (1) 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 issued and the drivers photograph;

(c) require taxi-cab drivers to wear the prescribed uniform while on duty; and

(d) in case of bodaboda to have a pair of helmet and reflective jackets.

(2) In this subsection, 'boda boda' means a motorcycle or a bicycle used for a public service vehicle licenced to operate a public service business.

(3) No taxi cab shall operate without the payment of the prescribed fee and charges.

Grounds for refusal to grant permit

35. The authorized officer shall refuse to issue a permit and the county government may at any time cancel a permit if-

(a) in the case of a taxi-cab permit;

(i) 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

(b) in the case of a taxi-cab drivers' permit;-

(i) the applicant is unable to comply with the provisions of the this Act; or

(ii) if the applicant fails to satisfy the authorized officer that he is a fit and proper person to hold such a permit.

Transfer of permit

36. (1) An authorized officer may, with the consent of the holder thereof and upon payment of a prescribed fee transfer 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.

Duplicate permit or plate

37. 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 drivers permit or badge, issue to the applicant a duplicate permit or plate.

Limitation on the number of taxi-cabs

38. (1) The Executive committee member responsible for transport by may notice limit the number of taxi cab operating with the county.

(2) The Executive Committee Member shall publish the notice in sub- section (1) in at least one newspaper with national circulation within 14 days.

Examination

39. (1) The county government may require the examination of a tax cab before issuing a tax cab permit.

(2) An authorized officer may by notice require the examination of a taxi cab.

(3) The 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.

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

(5) 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.

(6) On receipt of notification of an accident, an authorised officer may require the vehicle to be produced immediately for re-examination in subsection (4).

Tariff card

40. 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

41. (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 commits an offence

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

Taxi card

42. (1) 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.

Identification

43. 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 the—

(a) name of the owner;

(b) business address of the owner;

(c) number of the permit issued in respect of the vehicle; and

(d) number of passengers the taxi-cab is permitted to carry.

Conduct of taxi-cab drivers

44. Every driver of a taxi-cab shall whilst in charge of the taxi-cab—

(a) behave in an orderly manner and ensures the safety of the passengers;

(b) if he or she 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 or her control, shall punctually honour appointment;

(c) drive to destinations as directed by the hirer using the shortest and safe available roots;

(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 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 the hirer-

(g) convey on the vehicle a reasonable amount of luggage;

(h) secure any luggage carried outside the vehicle;

(i) afford reasonable assistance in loading and unloading the vehicle; and

(j) 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.

(k) if convey any passenger property found in a vehicle within twenty four hours to the police station and obtain a receipt for it

(l) except when engaged on hire park the taxi cab in a tax

(m) 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;

(n) be clean in person and clothing; and

(o) refrain from smoking or spitting carrying passengers.

Use of taxi meters

45. 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.

Importuning for hire

46. 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

47. 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) 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 a s to fill the place previously occupied by the vehicle so moved off or driven forward; and

(e) When in front or next to the front position in taxi rank remain with the vehicle ready for hire.

Additional passenger

48. The taxi driver on hire shall not accept other passengers without the consent of the original hirer.

Demand of taxi fares by operator

49. 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 drive 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

50. Any owner or driver of a taxi-cab who demands a greater fare than that authorized by the tariff card commits an offence.

Position of taxi ranks

51. (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) 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 an offence

Unlicenced Vehicles

52. A person who fly a vehicle for hire for which no permit has been issued commits and offence

Unlicenced drivers

53. 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, commits an offence.

Presumption

54. 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.

Penalties

55. A person who contravenes the provision of this part commits an offence and shall be liable upon conviction to a fine not exceeding seven thousands shillings or to an imprisonment for term not exceeding seven months or both

PART V— DEVELOPMENT CONTROL

Class "B" development

56. 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—

(i) 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;

(ii) 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; and

(iii) 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

57. (1) Class 'A' development includes—

(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;

(c) the erection of more than one dwelling or shops or of both dwelling and shop on one plot constitutes;

(d) the display of any advertisement.

(2) The use of any buildings or land within the cartilage of a dwelling for any purpose incidental to the enjoyment of the dwelling.

Exemptions

58. 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 agricultural estates , shall be exempt from 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

59. (1) The county government may in writing allow 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.

Applications

60. (1) A person who proposes to erect a building shall on any commercial land shall apply for approval to the authorized officer in the prescribed form.

(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-

(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 application shall be submitted to the authorised officer in triplicate 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 buildings from the foundations to the uppermost part of the structure to illustrate the construction thereof;

(d) such detailed drawings as may be necessary;

(e) a block plan of building sand 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 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 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;

(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.

(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

61. 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 112,113,114 or any other relevant British Standard codes.

Retention of plans

62. One set of the plans and drawing submitted for approval will be retained by the county government in the case of leasehold land, one set will be retained by the National Land Commission in the case of factories, one set may be retained by the Chief Inspector of factories.

Restriction on development

63. (1) A person shall not carry out development within the county without development permission from an authorised officer.

(2) Any person who contravenes sub-section (1) above commits an offence and shall be liable to a fine not exceeding Kenya shillings five hundred thousand or to an imprisonment for a term not exceeding five years or to both.

Payment of fees

64. There shall be paid to the county government in respect of an application under this part the approved fees.

Compliance with requirements

65. (1) An application for erection of a building plan shall contain the following particulars of the proposed building plan-

(a) sitting, 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

66. If the county government approves the plans for the erection of a building, it shall by notice notify its

decision for approval in accordance with the provisions of the Physical Planning Act, Laws of Kenya.

Disapproval

67. If the county government disapproves the plans for the erection of a building, it shall notify the applicant within thirty days of the reason for disapproval.

Minor alterations and additions

68. 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 art 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

69. The approval for plans for erection of a building shall be invalid if-

(a) the erection has not been commenced within twelve months after the date of such approval, or

(b) erection has been commenced but the building has not been completed within a period of two years from the date of approval unless County Government approves an extension of such period.

Notification

70. (1) Any person who commences to erect a building without plans having been approved by the county government or the approval plans have been 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 commits an offence.

(2) An authorised officer may by notice served on a person require him or her to-

(a) cease the erection of such buildings;

(b) erect such buildings strictly in accordance with the approved plans;

(c) 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 and

(d) to remove or demolish such building.

Access to building plans

71. (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 allow the County Physical Planner, Medical Officer of Health, Public Health Officer, Building Inspector, Health Inspector or any other authorised, 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; and

(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.

Survey beacons

72. 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.

Inspection of foundation bed of buildings

73. 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.

Qualification of approval

74. 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

75. (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.

User other than specified

76. (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) In this section 'purpose' means 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.

(2) In a domestic building only, that portion thereof which has been erected as a dwelling may be used as such.

(3) 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.

(4) 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.

Public buildings

77. All public and industrial warehouses shall be designed and constructed as to allow maximum access and facilities for the people living with disabilities such toilets, lifts and access facilities.

Safety and performance certificate

78. (1) The county government shall issue "safety and or performance certificate (SPCC) to all buildings periodically every five years detailing the-

(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; and

(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.

Performance compliance certificate

79. (1) Safety and 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 or Public or Industrial buildings which are sound and which do not require any immediate maintenance activities or remedial action.

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

Where category 3: Domestic or Public or 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 or warehouse buildings and Public buildings with the exception of buildings of historical value as defined in the relevant Act.

Conservation and heritage

80. (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 and shall 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 may be provided by the National Government and County Government.

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

Strategic development plan

81. 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 by the County Government to be put in operation.

Environmental impact assessment

82. 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

83. (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.

Offences and Penalties

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

PART VI — COUNTY GOVERNMENT RENTAL HOUSES

Assigning or subletting

85. A tenant of a county government house shall not assign, sublet or part with the possession of the premises or any part thereof without the written consent of the county government.

Payment of rent

86. A tenant shall pay the prescribed fee in advance on or before the first day of every month.

Alteration

87. A tenant shall not without a written consent of the county government make any alterations or additions to the county government premises.

Illegal extensions

88. A tenant shall not construct or cause to be constructed any structures for dwelling whether permanent or semi-permanent in nature within the County Government's estates.

(2) A tenant who contravenes the provision of sub section (1) commits an offence and shall have the said structure demolished.

Eviction

89. The county government may upon giving a notice of twenty eight days to a tenant, who has breached these provisions, evict the said tenant.

Recovery of rent arrears

90. The county government shall at the time of evicting a tenant who is in rent arrears, impound the tenant's household goods and after the expiry of the notice given to the tenant dispose off the tenants goods to recover the rent arrears.

Inspection of premises

91. An authorised officer may by notice issued to the tenant carry out inspection of the premises within working hours.

Poultry and animal keeping

92. No tenant shall keep any poultry or animals on the premises except as domestic pets.

Planting of crops

93. Atenant shall not plant any crop in his or her garden or compound of the premises he or she occupies unless with a written consent of the authorised officer.

Nuisance

94. A tenant shall not cause to be done in the premises anything which causes nuisance to the occupants of the neighboring premises.

Prohibited use

95. A tenant shall not use the premises for commercial purposes.

Damages

96. A tenant shall not damage the floors, walls, timber of the premises, water pipes, boundary fences, hedges or cut any of tree.

Notices

97. 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.

Penalties

98. A person who contravenes the provision of this part commits an offence and shall be liable to a fine not exceeding seven thousand shillings or to

imprisonment for a term not exceeding seven months or both.

PART VII— SLAUGHTER HOUSES

slaughter houses

99. The County Government may establish and maintain slaughterhouses.

Slaughter of animals

100. A person shall not, except with the written permission of the authorized officer slaughter an animal elsewhere other than the slaughter house.

Opening and closing of slaughter houses

101. A slaughterhouse shall be open on such days and during such hours as the county government shall determine.

(2) No person shall remain in a slaughterhouse after closing hours.

Methods of slaughtering

102. (1) An inspecting officer may require a person intending to slaughter an animal to use methods of slaughtering and 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 as to inflict on it unnecessary pain and suffering;

(b) use an instrument for slaughtering or stunning an animal unless his or her training, physical condition and ability qualify him or her 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.

Dead or moribund animals, gut cleansing

103. (1) No dead or moribund animals shall be admitted into a slaughterhouse.

(2) The process of the gut cleaning shall only be carried out at the area or part of the area set aside for that purpose.

Disposal

104. (1) The hide of 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

105. No dogs shall be allowed in or near a slaughterhouse.

Admission into the slaughter house

106. .No person shall enter a slaughter house except with the permission of an authorised officer.

Liability

107. (1) The authorised officer 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 section.

Prevention of spread of disease

108. An authorised officer may order the slaughter of an animal at the pen if it appears necessary for the prevention of the spread of disease or for humane reasons.

Lawful instruction

109. A person who fails to comply with, or obey lawful instructions , directions and orders given by an authorised person for the purpose of controlling or supervising a slaughter house commits an offence.

Exemption from Liability

110. An authorised officer shall not be liable for loss or damage suffered during the slaughtering process .

Fees

111. The fees payable for services rendered under this part shall be paid in advance and in accordance with the prescribed fees.

Penalties

112. A person who contravenes the provision of this part commits an offence and shall be liable upon conviction to fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

PART VIII– PRIVATE LEARNING INSTITUTION

Permitted premises

113. A person shall not carry on the business of a learning institution within the county unless he or she holds a valid permit and the premises meet the required standards.

Form of permit

114. An application for grant of a permit to carry on business of a learning institution and for the premises shall;-

(a) be in prescribed form; and

(b) shall contain such necessary information as prescribed.

Duration

115. The initial term of a permit shall be on the date on which the permit is granted and will end on 31st December of that year.

Transfer of permit not allowed

116. A permit issued under this part shall not be transferable without prior consent in writing of the county government.

Conditions for issuance of permit

117. 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 or students is sufficient to safeguard their health, or safety; and

(d) the learning institutions meets the ministry of education set standards.

Conditions of premises

118. 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 or her failure to do so , the county government may cause a notice to be served upon the permit holder requiring him or her within the period specified in the notice, to carry out such works as may in the opinion of the county government may 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 or she commits an offence under this Part.

Infected persons

119. A person working in a learning institution permitted under this Part must have a valid medical certificate from a recognized medical officer.

Inspection of schools

120. . The medical officer of health or any other authorized officer may at all reasonable times enter and inspect any premises in the county which are being used for the purpose of carrying on a learning institution.

Fees

121. The fee payable for the grant, renewal or transfer of a permit under this Part shall be as per the approved fees and charges.

Duty of permit holder

122. The permit holder shall be responsible for the due observance of this Act 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

123. A person who contravenes the provisions of this part commits an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term of year or both.

PART IX— HAWKING

Application for permit

124. (1) An Application for hawking permit shall be made to the authorised officer in the prescribed form and shall state the particulars of the commodity and the places hawking will be conducted.

(2) No person shall conduct or engage in hawking without a permit.

Issuance of permit

125. A permit to engage in hawking business or activities shall be issued upon payment of the prescribed fee by the authorized officer.

(2) A permit may be restricted to a particular area or for specified goods, wares, merchandise and refreshments.

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

Production of a permit

126. (1) A hawking permit shall be displayed in a conspicuous place by the holder and shall be produced on demand by an authorized officer.

(2) An authorized officer may inspect any commodities and goods which are being sold though hawking.

(3) Any person who obstructs hinders or otherwise interferes with any such duly authorized officer or inspector in the execution of his or her duties under this Act commits an offence.

Hawker's assistant

127. (1) Upon payment of prescribed fee, an authorised officer may issue a permit authorizing the person named therein to be employed by or to assist a person having permit under this Act who-

(a) hawks refreshments; or

(b) is living with disabilities

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

128. A permit holder who transfers a permit or badge without written approval of an authorized officer commits an offence.

Impounding of goods

129. (1) Any person who without a valid permit engages in hawking or permit holder who engages in hawking in a non-designated area shall have the goods impounded and forfeited to the County Government.

(2) The provisions of sub section (1) shall not apply where a person is arraigned in court.

Hawking in central business district

130. 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 commits an offence.

Buying negotiating, soliciting and inducing

131. 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 commits an offence.

Penalties

132. A person who contravenes the provision of this part commits an offence and shall be liable to fine not exceeding five thousand shillings or imprisonment for a term not exceeding seven months or both.

PART X — DRAINAGE AND SEWARAGE

Provision for conveying surface water

133. 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

134. (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 sewer

135. (1) If appears to the county that when two or more buildings are to be connected to a sewer 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 drain for new buildings

136. (1) Every new building shall be provided with an effective drain, to be constructed in 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) In this section "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 or rain water

137. 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

138. 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 or her to do so, provide such drain within reasonable time as may be specified in such notice.

Connection to a foul sewer

139. (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

140. (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

141. 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

142. (1) If it appears to the authorised officer 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. drainages

(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 or she 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

143. Where in 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.

Grant of permission

144. (1) The county government may grant permission for the matter referred to in this part 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 part 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 commits an offence.

(4) Where any person has been convicted of an offence under this part, and the authorised officer may revoke any permission issued under this part.

Inspection chamber

145. The county government may, at its own discretion, by notice require the owner of any premises from which a private sewer connect 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 there from.

interference with free flow of sewerage

146. 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.

Maintenance of opening to any drain

147. The owner and occupier of any premises shall maintain all opening 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.

Permission to construct a drain

148. (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 this Act 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 and 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 this Act 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 this Act and may recover as a civil debt recoverable summarily from the person making such sewer connection or causing such connection to be made.

