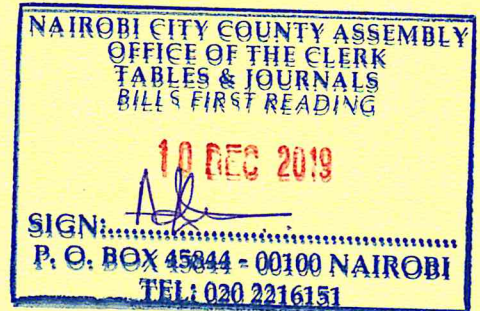


SPECIAL ISSUE

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KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY BILLS, 2019

NAIROBI, 5th December, 2019

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FIRST SCHEDULE

**THE NAIROBI CITY COUNTY TRANSPORT BILL,
2019**

A Bill for

AN ACT of the County Assembly of Nairobi City County to provide for administration of county transport; to make provisions for county roads, public road transport, traffic management, parking, street lighting and for connected purposes.

ENACTED by the Nairobi City County Assembly, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Nairobi City County Transport Act, 2019.

Short title

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

Interpretation

“Assembly” means the County Assembly of Nairobi;

“authorised officer” means an officer of the County authorised to enforce this Act;

“Committee” means the Transport Planning Advisory Committee as provided under this Act;

“BRT” means Bus Rapid Transit operated on a transport corridor declared by the Nairobi Metropolitan Area Transport Authority;

“bus stop” means a space designated on a carriageway by a sign and/or road marking where a bus may lawfully stop to pick up and set down passengers;

“carriageway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder;

“Central Business District (CBD)” is the area bounded by University Way, Slip road, the eastern quadrant of Globe Roundabout, Nairobi River until the bridge at Racecourse Road, Haile Selassie Avenue and Uhuru Highway until its junction with University Way;

“Chief Officer” means the Chief Officer for the time being responsible for Roads, Public Works & Transport in Nairobi City County;

“class” means the categorization of roads as assigned pursuant to the First Schedule of the Kenya Roads Act, 2007

"commercial vehicle" has the meaning assigned to it under the Traffic Act;

"County Executive Committee Member" means the County Executive Committee Member for the time being responsible for roads, transport and public works;

“County” means the Nairobi City County;

"county road" means a road classified as class D, E, F, G, K, L, P, R, S, T, U, W, UA or UW under the First Schedule of the Kenya Roads Act;

“driving licence” means a valid licence to drive and/or operate a motor vehicle issued under the Traffic Act, and any document deemed to be a driver’s licence by any rules made under the Traffic Act;

“footway” means that part of a road constructed for the use of pedestrians;

“fund” means the Nairobi City County Transport Management Fund established under Section 10 of this Act;

"heavy commercial vehicle" means a commercial vehicle which has an operating weight exceeding ten thousand pounds;

“Intelligent transport system” means the use of electronic based techniques to provide information and automatic control of road management; incident management; emergency management; public transport management; toll collection; fare payment; intersection control; recording offences; and traveller information;

“Low emission zone” means an area designated as such by the County Executive Committee Member whereby access to this zone is restricted for certain vehicles that emit pollution to the air including vehicles operated by diesel and petroleum;

“mass transit” means public transport designed to carry large numbers of passengers and shall include bus rapid transit and commuter rail;

“matatu” means a public service vehicle having a

seating accommodation for not more than twenty— five passengers exclusive of the driver, but does not include a motor car;

“motor car” means a motor vehicle having seating accommodation of not more than ten passengers excluding the driver and does not include a motor cycle;

“motor cycle” means a two wheeled vehicle operated by motor with no pedals;

“motor vehicle” means any mechanically propelled vehicle, excluding any vehicle running on a specially prepared way such as a railway or tramway or any vehicle deriving its power from overhead electric power cables or such other vehicles as may from time to time by rules under the Traffic Act be declared not to be motor vehicles for the purposes of the Traffic Act;

“national road” means a road classified as class A, B or C under the First Schedule of the Kenya Roads Act;

“on the spot fine” means a fine payable to a traffic marshal at the place of and at the time of the offence committed under this Act;

“park” bringing a vehicle to a halt and leaving it temporarily whether occupied or not;

“passenger” means any person other than the driver seated in or on a bus, taxi-cab, motorcycle, bicycle, or any other motor vehicle;

“permit” means a permit issued under the provisions of this Act;

“plan” means the Capital City Transport plan under Section 7 of this Act;

“public road” means any public road within the meaning of the Kenya Roads Act, and includes any other road or way, car park, or footway on which vehicles are capable of travelling and to which the public has access;

“public service vehicle” means any motor vehicle which—

- (a) is licensed under the Traffic Act to ferry passengers for hire or reward; or
- (b) plies for hire or reward or is let out for hire or

reward; or

(c) is carrying passengers for hire or reward;

“public transport” means transport by any means that is available to the public, and includes services provided by a bus, *matatu*, minibus, bus rapid transit, rail, light rail, and metro;

“registered owner” in relation to a vehicle which is the subject of a hire— purchase agreement or hiring agreement, includes the person in possession of the vehicle under that agreement;

“SACCO” means a Savings And Credit Co-operative registered under the Ministry of Cooperative Development and Marketing, and authorized to take deposits from and lend to its Committee Members;

“taxi- cab” means any public service vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, which is registered under any laws relating to the licensing and operation of taxi-cabs to ply for hire from a taxi rank or other public place within the area where such laws are in force;

“taxi-cab meter” means a measuring device approved by the County and used in a taxi-cab to calculate a fare;

“trailer” means any vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motor cycle;

“traffic marshal” means an officer appointed by the County Public Service Board to monitor and manage traffic entering and a county road;

“traffic signs” means any sign, notice, signal, light or other device erected or in any way displayed by or with the consent of the highway authority, for the purpose of regulating, restricting or prohibiting traffic and vehicles of any kind, on a road provided that all traffic signs shall conform to any regulations as to size, colour and type which may be prescribed by rules made under the Traffic Act and under this Act;

“truck” means any motor vehicle designed, used, or maintained primarily for the transportation of property or goods;

“*tuk tuk*” means a motor vehicle with three wheels propelled by an engine, and capable of carrying passengers or goods;

“utilities” means services offered by any company for supply of electricity, internet, gas, water or sewerage services; and

“vehicle” includes a motor vehicle, a trailer and any other conveyance used on a road.

