



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 18 of 2018)



**THE COUNTY ROADS, WALKWAYS AND
PARKING BAYS BILL, 2018**

(A Bill published in the Kenya *Gazette* Supplement No. 81 of 22nd June, 2018 and passed by the Senate, with amendments, on 19th June, 2019.)

**THE COUNTY ROADS, WALKWAYS AND PARKING BAYS BILL,
2018**

ARRANGEMENT OF CLAUSES

Clause

- 1 — Short title.
- 2 — Interpretation.
- 3 — Object and purpose of the Act.
- 4 — Application.
- 5 — Duties of the county executive committee member.
- 6 — Construction and maintenance of streets, lanes, alleys, etc.
- 7 — Construction and maintenance of parking bays by the county government.
- 8 — Construction and maintenance of walkways by the county government.
- 9 — Designation of pedestrian crossing.
- 10 — Access ways to commercial buildings.
- 11 — Construction and maintenance of walkways by owners of commercial buildings.
- 12 — Construction and maintenance of parking bays by owners of commercial buildings.
- 13 — Use of walkways.
- 14 — Parking of motor vehicles.
- 15 — Designated parking.
- 16 — Regulations.

THE COUNTY ROADS, WALKWAYS AND PARKING BAYS BILL, 2018

A Bill for

AN ACT of Parliament to provide for the planning, construction and maintenance of county roads, streets, lanes, alleys, parking bays, drainage systems and walkways; to provide proper planning of access-ways to commercial buildings along major roads; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

- Short title. 1. This Act may be cited as the County Roads, Walkways and Parking Bays Act, 2018.
- Interpretation. 2. In this Act—
- No. 6 of 1996 “commercial building” shall have the same meaning assigned to it under the Physical Planning Act;
- Cap. 403. “commercial vehicle” shall have the meaning assigned to it under the Traffic Act;
- “county executive committee member” means the county executive committee member responsible for matters relating to county roads in each county;
- “county road” means all roads falling within the mandate of the county governments under Part 2 of the Fourth Schedule to the Constitution and specified under any other written law;
- Cap. 403. “heavy commercial vehicle” has the meaning assigned to it under section 2 of the Traffic Act;
- “walkway” means any egress, footpath, pathway or route for use by non-motorized traffic and shall not include cycle lanes.

The County Roads, Walkways and Parking Bays Bill, 2018

Object and purpose of the Act.

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

- (a) provide a framework for the planning and construction of access ways from major roads in each county in a manner that ensures the safety of road users;
- (b) provide a framework for planning of commercial structures along county roads in accordance with the Physical Planning Act; and
- (c) promote the development of a well planned environment in counties in order to achieve unhindered and adequate access to buildings from major roads by members of the public.

No. 6 of 1996.

Application.

4. This Act shall apply to all county roads.

Duties of the county executive committee member.

5. (1) The county executive committee member shall—

- (a) formulate a comprehensive plan for the construction and maintenance of county roads within the respective county;
- (b) facilitate the design, development and maintenance of drainage systems along county roads;
- (c) ensure access-ways to buildings constructed along county roads;
- (d) construct, maintain and facilitate the construction and maintenance of adequate parking bays in the respective county; and
- (e) facilitate regular inspection of all buildings, roads, streets, lanes, alleys, parking bays and walkways under the jurisdiction of the county government to ensure that they adhere to prescribed building codes and standards as set out in the Physical Planning Act, the Urban Areas and Cities Act and any other written law.

No. 6 of 1996

No. 13 of 2011

(2) The county executive committee member shall, in the performance of the functions under this Act, make provision for the access and use of buildings, roads, streets, lanes, alleys, parking bays and pavements by persons with disabilities in accordance with section 21 of the Persons with Disabilities Act.

No. 14 of 2003.

(3) The county executive member shall, for purposes of subsection (2), consult with the National Council for Persons with

Disabilities established under section 3 of the Persons with Disabilities Act.

Construction and maintenance of streets, lanes, alleys, etc.
No. 6 of 1996.

6. Each county government shall construct and maintain streets, lanes, alleys and other means of accessing properties in the county in accordance with the Physical Planning Act.

Construction and maintenance of parking bays by the county government.

7. (1) The county executive committee member shall, in consultation with the National Lands Commission, designate public land for the construction of parking bays within the county.

No. 6 of 2012.