Conditions for drainage works

149. 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 schedule.

Construction of drains

150. The owner of any premises outside the county may, with the consent of the county government and subject to this Act, 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.

Recovery of costs

151. .In all cases where, in accordance with this Act, 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 disturbing and making good the surface of any road, street, foot-way or ground affected.

Safety measures

152. 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.

Request for testing

153. 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 and the county government shall within four days cause such work to be inspected and tested.

Cover of drainage work before inspection

154. (1) A person shall not proceed to cover up any drainage work until such work has been inspected, tested, and approved by an authorized officer.

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

Issuance of a certificate upon approval

155. 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 this Act.

Provisions of latrines

156. 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 an authorized officer.

Form of permit

157. (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 or her 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.

Examination of plumbers

158. 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

159. 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 plumber's permit

160. Every person to whom a plumber's permit or a drain layer's permit has been issued by the county government under this Act, shall if called upon at any reasonable time to do so, produce his or her permit for the inspection by a duly authorized officer.

Cancellation of a plumber's permit

161. The authorized officer may at any time cancel any permit issued to any plumber or drain layer under this Act if he or she 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 this Act relating to drainage works.

162. 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 to appear before the county government or before a committee appointed by the county government, and being heard.

Failure to comply with a notice

163. (1) If, after service of written notice under this Part the person on whom such notice is served fails to comply with the notice, 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 requirements of a written notice served upon him or her, commits an offence.

Penalties

164. A person who commits an offence under this part or fails to comply with the provisions of this part commits an offence and shall be liable to a fine not exceeding seven thousand shillings or imprisonment for a term not exceeding seven months or both.

PART XI- POUNDS

Establishment of Pounds

165. (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 an authorized to be in- charge of such pounds.

(2) An authorized may seize any animal found straying in any street, or public place or any vehicle or item being in use in contravention of this Act and may take such animal, vehicle or item to a pound to be 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 authorised officer

166. An authorised officer may receive into any pound and detain therein any animal brought to him or her and shall supply every animal impounded with suitable and sufficient food and drink.

Release of impounded animal, vehicle or item

167. (1) Every person seeking the release of any impounded animal, vehicle or item properly impounded shall pay to the county government the prescribed fees.

(2) The an authorised officer shall not release any animal, vehicle or item from any pound until the person seeking such release has paid the prescribed fees.

(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

168. 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

169. An authorised officer may sell or cause to be sold any animal deemed to be ownerless and -

(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 case of vehicles or item, the provisions of section 387 will apply.

Slaughter of unclaimed animals

170. An authorized officer may order the slaughter of any animal taken to a pound and detained therein, if it appears that the slaughter of such animal is necessary or advisable for prevention of spread of disease or for humane reasons.

Immunity

171. An authorised officer shall not be liable for-

(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 this Act.

Fees

172. Fees and charges payable under this part shall be as per the approved and prescribed fees.

Penalties

173. A person who commits an offence under this part or fails to comply with the provisions of this part commits an offence and shall be liable to a fine not exceeding seven thousand or to imprisonment of a term not exceeding seven months or both.

PART XII – PUBLIC LAVATORIES

Partnership

174. (1) The county government may—

(a) partner with any person to provide public lavatory services at a fee agreed between the parties;

(b) enter into a lease agreement with a private party to manage the existing public lavatories;

Provided the above partnership shall only be for management purposes.

(2) The partnership and lease agreement mentioned in

sub-section (1) 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 set out in the third schedule.

Use of lavatory

174. 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) wilfully annoy or interfere in any way with the privacy of any other person using the convenience;

(c) wilfully 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

175. (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

176. (1) The mobile toilet shall be permitted by an 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 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 commits an offence.

Penalties

177. A person who contravenes the provisions of this part commits an offence and shall be liable to a fine not exceeding seven thousand shillings or to imprisonment of a term not exceeding seven months or both.

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

Application for permit

178. (1) An application for a single business permit shall be made to the authorized officer before the thirtieth day of September of the year preceding to which the application relates to in the prescribed.

(2) Payment for late application shall be as per the prescribed fees.

(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 this Act.

Permits

179. The following permits may be issued upon payment of prescribed fee-

(a) a restaurant licence;

(b) an eating house licence;

(c) a snack bar permit, and

(d) café.

Authorized Officer to issue permit

180. An authorised officer may issue a permit with such condition as he or she deem fit upon payment of prescribed fee.

Power to refuse to grant permit

181. The authorized officer may refuse to grant a permit upon the advice of medical officer of health.

Cancellation of permit

182. 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), 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

183. (1) The authorized officer may, with the approval of the public health officer, on application and upon payment of the approved fees 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

184. A permit issued to a body corporate shall be issued in the name of the body.

Application for duplicate permit

185. 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.

Restaurant's permit

186. (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 shall have 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 coloured 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; and

(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) a stainless steel sink situated in the kitchen for cleaning and preparation of vegetables; and

(e) a wash hand basin with a constant supply of piped hot and cold water 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 restaurants

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

188. 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

189. A sufficient number of refuse receptacles with properly fitting lids shall be provided all the time.

Miscellaneous requirements for restaurants

190. Restaurant shall have-

(a) adequate refrigerated storage space for maintenance and 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-

(e) dust proof ceilings shall be provided in all rooms where food is prepared or stored; and

(f) a constant supply of pure and wholesome water shall be provided;

(g) emergency exits from the premises shall be provided and maintained.

(2) The permit holder operating the restaurant shall provide adequate and appropriate fire fighting facilities, located strategically.

Eating houses

191. (1) 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

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

Miscellaneous requirements for eating houses

193. 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 fire fighting facilities, located strategically; and

(g) emergency exits from the premises shall be provided and maintained.

Snack bar permit

194. (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) for consumption on the permitted premises commits an offence under this Part.

Requirements for snack bars

195. (1) A snack bar shall comply with following requirements of this Part—

(a) the floor shall be of an approved impervious material and shall be adequately drained.

(b) in relation to sanitary conveniences-

(i) 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;

(ii) sanitary conveniences separate from those required by the provisions of paragraph (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

(iii) sanitary conveniences shall be provided for people living with disabilities.

Waste management for snack bars

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

Miscellaneous requirement for snack bars

197. Miscellaneous requirements—

(a) at least two suitable sinks of stainless steel supplied with hot and cold water shall be provided and 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 coloured 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 fire fighting facilities, located strategically.

Open air eating place

198. 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 or 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

199. 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 or she is the holder of a permit in respect of those premises commits an offence.

Sale of food for consumption

200. Any person who in any premises in the county sells or permits the sale of food for consumption on those premises shall unless he or she is the holder of a permit in respect of those premises authorizing such sale, or an employee of such a permit holder, commits an offence under this Part.

201. 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.

Liability of a permit holder

202. (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 or she may deem necessary.

Power to inspect

(2) Any such person as is referred to in sub-section (1) shall-

(a) if he or she 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 or her free entry thereon and afford him or her all reasonable facilities to inspect the premises; and

(b) if after notification of his or her authority and purpose, entry thereon and afford him or her all reasonable facilities and purpose, entry cannot be obtained, the said person may enter such premises and make such inspection thereof as he or she may deem necessary.

203. (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 commits an offence.

Persons suffering from infections or contagious diseases

(2) Any permit holder who employs in a restaurant, eating house or snack bar any person without a valid medical examination certificate, commits an offence under this Part.

204. A permit holder who fails to exhibit a permit in a prominent and conspicuous position in the premises commits an offence.

Display of permits

205. (1) A permit holder shall take all such steps as

Food

may be reasonably necessary to protect food from risk of contamination and in particular shall- Contamination

(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.

206. 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- Personal hygiene

(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) commits an offence.

Misuse of sinks and kitchen

207. (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, commits an offence under this Part.

(2) Any person who uses or permits to be used any sterilizing apparatus, provided in this part for the purpose of sterilization of crockery and cutlery, for any other purpose, commits 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 commits 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 commits an offence under this Part.

Restriction on names

208. (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 commits 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, commits an offence under this Part.

Restriction on trading

209. 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, commits an offence under this Part.

Nuisance

210. 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 commits an offence.

Storage of fuel

211. Where charcoal, coal, anthracite or fuel oil is used on the permitted premises, it 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 commits an offence under this Part.

Tariff of charges

212. (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.

Penalties

213. A person who contravenes the provision of this part commits an offence and shall be liable upon conviction to a fine not exceeding seven thousand shillings or to an imprisonment for a term not exceeding a term of seven months or both.

PART XIV– FOOD SHOPS AND STORES

Exemptions

214. The provisions of 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) 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

215. The following permits shall be granted upon payment of the prescribed fee—

(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

216. (1) Application for permit shall be in the prescribed form and shall provide if the application is for new permit or for renewal of an existing permit.

(2) An application for the renewal of an existing permit shall be delivered to the authorized officer on or before 30th September of the year preceding that to which the application relates:

Provided that payment of the approved fee for a late application has been done, the authorized officer shall accept an application submitted after 30th September of the year preceding that to which the application relates.

(3) An application for a renewal of permit 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

217. (1) The authorized officer may issue a permit under this part and impose such conditions as he or she dims fit.

(2) Every permit shall contain sufficient particulars of the shop or the store to which the permit applies.

(3) There shall be paid to the county government the prescribed fees for every permit issued.

(4) Every permit issued under this part shall be signed by the authorized officer.

Refusal to grant permit

218. (1) The authorized officer shall refuse to issue a ew permit if—

(a) the premises to which the application relates does not conform with the requirements of the Public Health 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 permit; 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 this Act, 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

219. 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), 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

220. (1) The authorized officer may, with the consent of the permit holder and subject to the provisions of this part and 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.

Duplicate permit

221. 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.

Restriction on employment

222. (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 or store shall have a valid medical examination certificate issued.

Manner of storing food

223. In any shop or store where goods other than food are sold, stored or offered for sale, the permit holder shall reserve a part of such shop or store for storing only, and no food shall be kept or stored in any other part thereof.

Display of permit

224. A permit shall be display in a prominent and conspicuous place in premises to which it applies alongside the certificate of incorporation or registration certificate.

Protection of food

225. A permit holder shall take all such steps as may be reasonably necessary to protect food from risk of contamination and in particular shall—

(a) not 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

226. (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

227. (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

228. 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

229. (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

230. (1) A grocer's permit may authorize the permit holder, at premises the address of which shall be specified therein, to trade in food.

(2) In section, "food" excludes unprocessed

vegetables, processed fruit, processed meat or processed fish.

Grocer's shop

231. A grocer's permit shall not be granted unless—

(a) the floor of the shop is of rendered concrete or other durable and impervious material and is suitably drained; and

(b) an adequate yard space is provided, equipped with suitable refuse containers.

Butcher's permit

232. 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

233. A butcher's permit shall not be granted unless—

(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

234. .A permit holder shall not trade in meat which has not been inspected by a meat inspector or an officer authorized.

Manner of handling of meat

235. 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 commits an offence.

Fishmonger's permit

236. A fishmonger's permit shall authorize the permit holder to trade in fish whether processed or unprocessed.

Fishmonger's shop

237. A fishmonger's permit shall not be granted unless—

(a) all walls of the fishmonger's shop 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

238. Fish boxes shall be thoroughly cleaned immediately after use.

Manner of handling fish

239. A person engaged in the handling of fish shall, while so engaged wear a white outer garment of a pattern approved by the public health officer.

Green grocer's permit

240. A greengrocer's permit shall authorize the permit holder to trade in fruit and vegetables, whether processed or unprocessed.

Green grocer's shop

241. A green grocer's permit shall not be granted unless—

(a) all walls of the greengrocer's shop 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

242. A food store permit shall authorize the permit holder to store food.

Trading without a permit

243. A person shall not trade in any business under this part unless such a person is in possession of a permit issued under this part.

Inspection

244. (1) A public health officer 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 conduct an inspection they dim fit.

(2) An authorised officer may—

(a) if he or 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 or her free entry thereon and afford him or her 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

245. 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 be for storage.

Exemptions by a Public Health Officer

246. (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 is not required for such period as he or she shall

therein specify;

Provided that the public health officer shall not recommend the grant of any such certificate unless he or she 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 or her .

Penalties

247. (1) A person who contravenes the provisions of this part commits an offence and shall be liable upon conviction 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 under this part shall be liable, in addition to any other penalty which may be imposed to have his or her permit cancelled.

PART XV— CONTROL OF HAMALI CARTS AND HAND CARTS IN PUBLIC STREETS

Fees

248. A person who intends to operate a hamali cart or hand cart within the county shall pay to the county government the prescribed fees.

Control of Hamali carts and hand carts

249. 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 subject to exceptions specified in the order.

Traffic rules

250. An authorised officer may propel a Hamali or hand cart while observing the traffic rules and the provisions of this Act.

Offences and Penalties

251. 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, commits 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 XVI— CONTROL OF GRAZING

Grazing within the County

252. A person shall not graze any livestock within the county unless he or she is the holder of a permit, issued in writing by authorized officer.

(2) The authorized officer may issue a permit or refuse to issue such permit subject to such conditions as he or she may deem necessary.

Permit

253. A permit issued under this Act may be revoked by the authorized officer by notice in writing given to the holder thereof if-

(a) in opinion of the authorized 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

254. An authorized officer may require a person found grazing livestock within the county to produce the permit for inspection.

Fees

255. The fees payable under this part shall be as per the prescribed fees and charges.

Penalties

256. A person who commits an offence under this part shall be liable to a fine not exceeding five thousand shillings in respect of a first offence and a fine 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 a term not exceeding nine months in respect of a second or subsequent offence or both.

PART XVII – SALE OF ICE-CREAM

Sale of ice cream

257. A person shall not sell, or offer for sale or cause to be sold an ice-cream which does not meet the following requirements—

(a) the ice-cream has 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-

(d) be kept at a temperature not exceeding 28o F;

(e) in the event of the temperature of the ice-cream rising above 28o F at any time since it was frozen then the ice-cream has to again be subjected to the treatment prescribed in sub-section (4) and, (5) and after having again been frozen shall be kept at a temperature not exceeding 28o F; or

(f) 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—

(i) 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 20o Centigrade (± ½o) for seventeen hours followed immediately by incubation at 37o Centigrade (± ½o). The tube shall then be inverted once every half hour until decolourisation is complete,

(ii) every such test shall be commenced within two hours after the collection of the sample; and

(iii) every test shall be carried out by either the government Bacteriologist, the medical officer of health or an authorized officer.

Sale without permit

258. A person shall not use any premises for the distribution or for the sale of ice-cream unless he or she shall be in lawful possession of a permit issued by the county government entitling him or her to use the premises for such purpose.

Fees

259. A prescribed fee shall be payable to the county government for permit issued under this part.

Form of application

260. An application for a permit under this part shall be made to the authorised officer in the prescribed form

Permit duration

261. A permit issued under this part shall expire on

the 31st day of December following its issue.

Transfer of permit

262. A permit issued under this part shall not be transferred from the holder to any other person without the permission of the authorized officer.

Inspection

263. (1) An authorized officer or a public health officer may enter and inspect any permitted premises, and examine the water supply, 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 as they deem.

(2) A person who wilfully 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 commits an offence.

Cleanliness

264. Every permit holder shall—

(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

265. (1) No permit holder shall cause or permit any person suffering from any infectious or contagious or venereal disease to be employed in or about the permitted premises or in distributing or selling of 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

266. The medical officer of health or chief officer in the department health may medically examine or cause to be medically examined 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 commits an offence.

