

SPECIAL ISSUE

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LEGAL NOTICE NO. 1

THE MUNICIPALITY OF NYERI TRAFFIC MANAGEMENT BY-LAWS, 2023

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SCHEDULES

FIRST SCHEDULE

Municipality CBD.

SECOND SCHEDULE

Designated Bus-parks, Taxi bays & Routes.

Othaya/ Nairobi
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 Nairobi/Nyahururu/Nakuru
 Nanyuki
 Ngobet
 Karatina
 Muthinga
 Nanyuki/Nairobi
 Chaka/Nanyuki
 Nanyuki/Nyahururu
 Ihururu
 Mweiga/Chaka
 Kamakwa

Made on the 20th November, 2023.

NDIRANGU GACHUHIA,
*CECM, Lands, Housing, Physical
 Planning and Urban Development.*

THE MUNICIPALITY OF NYERI TRAFFIC MANAGEMENT BY-LAWS, 2023

PART I—PRELIMINARY

Short title

1. These by-laws may be cited as Municipality of Nyeri Traffic Management by-laws and shall apply to the area of jurisdiction of the Nyeri Municipality as defined in the Nyeri Municipal Charter.

Interpretation

2. In these By-Laws unless the context otherwise requires—

“Bodaboda” means a motor vehicle with two wheels in the same plane designed to convey people and goods for hire or reward and includes a tri-cycle;

“Bodaboda Operator” means a rider of a bodaboda;

“BUS PARK” means the matatu station designated by the County and any other stations established by the County from time to time;

“County” means the Nyeri County Government;

“Designated Stage” means a place designated by the County for drop off or pick-up of passengers;

“Hawk” means to sell goods in a public place by calling out to people;

“Matatu” has the same meaning as provided for in the Traffic Act;

“Motor Cycle” means motor vehicle with two wheels in the same plane designed to convey people and includes a bodaboda;

“Municipality” means the Municipality of Nyeri;

“Owner of a matatu” means any person including a legal person in whose name a matatu is registered and in the case of matatu subject to hire-purchase agreement includes the hirer under the agreement;

“Taxi cabs” has the same meaning as provided for in the Traffic Act;

“Owner of a motorcycle” means the registered owner of a motor cycle;

“Ride” means to operate, manage or to be in control of a motorcycle;

“Rider” means the person operating or person in control of a motorcycle and includes a bodaboda operator;

“Supervisor” means an officer of the County authorized by the County to control and supervise the matatu stations and includes his duly authorized assistants;

“Traffic Marshalls” means Municipal Officers appointed by the county to inspect, manage, control, detect and bond offenders within the Municipality and includes duly authorized assistants; and

“Vehicle” includes motorcycle or any means in or by which someone travels or something is carried or conveyed.

PART II—TRAFFIC MANAGEMENT

Movement of Traffic within CBD

3. (1) All vehicles moving into, within and out of the Nyeri Municipality Central Business District shall follow lawful directions of Traffic Marshalls or the police for easy flow of traffic.

- (2) A person who commits an offence under subsection (1) shall be liable of—
- an administrative fine of three hundred shillings payable to the County Revenue Account; or
 - upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs. 5,000 or to both.

Speed limit within CBD

4. No vehicle shall drive at a speed exceeding 50 km/hr within the Municipality Central Business District.

Driving on footpaths

5. (1) No vehicle or motorcycle shall drive on a pedestrian footpath.
- (2) A person who contravenes sub-section 1 commits an offence.
- (3) A person who commits an offence under subsection (1) shall be liable of—
- an administrative fine of Kshs. 3,000 payable to the County Revenue Account; or
 - upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Ksh. 10,000 or to both.

PART III—SPECIAL PROVISIONS ON MATATUS

Lawful passenger

6. A person other than the owner of a matatu who boards or is upon a matatu shall be deemed to be there for the purpose of being carried therein for hire or reward.

Control of bus parks

7. (1) Every person in matatu station shall comply with and obey all lawful instructions and directions given by a traffic Marshall or a supervisor for the purpose of controlling or supervising a bus park.

(2) All Matatus within the bus park shall be under the direction of the traffic Marshalls or the supervisor and the drivers of any such matatu shall at all times comply with and obey all instructions, directions and orders given by the supervisor in respect of the place and the manner of parking, the time of departure and arrival and any other matters for efficient and safe operation of the matatu station.

