

**GARISSA COUNTY OMNIBUS STATIONS AND PARKING ACT, 2018**

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**AN ACT** of Garissa County Assembly to regulate omnibus activities in the county and to ensure order and cleanliness in the omnibus stations and for connected purposes

**ENACTED** by the Garissa County Assembly as follows—

**PART I—PRELIMINARY**

Short title.

1. This Act may be cited as the Garissa County Omnibus Stations and Parking Act, 2018 and shall come into force on such a date as the Governor may give by notice in the Gazette, and different dates may be appointed for the coming into effect of different Sections as the County Executive Committee Member responsible for matters relating to Urban Planning and Development shall determine.

Interpretation.

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

**“authorized officer”** includes the Enforcement Officer or any person acting under the authority of the chief officer;

**"Department"** means-the DEPARTMENT OF URBAN DEVELOPMENT;

**"DIRECTOR”** means the person for the time being holding the office of the Director to the DIRECTORATE OF URBAN PLANNING AND DEVELOPMENT and includes his deputy and any other officer of the Department authorized by the DIRECTOR in writing for purpose of this Act;

**"CHIEF OFFICER”** means the person for the time being holding the office of the Chief Officer to the DIRECTORATE OF URBAN PLANNING AND DEVELOPMENT and includes his deputy and any other officer of the Department authorized by the DIRECTOR in writing for purpose of this Act;

**“Executive Committee Member”** means the county Executive Committee Member for the time being responsible for Urban development;

**"omnibus"** means a public service vehicle having seating capacity of more than ten (10) passengers exclusive of the driver;

**"omnibus station"** means such omnibus stations as may from time to time be prescribed;

**“park”** means to draw up a vehicle and leave the same stationary in a street or public place for a continuous period exceeding five minutes;

**"permits"** includes licenses, fees or charges issued under the provisions of this Act;

**"station supervisor"** means the person appointed to manage, control and supervise the omnibus station specified in such appointment and includes their authorized assistant; and

**"Motor vehicle"** includes a vehicle, machine, bus, tractor, truck trailer or semi trailer, propelled or drawn by mechanical power and used upon public roads in the transportation of property or passengers, but does not include any locomotive or car operated exclusively on a rail, rails or track;

**"motor-cycle"** refers to a motor vehicle with less than four wheels and includes tuk-tuks, motorcycles (also known as boda-boda) propelled or drawn by mechanical power and used public roads in the transportation of property or passengers;

**"Vehicle"** includes any, tractor, trailer, wagon, hand car and any other motor or manual or electric vehicle;

Objects and purposes.

3. The object and purpose of this Act is to provide for a legislative framework for regulating omnibus activities and in particular to—
  - (a) require the licensing of omnibus activities;
  - (b) designate omnibus stations;
  - (c) to regulate the conduct of users on the roads; and
  - (d) provide for the institutional framework for regulating omnibus station.

## PART II—REGULATION PROVISIONS

Executive Committee Member

4. The Executive Committee Member shall be responsible for enforcing the provisions of this Act.

Parking fees.

5. A person engaging in any passenger transport business shall pay parking fees as prescribed in the county finance Act.

Motorcycle Transport

- (1) The Rider and pillion passenger on a motorcycle must each wear a helmet and a reflecting jacket when on board.
- (2) Any motorcycle carrying passengers for commercial purposes must be registered with a recognized SACCO under the law regulating Saccos in Kenya.

(3) The carrying capacity for motorcycles shall be one pillion passenger, seated on a seat that is securely fixed to the motorcycle behind the driver's seat and three passengers for tuk-tuk who shall sit on the places reserved for the passengers.

(4) No motorcycle shall carry passengers for commercial purposes unless it holds a permit issued by the county department of urban development, in accordance with the terms and conditions under this Act.

(5) Any motor-cycle carrying passengers for commercial purposes shall bear distinct number for identifications apart from the registration numbers;

(6) Any motorcycle carrying passengers for commercial purposes shall operate on zonal arrangements and each zone shall have a distinct colour mark given by the inspectorate.

(7) The Executive Committee Member will upon undertaking a survey, determine the optimal capacity of motor-cycles within a zone

(7) Any motorbike carrying passengers for commercial purposes shall abide by existing traffic regulation, including a reflective jacket and helmet and must provide a clean appropriate helmet and reflective jacket for the pillion passenger.

(8) Any person in breach of any of the above shall be guilty of an offence on each or any subsection and shall be liable to a fine not exceeding Kenya Shillings Ten Thousand or a term of one-month imprisonment in default thereof on each or any of such offence.

Starting or terminating a journey.

**6.** (1) A driver of an omnibus when carrying passengers for hire or reward shall only start or terminate a journey at an omnibus station or other designated places.

(2) A driver of an omnibus when carrying passengers for hire or reward shall follow such routes as are prescribed for the purpose of starting or terminating the journey.

Complete journey.

**7.** A driver of an omnibus when carrying passengers for hire or reward, once having departed from an omnibus station, shall not return to that omnibus station until they have completed the scheduled journey in respect of such departure of scheduled journey

Parking places.

**8.** (1) An omnibus, whilst plying for hire or reward and carrying passengers, shall not be parked in any place other than omnibus stations.

(2) Despite subsection (1) nothing in this section shall apply to an omnibus stopping at the designated place prescribed as an omnibus stop for the purpose only of—

(a) Picking up passengers on the outward journey for destination outside the omnibus station; or

(b) Setting down passengers from outside the omnibus station on the onward journey.

Approval of timetable.

**9.** (1) An owner of an omnibus utilizing an omnibus station shall furnish the authorized officer with a copy of their operative timetable indicating the scheduled arrival and departure times, and the authorized officer may in his/her discretion approve such a timetable.