Production of permit

267. 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.

Penalties

268. A person who commits an offence under this Part shall be liable upon conviction to a fine not exceeding seven thousand shillings in respect of a first offence and a fine 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 an imprisonment not exceeding twelve months in respect of a second or subsequent, offence or both.

PART XVIII – CONTROL AND LICENSING OF DOGS

Issuance of permit and permit badge

269. An authorized officer may issue to any applicant a permit and a permit badge in respect of any dog or dogs kept in urban and peri-urban areas within the county upon-

(a) payment of the prescribed fee; 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) 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

270. 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

271. (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 authorised 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) may, within thirty days of such decision, appeal in writing to the County Executive Committee Member in charge of matters relating to finance.

Issuance of duplicate permit or permit badge

272. 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.

Offences

273. (1) A person shall not without a permit keep 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.

(2) A person shall not-

(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 ;

(d) attach to a collar worn by a dog any badge so similar to a permit badge issued under this Act with the intention to mislead;

(e) alter, destroy or mutilate any permit badge issued under this Act;

(f) permit to be let at large or uncontrolled any dog which is kept by him or her and which he or she knows to be either vicious, dangerous or suffering from any infectious diseases;

(g) permit a dog to be at large or uncontrolled; or

(h) keep a dog which he knows to be nuisance or

annoyance to any person.

Right to seize or pound

274. A police officer, veterinary officer inspector or 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 invalid.

Condition for release of impounded dogs

275. 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 unreleased or reclaimed dogs

276. (1) Any dog not released or reclaimed from pound within ten days of having been received in the pound may either be sold, given away, painlessly destroyed under the supervision of a veterinary surgeon or an authorised officer 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 killed under the supervision of a veterinary surgeon or an authorised officer.

(3) No liability shall attach to the county government or any authorised officer for any dog being killed or otherwise dealt with in accordance with the provisions of this part.

Right of entry

277. (1) An authorized officer may having reasonable grounds for suspicion that an offence under this part is being 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 this Act.

(2) It shall be the duty of the occupier of any premises to give such information or assistance which such an officer may require for proper carrying out and enforcement of this Act.

(3) A person who fails to give any information required under this part to an authorised officer commits an offence.

Penalties

278. A person who contravenes the provisions of this part commits an offence and shall be liable upon conviction be liable to a fine not exceeding seven thousand shillings in respect of a first offence and a fine 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 XIX– PREVENTION AND EXTINCTION OF FIRE AND FIRE BRIGADES

Fire Compliance certificate

279. (1) The county government may issue a fire compliance certificate for respect of a particular premises.

(2) The county government may designate a particular premise for use of the following purposes-

(a) accommodation;

(b) hospital

(c) of entertainment, recreation or instruction or any club, society or association;

(d) educational institution.

Power to inspect

280. The county government may inspect fire safety and the provision of fire fighting equipment for the purposes of issuing a fire compliance certificate.

Exemption

281. (1) A fire compliance shall not be issued for

(a) single dwelling house; or

(b) religious premises.

Power of County

282. (1) The county government may issue a

notice to the occupier or owner of a premise where explosives of highly inflammable materials are kept

Government

(2) The notice shall

(a) specify the premises to which it relates; or

(b) particulars of the person to whom the notice applies to.

(3) An authorized may issue a notice to a person in respect of a premise if the person to whom the person to whom the notice had prior been issued has ceased to occupy the premises.

Right of appeal

283. (1) A person to whom a notice has been served may within twenty one days from the date on which the service was made appeal to the county director for the time being responsible for emergency and rescue services.

(2) A notice served under this part shall unless withdrawn by the Director responsible emergency and rescue services, come into force provided-

(a) where no appeal under this section is bought within the twenty one 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 fire compliance certificate

284. (1) An application for fire compliance certificate shall be made in the prescribed form upon payment of the approved fees and shall state the particular premises or any other information.

(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 it 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) 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 this Act applies and the county government shall issue a fire compliance certificate if it satisfied as regards to 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) 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.

Contents of a fire compliance certificate

285. 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 paragraph (c) to (e) 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;

(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) by a fire compliance certificate issued with respect to any premises-

(a) may so far as it applies to the premises be framed either so as to apply to the whole of 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) impose different requirements of the premises or of any part of the premises.

(4) 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 paragraph (b), (c) and (d) of sub section (1) to be kept in accordance with its specifications in the certificate; and reference in this Act to requirements imposed by a fire compliance certificate shall be construed accordingly.

(5) A fire compliance certificate issued under this part 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 shall be applied for and obtained for cover of designated use of any premises on annual basis.

(7) A fire compliance certificate shall be issued upon payment of prescribed fee.

Change of conditions of a fire compliance certificate

286. (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 of 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) shall before the carrying out of the changes, give notice to the county government.

(3) If the county government is satisfied, as regards to any premises with respect to which a notice under sub-section (1) has been given to them, that the carrying out of the proposals notified would result in any of the matters mentioned in paragraph (b),(c), (e) and(e) of sub subsection (1) of this Act becoming inadequate in relation to any use of the premises covered by the relevant fire compliance certificate, it 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 or her 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.

(4) A person contravenes a directive given to him or her in pursuance of paragraph (b) of sub section commits 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

287. (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 of 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.

(5) All such films shall be stored in closed metal boxes and shelving shall be of non-combustible material.

(6) 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.

(7) 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.

(8) Calcium Carbide shall not be stored or kept except in a strong hermetically sealed metal containers placed in a position not exposed to moisture

(9) 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.

Licence fees

288. (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.

(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) shall in any case be transferred from the premises in respect of which it is granted to any other premises.

Guidelines

289. (1) The county government may issue guidelines on -

(a) the provision, maintenance and keeping free from obstructions and means of escape in case of fire;

(b) provision and maintenance of means of escape that can be safely and effectively used as all material times;

(c) the provision and maintenance of means for fighting fires and means of giving warning in case

of fire; and

(d) the internal construction of the premises and the material used in that construction for-

(i) 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) ensuring that persons employed to work in the premises receive appropriate instructions or training in what to do in case of fire; and

(iii) ensuring that in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises.

(2) Guidelines under this section-

(a) may impose requirements on persons other that occupiers of the premises to which they apply;

(b) may make provisions as to the person or persons who shall 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, commits an offence under this section.

Owners Responsibility

290. (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 or her to provide on any premises any extinguisher or other appliances for extinguishing fire may appeal to the Director responsible for emergency and rescue services in the 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 fire fighting 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 serviceability produced on demand by the authorized officer.

Licensing to install service repair of fire fighting equipment

291. (1) A person shall not install, service or repair any fire fighting equipment or portable fire extinguisher installed in any premises or area wherein such equipment is required under this Part, unless he or she is in possession of a current licence issued under this Act 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 fire fighting equipment or portable fire extinguisher may be granted to a person who satisfies the county fire officer that he or she possesses satisfactory mechanical knowledge to service, repair or install fire fighting equipment or portable fire extinguishers and use of the fire fighting equipment or portable fire extinguishers specified in the application.

(3) An application for a licence to install, service or repair any fire fighting equipment or portable fire extinguisher shall be made in the prescribed form.(4). The authorized officer may subject to the provisions of sub-section (2) issue a licence in the prescribed form.

Inspection sticker

292. (1) A licencee carrying out any installation, examination, service or licence repair of any fire fighting equipment or portable fire extinguisher shall affix or cause to be affixed a label inspection sticker label providing following particulars-

(a) the name of the licencee 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 fire fighting equipment or portable fire extinguisher, the licencee 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 licencee shall not remove any fire fighting 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 licencee shall not close down any fixed fire fighting installation for any purpose whatsoever on any premises without first obtaining written authority 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 licencee in respect of such fire equipment.

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

(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 serviceability obtained.

Signals

293. (1) The county government may erect on any premises or may affix or cause to be 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 thereon 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.

(2) No unauthorised 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.

County Fire Officer to respond to fire

294. (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 to such fire with such appliances as he or she may deem necessary and he or she 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.

(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.

(3) Drivers of all vehicles, shall in relation to sub-section (2) 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.

(4) The use of sirens or bells on any motor vehicle other than a fire fighting machine or appliance, ambulance or police is prohibited.

(5) Any person who deliberately causes an obstruction to a fire brigade vehicle, ambulance, a police vehicle proceeding to an emergency commits an offence.

Role of the County Fire Officer

295. (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 or she may-

(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.

(2) 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.

(3) 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

(4) 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 commits an offence.

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

296. (1) A person shall not interfere with, drive over or in any way damage the hose of any fire fighting 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.

297. (1) It shall be the duty of county government to enforce within county the provisions of this Act and regulations made, and for that purpose appoint fire prevention officers. Enforcement

(2) Subject to the provisions of this section, any of the following persons appointed under sub-section (1) and a fire prevention officer may do anything necessary for the purpose of carrying out this Act and regulations there under into effect and, in particular shall so far as may be necessary for that purpose, shall have the power to-

(a) enter any such premises and to inspect the whole or any part thereof and anything therein;

(b) make such inquiry as may be necessary for any of the purpose mentioned in sub-section (3);

(c) 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) 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 thereunto give him or her 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 or her 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 this Act; or

(b) without reasonable excuse fails to comply with any requirements imposed by a fire prevention

officer under this section commits an offence.

Non-disclosure of information

298. 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 this Act, shall be guilty of an offence.

Falsification of document

299. 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 or she is subject under or by virtue of this Act, or in response to any inquiry made by virtue of this Act, gives any information which he or she knows to be false in a material particular commits an offence

(2) A person with the intention to deceive who pretends to be a fire prevention officer commits an offence.

(3) Where an offence under this Act 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 or she as well as the body corporate commits 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 or she were a director of the body corporate.

(5) Where the commission by any person of an offence under this Act 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

300. In any proceedings for an offence under this Act or under Regulations made there under, it shall be a defence for the accused to provide prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such offence.

Miscellaneous

301. (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.

Offence and Penalties

302. Any person who contrives the provision of this part commits an offence and shall be liable upon conviction 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 XX – GENERAL NUISANCE

Noisy musical instruments

303. 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 neighborhood or to passers-by on a street commits 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 commits of an offence.

Provided that no prosecution shall be instituted against any person for any offence under this Act 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.

304. A person who causes annoyance to occupants of any premises in connection with any building, demolition or road construction works commits an offence.

Noisy trades and industrial operations

305. A person who causes any loud, annoyance to the occupants of any neighbouring premises commits an offence .

Barbed wire

306. (1) A person who causes to be erected any barbed wire alongside the street of the county without written authority of the authorized officer commits an offence

(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 who contravention the provisions of sub-section (1) .

(3) Any person who fails to comply with the requirements of a notice served in pursuance of sub-section (2), commits an offence.

Deposit of debris

307. 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, commits an offence.

Nuisance by animals

308. Any person who shall keep within the County any animal or poultry which causes a nuisance to any of the residents in the neighbourhoods, commits an offence.

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.

Game animals

309. (1) Any person who shall, except with the written

permission of the authorized officer and subject to such conditions as he or she 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 commits an offence.

(2) The county government may remove any of the species of animals referred to in sub-section (1) which have been kept within the county except in agricultural land or left in a street in contravention of this section and impound the same.

(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 or she has paid to the county government the prescribed fees as per the approved fees and charges.

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.

(4) Any person who has under his or her control or in his or her custody-

(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 commits an offence.

(5) Any person who shall except with the written permission of the authorized officer and subject to such conditions as he or she 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 commits an offence.

Encroaching hedges and trees

310. Where in the opinion of the county government, any hedge tree or other growth is so placed or in such condition as-

(a) to be a danger to any person or vehicle using a street; or

(b) to interfere with-

(i) the view along any street or from one street into another; or

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

(iii) 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) commits an offence.

(3) 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 commits an offence.

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

Projections

311. 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) 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

312. 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 or her 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 commits an offence.

Damage and obstructions

313. Any person who shall-

(a) in any way wilfully obstruct the free passage of any street;

(b) wilfully 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) wilfully 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, commits an offence.

Defacing buildings

314. Any person, who shall, without lawful authority, deface any building by writing, signs or other marks thereon commits an offence.

Breaking

315. 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, commits an offence.

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

Obstruction

316. 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 commits 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 this Act and impound the same.

Pound fee

317. (1) The owner of a vehicle, article or material removed from a street in pursuance of section 386 of this Part shall not be entitled to recover the same until he or she has paid to the county government 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

318. Any person who shall in any street-

(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 document or other paper;

(e) commit any act contrary to public decency;

(f) without statutory authority deface the footway or roadway by writing or other marks;

(g) place or deposit and leave any glass, china, earth ware, tin, carton, paper, sawdust or other rubbish so as to create or tend to create litter;

(h) throw down or leave any orange peel, banana skin, or other substance likely to cause a person to fall down;

(i) 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;

(j) play any game in such a manner as to cause likelihood of damage to property, or danger to any person;

(k) ride, drive or propel a vehicle on a footpath;

(l) spit on any footpath or blow his or her nose otherwise than into a suitable cloth or tissue;

(m) loiter or importune for the purpose of prostitution;

(n) procure or attempt to procure a female or male for the purpose of prostitution;

(o) while being in charge of any dog, allow such dog to foul any footpath;

(p) wash any vehicle or, except in the case of an emergency, repair or dismantle any vehicle on any foot path;

(q) except in the case of emergency, sound any motor horn, cycle bell or similar warning instrument;

(r) 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;

(s) 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;

(t) defecate or urinate on the street or any open space; or

(u) smoke cigarettes in Public places as provided for in the Tobacco Control Act, commits an offence.

Deposition of Materials

319. (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

320. 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 commits an offence.

Vehicle loads

321. 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 commits an offence.

Loitering

322. Loitering on any county government property other than residential property, without lawful authority is prohibited.

(2) Any person in contravention of this Section shall be guilty of an offence.

Signing of Notices

323. (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 or her 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 this Act 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 this Act 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 this Act 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 this Act to be served on any person may be served either-

(a) by delivering it to that person;

(b) by leaving it at his or her proper address; or

(c) by registered post addressed to him or her 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

324. A person who fails to comply with the provision of this part commits an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or an imprisonment for term of nine months or both .

Prohibition

325. No person shall litter any public place with polythene carry bags.

Penalty

326. A person who contravenes the provision of this part commits an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or an imprisonment for a term not exceeding nine months or both.

PART XXI- SOLID WASTE MANAGEMENT

Duty of care

327. (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 this Act 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 on 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

exits, 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

328. (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.

(5) The county government shall take into account such representations as it receives within twenty-eight days of the publication of the application.

(6) Any person who, in an application for a waste operator's permit makes any statement which he or she knows to be false or reckless in any material fact commits an offence under this Act.

(7) 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.

(8) 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.

(9) 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 enforced and effected unless published in a local daily and representations from members of the public dealt with as if it were a new application.

(10) 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.

(11) 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.

(12) 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.

(13) 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

329. (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.

(3) Applicants shall provide information regarding their physical address and their financial and technical capability to transport waste.

(4) The county government may require registered waste transporters to execute a bond as a condition for registration.

(5) 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 this Act, to whether that individual has been party to the carrying on of business in a manner involving the commission of an offence under this Act.

(6) The county government may revoke the registration of a person who has been convicted of an

offence under this Act.

(7) If it appears to a duly authorized officer of the county government that any waste is being or has been transported in contravention of this Act 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.

