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**THE MANDERA COUNTY AIR POLLUTION,
NOISE POLLUTION, NUISANCES AND OUTDOOR
ADVERTISEMENT BILL, 2014**

A Bill for

**AN ACT of the County Assembly of Mandera to
provide for the regulation and management of air
pollution, noise pollution and other nuisances;
outdoor advertising and for connected purposes**

ENACTED by the county of Assembly of Mandera as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Mandera County Air
Pollution, Noise Pollution, Nuisances and Outdoor
Advertisements Act, 2014. Short Title

2. In this Bill— Interpretation

“air pollution” means any change in the composition
of air caused by air pollutants;

“air pollutant means any—

- (a) fume, smoke, particulate matter, vapor, gas,
odorous substance or any combination thereof; or
- (b) any other substance or matter whether physical,
chemical, biological, or radioactive, including
source material, special nuclear material, and by-
product materials, which is emitted into or
otherwise enters the atmosphere from any object
or activity and causes, or, if unabated, may cause
air pollution, but does not include water vapor,
steam condensate or any other emission exempted
under these Regulations;

“ambient air” means the atmosphere surrounding the
earth and does not include the atmosphere within a
structure or within any underground space;

“authorized officer” means any person authorized by
the county to perform the functions of an authorized officer
under this Bill;

“controlled facility” means a facility which in its day
to day operations emits fumes, smoke or gases in such
quantities as to be a danger or nuisance to persons working
or residing within the facility vicinity;

“county executive committee member” means the county executive committee member responsible for matters relating to the environment;

“offensive material” means any material that obstructs the safe movement of persons;

“permit” means a periodic authority by the town to carry out an activity;

“poultry” includes fowls, turkeys, geese and ducks;

“protected area” means an area declared by the county to be a protected area with regard to grazing of animals under section 27;

“public place” means any square, building, park, recreation ground or open space which—

- (a) is vested in the county;
- (b) the public has the right to use; or
- (c) is shown on a general plan of the county filed in the ministry of lands registry that has been provided for or reserved for the use of the public in such county;

“special area” means an area declared by the county to be a special area with regard to regulation of noise levels under section 22.

“street” includes any land reserved for a street and any open space to which the public has access;

“Town” means an area, in County Government of Mandera, granted the status of town pursuant section 10 of Urban Areas and Cities Act, 2011.

“vehicle” means any device driven by mechanical, power on land or water, and includes any craft or aircraft, but does not include a wheeled chair used solely for the conveyance of a child or invalid.

3. The objectives of this Bill are to provide for the prevention, control and abatement of— Objectives

- (a) air pollution to ensure clean and healthy ambient air;
- (b) noise pollution;
- (c) waste and disease causing pests, and ensure a clean healthy environment;

(d) unregulated outdoor advertising.

4. The provisions of this Bill shall be in addition to other requirements imposed by or under the National Environment Management Act or any other written law.

Application

No 8 of 1999

PART II—ADMINISTRATIVE PROVISIONS

5. (1) This Bill shall be administered by the county Department responsible for matters relating to the environment (in this Bill referred to as the Department).

Administration of this
Bill

(2) The county shall by notification in the *Gazette* appoint such number of officers to be authorized officers for the purposes of this Bill as may be necessary.

6. (1) It is the responsibility of the Department to implement the objectives of this Bill.

Functions and powers
of the Department

(2) To this end the Department has power —

- (a) formulate county policy and legislation on air and noise pollution, nuisances and outdoor advertising;
- (b) create awareness with the public on the benefits of a clean environment;
- (c) with the approval of the County Assembly and National Assembly, granted with the concurrence of the Minister of Finance, on such terms and against such security as may be agreed upon, raise money by way of loans from any source;
- (d) receive any grant or donation;
- (e) consider all matters brought to its attention by the national government and to report its findings thereof;
- (f) issue, suspend or revoke licenses as each case may warrant;
- (g) take all measures possible ensure activities within the county conform with national and county legislation on health, safety and environmental standards including noise pollution;
- (h) regulate outdoor advertising and graffiti;
- (i) prevent and control nuisances, pests and insects;
- (j) control domestic animals and impound or destroy them where necessary;
- (k) perform any other function that may be assigned by any national or county legislation.