Matatus to provide operating timetables

8. An owner of Matatu utilizing the matatu station or a matatu SACCO shall furnish the county with a copy of the operative time table indicating the scheduled time of arrival and departure of all services and the county may at its discretion approve such a time-table or before such approval require that such alteration or amendments as appear necessary for the efficient and smooth running of the bus park are made thereto.

Pick-up and drop-offs in unauthorized places

9. A person commits an offence if—
- being a driver of a matatu when carrying passengers for hire or reward and without prior written permission of the county starts or terminates a journey at any place other than a bus park or designated stage;
 - being a driver of a matatu fails to follow such routes as may be laid down by the county for the purpose of starting or terminating any journey;

FIRST SCHEDULE

Municipality CBD

The following areas shall form part of the Nyeri Municipality Central Business District.

Areas encircled by Kenyatta Road	Baden Powell Road	Kimathi Road and Temple Road
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SECOND SCHEDULE

The following are the designated bus parks and stages within Nyeri Municipality Central Business District or any other bus park that may be authorized by the County Government of Nyeri—

- Upper Bus Park / Stage
- Middle Bus Park / Stage
- Lower Bus Park / Stage

Nyeri Town Main Transport Termini

Designated bus-parks & stages

The following are the designated Taxi Bays within Nyeri Municipality Central Business District—

- Central Taxi Bay
 - Green Oak Taxi Bay
- Naivas Taxi Bay

Designated taxi bays

The following is a list of the designated routes within the Municipality of Nyeri or any other route that may be authorized by the NTSA thereafter the below routes have been gazette—

Designated routes.

Ruring'u/ Skuta
Mukurweini
Nyeri, Karatina, Nairobi
Thika
Kangemi
Murang'a
Nairobi
Gathuthi
Othaya/Nairobi
King'ong'o
Karatina
Kirinyaga
Nyahururu

- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs.10,000 or to both.

Prohibited behavior within bus-parks

21. No person in a matatu station or at matatu stop shall—

- (a) Willfully interfere with or obstruct Municipal Traffic Marshalls or supervisors acting in the performance of his/her duties;
- (b) Willfully interfere with or obstruct any person alighting from entering or intending to enter to enter matatu or leave;
- (c) Enter or attempt to enter matatu otherwise than by doors provided for that purpose;
- (d) Willfully obstruct any driver or conductor of matatu acting in the performance of his duty as driver or a conductor; and
- (e) Behave in a disorderly manner.

(2) A person who contravenes sub section 1 commits an offence under this section and shall be liable for—

- (a) an administrative fine of three thousand shillings payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs.5,000 or to both.

Prohibition of disorderly conduct within bus park

22. No person within matatu station shall—

- (a) urinate in any place other than a public lavatory;
- (b) interfere with or molest other person or tout or shout, call out for customers;
- (c) spit or play games or loiter therein or thereabout; and
- (d) operate or cause to be operated any instrument fitted onto a matatu capable of giving audible warning of its approval positioning any manner as to be loud and so continuous repeated as to annoyance and to be a nuisance to the public.

PART VI—MISCALLENEOUS PROVISIONS

General penalty

23. Any person who contravenes a section for which no penalty has been provided shall be liable to an administrative fine of one thousand shillings or upon conviction to a fine not exceeding Kshs. 20,000 or imprisonment for a period not exceeding three months.

Date of effect

24. These by laws shall come into effect immediately upon publication.

- (c) being a driver refuses to follow such routes as may be laid down by the county for the purpose of starting or terminating any journey within the Municipality;
 - (d) being a driver of a matatu or a bodaboda rider whilst plying for hire or reward and when carrying passengers and without prior written permission of the county, park a vehicle or bodaboda in any place other than a bus park or designated stage; or
 - (e) being a bodaboda rider when carrying passengers for hire or reward and without prior written permission of the county starts or terminates a journey at any place other than a bus pack or designated stage.
- (2) A person who commits an offence under subsection (1) shall be liable for—
- (a) an administrative fine of Kshs. 3,000 payable to the County Revenue Account; or
 - (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs. 5,000 or to both.

Interference with traffic flow

10. (1) No person shall interfere with the free flow of traffic within a bus park.

(2) Any person who hawks goods within a bus park and intentionally interferes with the free movement of vehicles or people within a bus park commits an offence.

(3) A person who commits an offence under subsection (1) and (2) shall be liable of—

- (a) an administrative fine of One thousand Shillings (KSh. 1,000/=) payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs.2,000 or to both.