(8) 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

330. (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

331. (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 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 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 licenced waste manager operator or a registered waste transporter.

Disposal

332. (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 this Act.

(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

333. (1) The county government shall issue directions on waste collection charges.

(2) 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.

(3) 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 bill or other invoice and must be placed by the collector in a dedicated fund.

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

(5) 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.

(6) The county government may imposes the waste charges as per the approved fees and charges.

Enforcement

334. (1) 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 this Act.

(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 this Act 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 this Act 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 this Act.

Offences and Penalties

335. Any person who refuses or fails to comply with any provision of this Part commits an offence and 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 XXII - FILM MAKING CULTURAL EVENTS AND ENTERTAINMENT

Cinemas, video shows and hiring

336. 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

337. (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 commits an offence under this Part.

Promotion of cultures and cultural heritage

338. 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

339. Any person who fails to comply with any provision of this part commits an offence and 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 XXIII -TRAFFIC FLOW CONTROL

Signals and signs to be obeyed

340. (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 commits an offence and shall be 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

341. (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 this Act, 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

342. No person shall –

(a) leave unattended on a road any motor vehicle with the engine running; or

(b) leave any vehicle without having taken due precautions against its moving along the road from its stationary position.

Traffic signs

343. (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

344. Any person who contravenes the provisions of this part commits 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 XXIV - ENVIRONMENT AND LITTERING

Right to clean environment

345. Every person within the county is entitled to a clean and healthy environment and 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, or her that person may apply to a subordinate court for redress and the subordinate court may make such orders, issue such writes or give such directions as may deem appropriate to-

(a) compel any officer duly appointed by the county government to take measures to prevent or discontinue any act or omission deleterious to the environment;

(b) prevent, stop or discontinue any act or omission deleterious to the environment;

(c) require that any on-going activity be subjected to an environmental audit in accordance with provisions of this Act and any other relevant written law;

(d) 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

(e) 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 is not —

(a) frivolous or vexatious; or

(b) an abuse of the court process.

(4) In exercising the jurisdiction conferred upon it under sub clause (2), the 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 environmental officers

346. The Director of Environment, Deputy Director of Environment or any other duly 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

347. An environmental or authorized officer shall-

(a) monitor compliance with the environmental standards established under this Act or other relevant written law;

(b) conduct environmental audits; and

(c) perform such other functions as may be required under this Act or relevant written law.

(2) An environmental officer may, in the performance of his or her duties under this Act, 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 this Act 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 this Act 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 this Act;

(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 this Act; or

(j) install any equipment on any land, premise, vessel or motor vehicle for purposes of monitoring compliance of this Act.

Power of entry

348. The Director of Environment, Deputy Director of Environment, Environment Officer, Cleansing Superintendent, Public Health Officer, Public Health Technician or an authorised person may at any hour reasonable for the proper performance of his or her 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 this Act 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

349. Any person who-

(a) hinders or obstructs an environment officer in the exercise of his or her duties under this Act;

(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 this Act 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 this Act 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 this Act;

(g) misleads or gives wrongly information to an Environmental Officer under this Act; or

(h) fails, neglects or refuses to carry out an improvement order issued under this Act, 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

350. (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

351. 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

352. Any person who commits an offence under this part shall be liable on conviction to a fine not exceeding five thousand shillings or an imprisonment for a term not exceeding six seven months or to both.

PART XXV – ENFORCEMENT PROVISIONS

Cancellation of licences and permits

353. The county may from time to time by notice to holder thereof, cancel a licence or permit for contravention of any of the terms and conditions thereof or any of the provisions of this Act 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 licencees

354. The county may from time to time by notice to holder levy a penalty to a holder of a licence or any other person who is in breach of any provisions of this Act.

Offences

355. In addition to the offences under this Act, if the person without lawful authority-

(a) operates a business within the County without a valid business licence 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 this Act;

(n) makes any statement or declaration, or gives any information or certificate, lawfully required by or under this Act 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 licences or permits at conspicuous place of business;

(r) transfers business premises licence 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 this Act; or

(t) commits any other offence not covered in this Section but is covered under other sections in this Act.

Penalties

356. Unless otherwise stated in this Act Any person who contravenes the provisions of this Act 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.

FIRST SCHEDULE CHARGES FOR FIRE SERVICES

MACHAKOS COUNTY GOVERNMENT

MACHAKOS COUNTY FINANCE ACT 2018

Charge for Fire Services

For purposes of this Part the following charges are hereby classified as follows:-

1. **Fees and charges**

Fire charges is 10% of SBP in the County.

Fire charges is 20% of SBP for all premises dealing with flammables

(a) Fire protection measure per visit factory	Kshs. 1,600
(b) Commercial and industrial premises	Kshs. 1,600
(c) Boarding houses and public buildings	Kshs. 1,600
(d) petrol stations	Kshs. 1,600
(e) Premises storing dangerous inflammable materials	Kshs. 2,100
(f) Annual inspection petroleum tanker	Kshs. 2,100

The fees and charges are exclusive of transportation of officer to and from station.

2. **Special Services Other than Fire Fighting**

(a) Standby against fire risk (per hour)	Kshs. 1,100
(b) Pumping out flooding (per hour)	Kshs. 1,600
(c) Binding of delivery hose compiling labor	Kshs. 600
(d) Binding of delivery hose compiling material	Kshs. 1,100
(e) Training of private personnel (fireman) Per day for a class of 15 people	Kshs.22,000

(f) Inspection of fire extinguisher (Excluding refill per extinguishers)
Kshs. 600

(g) Hire of ladder per day or part thereof
Kshs. 2,100

(h) Hire of van or requested inspection
Kshs. 2,100

(i) Inspection of fire extinguisher (Excluding refill per extinguisher)
Kshs. 600

(j) Hire of ladder per day or part thereof
Kshs. 2,100

(k) Hire of van or requested inspection
Kshs. 2,100

(l) Firefighting lecture at public institutions within Machakos County two hour session Kshs.10,000

(m) Sale of water with County's water tanker for non-Domestic use
Ksh. 5,000

(n) Sale of water with water tanker (owner)
Kshs. 3,100

(o) Hire of one hose length per day or part of thereof
Kshs. 600

(p) Inspection Hydraulic test of dry and wet risers (Per inspection)
Kshs. 5,000

(q) Issue of fire clearance certificate
Kshs. 2,100

(r) Annual licence for installation and service of fire Extinguisher
Kshs. 7,000

1. **Fire vehicles**

(a) Turn out fee
Kshs. 1,200

(b) For each proceeding hour or part thereof
Kshs. 1,000

(c) Kilometre covered (per kilometre) Kshs. 50

(d) Portable plump turn out fee including transport
Kshs. 2,100

(e) For each proceeding hour or part there of
Kshs. 600

2. **Fire personnel attendance**

(a) Chief Fire Officer First hour of attendance Kshs. 1,500

(b) Each proceeding hour or part there of
kshs. 1,000

(c) Assistant chief fire officer First hour of attendance Kshs. 1,100

(d) Each proceeding hour or part there of
Kshs. 800

(e) Station officer and other ranks First hour of attendance
Kshs. 800

(f) Each proceeding hour or part there of attendance Kshs. 600

SECOND SCHEDULE – APPLICATION FOR SUPPLY OF WATER

MACHAKOS COUNTY GOVERNMENT

MACHAKOS COUNTY FINANCE ACT 2018

APPLICATION FOR SUPPLY OF WATER

Accounting/Authorizing Officer,

County Government of Machakos,

P.O. Box 1996,

MACHAKOS

I.....

(Full name in block letters)

Of.....
.....

Hereby make application for a supply of water in plot No.....Town .....Sub location .....occupied 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 Machakos (Control of Water Supplies) Act 2018.

Yours faithfully,

.....

(Signed)

Application accepted/rejected for and on behalf of the County Government of Machakos

.....

(Signature of authorized Officer)

Made this .....day of 2018

By order of the County Government of Machakos

.....

Accounting/Authorized Officer

THIRD SCHEDULE— FEES AND CHARGES 2018

PART	DESCRIPTION	URBAN	PERI URBAN	RURAL
1	**HAWKING**	**KSHS**	**KSHS**	**KSHS**
	Small scale Hawker permit per month	500	200	100
	Motorised Hawkers			
	Motorised Hawkers per day with:			
	Tuktuk/ Maruti	100	100	50
	Pickup/Nissan	500	500	400
	Canter	1500	1500	1500
	Lorry	1500	1500	1500
	Penalty for a hawker selling to moving vehicle	5,000	5,000	5,000
2	**PUBLIC LAVATORIES**			
	Public toilet lease per year			
	Modern toilet	60,000	10,000	5,000
	Permit of Mobile toilet per day	500	300	200
	Public Toilets(Eco-toilet) per month	10,000	10,000	10,000
3	**NON-MOTORIZED TRANSPORT (fees and charges shall only be applicable on the product)**			
	Hand carts per month	100	100	100
	Ox-cart(Donkey) p.m	100	50	50
	Bodaboda-Motorcycle			
	Per day	30	30	20
	permit per month	200	200	100
	Permit per year	2,000	2,000	2,000
4	**SAND HARVESTING/ TRANSPORTATION CESS**			
	The provisions of the Machakos County Sand Harvesting Act 2014 No. 3 of 2014 shall apply			
	Penalty on non-payment of sand permit	20,000	20,000	20,000
	Penalty for transporting sand through undesignated road	20,000	20,000	20,000
	Penalty for harvesting sand in undesignated areas	30,000	30,000	30,000
	Penalty for harvesting/transporting sand during un authorized time	30,000	30,000	30,000
	Penalty for sand harvesting without permit per lorry	100,000	100,000	100,000
	Transfer of sand permit from one lorry to another	1,000	1,000	1,000
	Sand yard or sand deposit business other than transporting element of the business			
	Application fee per year	1,000	1,000	1,000

	Permit per year	30,000	30,000	30,000
	RED SOIL TRANSPORTATION			
	Permit per 7 tonne Lorry per trip	600	600	600
	Permit per 8 tonne Lorry per trip	700	700	700
	Permit above 8 tonne Lorry per trip	800	800	800
	Permit for trailer per trip	1000	1000	1000
	PINK SOIL AND WHITE SOIL			
	Permit per 7 tonne Lorry per trip	1,000	1,000	1,000
	Permit per 8 tonne Lorry per trip	1,500	1,500	1,500
	Permit above 8 tonne Lorry per trip	2,000	2,000	2,000
	Permit for trailer per trip	3,000	3,000	3,000
	MANURE TRANSPORTATION			
	Permit per 7 tonne lorry per trip	600	600	600
	Permit per 8 tonne lorry per trip	700	700	700
	Permit above 8 tonne lorry per trip	800	800	800
	Permit for trailer per trip	1000	1000	1000
	EXTRACTION MACHINE			
	Excavators registration	2000	2000	2000
	Excavator permit	10000	10000	10000
	Container Scoopers registration	2000	2000	2000
	Container Scooper permit	10000	10000	10000
	Earthmovers registration	2000	2000	2000
	Earthmover permit	10000	10000	10000
	Forklift registration	2000	2000	2000
	Forklift permit	5000	5000	5000
	FODDER			
	Per trip/canter	750	750	750
	TIMBER AND OTHER WOOD/ TREES PRODUCTS			
	Trip per Canter	1000	1000	1000
	Trip per 8 tonnes	2000	2000	1000
5	**PUBLIC MARKETS AND STALLS**			
	Bow & arrow	5	5	CHARGES FOR RURAL MARKETS PROPOSED TO BE ZERO RATED
	Bow	3	3	
	Arrow	3	3	
	Quiver	3	3	
	Cereals per bag (90 kg)(Dry Food stuffs)			
	Maize	60	50	
	Rice	60	50	
	Ndengu	40	30	
	Njugu	60	50	
	Black Beans(njahi)	40	30	
	Peas	30	30	
	Beans	30	30	

	Produce & vegetable per bag(90 kg)-Wholesale			
	Carrots	30	20	
	Onions	60	40	
	Green vegetables	20	10	
	Green Maize	40	25	
	Pumpkins	50	20	
	Yams	60	20	
	Sweet potatoes	30	25	
	Cabbage	30	25	
	Cassava	20	10	
	Potatoes	30	25	
	Arrow roots	30	25	
	Sukuma wiki per 90kgs bag	20	10	
	Spinach	20	10	
	Cauli Flower	40	30	
	Cucumber	40	30	
	Dhania per 90 kg	40	30	
	Pili Pili Hoho per bag	30	20	
	Spices per bag	30	20	
	Butter nuts per bag	40	30	
	Conget per bag	40	30	
	Chilly (pilipili Kali) per bag	30	20	
	Tomatoes Small crate	30	206	
	Tomatoes Medium crate	40	30	
	Tomatoes Large crate	50	40	
	Extended 90kgs bags(Wholesale)			
	Green maize	50	40	
	Green vegetables	50	40	
	Carrots	60	50	
	Potatoes	40	30	
	Sukuma wiki per extended bag	50	40	
	Pumpkin per extended bag	60	30	
	Green Peas	50	40	
	Sweet potatoes per extended bag	40	30	
	Fruits per bag (Wholesale)			
	Oranges	30	25	
	Pawpaw	30	25	
	Passion	30	25	
	Citrus	30	25	
	Tomatoes	30	25	
	Horticultural (Misanzi)	30	25	
	Bananas (sweet)	30	25	
	Mangoes	30	25	
	Onions small net (6kgs)	30	25	
	Onions big net (13kgs)	40	30	
	10 Sugarcane bundle	30	20	
	10 Cassavas	30	25	
	Bananas per bunch	30	20	

	Water melon per tonne	700	500	
	Avocados per bag	50	40	
	Avocados per extended Bag	70	50	
	Mangoes per extended bag	50	40	
	Sisal strings	30	25	
	20 ropes	30	25	
	Miatine	30	25	
	Chondo (traditional basket)	30	20	
	Mat	30	20	
	Pot	30	20	
	Tray of eggs	30	25	
	Chicken, quails, birds etc	20	10	
	Fish Monger hawking per day	20	20	
	Fish traders using Pickups per day	200	200	
	Tin of spices	20	15	
	Seedlings	20	10	
	Tin of ghee	20	10	
	Tin of sour milk (Kikuyu)	30	20	
	1-5kg of jigger sugar (ngulu)	30	25	
	Hides per piece	30	30	
	Skin per piece	30	20	
	Snuff ¼ tin	30	20	
	Bag of charcoal	40	40	
	Banana per bunch	30	10	
	Vegetable seller outside market paid daily	40	20	
	Bicycle repairs per day	30	30	
	Shoe shiners per day	30	30	
	Hardware (mali) per day	60	30	
	Shoe seller per day	60	30	
	New and second hand clothes per day	100	60	
	Seller using vehicle			
	1/2 ton	200	150	150
	1 ton	300	200	200
	2 ton	400	300	300
	4 ton	500	400	400
	Over 4 ton	800	600	500
	Cabbages			
	½ ton	300	250	250
	1 ton	400	300	300
	2 ton	500	400	350
	4 ton	1000	1000	1000
	Over 4 ton	2000	2000	2000
	Stock fees per head:			
	Cattle, donkey, camel	80	80	80
	Goats, sheep, pigs	30	30	30
	Livestock Brokers per year	2500	2500	2500
	Livestock traders other than Brokers per year	3500	3500	3500