(2) Before the authorized officer approves a submitted timetable he/she may, if necessary require that amendments be made to it in the interests of the efficient and smooth running of an omnibus station.

(3) An owner/operator of a motor omnibus shall adhere to their approved timetable.

(4) A motor omnibus shall not remain within the omnibus station if not scheduled for travel based on the approved time table.

(5) Where the approved timetable provides an interval exceeding one hour between the arrival and departure of any motor omnibus, such omnibus shall be removed from the omnibus station to a lawful place of parking not being parking provided adjacent to a carriageway and it shall not be returned to the omnibus station earlier than thirty minutes before departure time.

Manner of parking.

**10.** (1) All motor omnibuses within an omnibus station shall be under the directions of a station supervisor and the drivers of any such omnibus shall at times comply with and obey all instruction and orders given by the station supervisor in respect of the place and manner of parking, the time of departure and arrival and any other matters conducive to the efficient and safe operation of an omnibus station.

(2) A motor omnibus once having been parked in a parking bay shall not be removed from such a bay without the express permission of the station supervisor except when starting a journey.

(3) An Authorized Officer may from time to time lay down conditions covering such matters referred to in subsection (1) and may cause such conditions to be prominently displayed at an omnibus station.

Removal of omnibus.

**11.** (1) Where a motor omnibus is left in an omnibus station otherwise than in the manner prescribed by this law, the station supervisor or a Police officer may have the same removed and kept in safe custody.

(2) An owner/operator of a motor omnibus removed in pursuance of subsection (1) shall not be entitled to recover such omnibus until they have paid to the department the prescribed fee within twenty four hours or the duration the vehicle has been in custody together with the total sum in respect of expenses incurred in removing and keeping the same in safe custody.

Sales. **11.12.** A person shall not use, or cause to be used any motor omnibus parked in the omnibus station for purpose of effecting any sale, purchase or exchange of any goods.

Manner of boarding an omnibus. **12.13.** Where six or more persons are waiting to board a motor omnibus at an omnibus station they shall form a queue, and no person shall board or attempt to board an omnibus ahead of any person in such a queue.

Instructions and directions of station supervisor. **13.14.** Every person in an omnibus shall comply with and obey all lawful instructions, directions or orders given by a station supervisor for the purpose of controlling or supervising the omnibus station.

Power of arrest. **14.15.** A police officer or an authorized officer shall have powers to arrest any person who contravenes the provisions of this Act.

Powers of police officers or authorized officers. **15.16.** (1) A police officer or an authorized officer shall have the power to arrest, tow, detain, or confiscate vehicles where a provision of this Act has been contravened.

(2) A person, who obstructs a police officer or an authorized officer from enforcing the provisions of this Act, commits an offence.

(3) If a vehicle is towed or detained, the authorized officer or police officer shall release it to the owner after payment of the towing charges, other expenses and after meeting the requirements of this Act.

Conduct of persons. **16.17.** A person shall not deposit or cause to be deposited in an omnibus station any refuse or garbage otherwise than in receptacle provided for that purpose by the Department.

Obstruction. **17.18.** A person at omnibus station or at a country omnibus station shall not—  
  
(a) willfully interfere with or obstruct a station supervisor acting in the performance of his duties;  
  
(b) willfully interfere with or obstruct any person alighting from or boarding or intending to board an omnibus;

(c) enter or attempt to board an omnibus otherwise than by the doors provided for that purpose;

(d) willfully obstruct any driver or conductor of an omnibus from acting in the performance of his/her duty as a driver or conductor; or

(e) Otherwise behave in a disorderly manner.

Nuisance. **18:19.** A person shall not, within an omnibus station—

(a) urinate in a place other than a lavatory;

(b) interfere with or molest any other person;

(c) tout or shout or call out for customers

(d) cause any disturbance or use any offensive, or abusive language;

(e) damage, deface, foul, misuse or interfere with any part of such omnibus station or any equipment, fitting or fixture provided thereon or therein;

(f) spit;

(g) play games or loiter therein or thereabouts; or

(h) Operate or cause or to operate an instrument fitted into an omnibus capable of giving audible and efficient warning of its approach or position in such a manner as to be so loud and so continuous or repeated as to cause annoyance and be a nuisance to the public.

Ticket offices. **19:20.** Where ticket offices are provided by the Department on payment of rent, a person shall not within or in the vicinity of an omnibus station buy or sell a ticket or any document purporting to entitle a person to travel on any omnibus except at such ticket offices.

Hawking and trading. **20:21.** A person shall not hawk, solicit or carry on any trade within or in the vicinity of an omnibus station.

Trading facilities. **24.** The Department may provide suitable trading facilities in an omnibus station and such facilities may be let or hired out upon such condition as it may from time to time determine.

- Fees and charges. **25.** (1) The owner/operator of any omnibus using an omnibus station shall pay to the department such fees as may be prescribed.
- (2) For the purpose of this section any omnibus driven into an omnibus station shall be deemed to be using the omnibus station.
- (3) A person shall not drive an omnibus into an omnibus station when the fees due in that respect thereof has not been paid.
- Protection from personal liability. **26.** No matter or thing done by any authorized officer, employee or agent of the department shall, if the matter or thing is done in good faith while executing the functions, powers or duties under this Act, render the authorized officer, employee or agent personally liable for any action, claim or demand whatsoever.
- Offences and penalties. **27.** (1) A person who contravenes any of the provisions of this Act commits an offence, and is liable upon conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding twelve months or to both.
- (2) In case of a subsequent conviction for the same offence referred to in subsection (1) the fine shall not exceed one hundred thousand shillings or a term of imprisonment not exceeding three years or both.
- Regulations. **28.** The County Executive Committee Member may make regulations for the better carrying out of the provisions of this Act.