3. The object and purpose of this Act is to —

Object and purpose

- (a) provide for adequate, safe and efficient public transport facilities;
- (b) facilitate the management, planning, development and funding of county transport facilities and infrastructure; and
- (c) provide a legal framework for County transport in order to give effect to Part 2 of the fourth schedule of the Constitution of Kenya, 2010.

4. This Act applies to roads and transport system in the County.

Application

PART II — ADMINISTRATION

5. (1) The County Executive Committee Member shall be responsible for the efficient implementation of this Act.

Role of County Executive Committee Member

(2) The County Executive Committee Member shall be responsible for the—

- (a) Preparation of the Capital City Transport Plan
- (b) construction and maintenance of county roads and their drainages;
- (c) regulation of parking on county roads;
- (d) regulation of public off-street parking;
- (e) smooth flow of traffic in the county;
- (f) regulation of an integrated public transport system in the county;
- (g) promotion of non-motorised transport; and
- (h) determination of the contribution of developers to interventions necessary to mitigate traffic and

transport impacts of development proposals.

(3) The County Public Service Board may designate such number of authorised officers as may be necessary for the enforcement of this Act.

6. (1) The County Executive Committee Member and authorised officers, in carrying out functions under this Act, shall partner and cooperate with the—

Duty of cooperation
and consultations

- (a) State Department responsible for matters relating to transport;
- (b) public corporations with duties and responsibilities concerning transport; and
- (c) other concerned Counties.

7. (1) Every five years the County Executive Committee Member shall, after consultation with stakeholders at the National and County level, prepare a Capital City Transport Plan.

Capital City
Transport Plan

(2) The plan shall be consistent in timing and content with the County Integrated Development Plan (CIDP) and national transport policy.

(3) The plan provided for in subsection (1) shall contain the following—

- (a) an integrated transport framework for all modes of transport to support the economic and social development of the capital city;
- (b) an appreciation of the unique transport challenges faced by the capital city;
- (c) policies and priorities for road infrastructure and maintenance, and traffic and parking management over the five years in question;
- (d) proposals of the Nairobi Metropolitan Area Transport Authority for declared transport corridors;
- (e) policies and programmes for the development of public transport and mass transit, and associated legal and regulatory reform over the five years in question;
- (f) programmes and projects of national and

metropolitan road and transport agencies over the five-year period within the County;

- (g) programmes and projects of the county government committed and proposed over the five-year period;
- (h) specific proposals for the introduction and implementation of intelligent transport systems for parking and traffic management and control;
- (i) particulars of the costs of the programmes and projects contained in (e), (f) and (g) above, and their funding sources; and
- (j) particulars of any factors which may affect the implementation of the plan and the measures which will be taken to ensure the execution of the plan.

(4) The Committee Member shall present the plan to the County Assembly for its approval.

(5) The plan approved by the County Assembly shall be published and publicised.

8. (1) The Committee Member shall, in consultation with the County Public Service Board ensure that the following two positions are established and filled—

Arrangements for the executive

- (a) Chief Officer, Transport and Planning
- (b) Chief Officer, Infrastructure and Public Works

(2) No person shall occupy both the posts in subsection (1), either in an acting or substantial capacity.

(3) The Chief Officer, Transport and Planning shall have three directors appointed being responsible for—

- (a) Transport policy, strategy and planning
- (b) Transport services
- (c) Parking services

9. (1) There is hereby established the Transport Planning Advisory Committee

Transport Planning
Advisory Committee

(2) The members of the Committee shall be—

- (a) The County Executive Committee Member who shall be the chairperson of the Committee;

- (b) the Permanent Secretary, State Department for Transport or a representative designated in writing who shall not be below the level of Director;
- (c) the Permanent Secretary, State Department for Infrastructure or a representative designated in writing who shall not be below the level of Director;
- (d) the Chief Officer, Transport and Planning who shall be the secretary to the Committee;
- (e) the Chief Officer, Infrastructure and Public Works;
- (f) the Chief Executive Officer of the Kenya National Highways Authority or a representative designated in writing who shall not be below the level of Director;
- (g) the Chief Executive Officer of the Kenya Urban Roads Authority or a representative designated in writing who shall not be below the level of Director;
- (h) the Chief Executive Officer of the Nairobi Metropolitan Area Transport Authority or a representative designated in writing who shall not be below the level of Director;
- (i) the Director General National Transport and Safety Authority or a representative designated in writing who shall not be below the level of Director;
- (j) a professor with vast knowledge on transport management from a university recognized in Kenya who shall be an *ex officio* member;
- (k) a representative of the transport sector to be nominated by the *Matatu* Owners Association and the *Matatu* Welfare association and appointed by the County Executive Committee Member, appointed by the Committee Member who shall be an *ex officio* member;
- (l) any other person or representative of stakeholders that the County Executive Committee Member

may co-opt to the Committee as an *ex-officio* member;

(3) The quorum for the conduct of business at a meeting of the Committee shall be any five members excluding *ex-officio* members of the Committee.

(4) The Committee shall meet as often as may be necessary for the dispatch of its business but there shall be at least four meetings of the Committee in any financial year.

(5) The functions of the Committee shall be to advise the County Executive Committee Member on broad issues of transport policy and planning with a view to improving the movement of both passengers and freight and coordinating the activities of sector actors within the County.

(6) The Chairperson and members of the Committee shall be paid such remuneration or allowances as the County Executive Committee Member, may, on the advice of the Salaries and Remuneration Commission determine.