PART III—AIR POLLUTION

7. In this chapter—

Interpretation of this
part

“public place” means any indoor, enclosed or partially enclosed area which is open to the public or any part of the public and includes a workplace and a public conveyance as well as the areas within five meters of any doorways or entrances of the public place, workplace or conveyance;

“public vessel” means a public service vehicle, train, aircraft or any other means of public transport domestically or internationally, whether publicly or privately owned or operated;

“smoking” means inhaling or exhaling the smoke of any tobacco product and includes the holding of, or control over any ignited tobacco product or device containing an ignited tobacco product;

“tobacco product” means a product composed, in whole or in part, of tobacco, including tobacco leaves and any extract of tobacco leaves intended for use by smoking, inhalation, chewing, sniffing or sucking and includes cigarette papers, tubes, and filters;

8. The Department is in addition to the responsibilities imposed under section 4 also undertake the—

Abatement of air
pollution

- (a) promotion of alternative cooking technologies that are non polluting;
- (b) development of well ventilated buildings;
- (c) regulation of smoking in public places;
- (d) promotion of tree planting and expansion of forest cover.

9. The following operations shall be permissible under this Bill provided that they are not used for the disposal of refuse—

Permitted operations

- (a) back-burning to control or suppress wildfires;
- (b) fire fighting rehearsals or drills conducted by fire service agencies;
- (c) traditional and cultural burning of savanna grasslands;
- (d) burning for purposes of public health protection;
and

- (e) emissions of air pollutants from all stationary and mobile sources as set out under the Regulations.

10. No person shall—

Causing air pollution
contrary to license an
offence

- (a) act in a way that directly or indirectly causes, or is likely to cause immediate or subsequent air pollution;
- (b) or emit any liquid, solid or gaseous substance or deposit any such substance;
- (c) contrary to the license issued under this Bill or other relevant law.

11. (1) The Department shall liaise with relevant lead agencies, from time to time regarding—

Department to liaise
with lead agencies

- (a) methods of abating and regulating air pollution;
- (b) determining protected areas and special areas;
- (c) clean up of any air pollution where necessary;
- (d) declaring any area exempted from the provisions of this Bill.

12. (1) The Department may, to ensure the provisions of this Bill are being observed, in consultation with the relevant agencies agency, at any time order the inspection—

Department to order
inspection

- (a) of a vehicle releasing visible exhaust emissions;
- (b) any waste incinerator; and
- (c) of fuel burning equipment.

13. (1) The Department may refuse to grant or renew a license or cancel a license, with respect to any license relating to—

Powers to refuse to
grant or renew
licenses and to cancel
licenses.

- (a) the use of premises as a theatre, music hall, concert room or other place of amusement, or as a restaurant or eating house;
- (b) for the carrying on of any work or trade;

on grounds that—

- (a) that the method adopted or proposed to be adopted by the applicant for preventing noxious or offensive vapors, gases or smells arising from such work or trade are not efficient;

- (b) that the granting or renewal of such license would be calculated to cause nuisance or annoyance to persons residing in the neighborhood.

(2) The Department may cancel any license granted by it on any such grounds as it may by law specify and, in addition, on any of the following grounds, whether specified in such law or not—

- (a) with respect to any license, that it is contrary to the public interest for such license to remain in force; and

- (b) additionally, with respect to any license specified in subsection (1) (b)—

- (i) that the premises to which the license relates or any adjacent premises owned or occupied by the holder of the license are frequented by persons of bad character;

- (ii) that the continuation of such license in force would be calculated to cause nuisance or annoyance to persons residing in the neighborhood; and

- (c) with respect to any license for the carrying on of any work or trade declared to be an offensive trade—

- (i) that the premises used by the holder of the license have become unsuitable for the purpose;

- (ii) that the methods adopted by the applicant for preventing noxious or offensive vapors, gases or smells arising from the work or trade have become ineffective.

14. (1) The Department may, after consultation with the relevant agencies and the public, declare a facility to be a controlled facility for purposes of this Bill.

Responsibility of
owner or operator

(2) Every owner or operator of a controlled facility shall ensure that emissions from his facility does not cause air pollution in any territory outside the jurisdiction of the county, in excess of the relevant ambient air quality levels prescribed.

15. (1) No person shall smoke a tobacco product or hold a lighted tobacco product in an enclosed indoor area of a public place.