	Movement permit per head:			
	Cattle, donkey	100	100	100
	Goats, sheep, pigs	50	50	50
	Camel	200	200	200
	Chicken	20	20	20
	Farm Produce inspection fees(CESS):Per 90kgs bag			
	Beans	30	20	20
	Mangoes	60	30	30
	Ndengu	60	40	30
	Oranges	60	40	30
	Pawpaw	60	40	30
	Black beans (njahi)	60	30	30
	Water melons	80	50	30
	Cabbages	30	30	20
	Cassava	60	40	30
	Arrowroots	30	30	20
	Pumpkins	30	30	20
	Green vegetables	40	30	20
	Charcoal	30	20	20
	Maize (dry)	40	30	20
	Maize (green)	60	40	30
	Onions (leafy)	60	40	30
	Potatoes	60	40	30
	Carrots	30	30	30
	Horticultural and other farm products for export			
	Flour per crate	SBP	SBP	SBP
	Fruits per crate	SBP	SBP	SBP
6	**RENTAL HOUSES**			
	Application for rental house	1,000	500	-
	Member of staff			
	1 bedroom (Ngei estate)	6,000	-	-
	1 bedroom (St. Mary estate)	6,000	-	-
	2 bedroom (St. Mary estate)	7,000		
	Non-Staff (Ngei estate)			
	Snr Staff houses	8,000	-	-
	Makadara - With Kitchen	5,000	-	-
	Makadara- without Kitchen	3,000	-	-
	Mavoko NHC		-	-
	1 bedroom	7,000	-	-
	2 bedroom	9,000	-	-
	Semi-permanent	-	1000	-
	St. Mary's			
	1 bedroom	5,000		-
	2 bedroom	7,000		-
	Stall rent	1500	1200	1000
	Application for market stall	1000	1000	1000
	Bus park per month	1500	-	-

	Ngei complex stalls p/month	1500	-	-
	New market per month	1100	-	-
	Council stalls (Main market) p/m			
	New Ukwala per month	1500	-	-
	Old Ukwala per month	1500	-	--
	Old market stalls p.a	500	-	-
	Small	2000	-	-
	Medium	3000	-	-
	Large	4700	-	-
	Mitumba stalls p/m	4200	-	-
	Zone A			
	Small	50	-	-
	Medium	190	-	-
	Large	210	-	-
	Zone B	250	-	-
	Zone C	315	-	-
	Zone D	420	-	-
	Small	50	-	-
	Medium	190	-	-
	Large	210	-	-
	Mitumba security fee p/m	250	-	-
	Kiosk rent			
	Table kiosk rent p.m	100	100	100
	Kiosk rent CBD p.m	200	200	200
	Kiosk rent extended p/m	100	100	100
	Penalty after 10th of any successive month	.5% of rent	4.5% of rent	4.5% of rent
	Stall/kiosk Transfer	6,500	6,500	6,500
	Application for temporary space in the market for 'kibanda'.	2000	1000	500
	Renewal of market 'kibanda' space.	500	300	200
	Miraa/Muguka//Khat			
	Transportation permit per day	10,000	10,000	10,000
	Transportation Permit per Month	250,000	250,000	250,000
	Boda Boda transportation permit per day	3,000	3,000	3,000
	Boda Boda transportation permit per month	75,000	75,000	75,000
	Miraa sellers permit per day	1,500	1,500	1,500
	Miraa sellers permit per month	30,000	30,000	30,000
	Miraa sellers permit annum	250,000	250,000	250,000
	Miraa health Certificate per annual	1,000	1,000	1,000
	Gambling slot Machines			
	Penalty for operating slot machines	100,000	100,000	100,000
	Penalty for renting premises to gambling slot machines traders	20,000	20,000	20,000
	County CSR Program (Single slot purchase)	50	50	50
7	**PARKS AND OPEN SPACES**			

	Traditional Dance/Meeting per day (MULU MUTISYA GARDEN)	3,000	3,000	3,000
	Political rally per day	10,000		
	Religious meeting per day	Free		
	Hire of stadium **(Mavoko)**	20,000		
	Local Matches	20% of gross gate per match		
	Super League	4,000		
	Utility Charge	2,000		
	Sports Practice by private team	800		
	Hire of stadium			
	Kenyatta Stadium			
	Flagging off ceremonies	50,000	-	-
	Political rally per day	200,000		
	Traditional Dance/Meeting per day	5,000	-	-
	Super League/ Premier League	25% of Gross gate per match	-	-
	Local Matches	20% of Gross gate per match	-	-
	MACHAKOS PEOPLE'S PARK			
	Machakos people's park-Entrance fee (individual)	Free	-	-
	Maruba dam boat riding per trip(capacity 4 persons-Residents)	400		
	Maruba dam boat riding per trip(capacity 4 persons- Non-residents)	1000	-	-
	Outside catering per day	5000	-	-
	Photography Thursday-Sunday per day/per person	500	-	-
	Ceremonies-PARTIES		-	-
	Between 1-10 persons –SMALL PARTY	Free	-	-
	between 11-20 persons	2,000	-	-
	Between 21-50 persons	5,000		
	Between 51-100 persons	10,000		
	Above 100 persons	15,000		
	WEDDING FUNCTIONS			
	Wedding service	15,000	-	-
	Wedding Reception	10,000	-	-
	Wedding photo session per day	10,000	-	-
	Wedding service & Reception(package)	20,000	-	-
	Shooting Film:			
	Shooting of Commercial Advert	20,000	-	-
	Private film	10,000	-	-
	TV Documentaries/video per day	20,000	-	-
	Corporate events companies/cocktail Dinner			

	50 persons and Below	20,000		
	Between 51-100 persons	30,000	-	-
	Between 101-200 persons	40,000	-	-
	Between 201-500	60,000	-	-
	Between 501-1000 persons	100,000	-	-
	Between 1001-5000 persons	300,000	-	-
	Above 5,000 persons	450,000		
	RENT ON PREMISES AT THE PARK			
	Bouncing castle per month	10,000	-	-
	Merry ground per month	15,000	-	-
	Miniature train per month	10,000	-	-
	Peddle Boats per month	10,000	-	-
	Miniature helicopter per month	10,000	-	-
	Restaurant 2 BAR per month	30,000		
	Restaurant 2-BUTCHERY per month	20,000		
	Restaurant 1 CHILDREN SECTION	10,000		
	SHOP 1per month	3,000		
	SHOP 2 per month	10,000		
8	**PARKING**			
	Annual registration fee for all lories	**2,500**	**2,500**	**2,500**
	Commercial Pick-up per day	100	100	100
	Lorry per day	500	500	500
	Trailer per day	500	500	200
	Canter	500	200	200
	Transit lorry parking and security facilitation	500	500	500
	Parking fee			
	Salon car per day	100	100	100
	Salon car per year	10,000	10,000	10,000
	Pick-up per day	100	100	100
	Pick –up per year	10,000	10,000	10,000
	Canter per day	200	200	200
	Canter per year	15,000	15,000	15,000
	Lorry/FH per day	500	500	500
	Lorry/FH per year	20,000	20,000	20,000
	Trailer per day	500	500	500
	Trailer per year	25,000	25,000	25,000
	DISTRIBUTION/LOADING			
	Saloon car per day	200	200	200
	Salon Car per year	5,000	5,000	5,000
	Pick up/ Van per day	500	500	500
	Pick up/ Van per year	8,500	8,500	8,500
	Canter per day	700	700	700
	Canter per year	15,000	15,000	15,000
	Lorry /FH per day	850	850	850
	Lorry /FH per year	20,000	20,000	20,000
	Trailer per day	1,000	1,000	1,000
	Trailer per year	30,000	30,000	30,000

	Taxi			
	Per day	50	50	50
	Per year	10,000	10,000	10,000
	TukTuk/Maruti per day	50	50	50
	Motor cycle taxi/ bodaboda per month	200	200	200
	Motor cycle taxi/ bodaboda per year	2,000	2,000	2,000
	Registration for Matatu/Mini bus TukTuk/Maruti/ per year	1,250	1,250	1,250
	Registration for motorcycle per year	850	850	850
	Clumping fee for saloon per vehicle	1500	1500	
	Clumping fee for busses/matatus/lorries	3000	3000	
	Clumping fee per Motor cycle	200	200	
	Commercial vehicle parking per night/per day	500	500	
	Charges for obstruction			
	Nissan	3,000	2,120	
	Mini-bus/lorries /busses	4,000	3,170	
	Maruti/ Tuk Tuk	1,920	1,920	
	Motorbike	1,200	770	
	Reserved parking per single slot per year	10,000	10,000	10,000
	Reserved parking per single slot Per month	1,000	1,000	1,000
	Obstruction including failure to remove the car from the accident scene			
	Commercial vehicle Lorries, Busses and transit trucks/lorries	100,000	100,000	100,000
	Other vehicles (Non-commercials)	20,000	20,000	20,000
	Towing charges	market rates	market rates	market rates
	Clumping fee for saloon cars	1,500	1,500	1,500
	Clamping fee for Tuk Tuk/Maruti/	1,000	1,000	1,000
	Clumping fee per Lorry	5,000	5,000	5,000
	Clumping fee per Matatu	5,000	5,000	5,000
	Damage of clamps	10,000	10,000	10,000
9	**BUILDING PLANS**			
	Application fee	1,500	1,000	500
	Building inspection fee	7,000	7,000	3,500
	Annual safety inspection and compliance per go-downs and other production and manufacturing areas and building	5,000	5,000	5,000
	Transfer (lease hold)	10,000	10,000	5,000
	Plot transfer	10,000	10,000	5,000
	Application for Extension of lease	20,000	20,000	10,000
	Change of user	40,000	40,000	4,000
	Extension for change of user	20,000	20,000	10,000
	Extension of lease/User	20,000	20,000	4,000
	Sub lease per unit per lease	10,000	6000	1,500

	Change of density of a building/land(per property/land)	30,000	20,000	5,000
	Closure of a street per street	50,000	50,000	5,000
	Sub-division per plot	15,000	15,000	1,500
	Perimeter fencing per 1/8 acre plot	2,000	1,000	0
	Boundary wall -1/4 Acre and below	4,000	2,000	0
	Boundary wall (More than 1/4 to 2 acres	6,000	3,000	0
	Boundary wall above 2 Acres	10,000	4,000	0
	Holding of scrap metal p.a	15,000	15,000	2,500
	Placement of unbranded kiosk/containers p.a	5,000	5,000	1,000
	Placement of branded kiosk/containers p.a	10,000	10,000	5,000
	Application fees for borehole drilling	1,000	1,000	1,000
	Drilling of borehole per site	21,000	21,000	21,000
	Amalgamation of plots per two plots	20,000	15,000	5,000
	Development of agricultural structures (per sq metre)	100	100	50
	Payment of communication mast per mast p.a	**200,000**	**200,000**	**200,000**
	Application for approval of mast site	40,000	40,000	40,000
	Approval of Building plans per plan			
	Per sg foot	10	10	0
	Up to 500ftsq.	1000	1000	500
	501-2000ftsq	2,000	-	-
	2001-4000ftsq	8,500	6,000	2,500
	4001-500ftsq	9,000	7,500	3,500
	For every additional 1000ftsq	300	-	-
	Industry (ware houses and go downs)			
	0 – 500M^2	200	150	65
	501 – 5000M^2	150	130	50
	5000M^2 and above	120	120	60
	Structural drawing approval			
	0- 45m^2	1500	1500	5/= per sq.ft
	46m^2-96m^2	1800	1800	5/= per sq.ft
	96m^2-140m^2	2000	2000	5/= per sq.ft
	186m^2-240m^2	2500	2500	5/= per sq.ft
	240m^2-294m^2	3000	3000	5/= per sq.ft
	294m^2-350m^2	4000	4000	5/= per sq.ft
	350m^2-400m^2	5000	5000	5/= per sq.ft
	400m^2-465m^2	6000	6000	5/= per sq.ft
	465m^2-530m^2	7000	7000	5/= per sq.ft
	530m^2-595m^2	8000	8000	5/= per sq.ft
	595m^2-660m^2	9000	9000	5/= per sq.ft
	660m^2-725m^2	10000	10000	5/= per sq.ft

	725m²-790m²	11000	11000	5/= per sq.ft
	790m²-855m²	12000	12000	5/= per sq.ft
	855m²-930m²	13000	13000	5/= per sq.ft
	For every additional 93m²	630	630	5/= per sq.ft
	Beacon search per beacon	2000	2,000	500
	Renewal of building plan-	50% of Approval fee	50% of Approval fee	25 % of Approval fee
	Application for renewal of building plan	1,000	1,000	1,000
	Penalty for building without approval	100,000	100,000	100,000
	Alterations/renovations of plans & building	Application 2,000	2,000	500
	Commercial	10,000	8,000	2,500
	Residential	7000	5000	1,500
	Extended markets/areas P.A	10,000	8,000	2,500
	Inspection of building files	5000	4,000	1,000
	Charges/Mortgage	3500	3500	1,750
	Certificate of occupation per unit	6,000	6,000	3,000
	Supervision fee	2,000	2,000	1,000
	Plan submission fee	2500	2500	1.250
	Boundaries inspection	2,000	1,000	500
	Hording fee	15000	15000	2,500
	Structural plan approval fee	1,500	1,500	750
	Way leave	5,000	5,000	500
	Plot Registration fees	5,000	5,000	2,500
	Boundary wall			
	Below 2 mtrs	3,000	3,000	1,500
	Above 2 mtrs	5000	5000	2,500
	Search fee	2500	2500	1,250
	Regularization of development per application	100,000	100,000	50,000
	Below 2 mtrs	1,500	1,500	750
	Above 2mtrs	2,500	2,500	1,250
	Search fee	1250	1,250	625
	Regularization of development per application	100,000	100,000	50,000
	Clearance certificate	4,000	4,000	2,000
	Road cutting			
	Gravel per metre	10000 or cost of refilling whichever is higher	10000 or cost of refilling whichever is higher	10000 or cost of refilling whichever is higher
	Earth road per metre			
		10000 or cost refilling whichever is higher	10000 or cost refilling whichever is higher	10000 or cost refilling whichever is higher
	Other areas			

	Micro tunnelling	6000 or the assessed reinstatement costs	6000 or the assessed reinstatement costs	6000 or the assessed reinstatement costs
	Road cutting on Tarmac	50,000 or cost refilling whichever is higher	50,000	50,000
	Road cutting on Murram	10,000 or cost refilling whichever is higher	10,000	10,000
	Site office	10,000 or cost refilling whichever is higher	10,000	10,000
10	**PARKING PLACES AND OMNIBUS/ BUSPARKS**			
	Omnibus up to eight passengers per month	1,000	1,000	1,000
	Omnibus of 9-14 passengers per month	3,500	3,500	3,500
	Omnibus of 15-33 passengers per month	5,350	5,350	5,350
	Omnibus of 35-42 passengers per month	7350	7350	7350
	Omnibus of 34 and above passengers per month	10,000	10,000	10,000
	Towing fee per vehicles	5000	5000	3000
	Registration fee	1,500	1,500	1,500
	Licence for breakdown services	SBP	SBP	SBP
	Licence for Bus booking office p.a	SBP	SBP	SBP
11	**LICENCING OF PREMISES AND TRADE**			
	All Businesses operating within the County Must apply and Acquire an annual valid trade licence issued by the County Government.			
	Application fee for small scale businesses	600	300	200
	Application fee for large scale businesses	2,000	2,000	2,000
	Land/ plot search fee for all business	1,000	1,000	1,000
	M-Pesa Agent	5000	3,000	2,000
	Mpesa Agent and Other Agents combined (Equity, KCB, Family, Airtel etc.)	8,500	6,500	4,500
	Licence to operate plant nursery	SBP	SBP	SBP
	Landscaping permit	SBP	SBP	SBP
	Sale of plants	SBP	SBP	SBP
	Trade Licence	SBP	SBP	SBP