(7) The Committee shall be established within thirty days of the enactment of this Act.

10. (1) There is hereby established the Nairobi City County Transport Management Fund.

Nairobi City County
Transport
Management Fund

(2) The monies of the Fund shall consist of—

- (a) such monies not exceeding fifteen per centum of the revenue collected from all parking fees in the previous year actual collection by the County;
- (b) all other fees, charges and penalties collected as a result of the implementation and enforcement of this Act;
- (c) such monies as may be appropriated by the County Assembly for the purposes of implementation of this Act; and
- (d) donations, grants or any other assets donated to the Fund by any foreign Government, international agency, national Government or agency or any other institution in accordance with the Public Finance and Management Act,

2012.

(3) The Fund shall be managed by the Chief Officer, Transport and Planning.

(4) The accounts of the Fund shall be audited annually by Office of the Auditor General.

(5) Audited accounts shall be presented to the Assembly no later than six months after the end of the financial year to which the accounts are pertinent.

(6) The Fund shall be applied for—

- (a) The implementation and operation of any project or programme contained in the approved Capital City Transport Plan;
- (b) Any operational expenses incurred in the collection of income sources set out under this Act.

PART III—THE COUNTY ROADS

11. (1) The County Executive Committee Member shall identify and classify the county roads by the criteria of—

Identification of
county roads

- (a) location;
- (b) length of the road;
- (c) class of the road;
- (d) road number; and
- (e) the road name.

(2) The County Executive Committee Member shall submit the inventory of county roads for approval by the County Executive Committee, and once approved it shall be published in the Kenya Gazette.

(3) The County Executive Committee Member may, by notice in the Gazette, amend the inventory and classification of roads from time to time.

12. (1) A land owner who constructs a road on their property may—

Private roads

- (a) only connect that road with a public road following the approval of the County; and
- (b) seek the adoption of the County for the road to be

declared a county public road.

(2) A private road shall not be adopted for the purposes of maintenance unless —

- (a) its design and construction meets the standards required by the County; and
- (b) the County Executive Committee Member grants an approval.

13. (1) A road reserve shall be the designated area on fixed distance either side of the centre line of the road.

Designation of Road reserves

(2) The fixed distance in subsection (1) shall be determined in accordance with regulations and may vary depending on the class of road.

(3) Despite subsection (2), the minimum fixed distance in each side of the centre line of any class of road shall be nine metres.

(4) The County shall place physical marks on road reserves.

14. (1) Any road reserve designated under this Act shall have the effect of reserving the strip of land described in such notice for road purposes.

Restriction of activities on road reserves

(2) No person shall undertake any activity on a road reserve except the construction of a road.

(3) Despite subsection (2), the County Executive Committee Member may permit limited use of the land reserved for road subject to such conditions as may be imposed.

(4) A person who contravenes this Section commits an offence and is liable upon conviction to a fine not exceeding Kenya Shillings one hundred thousand or to imprisonment for a term not exceeding one year or to both.

15. (1) The County Executive Committee Member shall prepare and submit to the County Assembly a Road Development Plan of the County every five years.

Road Development Plan

(2) A road development plan shall—

- (a) contain all existing roads and proposed roads in the County at that time, and their proposed maintenance plans;

(b) contain a programme for the integrated development of the road network in the County; and

(c) be consistent with the Capital City Transport Plan

(3) Any public agency engaged in planning, developing and constructing roads shall on the request of the County Executive Committee Member provide details of the proposals of that agency for—

(a) the construction of new roads in the County;

(b) modifications in alignment or width or number of lanes or any other material fact affecting existing roads;

(c) modifications to junctions of existing roads

(d) changes to the management of any road under the Kenya Roads Act, 2007

(4) A road development plan approved by the County Assembly shall be published and publicised.

16. (1) The County shall maintain the roads for which it has jurisdiction to standards that the County Executive Committee Member may from time to time determine.

Road maintenance standards

(2) Any road agency shall maintain the roads under its jurisdiction to such standards as the County Executive Committee Member may from time to time determine.

(3) Standards set under subsections (1) and (2) above may—

(a) vary by Class of road; and

(b) include construction, drainage and safety issues.

17. (1) A owner of a commercial building may construct and maintain a footway next to a commercial building where the county —

Footways on commercial buildings.

(a) has designated an area next to the building for the construction of a footway; and

(b) has not constructed or has failed to maintain the footway.

(2) A person shall construct or maintain a footway

under subsection (1)—

- (a) upon approval of the County Executive Committee Member; and
- (b) in accordance with any prescribed standards.

18. (1) Any road agency may enter into an agreement with the County government to carry out works on any county road.

Agency agreements

(2) If, in the opinion of the County Executive Committee Member, any road under the jurisdiction of any road agency other than the County government, is unsafe in its design or operation, the County Executive Committee Member shall notify the agency in writing requesting for proposals to improve the road safety.

19. An authorised officer of the County government may enter any parcel land to remove obstructions, except buildings, or execute any other works that may be required to remove—

Power to enter land

- (a) a safety hazard, or
- (b) an obstruction of a road sign
- (c) any obstruction to drainage

20. (1) An authorised officer of the County Government may enter any parcel of land to alter the position of any pipe, sewer, drain or wire, or to allow the person controlling such utilities to execute the work themselves.

Power alter pipes

(2) It shall be the responsibility of the County government to ensure the maintenance or supply of any produce using the sewer, drain, pipe or wire should works be carried out under this Section.

(3) The County government may require the person controlling any utility to remove any pipe, sewer, drain or wire from within a road reserve, or to allow the County government to execute the work itself at the cost of the person controlling the utility.

21. The Committee Member may require any person controlling a structure or thing above or below a County road to remove that thing at his cost, or to allow the County government to remove such a thing itself and to recover the

Power to remove a structure

cost from the person in control of that thing.