Smoking in public
places.

(2) Notwithstanding the provisions of sub-section (1), the Department may by notice in the Gazette prohibit or restrict smoking in a specified outdoor public place where persons are likely to congregate within close proximity to one another or where smoking may pose a fire or other hazard.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

16. (1) No person shall smoke a tobacco product or hold a lighted tobacco product in a public vessel. Smoking in public vessels.

(2) Any person who contravenes any of the provisions of this rule shall be guilty of an offence.

17. (1) The owner or manager of a public place or any public vessel in which smoking is prohibited under this Act shall post clearly legible signs stating that smoking is prohibited. Display of signs in non-smoking areas.

(2) The signs under subsection (1) shall be displayed in the national languages and may in addition be displayed in the language most widely spoken by the people of the area.

18. (1) The owner or manager of a public place or public vessel in which smoking is prohibited under this Act shall take reasonable steps to ensure that smoking does not take place in such place or vessel. Owner to ensure no smoking.

(2) Without prejudice to the generality of sub-section (1), the owner or manager of the premises may —

- (a) ask the person who is smoking to immediately cease smoking;
- (b) demand that the person smoking should leave the premises or vessel;
- (c) seek the assistance of a health officer, police officer or authorized officer.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

19. (1) The Department shall, in collaboration with other relevant departments and agencies, promote public awareness on measures to safeguard the health of non-smokers from second-hand smoke. Public awareness campaigns.

PART IV—NOISE POLLUTION

20. In this part—

Interpretation of this
part

“noise” means any undesirable sound that is intrinsically objectionable or that may cause adverse effects on human health or the environment.

“noise pollution” means the emission of uncontrolled noise that is likely to cause danger to human health or damage to the environment.

“vibration” means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

“excessive vibration” means the presence of vibration which—

- (a) is of such intensity, duration, frequency or character as to annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on persons, or to damages or tend to damage personal or real property; and,
- (b) exceeds 0.5 centimeters per second beyond any source property boundary or 30 meters from any moving source.

21. The Department shall be responsible for—

Regulation of noise

- (a) the development of a county strategy on noise pollution;
- (b) regulation of noise in special areas like schools, hospitals, residential areas, and libraries;
- (c) regulation of high noise levels associated with commercial and associated machinery, public transportation and social activities.

22. (1) The Department shall, by notice, designate certain places to be special places for purposes of this Bill.

Special places

(2) A place designated to be a special place under this section shall, subject to section 23, not be subjected to high noise levels.

23. (1) A person who desires to undertake an activity, whose noise levels may constitute a danger or a nuisance under this Bill, shall apply to the Department for a license before carrying out such activity.

Application for
license

(2) The department shall—

- (a) where the activity is not taking place within a special area, issue a license subject to any conditions as it may impose;
- (b) where the activity is to take place within a special area, consult the community living in that area before making a decision on the issuance of a license.

(3) The consultations between the department and the community under subsection (2) shall be recorded and a copy thereof be placed with such community representative as may be agreed upon.

(4) A person who carries out an activity contrary to this section commits an offence.

24. (1) The Department shall determine the fees to be paid for license under this Part and different fees may be set for different activities. License fees

Provided that where an activity exceeds the period stated within the license, the department shall on application, provided no breach of contract has occurred on the part of the applicant and on payment of such fee as may be prescribed, extend the license.

25. The Department may prescribe regulations— Regulations on noise
pollution

- (a) to regulate the playing of musical instruments or the singing or performing for profit, in or on any public place;
- (b) to regulate all businesses, factories and workshops which, by reason of noise, vibration or other cause, may be or become a source of danger, discomfort or annoyance to the neighborhood, and to prescribe the conditions subject to which such businesses, factories and workshops shall be carried on;
- (c) relating to special places;
- (d) specifying activities and license fees which fall under this Part;
- (e) generally to give effect to the provisions of this Bill.