12	**LEARNING INSTITUTIONS**			
	Application for registration fee			
	Private school	2,000	2,000	2,000
	School bus private school parking per day during events	300	300	300
	Hostels			
	Hostel with over 20 students annual permit	10,000	10,000	10,000
	Hostel with over 20 students annual permit	15,000	15,000	15,000
	Rental houses residential, commercial annual permit (sbp)	8,000	5,000	3,000
13	**ADVERTISING**			
	General Application fees for all advertisements	1,000	1,000	1000
	Site inspection per site where applicable	2,000	2,000	1,000
	Advertising on billboard p.a			
	Penalty for erecting/ hoisting signage before payment is done.	500,000	500,000	500,000
	Penalty for putting new advertisement material on billboards without payment	100,000	100,000	100,000
	Up to 3sq metres	10,000	10,000	10,000
	Between 3 – 5sq metres	20,000	20,000	20,000
	Additional charges per sq m	4,000	4,000	4,000
	Directional signs			
	Up to 3sq metres	7,500	7,500	7,500
	Between 3 – 5sq metres	10,000	10,000	10,000
	Additional charges per sq m	1,000	1,000	1,000
	Commercial fete or public shows per day	5,000	5,000	5,000
	Door to door promotions per person	200	200	200
	Events sequence/ information Boards/ Public information.(p.a) per day	10,000	10,000	10,000
	Raffle sales (per day or part)	1,000	1,000	1,000
	Damaging of streetlights per pole	200,000	200,000	200,000
	Commercial banner advertisement per day	1,500	1,000	1,000
	Road show per day per Truck	20,000	20,000	20,000
	Musician/Disco player per day/night	2,000	2,000	2,000
	Advertisement charges per m^2 per month:			
	Bill board / Wall wraps	250	250	250
	Neon light	250	250	250
	Sky signs	250	250	250
	Hand bills (fliers) per piece	10	10	10
	Branded vehicles p.a (EXCEPT WITH A VALID STICKER FROM ANOTHER COUNTY)	8,000	8,000	8,000

	Business names p.a	0	0	0
	Petrol station branding	4,000	4,000	4,000
	Screens	1,000	1,000	1,000
	Loud speakers per day	3000	3000	3000
	Vehicle mounted bills	1,000	1,000	1,000
	Branded masts	1,000	1,000	1,000
	Branded bus shelters	250	250	250
	Dummy product adverts	250	250	250
	Product exhibition per day	1,000	1,000	1,000
	Umbrella-like shade (branded) per day	500	500	500
	Branded tents per day	1,500	1,500	1,500
	Permanent Promotional Tent(3 MONTHS ANS ABOVE)	as per SBP	as per SBP	as per SBP
	Branded personal outwear Per day per person	100	100	100
	Posters per poster:			
	A5	10	10	10
	A4	10	10	10
	A3	20	20	20
	A2	30	30	30
	Advertisement charges per m^2 per day			
	Erection of Non commercial Banner per day	1,000	1,000	1,000
	Promotional tent per day	1,500	1,500	1,500
	Sales promotions per day (Van fitted with PAS system)	4,000	4,000	4,000
	Sales promotion for Canter fitted with PAS system)	4,500	4,500	4,500
	Sales promotion for big Truck fitted with PAS system)	20,000	20,000	20,000
	Charity fete shows per day	2,000	2,000	2,000
	Umbrella(branded)	300	300	300
	Advertisement charges per m^2 per year			
	Wall branding			
	Up to 3sq metres	13,500	13,500	13,500
	Between 3 – 5sq metres	20,000	20,000	20,000
	Additional charges per sq m	5,000	5,000	5,000
	Illuminated signboard			
	Up to 2sq metres	7,000	7,000	7,000
	Between 2 – 4sq metres	12,000	12,000	12,000
	Additional charges per sqm	5,000	5,000	5,000
	Non commercial advertising of corresponding items	50%	50%	50%
	Non-illuminated device/signboard:			
	2'x4'	500	500	500
	4'x4'	1,000	1,000	1,000
	4'x8'	1,500	1,500	1,500
	Bill-board up to 4'x4'	15,000	15,000	15,000

	Over 5'x5'	18,000	18,000	18,000
	Illuminated Device/signboard			
	2'x4'	1,000	1,000	1,000
	4'x4'	1,500	1,500	1,500
	4'x6'	2,000	2,000	2,000
	Bill-board up to 4'x4'	18,000	18,000	18,000
	Over 5'x5	20,000	20,000	20,000
	Clock advertisement single sided per year	10,000	10,000	10,000
	Application for clock advertisement	1,500	1,500	1,500
	Penalty for non-payment of advertisement fees	50% of the fee	50% of the fee	50% of the fee
	Illegal sign removal charges	5,000	-	-
	Illegal signs storage charges per day	1000	-	-
	Illegal banners removal charges	4000	-	-
	Illegal banners storage charges per day	1000	-	-
	Motion Screen advert(on track) per day	3000	-	-
	Festive decorations on wall, Windows, Canopies etc per fortnight	4000	2000	-
14	**DRAINAGE AND SEWERAGE**			
	Road works and storm water drainage:			
	100-200m	2,500	2,500	2,500
	201-300m	3,750	3,750	3,750
	301-400m	5,100	5,100	5,100
	401-500m	6,400	6,400	6,400
	501-700m	7,600	7,600	7,600
	701-1000m	8,900	8,900	8,900
	1001-1500m	12,600	12,600	12,600
	1501-2000m	23,000	23,000	23,000
	2001-3000m	30,000	30,000	30,000
	3001-5000m	41,000	41,000	41,000
	For every extra metre	300	300	300
15	**TAXI-CAB**			
	Registration per year	1,500	1,500	1,500
16	**BUSINESS PERMITS**			
	Single Business Permit	Per ATTACHED SBP Schedule	Per ATTACHED SBP Schedule	Per ATTACHED SBP Schedule
	Interest rate per month (cumulative)	3% of SBP	3% of SBP	3% of SBP
	Penalty for nonpayment of Single business permit by 30th March every year	25% of SBP	25% of SBP	25% of SBP
	Transfer of business permit from one premise to another	1,000	1,000	1,000
17	**QUARRYING**			
	Application for quarry permit annually	5,000	5,000	5,000

	Quarry extraction per quarry annually	200,000	200,000	200,000
	Quarry cess: Ballast and other crushed materials			
	Semi-trailer per trip	3,000	3,000	3,000
	Triple axle-per trip	3,300	3,300	3,300
	Above 8 tons lorry	3,000	3,000	3,000
	8tons lorry and below per trip	1,500	1,500	1,500
	Murram royalties:			
	Semi-trailer per trip	1400	1400	1400
	Triple axle-per trip	850	850	850
	Above 8 tons lorry	800	800	800
	8tons lorry per trip	520	520	520
	Below 7 tons-per trip	520	520	520
	Penalty due to social cost of harmful behavior and not adhering to payment which are basically used for environmental, health, pollution(noise and air) and safety management at quarries	2,000,000	2,000,000	2,000,000
	BUILDING STONES			
	Semi-trailer per trip	1400	1400	1400
	Triple axle per trip	1000	1000	1000
	8 tons lorry per trip	1100	1100	1100
	7 tons lorry per trip	700	700	700
	Excavation of black cotton soil per acre	100,000	100,000	100,000
	Penalty for excavating without approval	30,000	30,000	30,000
	Quarrying permit per acre	100,000	100,000	100,000
	Defying stopping orders by Authorized County Officer	20,000	20,000	20,000
18	**POUNDS**			
	Enforcement/ Security fee	5,000	5,000	5,000
	Pounding fee:			
	Lorries	20,000	20,000	20,000
	Semi-Trailer	30,000	30,000	30,000
	Canter	10,000	10,000	10,000
	Buses	10,000	10,000	10,000
	Matatu mini bus	8,000	8,000	8,000
	Nissan /Pick ups	8,000	8,000	8,000
	Car/taxis	6000	6000	6000
	Sales vehicle	6000	6000	6000
	Tractors	6000	6000	6000
	Handcraft/wheelbarrow	200	200	200
	Ox-cart	400	400	400
	Bicycles	500	200	200
	Motor cycle	1000	800	800
	Other equipment	250	100	100
	Building items per item	500	250	250
	Release form fee	200	200	200
	Impounded goods/items per item	500	500	500

	Impounded animals per head	500	500	500
19	**SLAUGHTER HOUSES**			
	Main slaughter house			
	Per cattle	400	200	200
	Per goat/sheep	100	50	50
	Per bird/chicken	10	20	20
	Per pig	300	50	50
	Per Camel	500	500	300
	Hides cess per hide	40	30	30
	Skin cess per skin	20	15	15
	Slaughter slabs:			
	Per cattle	320	320	320
	Per goat/sheep	100	100	100
	Per bird/chicken	10	10	10
	Per pig	300	300	300
	Per Camel	400	400	350
	Hides cess per hide	40	40	40
	Skin cess per skin	20	20	20
	Hides and skins:			
	1 ton	1,000	1,000	1,000
	2 ton	2,000	2,000	2,000
	4 ton	3,000	3,000	3,000
	Lorry 7 ton	5,000	5,000	5,000
	Over 7 ton per ton	7,000	7,000	7,000
20	**LIQUOR**			
	Application / Inspection fee	2,000	2,000	2,000
	Land/ Plot search fee	1,000	1,000	1,000
	Re-inspection after 6 months	1,000	1,000	1,000
	Non-payment of liquor licence	No permit following year	No permit following year	No permit following year
	Penalty for non-payment of liquor licence	20,000	20,000	20,000
	Club alcoholic drink licence (members club in respect of premises situated within urban areas other than city and municipality)	80,000	50,000	30,000
	Steam ship alcoholic drink licence per steamship	30,000	30,000	30,000
	Temporary or occasional alcoholic drink licence, per day	2,000	2,000	2,000
	For removing an alcoholic drink licence	500	500	500
	For the issue of an assurance under the Act	1,000	1,000	1,000
	For the issue of a duplicate licence	1,000	1,000	1,000
	Outdoor advertising			
	Application fee	2,000	2,000	2,000
	Inspection fee	2,000	2,000	2,000
	Bill board up to 4' x 4'	5,000	5,000	5,000
	Bill board up to 5' x 5'	10,000	10,000	10,000

	Supermarkets and Franchised retail stores alcoholic drink licence	80,000	50,000	30,000
	General retail alcoholic drink retail licence bar	50,000	25,000	12,000
	Bottlers alcoholic drink licence	250,000	250,000	250,000
	Depot alcoholic drink licence	50,000	50,000	50,000
	Distributors alcoholic drink licence	50,000	50,000	50,000
	Hotel alcoholic drink licence	40,000	20,000	8,000
	Restaurant alcoholic drink licence	40,000	20,000	8,000
	Transfer of an alcoholic drink licence	1,000	1,000	1,000
	General application fee	1,000	1,000	1,000
	Theatre alcoholic drink licence	15,000	15,000	15,000
	Travelers alcoholic drink licence	30,000	15,000	15,000
	Railway restaurant alcoholic drink licence	5,000	5,000	5,000
	Brewers alcoholic drink licence above 1,000,000 litrs and above	1,000,000,000	100,000,000	100,000,000
	Brewers alcoholic drink licence between 500,000- 999,999 ltrs	500,000	500,000	500,000
	Brewers alcoholic drink licence above 12,000 ltrs but below 499,999	250,000	250,000	250,000
	Wines and spirits general retail alcoholic drink licence	24,000	24,000	24,000
	Wholesale alcoholic drink licence for each premise	50,000	50,000	50,000
	Night club charges	70,000	25,000	8,000
	Distribution permit alcoholic drink licence per vehicle, per year			
	Trailer	100,000	100,000	100,000
	Lorry	70,000	70,000	70,000
	Canter	50,000	50,000	50,000
	Pickup and salon cars	30,000	30,000	30,000
	Distribution permit alcoholic drink licence per vehicle, per day			
	Trailer	2,500	2,500	2,500
	Lorry	1,500	1,500	1,500
	Canter	1,000	1,000	1,000
	Pick up and Salon cars	500	500	500
20	**CONTROL OF WATER SUPPLIES**			
	PROPOSED			
	Clean water Tankers p.a	20,000	20,000	15,000
	Clean water Tankers p.m	3,500	3,500	3,500
	Distribution of bottled water p.a	10,000	10,000	5,000
	Water Kiosk	S.B.P	S.B.P	S.B.P
21	**REFUSE RECEPTACLE AND COLLECTION**			

	Conservancy fee	500	500	500
	Conservancy fee extended markets	500	500	500
	Private dump site per ton per trip	250	200	150
	Dumping charges up to 1 axle	1000	1000	1000
	Dumping charges up to 2-3 axles	1500	1500	1500
	Exhauster Services p.a	35,000	35,000	35,000
22	**RESTAURANT, EATING HOUSE AND SNACK BAR**	**Per Approved SBP Schedule**	**Per Approved SBP Schedule**	**Per Approved SBP Schedule**
	HIRE			
	Hire of seats per seat per day	20	20	20
	Hire of tables per table per day	100	100	100
	Hire of chamber	6,000	4,500	4,500
	Hire of social hall per day	5,000	5,000	5,000
	Hire of portable decorated dias (platform)	3,000	3,000	3,000
	Hire of PA system per day	2,500	2,500	2,500
	Hire of grader:			
	per hour wet rate	15,000	15,000	15,000
	per hour dry rate	8,000	8,000	8,000
	Hire of roller:			
	per hour wet rate	5,000	5,000	5,000
	per hour dry rate	3,000	3,000	3,000
	Landscaping fee	10,000	10,000	10,000
23	**PUBLIC CEMETERY**			
	Burial (permanent grave):			
	Citizen			
	Child	15,000	15,000	15,000
	Adult	20,000	20,000	20,000
	Non-citizen			
	Child	30,000	30,000	30,000
	Adult	40,000	40,000	40,000
	Burial (ordinary grave)			
	Citizen			
	Child	4,000	200	200
	Adult	8,000	300	300
	Non-citizen			
	Child	8,000	8,000	8,000
	Adult	15,000	15,000	15,000
	Cremations			
	Citizen			
	Child	20,000	20,000	20,000
	Adult	30,000	30,000	30,000
	Non-citizen			
	Child	40,000	40,000	40,000
	Adult	50,000	50,000	50,000
	Exhumation			

	One officer	2,000	2,000	2,000
	Grave digger	1,000	1,000	1,000
24	**ENVIRONMENT**			
	Payment for social cost of harmful behavior for environmental, health, pollution (noise and air) and safety management to the community by cement and other polluting entities p.a	10,000,000	10,000,000	10,000,000
	Penalty for dumping liquid or solid waste material	100,000	100,000	100,000
	Penalty for littering from a moving vehicle Individual responsibility	500	500	500
	Penalty for Sand transportation without Canvas.	6000	6,000	6,000
	Tampering with litter bin, dust bin or bulk container	1,000	1,000	
	Penalty for Urinating in undesignated places	100	100	100
	Penalty for Smoking in undesignated places	200	200	200
25	**LAND RATES**			
	The Rating Act cap 267 and the Machakos County rating Act 2014			
	A discount of 2% will be given to rate payers who pay on or before the rates are due			
	3% compound interest per month to be charged on any outstanding rates after the day on which the rate became payable.			
	The valuation Roll 2018/2019 will apply			
	Land/ Plot search fee	1,000	1,000	1,000
	Annual rates minimum	1,200	1,200	1,200
	Regularization and issuance of allotment letters			
	10% of current market value	10%	10%	10%
26	**WEIGHS AND MEASURES**			
	Application for inspection	300	300	300