PART IV—PUBLIC ROAD TRANSPORT

22. (1) A person who wishes to operate a public transport infrastructure or services in the County shall obtain consent from the County Executive Committee Member.

Approval of Public transport infrastructure

(2) The County Executive Committee Member shall expeditiously process any application to operate public transport services in the County and may only withhold such application where—

- (a) It conflicts with the approved transport plan of the County;
- (b) it imposes costs on the County that the County Executive Committee Member deem unreasonable; or
- (c) the County Executive Committee Member is of the opinion it may cause unreasonable disruption of public transport services in the County.

23. No person shall drive a motor vehicle on a public road except under the authority and in accordance with the conditions of a license issued in accordance with the relevant national law.

Operating license

24. (1) The County Executive Committee Member shall prepare a plan for a network of bus routes to operate to, from and within the County.

Network of bus routes

(2) A person shall not operate a public service route in the County unless—

- (a) incorporated under the Companies Act or registered as a SACCO;
 - (b) a valid bus license has been issued by the National Transport and Safety Authority; and
 - (c) a bus route permit has been issued by the County.
- (3) A bus route permit shall be granted to a bus operator provided that the proposed bus route—
- (a) is part of the plan approved under subsection (1);
 - (b) operating and performance standards and fares regime are agreed with the county in a bus route

contract.

- (c) is operated by buses that have permanent access to parking and maintenance facilities, and that the address of these facilities is provided to the County; and
- (d) is operated by a maximum of two companies, SACCOs or operators.

(4) The driver of a public transport vehicle shall, when ferrying passengers for hire or reward, follow such routes as are laid down under subsection (2).

(5) A person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings fifty thousand or to imprisonment for a term not exceeding six months or to both.

25. (1) The County Executive Committee Member shall designate public transport vehicles terminals in the County.

Public transport
vehicles terminals

(2) In designating terminals, the County Executive Committee Member shall ensure that such terminals are part of an integrated public transport network.

(3) The County Executive Committee Member may amend the designation of any terminal for any existing or proposed public service route to align them with an integrated public transport network.

26. (1) A registered owner of a public transport vehicle shall submit to the County Executive Committee Member with copy of the vehicle's operative timetable indicating the scheduled times of arrival and departure of all services for approval.

Timetable for public
transport vehicle
operators

(2) The County Executive Committee Member may, before approving the timetable require necessary amendments and alterations be made for efficient and smooth running of a bus station.

(3) All public transport vehicles shall adhere to the approved timetable.

27. (1) A public transport vehicle shall only pick up or drop passengers at a designated bus stop.

Passenger dropping
and picking
terminals

(2) No public transport vehicle shall be parked at a bus station for a period designated by the County Executive Committee Member from time to time.

(3) Where the approved timetable provides an interval exceeding one hour between the arrival and departure of any public transport vehicle, such vehicle shall—

- (a) be removed from the bus station to a lawful place of parking not being a parking provided adjacent to a carriage way; and
- (b) shall not be returned to the bus station earlier than thirty minutes before the departure time.

28. (1) A registered owner of a public transport vehicle using a bus station shall pay to the County fees prescribed under the First Schedule.

Bus station fees

(2) A person shall park a public service vehicle at a bus station for the purpose of picking and dropping passengers upon payment of the required fees payable.

(3) A person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding Kenya shillings fifty thousand or to imprisonment for a term not exceeding six months, or to both.

29. (1) A public service vehicle operator shall develop a fare guide based on section 25 (3) (b).

Display of fares

(2) A fare guide will be displayed at a location in the vehicle that is visible to all passengers.

(3) A passenger shall not be required to pay a fair that exceeds the amount displayed on the vehicle.

(4) A public service vehicle operator shall notify the County Executive Committee Member of any changes to the published fare guide.

30. (1) No person shall through use of force, intimidation, threats or prevent—

Prohibition on use of force or intimidation

- (a) any person from obtaining or engaging a public transport vehicle;
- (b) a driver of a public transport vehicle from picking

or dropping passengers; or

- (c) operation of any public transport vehicle which is lawfully operated.

(2) A person who contravenes this Section commits an offence and is liable on conviction to a fine not exceeding Kenya shillings fifty thousand or to imprisonment for a term not exceeding six months, or to both.

31. (1) All public transport vehicles shall have designated seats close to the alighting door for passengers with physical disability or special needs.

Seats for persons
with disability

(2) The number of seats shall be designated for passengers with a physical disability or special need or pregnant women or elderly people or person with an infant as follows—

- (a) vehicles with a capacity of not less than seventeen passengers to have one designated seat;
- (b) vehicles with a capacity of eighteen to thirty-five passengers to have two designated seats; and
- (c) vehicles with a capacity of over thirty-five passengers to have three designated seats.

32. (1) If a public transport vehicle becomes defective during a journey or, for any reason is unable to proceed on with the journey to the outlined destination, the operator of such defective vehicle shall—

Rights of passengers
in a defective vehicle

- (a) provide an alternative vehicle within a reasonable time; or
- (b) an adequate refund of fare for the remainder of the journey.

(2) A public service vehicle operator who fails to comply with subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings.

(3) The driver of a vehicle that becomes defective shall take reasonable steps to ensure the security of the passengers and the vehicle operator shall be held responsible for any loss or injury suffered to passengers as a result of negligence of the driver.

33. (1) The following activities are prohibited on a public transport vehicle—

Prohibited activities
in a public transport
vehicle

- (a) smoking;
- (b) offensive or excessively loud music;
- (c) obscene or offensive language;
- (d) interfering with the comfort of any passenger;
- (e) damaging or interfering with an equipment of the vehicle;
- (f) endangering the life of a passenger;
- (g) showing or displaying of any pornographic material; and
- (h) any other activity prohibited by law.

(2) A person who contravenes this section commits an offence and is liable to a fine not exceeding twenty thousand shillings.