PART V—NUISANCES

26. (1) The county shall have power, to—

County powers
regarding nuisances

- (a) to compel occupiers or, in the case of vacant premises, owners, to keep their premises free from offensive or unwholesome matter;
- (b) to regulate the keeping of animals, birds and bees and their premises, so that their keeping and the premises are not constructed, situated, used or kept in such manner as to be offensive, be a public nuisance or injurious to health;
- (c) to take or require the taking of such steps and measures as may be necessary or desirable for securing the prevention and destruction of insects, fungi and any other, pests which attack timber in buildings and felled timber and for preventing and eradicating the infestation of any such timber;
- (d) to take measures for the destruction and suppression of rats and vermin within its area, and to set traps or take other measures necessary for the purpose on any land whether within or, with the consent of the county concerned, without its area;
- (e) to establish and maintain sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent, paying particular attention to markets, slaughter houses, silos and other places dealing in food;
- (f) to establish and maintain public lavatories, closets and urinals within its urban areas, and where such lavatories, closets and urinals are established, maintain them in good order and repair;
- (g) take or require the taking of such steps and measures as may be necessary or desirable for preventing or stemming the flow of any noxious matter or waste water flowing or discharged from any premises wherever situated, into the street, or any water course irrigation canal or other place not approved for the reception of such discharge;
- (h) to establish and manage pounds and prescribe the circumstances in which any, article, vehicle,

animal or bird which is found abandoned or apparently abandoned, may be impounded and the conditions under which any impounded article, vehicle, animal or bird may be sold or destroyed;

- (i) to establish sufficient number of cemeteries and crematoriums and provide for the burial of all destitute persons who die within its area and maintain the cemeteries and crematoriums in such manner as to ensure they are not offensive, dangerous to health or attractive to pests;
- (j) do any other thing for the effective implementation of this Bill.

(2) The Department shall if satisfied that a nuisance exists serve a notice on the owner of a nuisance, or if he or she cannot be found on the occupier or owner of the premises, requiring such owner to remove the nuisance in the period specified in the notice.

(3) The Department may further instruct the owner of the nuisance on additional measures that must be taken in order to prevent a recurrence of the nuisance.

(4) A person who fails to comply with a notice to remove a nuisance issued under subsection (1) within the period specified in the notice commits an offence.

27. (1) Any person who keeps within the county any animal or poultry which causes a nuisance to any of the residents in the neighborhood shall be guilty of an offence.

Nuisance and
impounding of
animals

(2) Any person who, except with the written permission of Department and subject to such conditions as it may deem fit, keeps within an urban area, a game animal or reptile other than a lizard, or any ass, mule, ox, bull, or cow, goat, sheep or pig shall be guilty of an offence.

(3) The Department may remove any of the species of animals referred to in subsection (2) which has been kept within the county or left in a street in contravention of this Act and impound the same.

(4) The owner of a an animal or reptile, as specified under subsection (2), which is removed from the city or street in pursuance of subsection (3) shall not be entitled to recover the same until he or she has paid to the county,

such fee as may be prescribed in the Regulations to cover expenses incurred by the county for the upkeep of the animal.

(5) If an owner contemplated under subsection (4) does not pay the fees and expenses due within a period of seven days from the date the said animal was impounded, the Department may sell or otherwise dispose of the animal by auction or any other means and the proceeds of such disposal, shall be set off against the outstanding fees and expense any, incurred by the Department in the removal or disposal of the animal

(6) A person shall be guilty of an offence, if such person has under his control or in his custody—

- (a) any animal, reptile or bird, which causes a nuisance or annoyance to any of the residents of the area; or
- (b) any animal, reptile 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, inconvenience to traffic or pose a danger to persons.

(7) Any person who, except with the written permission of the Department subject to such conditions as it may deem fit, permits any animal referred to in subsection (1) to graze within a protected area shall be guilty of an offence.

28. (1) The Department shall declare specified areas to be protected areas under this Bill. Protected area.

(2) The department before declaring an area to be a protected area shall consider the purpose for which it is being protected and the views of the community within that area.

(3) A person who allows animals under his or her control to graze within a protected area commits an offence.

29. Any person who in any street—

Offences on
nuisances.

