

SPECIAL ISSUE

Kenya Gazette Supplement No. 7

9th May, 2025

(Nyeri County Legislative Supplement No. 1)

LEGAL NOTICE NO. 1

THE URBAN AREAS AND CITIES ACT

(No. 13 of 2011)

COUNTY GOVERNMENT OF NYERI

MUNICIPALITY OF NYERI TRAFFIC MANAGEMENT BY-LAWS

IN EXERCISE of the powers conferred by section 21 (1) (f) of The Urban Areas and Cities Act the Board of the Municipality of Nyeri issues and publishes these By-Laws for the better carrying out of the objects of this Act.

PART I—PRELIMINARY

Short title

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

Interpretation

2. In these by-laws unless the context otherwise requires—

“bus park” means the PSV station designated by the County and any other stations established by the County from time to time;

“County” means the County Government of Nyeri;

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

“driver” has the same meaning assigned to it by the Traffic Act;

“motorcycle” has the same meaning assigned to it by the Traffic Act;

“Municipality” means the Municipality of Nyeri;

“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;

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

“Public Service Vehicle (PSV)” means any motor vehicle which—

(a) is licensed under Part XI of the Traffic Act to carry 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;

“ride” means to operate, manage or to be in control of a motorcycle.

“rider” means the person operating or person in control of a motorcycle;

“road furniture” means accessories of a road that make a road safe for traffic on the road and includes traffic lights, traffic signs, guard rails and rest area facilities;

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

“taxicab” has the same meaning assigned to it by the Traffic Act;

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

“vehicle” has the same meaning assigned to it by the Traffic Act.

PART II—TRAFFIC MANAGEMENT

Movement of Traffic within CBD

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

(2) A person who commits an offence under sub-section (1) shall be liable to —

(a) an administrative fine of three hundred Kenya shillings (KSh. 300) payable to the County Revenue Account; or

(b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding five thousand Kenya shillings or to both.

Speed limit in CBD

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

Driving on footpaths

5. (1) No person shall drive a vehicle or ride a motorcycle on a pedestrian footpath.

(2) A person who contravenes sub-section (1) commits an offence.

(3) A person who commits an offence under subsection (1) shall be liable to: -

(a) an administrative fine of three thousand Kenya shillings (KSh. 3,000) in the case of any other vehicle and five hundred Kenya shillings (KSh. 500) in the case of a motor cycle payable to the County Revenue Account; or

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

PART III—SPECIAL PROVISIONS ON MATATUS

Lawful passenger

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

Control of bus parks

7. (1) Every person within a bus park or designated stage shall comply with and obey all lawful instructions and directions given by a Traffic Marshal or a supervisor for the purpose of controlling or supervising a bus park.

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

PSVs to Provide Traffic Schedules

8. An owner of a PSV utilizing the bus park or designated stage or a PSV SACCO shall furnish the county with and keep open for public inspection, schedules showing the rates, fare and charges for—

- (a) The transportation of passengers and property within the municipality between each point upon its route;
- (b) Every route leased, controlled or operated by it.

Pick up and drop off in unauthorized places

9. (1) A person commits an offence if—

- (a) being a driver of a PSV while carrying passengers for hire or reward and without prior written permission of the county starts or terminates a journey at any place other than a bus park or designated stage; or
- (b) being a driver of a PSV fails to follow such routes as may be mapped by the county for the purpose of starting or terminating any journey; or
- (c) being a driver refuses to follow such routes as may be mapped by the county for the purpose of starting or terminating any journey within the Municipality; or
- (d) being a driver of a PSV or a motorcycle rider whilst plying a route for hire or reward and while carrying passengers and without prior written permission of the county, park a vehicle or motorcycle in any place other than a bus park or designated stage; or
- (e) being a motorcycle rider when carrying passengers for hire or reward and without prior written permission of the county starts or terminates a journey at any place other than a bus park or unauthorised places.

(2) A person who commits an offence under sub-section (1) shall be liable to —

- (a) an administrative fine of two thousand five hundred Kenya shillings (KSh. 2,500) in the case of any other motor vehicle and five hundred Kenya shillings (KSh. 500) in the case of a motor cycle, payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding five thousand Kenya shillings (KSh. 5,000) or to both.

Interference with traffic flow

10. (1) No person shall interfere with the free flow of traffic within a bus park.
- (2) A person who commits an offence under subsection (1) and shall be liable to—
 - (a) an administrative fine of two thousand Kenya shillings (KSh. 2,000) payable to the County Revenue Account; or
 - (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding two thousand Kenya shillings or both.

Requirement to queue when boarding

11. (1) When six or more persons are waiting to board a matatu, they shall form a queue and no person shall board or attempt to board a PSV before any person ahead of them on such queue.
- (2) No driver or transport service provider shall allow passengers being more than six persons to board unless such passengers are in a queue.
- (3) A driver who contravenes sub-section (2) commits an offence and shall be liable to—

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

PART IV—SPECIAL PROVISIONS ON MOTORCYCLES

Safety on motorcycles

12. (1) While operating a motorcycle, a rider shall be in a helmet and reflector _____ jacket.
- (2) A rider shall provide a helmet and reflector jacket for their passenger.
- (3) A rider who contravenes sub-section (1) and (2) commits an offence and shall be liable to an administrative fine of Kenya shillings two thousand (KSh. 2,000).