Requirement to queue when boarding

11. (1) When six or more persons are waiting to enter matatu station, they shall form a queue and no person, shall enter or attempt to enter a matatu ahead of any person on such queue.

(2) No matatu shall allow passengers being more than six persons to board unless such passengers are in a queue.

(3) A driver of a matatu who contravenes sub-section 2 commits an offence and shall be liable for—

- (a) an administrative fine of one thousand shillings payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs. 2,000 or to both.

PART IV—SPECIAL PROVISIONS ON BODABODAS

Bodaboda safety

12. (1) A “bodaboda” operator shall be in a helmet and reflector jackets in all the time they are operating the said motorcycle.

(2) A bodaboda operator shall provide a reflector jacket for their passenger.

Bodaboda sheds

13. All motorized cycles including "bodaboda" operators shall operate on the designated bay.

Bodaboda Road nuisance

14. (1) Bodaboda operators shall—

- (a) avoid unnecessary hooting and running of engines in parking bays;
- (b) shall desist from blocking the roads on the streets or in the bus termini;
- (c) shall observe traffic lights;
- (d) shall observe all traffic rules; and
- (e) shall ensure no loads shall be carried on a motor cycle—
 - (i) whose width projects more than fifteen (15) centimeters beyond the outside end of the handle bars;
 - (ii) whose height beyond two (2) meters from the ground; and
 - (iii) which projects to the rear beyond the maximum overall length of the motor cycle by more than sixty (60) centimeters. The rear extremity of the load must be plainly indicated by conspicuous red marker during the day and a red light at night.

(2) A person who contravenes sub section (1) commits an offence and shall be liable for—

- (a) an administrative fine of five hundred shillings payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs.5,000 or to both.

Prohibition against bodaboda exhaust noise modification

15. (1) No bodaboda operator within the Municipality shall effect modifications to a motorcycles exhaust system or any other noise abatement device of a motorcycle so as to cause the noise emitted by the motor cycle to be above that emitted by the motorcycle as originally manufactured.

(2) A person who commits an offence under subsection (1) shall be liable for—

- (a) an administrative fine of five thousand shillings (Kshs. 5,000/=) payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs. 10,000 or to both.

Bodabodas to obtain reference numbers

16. (1) No bodaboda shall operate within the Municipality unless they have registered with the County and been issued with a Municipality operating reference number.

(2) All bodabodas shall conspicuously display their Municipality operating reference numbers whenever operating within the Municipality.

(3) A person who commits an offence under this section shall be liable for—

- (a) an administrative fine of one thousand shillings payable to the County Revenue Account plus a fee of two thousand shillings in respect of expenses incurred in removing and keeping the same in safe custody (pounding fee); or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs.5,000 or to both

PART V—GENERAL PROVISIONS

Power to detain vehicles in bus parks

17. (1) No person shall leave a vehicle unattended within a bus park or a designated stage for a period of more than 20 minutes.

(2) Where a vehicle is left in bus park in contravention of these by-laws a Municipal Traffic Marshall or the supervisor or police officer may have the same removed and kept in custody.

(3) A person who commits an offence under subsection (1) shall be liable for—

- (a) an administrative fine of one thousand shillings payable to the County Revenue Account plus a fee of two thousand shillings in respect of expenses incurred in removing and keeping the same in safe custody (pounding fee); or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs. 5,000 or to both.

Repair of bus park and stages

18. The county may from time to time and at its own discretion suspend the use of the whole or any part of bus park or stage for the purpose of affecting repair or carrying out any other necessary works.

Littering within CBD

19. (1) A person who deposits or causes to be deposited any refuse or garbage in a walkway, on a road, street, alley or a bus park or in any other place within the Central Business District other than in a receptacle provided for the purpose commits an offence.

(2) A person who commits an offence under subsection (1) shall be liable for—

- (a) an administrative fine of five hundred shillings payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding Kshs. 5,000 or to both.

Tampering with road furniture

20. (1) No person shall—

- (a) utilize road furniture in any other manner other than its authorized use; or
- (b) damage, deface, foul misuse or interfere with any part of such bus park, station or road or any signs, equipment, fitting of fixtures therein or thereon.

(2) Any person who obstructs passengers from utilizing or using bus park benches by placing their wares or goods for sale or in any other manner other than for sitting commits an offence.

(3) A person who commits an offence under this section shall be liable for—

- (a) an administrative fine of three thousand shillings (Kshs. 3,000/=) payable to the County Revenue Account; or