(a) without a permit—

- (i) ignites any firework;

- (ii) for the purpose of hawking, selling, distributing or advertising any article or event, shouts or uses any bell, gong, or other noisy instrument or loudspeaker;
 - (iii) lights or maintains or suffers to be lit or maintained any fire or brazier in the central area as defined in any laws of the County for the time being in force;
 - (iv) commits any act contrary to public decency.
 - (b) places or deposits and leaves any glass, china, earthenware, tin, carton, paper, sawdust or other rubbish so as to create or tend to create litter;
 - (c) throws down or leaves any orange peel, banana skin, or other substance likely to cause a person to fall down;
 - (d) to the inconvenience or danger of any person carries or conveys any bag of lime, charcoal, or other offensive material, timber or any pointed or edged tools or implements not properly guarded;
 - (e) plays any game in such a manner as to cause the likelihood of damage to property, or danger to any person;
 - (f) rides, drives or propels a vehicle on a footpath;
 - (g) while being in charge of any dog, allows such dog to foul any path and fails to remove the stool;
 - (h) rides or drives any animal on a foot path;
 - (i) defecates or urinates on the street or any open space;
 - (j) touts for passengers; or
 - (k) fails to observe traffic lights or the zebra crossing or any other directional signs,
 - (l) talks on a mobile telephone while driving or crossing a road;
 - (m) without a permit draws graffiti on any public building;
- shall be guilty of an offence.

30. (1) Any person who—

Noisy musical
instruments.

- (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; or
- (b) upon any other premises, by playing, operating or causing or suffering 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 neighbourhood or to passers-by on a street shall be guilty of an offence; or
- (c) by making loud noises, speeches or wailings causes annoyance to the occupants inmates or persons passing by a street or an open space, shall be guilty of an offence;
- (d) paragraph (b) of this subsection do not apply to any wireless loudspeaker, gramophone amplifier or similar instrument when in use by the police in the execution of their duty.

(2) No prosecution shall be instituted against any person for any offence under this section unless the annoyance remains unabated after the expiry of seven days from the date of the service on such person of a notice signed by the Department alleging such annoyance and calling for a stop to it.

31. Any person who shall, in connection with any building, demolition or road construction work, causes or suffers 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 neighbourhood, shall be guilty of an offence.

Noisy building
operations.

32. Any person who, in any part of the city other than the industrial or light industrial zones as specified in any law 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 neighbourhood shall be guilty of an offence.

Noisy trades and
industrial operations.

33. (1) Any person who erects or authorizes the erection of any barbed wire alongside a street without the prior written consent of the Department shall be guilty of an offence. Barbed wire.

(2) The Department may serve a notice upon the owner or occupier of any land or building upon which any barbed wire has been erected in contravention of paragraph (1) of this section.

(3) Any person who fails to comply with the requirements of a notice served in pursuance of paragraph (2) of this section shall be guilty of an offence.

34. Any person who without lawful authority, deposits or causes or permits to be deposited any soil, vegetation, refuse or debris on any land in the town shall be guilty of an offence. Deposit of debris.

35. Any person who Flier or permits to be flown any kite in any place traverse by overhead eclectic cables throws or permits to be thrown any string, rope or wire within the vice of any overhead electric cables. Prohibition of Flier.

36. Any person who shall without lawfull authority deposit or cause or permit to be deposited any soil, regulation, refuse debris or animal waste, saw dust on any land in the town, shall be guilty of an offence. Deposition of soil,
waste or refuse.

PART VI—OUTDOOR ADVERTISING

37. Any person who, in or in view of, any street or public place, erects, fixes, places, maintains, displays or uses or permits to be erected, fixed, placed, maintained, displays or used; any advertisements devise without first obtaining a permit, or otherwise than in accordance with the terms and conditions of permit shall be guilty of an offence. Illegal outdoor
advertisement.

38. Every application for a permit shall be made in writing to the chief executive officer and shall be accompanied by a plan or sketch showing, to the satisfaction of the Department, the position of the proposal advertising device or notice, its dimensions and the method of execution and stating the material of which it is to be composed or it is constructed, its color and such other information as the Department may require. Application for
advertising.

39. Any person who without a permit—

Offences on outdoor
advertising.

- (i) draws, wheels or drives any vehicles or carries any board or placard used solely or chiefly for the purpose of exhibiting advertisements;
- (ii) for the purpose of advertising, distributes any hand bill or other paper;
- (iii) defaces the footway or roadway by writing or other marks;

commits an offence.

40. The Department may prescribe county laws—

Department may
prescribe rules.