Motorcycle bays

13. (1) All motor cycles shall operate from designated bays.

Nuisance by motorcycles

14. Riders shall—

- (a) avoid unnecessary hooting and running of engines in parking bays;
- (b) desist from blocking the roads on the streets or in the bus termini;
- (c) observe traffic lights;
- (d) observe all traffic rules;
- (e) ensure no loads shall be carried on a motor cycle—

- (i) Whose width projects more than fifteen centimetres (15cm) beyond the outside end of the handle bars;
- (ii) whose height beyond two meters (2m) from the ground;
- (iii) which projects to the rear beyond the maximum overall length of the motor cycle by more than sixty centimetres (60cm). The rear extremity of the load must be plainly indicated by conspicuous red marker during the day and a red light at night.

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

- (a) an administrative fine of five hundred Kenya shillings (KSh. 500) payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding five thousand Kenya shillings (KSh. 5,000) or both. *Nuisance by motorcycles.*

Prohibition against motorcycle exhaust noise modification

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

(2) A person who commits an offence under sub-section (1) shall be liable to—

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

Motorcycle riders to obtain reference numbers

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

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

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

- (a) an administrative fine of one thousand Kenya shillings (KSh. 1,000) payable to the County Revenue Account and an additional fee of five hundred Kenya shillings (KSh. 500) in respect of expenses incurred in impounding the motorcycle and/or any other incidental fees arising therefrom; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding five thousand Kenya shillings (KSh. 5,000) or both

PART V— GENERAL PROVISIONS

Power to detain vehicles in bus parks

17. (1) No person shall leave a vehicle unattended within a bus park boarding or loading zone or a designated stage.

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

(3) A person who commits an offence under sub-section (1) shall be liable to—

- (a) an administrative fine of two thousand Kenya shillings payable to the County Revenue Account, an additional daily fee of one thousand five hundred Kenya shillings (KSh. 1,500) in respect of expenses incurred in impounding the vehicle and/or any other incidental fees arising therefrom; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding five thousand Kenya shillings (KSh. 5,000) or both.

Repair of bus park and stages

18. The county government may, from time to time and at its own discretion suspend the use of the whole or any part of bus park or stage for the purpose of effecting repair or carrying out any other necessary works; provided that the county government issues adequate notice and provides an alternative space for operation during the period of undertaking repairs.

Littering within CBD

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

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

- (a) an administrative fine of one thousand Kenya shillings (KSh. 1,000) payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding five thousand Kenya shillings (KSh. 5,000) or both.

Tampering with road furniture

20. (1) No person shall—

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

(2) A person who commits an offence under this section shall be liable to—

- (a) an administrative fine of ten thousand Kenya shillings (KSh. 10,000) payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding three months or such other fine as imposed by the court but not exceeding ten thousand Kenya shillings (KSh. 10,000) or both.

Prohibited behaviour within bus parks

21. (1) No person in a bus park or designated stage shall—

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

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

- (a) an administrative fine of two thousand Kenya shillings (KSh. 2,000) payable to the County Revenue Account; or
- (b) upon conviction, to imprisonment for a term not exceeding one month or such other fine as imposed by the court but not exceeding five thousand Kenya shillings (KSh. 5,000) or both.

22. No person within bus park or designated stage shall—

- (a) urinate in any place other than a public lavatory; or
- (b) interfere with or assault another person or tout or shout, call out for customers; or
- (c) spit or play games or loiter therein or thereabout; or
- (d) operate or cause to be operated any instrument fitted onto a vehicle capable of giving audible warning of its position in any manner as to be loud and so continuously repeated so as to cause annoyance and to be a nuisance to the public. *Prohibition of disorderly conduct within bus park.*

PART VI—MISCALLENEOUS

General penalty

23. Any person who contravenes a section for which no penalty has been provided shall be liable to an administrative fine of one thousand Kenya shillings (KSh. 1,000) or upon conviction to a fine not exceeding twenty thousand Kenya shillings (KSh. 20,000) or imprisonment for a period not exceeding three months.

Date of effect

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

FIRST SCHEDULE – MUNICIPALITY CENTRAL BUSINESS DISTRICT*Municipality CBD*

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

North - Chania River

South – Githwariga River

East – Field Marshal Kirima Terminus

West – Nyeri Law Courts

Areas encircled by Kenyatta Road - Baden Powell Road – Kimathi Road and Temple Road

SECOND SCHEDULE – DESIGNATED BUS PARKS/ STAGES AND TAXI BAYS*Designated bus parks and stages*

1. The designated bus parks and stages within Nyeri Municipality Central Business District or any other bus park shall be authorized by the County Government of Nyeri.

Designated taxi bays

2. The designated Taxi Bays within Nyeri Municipality Central Business District shall be authorized by the County Government of Nyeri.

Made on the 9th May, 2025.

NDIRANGU GACHUNIA,
*County Executive Committee Member Department of Lands,
Physical Planning And Urban Development.*