34. (1) The Rider and pillion passenger on a motorcycle shall—

Motorcycle transport

- (a) wear a helmet and a reflecting jacket when on board;
- (b) comply with national traffic legislation.

(2) The carrying capacity for motorcycles shall be one pillion passenger and three passengers for tuk-tuk.

(3) A pillion passenger on a motor cycle shall be at least thirteen years old.

(4) A motorcycle shall only carry passengers for commercial purposes if the operator has obtained a permit issued by the county.

(5) Any motor-cycle carrying passengers for commercial purposes shall operate on zonal arrangements and each zone shall have a distinct colour mark given by County.

PART V—TRAFFIC MANAGEMENT

35. (1) A County Executive Committee Member may designate any authorised officer to service as a traffic

Traffic marshals

marshall for purpose of this part.

(2) A traffic Marshall shall, when pursuing their duties wear a required uniform and carry such identification and authorisation.

(3) The duties and functions of traffic Marshalls shall be—

- (a) to collect fees and charges set out under this Act;
- (b) manage traffic flow in the county roads; and
- (c) perform any other duty of an authorised officer.

36. (1) The County Executive Committee Member shall designate cycling lanes for the exclusive use of pedal cycles in the county roads.

Cycle lane markings

(2) No motorised vehicle shall enter a lane designated for cycling.

37. A road signed with a pedestrian only sign, including the footways and carriageway, shall be for the exclusive use of pedestrians and no motorised vehicle or pedal cycle shall enter or ply on such road.

Pedestrian only lanes and roads

38. (1) Where a road is signed with a public transport vehicle only sign, no motorised vehicle other than a public transport vehicle operated on an approved route may enter or ply that road.

Public transport vehicles only roads

(2) Despite subsection (1), the following vehicles are exempt—

- (a) police cars and motorcycles;
- (b) ambulances; and
- (c) fire engines.

39. (1) A person shall not park or allow to be parked a public transport vehicle in a non-designated parking area.

Disruption of traffic

(2) A public transport vehicle, when picking or dropping passengers, shall not—

- (a) traverse a pedestrian crossing when picking or dropping a passenger; or
- (b) park in a designated parking place longer than is required.

(3) The County shall establish lay-bys for public

transport vehicles in transit to pick and drop passengers and such vehicles shall not park or block the entrance or exit of the lay by.

(4) A person who violates this section commits an offence, and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding eight months or to both.

40. (1) The County Executive Committee Member shall cause to be prepared a record of such public utilities in the County that cross, or are under, or are above, or are on, any public road or footway.

Record of Public Utilities

(2) In preparation and updating of the database in subsection (1) any company or organization issuing utilities in the County is required to provide the County Executive Committee Member with such information as may be required.

41. (1) A utility company which in exercise of a statutory mandate on a county road or footpath may affect the flow of traffic shall seek an approval from the County Executive Committee Member in writing.

Responsibility of utility company

(2) The County Executive Committee Member shall approve any request under subsection (1) where a utility company has clearly identified—

- (a) location and nature of the proposed works;
- (b) duration of the proposed works; and
- (c) measures proposed to ensure the smooth flow traffic and pedestrians.

(3) The County Executive Committee Member may issue temporary traffic orders to regulate traffic during the duration of the works.

(4) A permission granted for such works shall be displayed at the site of the works in a schedule indicating the location, duration and nature of the works.

(5) In undertaking any works on a county road, a utility company shall be responsible for the safety of workers at the site and of the pedestrians.

(6) Upon completion of the works, a utility company shall ensure that the road and footway, signs are road

markings are reinstated to appropriate standard.

42. (1) No truck above the gross vehicle weight indicated shall enter any road where a lorry ban sign is erected.

Designation of truck routes

(2) The County may designate—

- (a) certain roads as truck routes through the erection of Class B advisory signs; or
- (b) any part of any County road or area as a truck park.

(3) No truck unloading goods shall park in any place except a place designated as truck park.

(4) The County may levy a charge on trucks parking in a designated truck park.

43. (1) Any person who applies for the development, redevelopment or change of use of a building or structure exceeding 2,000sq.m. gross floor area shall only be approved where—

Traffic impact assessments

- (a) the building or structure contains within its curtilage the approved number of car parking spaces; and
- (b) a traffic impact assessment report has been submitted by the developer, proposer or owner of the building or structure.

(2) A traffic impact assessment report shall contain—

- (a) a forecast of the numbers of people and vehicles of all types that will be attracted to the building or structure in the year following the year of submission of the report and the following ten years;
- (b) a review of existing transport and traffic conditions in the area the transport network is likely to be affected by the proposed building or structure; and
- (c) an assessment of the additional transport infrastructure and services required in the affected area to accommodate the traffic and transport demands generated by the building or

structure with a view to ensuring that there is no net detrimental effect on traffic and public transport congestion.

44. (1) As a condition of the planning approval the developer or proposer or owner of the building or structure may be required to implement at their cost the measures in the approved traffic impact assessment.

Implementing traffic impact assessment report

(2) Despite subsection (1), a developer, proposer or owner of the building or structure may commute a sum of money to the County in place of implementing the measures outlined in traffic impact assessment for County to implement or cause to be implemented such measures.

(3) Any commuted sum shall be the subject of an agreement between the developer, proposer or owner of the building or structure and the County.

45. (1) The County Executive Committee Member may order a county road be closed for a certain period of time in any direction for any class of traffic.

Closure of roads

(2) Prior to effecting any closure, the County Executive Committee Member shall—

- (a) Publish and publicise the proposed order; and
- (b) consider written submissions on the proposed order.

PART VII—COUNTY PARKING

46. (1) A person shall not park or permit a vehicle to be parked on a public road contrary to a traffic sign or in a manner that impedes the flow of traffic.

Parking on public road

(2) Parking shall be at strictly in areas designated as such at a parking fee provided under the First Schedule and reviewed annually by the County Executive Committee Member for different areas within the county.