	Inspection & calibration of counter weighing machines with 5 stones p.a	400	400	400
	Flat form weighing machine p.a	1,000	1,000	1,000
	Salter weighing machine p.a	1,000	1,000	1,000
	Fuel pump p.a	2000	2000	2000
	Meter ruler p.a	50	50	50
	As per existing approved fees and charges			
27.	**HEALTH**			
	As per existing users fees/charges			
	Public health Provisions of Public health Act Cap 242 and Food, Drugs and Chemical substances Act Cap 254 shall apply. All Public health licences / permit to the final licence after all the other licences have been issued (compliance check)			
	Part (a) Sanitary Inspection of Schools/ Institutions	3,000	3,000	3,000
	Part (b) Approval of building drawings/ plans			
	Residential single storey (Bungalow)	6,000	6,000	6,000
	Residential multi storey (masionette)	8,000	8,000	8,000
	Multi dwelling/ flats per unit	2,000	2,000	2,000
	Shops per unit	5,000	5,000	5,000
	Offices per unit	2,000	2,000	2,000
	Go-downs per unit	30,000	30,000	30,000
	Shopping mall	100,000	100,000	100,000
	Schools per class	1,000	1,000	1,000
	Hospital	15,000	15,000	15,000
	Churches	5,000	5,000	5,000
	Septic tank designs	3,000	3,000	3,000
	Treatment plants	10,000	10,000	10,000
	Part (c) Health clearance			
	Health clearance for certificate of occupation	1,000	1,000	1,000
	Inspection and clearance for non-food premises	1,000	1,000	1,000
	Sanitary Inspection for Medical clinics, Nursing homes/ hospital for registration	1,000	1,000	1,000
	Part (e) Disinfestation/ derating / IRS on households	3,000	3,000	3,000
	Part (f) Routine food and water sampling each	1,000	1,000	1,000
	Part (g) Inspection Health clearance and issuance of hygiene licence			

	Food Wholesalers	2,000	2,000	2,000
	Shop retailing (Permanent)	1,500	1,500	1,500
	Shop retailing (Semi Permanent/ kiosk)	500	500	500
	Restaurant/ Eating house	2,000	2,000	2,000
	Lodging rooms for accommodation	3,000	3,000	3,000
	Cottage	3,000	3,000	3,000
	Bear deport	5,000	5,000	5,000
	Soda depot / Container	3,000	3,000	3,000
	Dairy / Milk bar/ Milk ATM/ Milk Shop	2,200	2,200	2,200
	Super market	5,000	5,000	5,000
	Food warehouse	3,000	3,000	3,000
	Butchery	1,800	1,800	1,800
	Food factory	15,000	15,000	15,000
	Bakery	15,000	15,000	15,000
	Proprietary / Member club	2,000	2,000	2,000
	Bar	2,000	2,000	2,000
	Canteen	1,000	1,000	1,000
	Health clearance for re-opening of premise after closure due to insanitary condition	2,000	2,000	2,000
	Part (h) Annual Health Certificate for fish landing	2,500	2,500	2,500
	Part (i) Inspection for clearance and issuance of hygiene licence for purpose of liquor licensing			
	Each Liquor application for premises inspection	2,000	2,000	2,000
	Part (j) Food inspection for export/ import issuance of health certificate	2,000	2,000	2,000
	Part (k) Vaccination/ Medical examination			
	Medical examination for food handlers (form c) requisition	600	600	600
	Typhim VI	1,000	1,000	1,000
	Penalty for non-payment of Public Health licence by a business	20,000	20,000	20,000
	Penalty for food handlers without Medical examination and subsequent approval	5,000	5,000	5,000
28	**AGRICULTURAL**			
	Cattle dip charges			
	Cow	50	50	50
	Soil testing per shamba per season	100	100	100
	Domestic animal/ Poultry/ Pet vaccination	50	50	50

SINGLE BUSINESS PERMITS SCHEDULES

SCHEDULE 4- ANY OTHER MARKET NOT CLASSIFIED AS URBAN OR PERI URBAN

CATEGORY CODE	ACTIVITY CODE	ACTIVITY DESCRIPTION	SBP FEE
100			
	103	Mega store, Hypermarket: Large multi-department store, hypermarket over 100 employees or premises over 3000m2 in prime location	**24,000**
	105	Large Trader, Shop ,Retail store or personal service: From 21 to 100 employees and/or premises from 300 to 3000 m2 in fair location	**8,000**
	110	Medium Trader, Shop or Retail service: From 5 to 20 employees and /or premises from 50 to 300 m2. Fair location	**4,000**
	115	Small Trader, shop or retail service: Up to 4 employees and/or premises less than 50m2 in far away location	**2,000**
	120	Kiosk light or Temporary construction: Less than 5 m2	**1,600**
	195	Other Wholesale-Retail Traders, stores, shops and Services	**1,600**
200			
	205	Hawker with motor vehicle:1 person with motor vehicle	**2,000**
	210	Hawker without Motor Vehicle:1 person without motor vehicle	**1,600**
	215	Small informal sector trader/Service provider: Shoeshine, Shoe repair, Street vendor (newspapers, Sweets, Soda, Cigarettes)	**800**
	220	Semi-Permanent informal Sector trader: Up to 2 persons operating in verandah or temporary building	**1,200**
	295	Other informal Sector operation	**800**
300			
	305	Large Transportation Company: Over 30 vehicles	**250,000**
	310	Medium Transport Company: From 6 to 30 vehicles	**200,000**
	315	Small Transport Company: From 2 to 5 vehicles	**40,000**
	320	Independent Transport Operator:1 vehicle	**7,500**
	325	Large Petrol filling Station: Over 6 pumps or with garage-workshop &retail shop	**20,100**
	330	Medium petrol filling Station: From 4 to 6 pumps or with garage-workshop or retail shop	**15,100**
	335	Small petro filling station: Up to 3 pumps and without garage-workshop or retail shop	**7,100**
	340	Large Cold storage Facility: Over 1000 m2,insulated walls, cold production equipment	**22,000**
	345	Medium Cold storage Facility: Between 100-1000 m2	**10,000**
	350	Small Cold storage Facility: up to 100m2	**4,800**
	355	Large Storage Facility: Over 5,000m2.Godown, warehouse, liquid Storage tanks complex	**20,000**
	360	Medium Storage Facility: From 1000 to 5000 m2	**8,000**
	365	Small Storage Facility:1000m2	**4,000**
	370	Large Communications Co Over 100 employees and/or premises over 5000m2	**36,000**
	375	Medium Communications Co. From 16 to 100 employees and/or premises from 1,500 to 5,000 m2	**22,000**

	380	Medium Communications Co. up to 15 employees and/or premises up to 1,500 m2	12,000
	395	Other Transport, Storage and Communications	2,800
400			
	405	Large Agricultural Producer/Processor/Dealer/Exporter: Over 50 employees	26,000
	410	Medium Agricultural producer/Processor/Dealer/Exporter: From 11 to 50 employees	10,000
	415	Small Agricultural Producer/Processor/Dealer: Up to 10 employees	3,200
	420	Large Mining or natural Resources Extraction Operation: Over 50 employees	32,000
	425	Medium Mining or Natural Resources Extraction Operation: From 4 to 50 employees	18,000
	430	Small Mining or Natural Resources Extraction Operation: Up to 3 employees, includes quarries & mining Operations	10,000
	495	Other Agricultural, Forestry, water and other Natural Resources	3,200
500			
	503	Large-high standard lodging house/hotel D Class: Over 100 rooms	40,000
	506	Medium-High Standard lodging House/Hotel D Class: From 41 to 100 rooms	28,000
	509	Small-High Standard lodging House/Hotel D Class: Up to 40 rooms	20,000
	512	Large lodging House with Restaurant and/or Bar B/C Class: Basic Standard over 15 rooms	18,000
	515	Medium Lodging House with Restaurant and/or Bar B/C Class: Basic standard over 15 rooms	14,000
	518	Small Lodging House with Restaurant and/or Bar B/C Class: Basic Standard up to 5 rooms	10,000
	521	Large lodging House B/C Class: Basic standard over 15 rooms	16,000
	524	Medium lodging House B/C Class: Basic Standard from 6 to 15 rooms	10,000
	527	Small lodging House B/C Class: Basic standard up to 5 rooms	6,000
	540	Large Restaurant with Bar/Membership Club: Capacity over 30 customers/members	12,000
	543	Medium Restaurant with Bar/Membership Club: Capacity from 11 to 30 customers/members	6,000
	546	Small Restaurant with bar up to 10 customers	4,000
	549	Large Eating House, Snack Bar, Tea House 'Hotel': No lodging and no alcohol served with capacity over 20 customers	6,000
	552	Medium Eating House, Snack Bar, Tea House 'Hotel': No lodging and no alcohol served with capacity from 6 to 20 customers	4,000
	555	Small Eating house ,Snack Bar, Tea house 'Hotel': No lodging and no alcohol served with capacity up to 5	2,800

		customers	
	558	Butchery with Roasted Meat and/or Soup kitchen: Any size	**4,000**
	561	Large Bar/Traditional Beer Seller: Capacity over 50 customers	**6,000**
	564	Medium Bar/Traditional Beer seller: Capacity from 16 to 50 customers	**4,800**
	567	Medium Bar/Traditional Beer seller: Capacity up to 15 customers	**3,200**
	571	Large Night Club/Casino: Over 500 m2	**20,000**
	574	Medium Night Club /Casino: From 101 to 500 m2	**12,000**
	577	Small Night Club/Casino: Up to 100 m2	**8,000**
	595	Other Catering and accommodation	**2,800**
600			
	605	Large Professional Services Firm: Over 10 Practitioners and /or international affiliation	**36,000**
	610	Medium Professional Services Firm: From 3 to 10 practitioners	**18,000**
	615	Small Professional Services Firm: Up to 2 Practitioners	**8,000**
	620	Independent Technical Operator: One person acting individually(typist, Accountant, bookkeeper, etc)	**2,800**
	625	Large Financial Services: Over 25 employees or premises over 300 m2	**38,000**
	630	Medium Financial Services: From 6 to 25 employees	**26,000**
	635	Small Financial services: Up to 5 employees	**18,000**
	695	Other professional & Technical Services	**2,800**
700			
	705	Private Higher Education institution: Any type of private university, College or higher education institution	**18,000**
	710	Large Private Education Institution: Over 100 pupils or fees over Kshs.50,000 per year	**12,000**
	715	Medium Private Education Institution: From 31 to 100 pupils or fees from Kshs.30,001 to Kshs 50,000 per year	**6,000**
	720	Small Private Educational Facility: Up to 30 pupils or fees up to Kshs 30,000 per year	**4,000**
	725	Large private Health Facility: Hospital, Clinic, Nursing Home(Providing overnight accommodation with capacity over 30 beds),Funeral Home	**28,000**
	730	Medium Private Health Facility: Providing overnight accommodation with capacity from 11 to 30 beds	**18,000**
	735	Small Private Health Facility: Providing Overnight accommodation with capacity up to 10 beds	**12,000**
	740	Health Clinic/Doctor's Surgery: Doctor-Dentist-Physiotherapist-Psychologist-etc Consult Office with no overnight accommodation available	**4,000**
	745	Traditional Health Services, Herbalist, Traditional Healer, etc.	**3,200**
	750	Large Entertainment Facility: Cinema-Theatre-Video Show(over 100 seats),Amusement-juke Box-Games Machines Arcades(over 10 machines),Sports Club-Gym(over 50 members)	**18,000**

	755	Medium Entertainment Facility: From 50 to 100 seats; From 4 to 10 machines; from 16 to 50 members	**10,000**
	760	Small Entertainment Facility: Up to 50 seats; up to3 machines; up to 15 members	**6,000**
	795	Other Education, Health, and Entertainment services	**3,200**
800			
	805	Large Industrial Plant: Over 75 employees or premises over2,500 m2	**40,000**
	810	Medium Industrial Plant: From 16 to 75 employees or premises from 100 m2 to 2,500 m2	**28,000**
	815	Small Industrial Plant: Up to 15 employees or premises up to 100 m2	**16,000**
	820	Large Workshop/Service -Repair Contractor: Over 20 employees or premises over 500 m2	**20,000**
	825	Medium Workshop/Service-Repair Contractor: From 6 to 20 employees or premises from 25 m2 to 500m2	**8,000**
	830	Small Workshop/Service -Repair Contractor: Up to 5 employees or premises up to 25 m2	**2,800**
	895	Other Manufacturer, Workshop, Factory, Contractor	**2,800**

SCHEDULE 5-

MATUU, PERI-URBAN MARKETS.CHUMVI,KINANIE,JOSKA,

EKALAKALA, KAEWA, KANGUNDO ,KAKUYUNI, KASEVE, KATANGI, KATHIANI, KAVIANI, KAWETHEI, KITHIMANI, KITHYOKO,KIVAA, KOLA, MASII, MASINGA, MBIUNI, MITABONI, MUTITUNI, MUUMANDU, MWALA, OL DONYO SABUK, MAKUTANO MA MWALA, KABAA,TALA AND WAMUNYU)

CATEGORY CODE	ACTIVITY CODE	ACTIVITY DESCRIPTION	SBP FEE
100			
	103	Mega store, Hypermarket: Large multi-department store, hypermarket over 100 employees or premises over 3000m2 in prime location	**41,000**
	105	Large Trader, Shop ,Retail store or personal service: From 21 to 100 employees and/or premises from 300 to 3000 m2 in fair location	**10,000**
	110	Medium Trader, Shop or Retail service: From 5 to 20 employees and /or premises from 50 to 300 m2. Fair location	**5,000**
	115	Small Trader, shop or retail service: Up to 4 employees and/or premises less than 50m2 in far away location	**2,500**
	120	Kiosk light or Temporary construction: Less than 5 m2	**2,000**
	195	Other Wholesale-Retail Traders, stores, shops and Services	**2,000**
200			
	205	Hawker with motor vehicle:1 person with motor vehicle	**2,500**