- (a) to prohibit or control the display of advertisements and advertising devices in or in view of any street or other public place or in such places or in such manner or by such means as would, in the opinion of the Department, be likely to affect injuriously the amenities of or to disfigure any neighborhood; and
- (b) to regulate the use and passage of advertising vans, sandwich boards, lanterns, flags, screens or other moveable advertising devices; and
- (c) to regulate the distribution of handbills in or along any street or other public place;
- (d) to control street decorations, and to prohibit or control the erection and removal of temporary platforms, seats and other structures for the use of the public at any meeting or entertainment or for the accommodation of spectators at any procession;
- (e) the size of the billboards and the number that may be erected on a road reserve;
- (f) the fees payable.

CHAPTER VI—ROADS AND STREETS

41. (1) Where, in the opinion of the County, any hedge, tree or other growth is so placed or in such condition as—

Encroaching hedges
and Trees.

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

- (b) to interfere with the view along any street or from one street into another; or the use of the street by pedestrian or vehicular traffic;

the Department 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 being less than fourteen 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 subsection (1) of this section shall be guilty of an offence.

(3) Without prejudice to any prosecution which may be instituted under paragraph (2) of this provision, the Department may on expiry of the period of time specified in a notice served execute any of the works specified in the said notice and any expenses incurred by the town administrator in so doing shall be recoverable from the said person as a civil debt.

42. (1) Any person who shall without statutory authority or the consent of the Department 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 shall be guilty of an offence. Permit before erection.

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

This section shall not apply to any structure approved by the town administration under any regulation of the town for the time being in force.

43. (1) No person shall attach, hang, erect or permit the erection of any object from or alongside any street in such a manner so as to protrude over or into a street without a permit so to do from the Department, or otherwise than in accordance with any condition attached to any such permit. Projections.

(2) A permit issued under this section shall expire on the 31st day of December in the year in respect of which it is issued;

(3) There shall be payable to the Department at the time of issue of such permit as is mentioned in subsection (2) of this section a fee as per the gazetted fees and charges;

(4) The Department may serve a notice on the owner or occupier of any premises from or alongside which an object has been attached, hung or erected in contravention of subsection (1) of this section.

(5) Any person who contravenes or fails to comply with the provisions of this provision or any conditions attached to a permit issued there under or a notice served under the subsection (4) of this section shall be guilty of an offence.

(6) This section shall not apply to an advertisement permitted under any regulations of the Department for the time being in force or to any structure approved by the Department under any such regulations;

44. (1) If, in or on any land adjoining a street, there is an unfenced or inadequately fenced source of danger to persons using the street, the Department may, by notice to the owner or occupier of that land, require him, 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 obviate danger.

Source of danger.

(2) Any person who fails to comply with a notice served in pursuance of subsection (1) of this section within the time specified in such notice shall be guilty of an offence.

45. Any person who—

Damage and
obstructions.

- (a) in any way willfully obstructs the free passage of any street;
- (b) willfully or negligently damages or destroys the surface of any public Street;
- (c) pulls down, destroys, obliterated, defaces, displaces or removes any property of the County or town on or near a street;
- (d) damages or destroys any tree, shrub, flower, plant or grass on land forming part of a public street;
- (e) disturbs, damages or destroys any barrier, fence or other erection or any trestle, lamp, stone or other

material placed on a street or by fitting attached thereto;

- (f) willfully or negligently pulls down, damages or destroys any lamp standard or bollard in a street or damages or removes any bulb or fitting attached thereto;
- (g) digs, ploughs, tills or cultivates any public street without the written permission of the Town administrator, shall be guilty of an offence

46. (1) Any person who, without lawful authority, defaces any building by writing, signs or other marks thereon shall be guilty of an offence. Defacing buildings.

(2) Every building in the town must be painted at least once in two years or as the town administrator will from time to time direct.

(3) Anyone who fails to paint as prescribed or when served with a notice shall be guilty of an offence.

(4) Every owner of a building shall be responsible in cleaning repairing and generally keeping in good condition the pavement the verandah and the frontage of his or her building.

(5) Every owner of a building must install a security light in front of his building and the said security light must be switched on from 7 p.m. to 6 a.m. daily.

47. (1) Any person who, without statutory authority, breaks up surface or authorizes the breaking up of the surface of a public street, without the permission of the city engineer, shall be guilty of an offence. Breaking.

(2) Any person who contravenes or fails to comply with any condition attached to a permit granted under this by-law shall be guilty of an offence.

48. (1) Any person who places or leaves or allows or causes 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 shall be guilty of an offence. Obstruction.