47. (1) A public transport vehicle shall not, without prior authority by the County, be parked in any place other than a designated public transport vehicles' terminal.

Parking and stopping places for public transport vehicles

(2) This section shall not apply to a public transport vehicle parked at a bus stop for sole purpose of dropping and picking passengers

48. (1) A person shall not park a motor vehicle in any

Prohibited parking areas

other area other than a designated parking area.

(2) Unless legally permitted, a person shall not stop or park a vehicle—

- (a) at an intersection nearer than ten meters to the projection of the curb line immediately ahead or immediately to the rear;
- (b) within ten meters on the approach to a stop sign or give way sign;
- (c) within five metres of any fire hydrant, or when the hydrant is not located at the curb within five metres of the point on the edge of the roadway nearest the hydrant;
- (d) within ten metres of the approach to a pedestrian crossing;
- (e) on a footway;
- (f) facing oncoming traffic;
- (g) on any bridge or approach to any bridge;
- (h) in a passenger loading or unloading space posted as such by a traffic control device except when taking or discharging passengers;
- (i) on any portion of a public road posted with the sign 'No Parking';
- (j) on any space posted as a fire lane except for emergency vehicles;
- (k) on any space posted for disabled persons parking unless such vehicle is designated as a disabled person's vehicle; or
- (l) in such a manner so as to obstruct an emergency exit.

(2) A person shall not park a vehicle, or permit a vehicle to be parked, on private property without permission by the owner of such property or a person having lawful possession or control.

(3) A trailer shall not be parked on a public road unless attached to a vehicle by which it maybe propelled or drawn, and when so attached, the trailer shall be deemed to be part of the vehicle and subject to the provisions

pertaining to vehicles.

(4) A vehicle that is not a taxicab shall not be parked in an area designated as a taxi zone.

49. (1) The County Executive Committee Member may declare that a designated parking bay or bays may only be used for the parking of vehicles for permit holders only.

Parking bays for permit holders

(2) The county government may issue a permit to a person for a period not less than three months on payment of a fee if that person has-

- (a) a residence or business close to the 'permit holders only' bays; and
- (b) no means of parking a vehicle within the curtilage of the building that houses that residence or business.

(3) Any vehicle parked in a permit holder bay shall visibly display a valid permit on its windscreen and any person who fails to display such a permit commits an offence.

(4) Any permit granted does not guarantee the holder a parking space.

50. If in the opinion of the County Executive Committee Member, the parking of vehicles at a location on a road not under the jurisdiction of the County government constitutes a traffic congestion or safety hazard the Committee Member may write to the agency responsible for that road directing that parking be regulated in a manner that reduces that hazard.

County Executive Committee Member to direct road agencies on safe parking

51. (1) No person or shall own or operate an off street car park that is accessible to the public for reward unless granted an off street parking licence by the county.

Licence for off street parking

(2) An application for an off street car park licence shall be made to the County Executive Committee Member in the prescribed manner and include—

- (a) the proposed number of car parking spaces;
- (b) proposed hours of operation;
- (c) proposed car parking charges;
- (d) number of proposed spaces for vehicles

transporting drivers or passengers living with disabilities;

- (e) the prescribed fees under the First Schedule; and
- (f) statement on impact of the car park on traffic congestion.

(3) An off street car park license shall not be granted if its operation is likely to create traffic congestion.

(4) In granting a licence, the county executive committee member may place conditions on—

- (a) the number of car parking spaces to be operated;
- (b) the opening hours of the car park;
- (c) the charges for parking;
- (d) the duration of effect of the licence; or
- (e) number of spaces for vehicles transporting drivers or passengers living with disabilities.

(5) A licence may be granted for a period of not less than two years and not exceeding five years.

(6) The following entities operating public off street car parks are exempt from the requirements of this section—

- (a) government offices;
- (b) parks;
- (c) schools;
- (d) universities; and
- (e) vocational training colleges and institutes.

52. (1) The County Executive Committee Member shall levy a congestion charge on the owner or operator of every institution, company or building or land within any controlled area that—

- (a) contains car parking spaces within the curtilage of the building or land; and
- (b) is a public off street car park.

(2) In levying a congestion charge, the County Executive Committee member shall take into account—

Congestion charge in
central business
district

- (a) the amount of traffic; and
- (b) representations made with affected stakeholders.

53. (1) Any vehicle parked contrary to provisions of this Act, or which has broken down at a place not designated for parking, shall be removed within the hour by the owner, failing which it shall be towed away by authorised officers at the owner's expense.

Power to tow away a vehicle

(2) When a vehicle breaks down on a road, the owner shall place an authorised hazard sign at least ten metres behind the vehicle.

54. (1) A person shall not park a vehicle on any road unless designation for parking otherwise permits, except for the following purposes—

Loading and unloading

- (a) the loading or unloading of goods from a commercial vehicle for a reasonable period; or
- (b) the loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a reasonable period.

(2) Despite subsection (1), no person, while loading or unloading passengers or goods, shall park in such a manner as may obstruct the passage of other vehicles.

55. The operator of a taxicab shall not park the taxicab upon any roadway other than within a taxi zone, unless such taxicab is displaying a "Not for Hire" sign and the operator is out of the taxicab.

Parking for taxi cab

56. (1) A footway shall only be for the use by pedestrians.

Use of footways

(2) A person shall not drive, park, or erect a structure, on a footway.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

57. (1) A person driving a motor vehicle shall not park the vehicle on any part of a county road that has signs or markings indicating that parking is prohibited at the time of the day or that day of the week.

Parking of motor vehicles in undesignated area

(2) A person shall not use a parking bay other than for the purpose of parking a motor vehicle and in accordance with such conditions as may be prescribed by the County Executive Committee Member.

(3) A person who contravenes this section shall pay a penalty of four thousand shillings.

(4) A person who fails to pay the penalty commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

(5) Where the owner of a motor vehicle contravenes this section, the County Executive Committee Member may cause the motor vehicle to be seized and such vehicle shall only be released to the owner upon payment of the required fine and charges.