	210	Hawker without Motor Vehicle:1 person without motor vehicle	2,000
	215	Small informal sector trader/Service provider: Shoeshine, Shoe repair, Street vendor (newspapers, Sweets, Soda, Cigarettes)	1,000
	220	Semi-Permanent informal Sector trader: Up to 2 persons operating in verandah or temporary building	1,500
	295	Other informal Sector operation	1,000
300			
	305	Large Transportation Company: Over 30 vehicles	250,000
	310	Medium Transport Company: From 6 to 30 vehicles	200,000
	315	Small Transport Company: From 2 to 5 vehicles	40,000
	320	Independent Transport Operator:1 vehicle	7,500
	325	Large Petrol filling Station: Over 6 pumps or with garage-workshop &retail shop	20,500
	330	Medium petrol filling Station: From 4 to 6 pumps or with garage-workshop or retail shop	15,500
	335	Small petro filling station: Up to 3 pumps and without garage-workshop or retail shop	7,500
	340	Large Cold storage Facility: Over 1000 m2,insulated walls, cold production equipment	27,500
	345	Medium Cold storage Facility: Between 100-1000 m2	12,500
	350	Small Cold storage Facility: up to 100m2	6,000
	355	Large Storage Facility: Over 5,000m2.Godown, warehouse, liquid Storage tanks complex	25,000
	360	Medium Storage Facility: From 1000 to 5000 m2	10,000
	365	Small Storage Facility:1000m2	5,000
	370	Large Communications Co. Over 100 employees and/or premises over 5000m2	45,000
	375	Medium Communications Co. From 16 to 100 employees and/or premises from 1,500 to 5,000 m2	27,500
	380	Medium Communications Co. up to 15 employees and/or premises up to 1,500 m2	15,000
	395	Other Transport, Storage and Communications	3,500
400			
	405	Large Agricultural Producer/Processor/Dealer/Exporter: Over 50 employees	32,500
	410	Medium Agricultural producer/Processor/Dealer/Exporter: From 11 to 50 employees	12,500
	415	Small Agricultural Producer/Processor/Dealer: Up to 10 employees	4,000
	420	Large Mining or natural Resources Extraction Operation: Over 50 employees	40,000
	425	Medium Mining or Natural Resources Extraction Operation: From 4 to 50 employees	22,500
	430	Small Mining or Natural Resources Extraction Operation: Up to 3 employees, includes quarries &	12,500

		mining Operations	
	495	Other Agricultural, Forestry, water and other Natural Resources	**4,000**
500			
	503	Large-high standard lodging house/hotel D Class: Over 100 rooms	**50,000**
	506	Medium-High Standard lodging House/Hotel D Class: From 41 to 100 rooms	**35,000**
	509	Small-High Standard lodging House/Hotel D Class: Up to 40 rooms	**25,000**
	512	Large lodging House with Restaurant and/or Bar B/C Class: Basic Standard over 15 rooms	**22,500**
	515	Medium Lodging House with Restaurant and/or Bar B/C Class: Basic standard over 15 rooms	**17,500**
	518	Small Lodging House with Restaurant and/or Bar B/C Class: Basic Standard up to 5 rooms	**12,500**
	521	Large lodging House B/C Class: Basic standard over 15 rooms	**20,000**
	524	Medium lodging House B/C Class: Basic Standard from 6 to 15 rooms	**12,500**
	527	Small lodging House B/C Class: Basic standard up to 5 rooms	**7,500**
	540	Large Restaurant with Bar/Membership Club: Capacity over 30 customers/members	**15,000**
	543	Medium Restaurant with Bar/Membership Club: Capacity from 11 to 30 customers/members	**7,500**
	546	Small Restaurant with bar up to 10 customers	**5,000**
	549	Large Eating House, Snack Bar, Tea House 'Hotel': No lodging and no alcohol served with capacity over 20 customers	**7,500**
	552	Medium Eating House, Snack Bar, Tea House 'Hotel': No lodging and no alcohol served with capacity from 6 to 20 customers	**5,000**
	555	Small Eating house ,Snack Bar, Tea house 'Hotel': No lodging and no alcohol served with capacity up to 5 customers	**3,500**
	558	Butchery with Roasted Meat and/or Soup kitchen: Any size	**5,000**
	561	Large Bar/Traditional Beer Seller: Capacity over 50 customers	**7,500**
	564	Medium Bar/Traditional Beer seller: Capacity from 16 to 50 customers	**6,000**
	567	Medium Bar/Traditional Beer seller: Capacity up to 15 customers	**4,000**
	571	Large Night Club/Casino: Over 500 m2	**25,000**
	574	Medium Night Club /Casino: From 101 to 500 m2	**15,000**
	577	Small Night Club/Casino: Up to 100 m2	**10,000**
	595	Other Catering and accommodation	**3,500**
600			
	605	Large Professional Services Firm: Over 10	**45,000**

		Practitioners and /or international affiliation	
	610	Medium Professional Services Firm: From 3 to 10 practitioners	**22,500**
	615	Small Professional Services Firm: Up to 2 Practitioners	**10,000**
	620	Independent Technical Operator: One person acting individually (typist, Accountant, bookkeeper, etc.)	**3,500**
	625	Large Financial Services: Over 25 employees or premises over 300 m2	**47,500**
	630	Medium Financial Services: From 6 to 25 employees	**32,500**
	635	Small Financial services: Up to 5 employees	**22,500**
	695	Other professional & Technical Services	**3,500**
700			
	705	Private Higher Education institution: Any type of private university, College or higher education institution	**22,500**
	710	Large Private Education Institution: Over 100 pupils or fees over Kshs.50,000 per year	**15,000**
	715	Medium Private Education Institution: From 31 to 100 pupils or fees from Kshs.30,001 to Kshs 50,000 per year	**7,500**
	720	Small Private Educational Facility: Up to 30 pupils or fees up to Kshs 30,000 per year	**5,000**
	725	Large private Health Facility: Hospital, Clinic, Nursing Home(Providing overnight accommodation with capacity over 30 beds),Funeral Home	**35,000**
	730	Medium Private Health Facility: Providing overnight accommodation with capacity from 11 to 30 beds	**22,500**
	735	Small Private Health Facility: Providing Overnight accommodation with capacity up to 10 beds	**15,000**
	740	Health Clinic/Doctor's Surgery: Doctor-Dentist-Physiotherapist-psychologist-etc Consult Office with no overnight accommodation available	**5,000**
	745	Traditional Health Services, Herbalist, Traditional Healer, etc.	**4,000**
	750	Large Entertainment Facility: Cinema-Theatre-Video Show(over 100 seats),Amusement-juke Box-Games Machines Arcades(over 10 machines),Sports Club-Gym(over 50 members)	**22,500**
	755	Medium Entertainment Facility: From 50 to 100 seats; From 4 to 10 machines; from 16 to 50 members	**12,500**
	760	Small Entertainment Facility: Up to 50 seats; up to3 machines; up to 15 members	**7,500**
	795	Other Education, Health, and Entertainment services	**4,000**
800			
	805	Large Industrial Plant: Over 75 employees or premises over2,500 m2	**50,000**
	810	Medium Industrial Plant: From 16 to 75 employees or premises from 100 m2 to 2,500 m2	**35,000**

	815	Small Industrial Plant: Up to 15 employees or premises up to 100 m2	**20,000**
	820	Large Workshop/Service -Repair Contractor: Over 20 employees or premises over 500 m2	**25,000**
	825	Medium Workshop/Service-Repair Contractor: From 6 to 20 employees or premises from 25 m2 to 500m2	**10,000**
	830	Small Workshop/Service -Repair Contractor: Up to 5 employees or premises up to 25 m2	**3,500**
	895	Other Manufacturer, Workshop, Factory, Contractor	**3,500**

SCHEDULE 8-URBAN MARKETS

(MACHAKOS TOWN, MAVOKO LARGE SCALE ENTERPRISES, ATHI RIVER, MULOLONGO, AND SYOKIMAU.

CATEGORY CODE	ACTIVITY CODE	ACTIVITY DESCRIPTION	SBP FEE
100			
	103	Mega store, Hypermarket: Large multi-department store, hypermarket over 100 employees or premises over 3000m2 in prime location	61,000
	105	Large Trader, Shop ,Retail store or personal service: From 21 to 100 employees and/or premises from 300 to 3000 m2 in fair location	17,000
	110	Medium Trader, Shop or Retail service: From 5 to 20 employees and /or premises from 50 to 300 m2. Fair location	8,500
	115	Small Trader, shop or retail service: Up to 4 employees and/or premises less than 50m2 in far away location	4,250
	120	Kiosk light or Temporary construction: Less than 5 m2	3,400
	195	Other Wholesale-Retail Traders, stores, shops and Services	3,400
200			
	205	Hawker with motor vehicle:1 person with motor vehicle	4,250
	210	Hawker without Motor Vehicle:1 person without motor vehicle	3,400
	215	Small informal sector trader/Service provider: Shoeshine, Shoe repair, Street vendor (newspapers, Sweets, Soda, Cigarettes)	1,700
	220	Semi-Permanent informal Sector trader: Up to 2 persons operating in verandah or temporary building	2,550
	295	Other informal Sector operation	1,700
300			
	305	Large Transportation Company: Over 30 vehicles	250,000
	310	Medium Transport Company: From 6 to 30 vehicles	200,000
	315	Small Transport Company: From 2 to 5 vehicles	40,000
	320	Independent Transport Operator:1 vehicle	7,500
	325	Large Petrol filling Station: Over 6 pumps or with garage-workshop &retail shop	37,500
	330	Medium petrol filling Station: From 4 to 6 pumps or with garage-workshop or retail shop	27,500
	335	Small petro filling station: Up to 3 pumps and without garage-workshop or retail shop	17,500

	340	Large Cold storage Facility: Over 1000 m2,insulated walls, cold production equipment	46,750
	345	Medium Cold storage Facility: Between 100-1000 m2	21,250
	350	Small Cold storage Facility: up to 100m2	10,200
	355	Large Storage Facility: Over 5,000m2.Godown, warehouse, liquid Storage tanks complex	42,500
	360	Medium Storage Facility: From 1000 to 5000 m2	17,000
	365	Small Storage Facility:1000m2	8,500
	370	Large Communications Co. Over 100 employees and/or premises over 5000m2	76,500
	375	Medium Communications Co. From 16 to 100 employees and/or premises from 1,500 to 5,000 m2	46,750
	380	Medium Communications Co. up to 15 employees and/or premises up to 1,500 m2	25,500
	395	Other Transport, Storage and Communications	5,950
400			
	405	Large Agricultural Producer/Processor/Dealer/Exporter: Over 50 employees	55,250
	410	Medium Agricultural producer/Processor/Dealer/Exporter: From 11 to 50 employees	21,250
	415	Small Agricultural Producer/Processor/Dealer: Up to 10 employees	6,800
	420	Large Mining or natural Resources Extraction Operation: Over 50 employees	68,000
	425	Medium Mining or Natural Resources Extraction Operation: From 4 to 50 employees	38,250
	430	Small Mining or Natural Resources Extraction Operation: Up to 3 employees, includes quarries & mining Operations	21,250
	495	Other Agricultural, Forestry, water and other Natural Resources	6,800
500			
	503	Large-high standard lodging house/hotel D Class: Over 100 rooms	85,000
	506	Medium-High Standard lodging House/Hotel D Class: From 41 to 100 rooms	59,500
	509	Small-High Standard lodging House/Hotel D Class: Up to 40 rooms	42,500
	512	Large lodging House with Restaurant and/or Bar B/C Class: Basic Standard over 15 rooms	38,250
	515	Medium Lodging House with Restaurant and/or Bar B/C Class: Basic standard over 15 rooms	29,750
	518	Small Lodging House with Restaurant and/or	21,250

		Bar B/C Class: Basic Standard up to 5 rooms	
	521	Large lodging House B/C Class: Basic standard over 15 rooms	**34,000**
	524	Medium lodging House B/C Class: Basic Standard from 6 to 15 rooms	**21,250**
	527	Small lodging House B/C Class: Basic standard up to 5 rooms	**12,750**
	540	Large Restaurant with Bar/Membership Club: Capacity over 30 customers/members	**25,500**
	543	Medium Restaurant with Bar/Membership Club: Capacity from 11 to 30 customers/members	**12,750**
	546	Small Restaurant with bar up to 10 customers	**8,500**
	549	Large Eating House, Snack Bar, Tea House 'Hotel': No lodging and no alcohol served with capacity over 20 customers	**12,750**
	552	Medium Eating House, Snack Bar, Tea House, Hotel': No lodging and no alcohol served with capacity from 6 to 20 customers	**8,500**
	555	Small Eating house ,Snack Bar, Tea house 'Hotel': No lodging and no alcohol served with capacity up to 5 customers	**5,950**
	558	Butchery with Roasted Meat and/or Soup kitchen: Any size	**8,500**
	561	Large Bar/Traditional Beer Seller: Capacity over 50 customers	**12,750**
	564	Medium Bar/Traditional Beer seller: Capacity from 16 to 50 customers	**10,200**
	567	Medium Bar/Traditional Beer seller: Capacity up to 15 customers	**6,800**
	571	Large Night Club/Casino: Over 500 m2	**42,500**
	574	Medium Night Club /Casino: From 101 to 500 m2	**25,500**
	577	Small Night Club/Casino: Up to 100 m2	**17,000**
	595	Other Catering and accommodation	**5,950**
600			
	605	Large Professional Services Firm: Over 10 Practitioners and /or international affiliation	**76,500**
	610	Medium Professional Services Firm: From 3 to 10 practitioners	**38,250**
	615	Small Professional Services Firm: Up to 2 Practitioners	**17,000**
	620	Independent Technical Operator: One person acting individually(typist, Accountant, bookkeeper, etc)	**5,950**
	625	Large Financial Services: Over 25 employees or premises over 300 m2	**80,750**
	630	Medium Financial Services: From 6 to 25 employees	**55,250**
	635	Small Financial services: Up to 5 employees	**38,250**

	695	Other professional & Technical Services	5,950
700			
	705	Private Higher Education institution: Any type of private university, College or higher education institution	38,250
	710	Large Private Education Institution: Over 100 pupils or fees over Kshs.50,000 per year	25,500
	715	Medium Private Education Institution: From 31 to 100 pupils or fees from Kshs.30,001 to Kshs 50,000 per year	12,750
	720	Small Private Educational Facility: Up to 30 pupils or fees up to Kshs 30,000 per year	8,500
	725	Large private Health Facility: Hospital, Clinic, Nursing Home(Providing overnight accommodation with capacity over 30 beds),Funeral Home	59,500
	730	Medium Private Health Facility: Providing overnight accommodation with capacity from 11 to 30 beds	38,250
	735	Small Private Health Facility: Providing Overnight accommodation with capacity up to 10 beds	25,500
	740	Health Clinic/Doctor's Surgery: Doctor-Dentist-Physiotherapist -Psychologist-etc. Consult Office with no overnight accommodation available	8,500
	745	Traditional Health Services, Herbalist, Traditional Healer, etc.	6,800
	750	Large Entertainment Facility: Cinema-Theatre-Video Show(over 100 seats),Amusement-juke Box-Games Machines Arcades(over 10 machines),Sports Club-Gym(over 50 members)	38,250
	755	Medium Entertainment Facility: From 50 to 100 seats; From 4 to 10 machines; from 16 to 50 members	21,250
	760	Small Entertainment Facility: Up to 50 seats; up to3 machines; up to 15 members	12,750
	795	Other Education, Health, and Entertainment services	6,800
800			
	805	Large Industrial Plant: Over 75 employees or premises over2,500 m2	85,000
	810	Medium Industrial Plant: From 16 to 75 employees or premises from 100 m2 to 2,500 m2	59,500
	815	Small Industrial Plant: Up to 15 employees or premises up to 100 m2	34,000
	820	Large Workshop/Service -Repair Contractor: Over 20 employees or premises over 500 m2	42,500

	825	Medium Workshop/Service-Repair Contractor: From 6 to 20 employees or premises from 25 m2 to 500m2	**17,000**
	830	Small Workshop/Service -Repair Contractor: Up to 5 employees or premises up to 25 m2	**5,950**
	895	Other Manufacturer, Workshop, Factory, Contractor	**5,950**