(2) Where the county executive committee member considers it necessary to acquire private land for the construction of parking bays, the county executive committee member may initiate the process of compulsory acquisition of such land in accordance with section 107 of the Land Act.

Construction and maintenance of walkways by the county government.

8. Each county government shall construct and maintain walkways along all county roads in the respective county.

Designation of pedestrian crossing.

9. (1) The county executive member shall designate areas for use by pedestrians for the purpose of crossing a county road in a manner that does not interfere with the flow of traffic and that complies with national and county legislation.

(2) The county executive member shall, for the purpose of subsection (1) and where necessary designate a pedestrian crossing and maintain a footbridge or any other convenience for use by pedestrians to cross a county road.

Access ways to commercial buildings.

10. (1) Subject to subsection (2), an owner of a commercial building which is situated along a county road—

(a) may, with approval of the county governments, construct an access-way to the property in which the commercial building is situated in such a manner that the access-way does not obstruct a county road or extend directly from a county road; and

(b) shall allocate adequate space for access to the building in accordance with the Physical Planning Act and any other written law.

(2) The county government shall ensure that there is an alternative means of access to commercial buildings in the area where the building is situated.

(3) Every person who, immediately before the commencement of this Act, owns a commercial building situated along a county road shall comply with provisions of this section—

- (a) within a period of twelve months from the date of the commencement of this Act; or
- (b) within a period of twelve months from the date of completion of the construction of an alternative means of access to the building as provided under subsection (2).

(4) A person who contravenes subsection(1)(b) commits an offence and is liable, on conviction, in accordance with section 30 of the Physical Planning Act.

No. 6 of 1996

Construction and maintenance of walkways by owners of commercial buildings.

11. (1) The owner of a commercial building may construct and maintain a walkway next to the commercial building where the county government—

- (a) has designated an area next to the building for the construction of a walkway; and
- (b) has not constructed or has failed to maintain the walkway.

(2) A person shall not construct or maintain a walkway under subsection (1)—

- (a) unless such person has applied for and obtained approval of the county executive committee member; and
- (b) otherwise than in accordance with the prescribed standards.

Construction and maintenance of parking bays by owners of commercial buildings.

12. (1) The owner of a commercial building may, with the approval of the county executive committee member, construct and maintain a parking bay next to the commercial building on an area designated by the county executive committee member as a parking bay.

No. 6 of 1996 (2) The construction of a parking bay by the owner of a commercial building under subsection (1) shall be carried out in accordance with the Physical Planning Act and any other written law.

(3) The respective county government may enter into an agreement with the owner of a commercial building under subsection (1) for the lease of a designated parking bay for a period of not more than twelve years and on the condition that the construction of the parking bay—

- (a) does not endanger the lives or property of pedestrians or other road users;
- (b) does not cause any inconvenience to other road users;
- (c) does not block access to any other property;
- (d) reverts back to the county government in good condition on the expiry of the lease; and
- (e) on such other conditions as the county executive committee member may impose.

Use of walkways 13. (1) A walkway shall only be used by pedestrians and in such a manner as the county executive committee member may prescribe.

(2) A person shall not drive, park, erect a structure, or carry out any trade or commercial activity on a walkway.

Parking of motor vehicles. 14. (1) A person driving a motor vehicle shall not park the vehicle in an area other than that which is designated as a parking bay.

(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) 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.

Designated parking. 15. (1) The county executive committee member shall designate parking bays for—

- No. 12 of 2006.
- (a) the exclusive 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 the vehicle.

(3) Notwithstanding 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.

Cap. 403. (4) A person who contravenes this section commits an offence and is liable, on conviction, in accordance with section 52A of the Traffic Act.

Regulations. **16.** (1) The county executive committee member may, in consultation with the Cabinet Secretary and all relevant stakeholders, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the county executive committee member shall make Regulations—

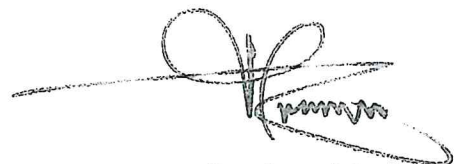
- (a) prescribing the conditions for the use of parking bays and walkways in the county; and
- (b) prescribing the procedure for the application for any approval required in this Act.

The County Roads, Walkways and Parking Bays Bill, 2018

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 19th June, 2019.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 156 of the Senate Standing Orders.


Speaker of the Senate