58. (1) The County Executive Committee Member shall designate parking bays for —

Special parking bays.

- (a) the reserved parking of petroleum tanker vehicles in accordance with section 99 of the Energy Act; and
- (b) the parking of heavy commercial vehicles.

(2) A person driving a petroleum tanker vehicle or a heavy commercial vehicle shall not park the vehicle in an area other than that which is designated for parking of such vehicles.

(3) Despite subsection (2), a person may park a petroleum tanker vehicle or a heavy commercial vehicle outside the designated areas for the purpose of loading or offloading goods where —

- (a) the loading or offloading process is continuous;
- (b) the goods are of such weight that they cannot be reasonably conveyed otherwise than by means of a vehicle;
- (c) the vehicle is parked as near as possible to the loading or offloading site; and
- (d) the loading or offloading activity is carried out promptly.

(4) A person who contravenes this section commits

an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

(5) Where the owner of a motor vehicle contravenes this section, the county executive committee member may seize the motor vehicle and such vehicle shall only be released to the owner upon payment of the required fine and charges.

59. (1) The County Executive Committee Member shall, by notice in the County *gazette*, publish standards on the approved number of car parking spaces to be provided within a building structure.

Car parking standards

(2) The standards published under subsection (1) shall relate to—

- (a) the proposed use of the building or structure;
- (b) the geographical location of the proposed building or structure;
- (c) in the case of a non—residential development, the gross floor area of the proposed building or structure;
- (d) in the case of a residential development, the number of proposed bedrooms; and
- (e) any other factor the County Executive Committee Member deems fit to include.

PART VII—STREET LIGHTING AND ADVERTISEMENT

60. (1) The County shall install and maintain street lights on all its roads.

Street lighting

(2) In installing the street lights, the County shall prioritise the roads guided by the criteria of—

- (a) volume of traffic;
- (b) volume of pedestrians;
- (c) safety; and
- (d) security

(3) Any national government road agency shall install and maintain street lights on roads under its

jurisdiction within the County to standards and criteria that the County Executive Committee Member may from time to time determine.

61. No sign, advertisement or billboard may be erected on a road or a footway or within a road reserve except—

Roadside
advertisements

- (a) On approval by the County Executive Committee Member on application made through a prescribed form; and
- (b) Payment of the prescribed fee.

PART VIII—LOW EMISSION ZONE

62. (1) The County Executive Committee Member may designate any area of county to be a low emission zone.

Low emission zone

(2) The designation of a low emission zone shall be published and publicised.

63. (1) Within a period of fifteen years from enactment of this Act, no motorised vehicle whose means of propulsion is an internal combustion engine may be driven or parked on any public road within the Low Emission Zone.

Restrictions on
petroleum or diesel
powered vehicles

(2) Any vehicle in contravention of this section is liable to a penalty of fifty thousand shillings or imprisonment for a term not exceeding one year or to both.

64. (1) Within a period of five years from enactment of this Act, no motorised vehicle may be driven or parked on any public road within a low emission zone unless—

Fees payable for
entry to a low
emission zone

- (a) proof of payment of the low emission fee is able to be demonstrated by the operator of that vehicle or any passenger in that vehicle;
- (b) the appropriate low emission zone fee has been paid for that vehicle in accordance with regulations.
- (c) the vehicle is exempt from the low emission fee in accordance with regulations.

(2) Any vehicle that does not display the proof of payment of the climate change mitigation fee shall be liable to an immediate penalty of five times the fee payable for

one day.

(3) Any vehicle for which the penalty under sub section (1) remains unpaid within two hours of demand, such vehicle shall may be towed to a designated impounding yard and shall only be released on payment of a release fee.

PART IX—GENERAL PROVISIONS

65. (1) Every two years the County Executive Committee Member shall prepare and submit to the Assembly a report on the status of non- motorised transport in the County.

Status of non-
motorised transport

(2) In preparing the report that Committee Member shall have regard to—

- (a) the demand for non-motorised transport;
- (b) the stock and quality of infrastructure devoted to non-motorised transport; and
- (c) such activities that have been implemented to foster and encourage the use of non-motorised transport, particularly cycling and walking within the County.

66. (1) The County Executive Committee Member shall make guidelines for non-motorised transport.

Guidelines for non-
motorised transport

(2) The guidelines shall provide guidance on the design and provision of—

- (a) safe roads;
- (b) safe footpaths;
- (c) cycle lanes;
- (d) cycle parking;
- (e) safe pedestrian crossings;
- (f) access to buildings, social and educational facilities;
- (g) access for persons with mobility disability; and
- (h) safe movement of rickshaws and hand carts

(2) No person shall construct any road, footway or any part of any road, or any building or public facility without taking into account the prescribed design

guidelines

67. (1) The County Executive Committee Member may make regulations for the efficient administration of this Act including on—

Regulations

- (a) operation of public transport vehicles within the county;
- (b) designated public transport vehicle terminals;
- (c) public transport vehicle timetables;
- (d) public transport fares
- (e) designated parking bays;
- (f) regulation of taxicabs;
- (g) regulation of tuktuks;
- (h) road reserves
- (i) regulation of motor cycle taxis;
- (j) parking fees and excess charges chargeable under this act; and
- (k) fines payable for contravening the provisions of this Act