(2) The town administrator may remove any vehicle or article or material which has been placed or left in a street in contravention of this section and impound the same.

49. (1) The owner of a vehicle, article or material removed from a street in pursuance of section 46 (2) shall not be entitled to recover the same until he has paid to the Department such fee as may be prescribed in the Regulations.

Pound fee.

(2) the Department 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 Department in removing or disposing of the vehicle, article or material.

50. (1) No person shall deposit or cause to be deposited, or have or harbor or store on any land, any building material, road materials, earth, stones or soil other than for the purpose of erection of approved buildings thereon.

Depositing Materials.

(2) No person shall deposit or cause to be deposited, or have or harbour or store on any land, 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 town clerk first being had and obtained or otherwise than in accordance with the terms of such permission.

51. Any person who discharges a missile in or near a street in a manner likely to cause damage to property or danger to any person shall be guilty of an offence.

Discharge of missiles.

52. Any person who cuts, or permits to be cut a tree in any property whether (private or public) without a permit issued by the Department shall be guilty of an offence.

Cutting Trees.

53. Any person who 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

Vehicle loads.

54. Any person who is found loitering on any County property other than a street or residential property, without lawful authority shall be guilty of an offence.

Loitering on County property.

55. (1) Any person who shall in any street or public place or in any place within the sight or hearing of any person therein—

Disturbance.

- (a) disturb the peace by quarrelling with any other person or use any violent scurrilous or abusive language;
 - (b) commit any nuisance in any street or public place;
 - (c) commit any act contrary to public good;
 - (d) without statutory authority, deface the foot way or road way by other marks, deposit, obstruct or by writing of other marks;
 - (e) cut, breakdown, a proof, chop or in any other manner destroy or injure or climb any tree or shrub growing in any street; or
 - (f) except in case of emergency sound any motor hour, cycle bell or any similar warning instrument
 - (g) wash or repair or paint or cause permit to be washed or repaired in any street or public place any car, cart, lorry, or vehicle of any kind of description;
 - (h) conduct pettily trade or places merchandise on the street with the intention of selling the goods;
 - (i) circulate any depositing affixing or causing to be deposited or affixed in or upon any vehicle, whether a motor vehicle or any kind, standing in any street or public place or vacant plot within the town area, any handbill or advertising matter or any description whatever shall be guilty of an offence;
 - (j) any person who shall place or cause to be placed or left any vehicle or article or materials in a street in such a manner that it causes or is likely to course an obstruction to a person or vehicle using the street shall be guilty of an offence.
- (2) The Department may remove such goods, articles or materials which have been placed for sale on the street or pathways in contravention of this section and impound the same.
- (3) The owner of such good, articles or materials removed from the street or pathway in pursuance of this section shall not be entitled to recover the same until he or

she has paid to the county, such fee as may be prescribed in the Regulations.

PART VII—GENERAL PROVISIONS

56. Any person who assaults or obstructs an authorized officer, or other person duly authorized, in execution of their duty under this Bill, commits an offence and on conviction shall be, is liable on conviction to a fine of hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Obstruction of
authorized officer is
an offence.

57. (1) A person who is convicted of an offence under this Bill, for which no other penalty is provided, shall on conviction be liable to a fine not exceeding shillings 500,000 or imprisonment for a period not exceeding two years or to both such fine and imprisonment.

General Penalty.

(2) A county may, by law, further prescribe that, in addition to any penalty, any expenses incurred by the county in consequence of the breach of any law made under this Bill or in the execution of any work directed by any such law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

58. (1) The department may make rules prescribing—

Rules.

- (a) the fees to be charged in respect of any license or permit issued under this Bill;
- (b) the form of applications and permits;
- (c) any registers to be kept;
- (d) conditions subject to which the county shall issue permits relating to noise pollution, air pollution and advertising;
- (e) generally to give effect to the provisions of this Bill.

(2) All rules made under this Bill shall be presented to county assembly as soon as possible after publication.

MEMORANDUM OF OBJECTS AND REASONS

A Bill for an Act of the County Assembly to provide for the regulation and management of air pollution, noise pollution and other nuisances; outdoor advertising and for connected purposes.

ABDULLAHI ABDIRAHMAN ALI,
Chairman, Health and Sanitation Committee.