68. Schedule 6.1 of the Nairobi City County Revenue Act, 2015 is repealed

Repeal of Schedule
6.1 of the Nairobi
City County
Revenue Act,2015

FIRST SCHEDULE

Sections 29,47,51

Item Description	Unit of Measure		Charges (2019)
Seasonal tickets			
Online Application taxis	Per Month	All online taxi applications to deduct parking fee from source, for all vehicles on their platform	
Private Vehicles	1 month		7,000
	3 Months		18,000
	6 Months		32,000
	12 Months		55,000
Off-street parking			
Loss of ticket	Per ticket		1000
C.B.D.			
On- street parking	Per day Saloon Car	ZONE I	400
		ZONE H	300
		ZONE III	200
		ZONE IV	100
Bus (Non Matatu)	Per Day		1,000
Lorries (3 -10 Tons)	Per Day		1,000
Trailer	Per Day		3,000
ZONE I- C.B.D Including Kijabe street			
ZONE II – Westlands, Upper Hill, Community, Ngara, Highridge, Industrial area, Gigiri, Kilimani, Yaya centre, Milimani, Hurlingham, Lavington, Karen and Eastleigh			
ZONE IV- Areas bordering other counties			
ZONE III- All areas not in Zones I,II, and III			
On street Residential Areas (Not included in CBD and other Areas)			
Lorries (3 -10 Tons)	Per day		500
Bus (Non Matatu)	Per day		500
Trailers	Per day		1,500
Loss of tickets (Off street)			1,000
Item Description	Unit of Measure		Charges
License for each organized bus company per organization.	Per annum		120,000
License for pickups or vans for hire	Per annum		12,000
3 tons and more	Per annum		12,000
License for lorries for hire	Per annum		24,000
License for bus booking office	Per annum		24,000
Road side activities per day	Per day		12,000
License for breakdown Vehicle	Per annum		30,000
Loading/Reserved parking bay			

Item Description	Unit Measure	of	Charges (2019)
Trailers	Per annum		450,000
Standard size (2.5 x 5.0) loading zone in designated parking areas (C.B.D)	Per annum		200,000
Reserved Parking bay for all PSV subject to City Eng. Approval (Vehicles must have/pay for seasonal tickets)	Per annum		220,000
Registration			
Taxis	once		1,000
Trailers	once		1,500
Matatu	once		1,000
Seasonal tickets			
Motor Bikes / Scooters	Monthly		2,000
Tuk Tuk	Monthly		2,000
Private vehicle - 1 month	Monthly		5,000
Private vehicle - 3 months	Quarterly		13,000
Private vehicle - 6 months	Half year		24,000
Private vehicle - 12 months	Full Year		45,000
Taxis	Per month		6,000
Matatu (1 - 13 seater)	Per month		5,000
Matatu (1 - 13 seater)	3 months		14,000
Matatu (1- 13 seater)	Half year		26,000
Matatu (1- 13 seater)	Full year		52,000
Minibus (14 - 42 seater)	Per month		8,000
Minibus (14 - 42 seater)	3 months		22,000
Minibus (14- 42 Seater)	Half year		40,000
Minibus (14 -42 Seater)	Full Year		72,000
Buses (43 - 62 seater)	Per month		10,000
Buses (43 - 62 seater)	3 months		26,000
Buses (43- 62 seater)	Half Year		48,000
Buses (43- 62 seater)	Full year		86,000
Breakdown Vehicles	Per month		6,000
Breakdown Vehicles	3 months		17,000
Breakdown Vehicles	Half Year		32,000
Breakdown Vehicles	Full Year		62,000
Pick-ups	Per month		6,000
Lorries	Per month		20,000
Trailer	Monthly		40,000
Clamping charges	Per instance		2,000
Damage of clamps	each		30,000
C.C.N. Markets-parking	Per day		200
Bus shelters			
Removal charges	Once		8,000
Storage per day	Per day		1,500
Application	Once		6,000

Item Description	Unit Measure	of	Charges (2019)
Matatu parking point applications on designated terminus	Once		15,000
Country bus			
Entry fee per bus and Matatu	Per entry		150
Every quarter hour(15 min) thereafter	Time		30
Chain barriers			
Application	Per instance		4,000
Removal charges	Once		4,500
Storage charges	Per day		1,500
Business encroachment within street pavement or shop corridors			
Application fee	Once		7,000
Every sq.m or part thereof	Per annum		22,000
Street light pole			
Damage of pole	Per instance		120,000
Penalty non-payment of advertisement fees	Once		8,000
Storage	Per day		1,000

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose and objectives of this Bill is to provide for establishment of the county department of transport, county traffic marshals, to provide for matters relating to traffic, parking, county roads, street lighting, public road transport and for connected purposes.

The structure of the Bill is as follows:

Part I of the Bill provides for preliminary matters including the short title to the Bill, the interpretation of words and expressions used in the Bill, the objects, purpose and application of the Bill.

Part II of the Bill deals with Administration generally and the role of the County Executive Committee Member in handling matters of transport in the County. This Part also introduces the Capital City Transport Plan to be prepared by the CEC Member and approved by the County Assembly. It further introduces the Transport Planning Advisory Committee whose main role will be to advise the CEC Member on policies for transport within the County.

Part III of the Bill makes provisions for Identification of county roads and designation of road reserves and the standards that any road construction agency must adhere to when maintaining county roads. This Part further gives powers to the County Government to enter any land and remove a structure that is causing a hazard for road users.

Part IV of the Bill provides for public road transport within the County. It states that all public transport service providers must obtain an operating licence from the County. It provides for regulation of motor cycle transport and the rights of passengers in a defective vehicle.

Part V of the Bill provides for traffic management within the county and the appointment of traffic marshal. It further provides for measures to control disruption of traffic.

Part VI of the Bill contains general provisions on county parking and prohibited parking areas.

Part VII of the Bill contains general provisions on street lighting and advertisement.

Part VIII of the Bill contains provisions on low emission zone and restrictions for vehicles emitting high pollution into the air.

Part IX of the Bill contains general provisions and power to make regulations by the CEC Member for transport.

The enactment of this Bill will occasion significant expenditure of public funds which will be provided for in the county budget.

Statement on Delegated Powers to Legislate

The Executive Committee member responsible for Transport is empowered to make necessary regulations for the better functioning of various provisions of the Act.

Dated the 4th December, 2019.

OSMAN IBRAHIM ADOW,
Member of County Assembly.

