

SPECIAL ISSUE

Kenya Gazette Supplement No. 18 (Bungoma County Acts No. 10)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

BUNGOMA COUNTY ACTS, 2023

NAIROBI, 13th March, 2024

CONTENT

Act—

PAGE

The Bungoma County Public Entertainment and Amenities Act, 20231

**THE BUNGOMA COUNTY PUBLIC ENTERTAINMENT
AND AMENITIES ACT, 2023**

No. 10 of 2023

Date of Assent: 29th November, 2023

Date of Commencement: See Section 1

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Object and purpose of the Act.

PART II—REGULATION OF PUBLIC ENTERTAINMENT

- 4—Authorised officers.
- 5—Responsibilities of the Department.
- 6—Powers of the Department.
- 7—Responsibility of the owner of a place of entertainment.
- 8—Prohibition of public entertainment.
- 9—Declaration of any entertainment to be public entertainment.
- 10—Cruelty to animals.
- 11—Exits to be free from obstruction.

PART III—ADMINISTRATION OF PUBLIC AMENITIES

- 12—Establishment of public amenities.
- 13—Responsibilities of the Department in relation to public amenities.
- 14—Agreement with another party.
- 15—Admission and activities in a public amenity.
- 16—Closure and suspension of public amenities.
- 17—Notice boards.
- 18—Declaration of recreation ground.
- 19—Restriction on animals.
- 20—Prohibited actions or activities.
- 21—Use of a vehicle in a public amenity.

22—Camping sites and camping.

PART IV—LICENCES AND OPERATIONAL PERMITS

23—Powers of the Department.

24—Application for a licence of a public entertainment venue.

25—Issuing of a licence.

26—Use of public entertainment venue for performance or exhibition.

27—Use of public amenity.

28—Submission and inspection of stage play or other public entertainment.

29—Conditions for issuance of licence.

30—Conditions of a licence.

31—Unlawful use of place of entertainment.

32—Cancellation of licence or permit.

33—Permit regarding flora and fauna.

34—Use of camping site.

35—Appeal against decision of the Department.

36—Exemption from obtaining a permit.

37—Security for compliance.

38—Records of licences and permits.

PART V—MISCELLANEOUS PROVISIONS

39—Liaison forums.

40—Protection from personal liability.

41—Powers of entry by police officer or authorised officer.

42—General penalty.

43—Regulations.

THE BUNGOMA COUNTY PUBLIC ENTERTAINMENT AND AMENITIES ACT, 2023

AN ACT of the County Assembly of Bungoma to regulate public entertainment and the use of public amenities and for connected purposes

ENACTED by the County Assembly of Bungoma, as follows—

PART I—PRELIMINARY**Short title**

1. This Act may be cited as the Bungoma County Public Entertainment and Amenities Act, 2023 and shall come in to force upon gazettment.

Interpretation

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

“authorised officer” means an officer appointed under section 4 of the Act;

“camping” means temporarily—

- (a) occupying land for purposes of a picnic;
- (b) occupying land with a caravan or vehicle for sleeping or as a shelter or protection against the weather; or
- (c) erecting a tent for sleeping or as a shelter or protection against the weather;

“camping site” means land set aside by the county government as a public picnic, camping or caravan park site or a similar private facility on private land licensed by the Department;

“county executive committee member” means the county executive committee member responsible for public entertainment, and public amenities ;

“Department” means the county government department responsible for public entertainment and public amenities;

“games of chance” includes casinos, bookmaking, horse racing, prize competitions, bingo, lotto, sports pools, sports betting, dog racing, race betting, game rooms and electronic and mechanical based amusements;

“inland waters” includes any lake, river, dam, marsh or other body of water;

“nature reserve” means a nature reserve registered as a local nature reserve by the county;

No. 10 *Bungoma County Public Entertainment and Amenities* **2023**

“notice board” includes a sign, poster or other device on which the county displays information;

“park” means any piece of land registered by the county government as a park and maintained by it for use by the public;

“public amenity” includes—

- (a) any land, commonage, square, camping area, caravan park, beach, swimming pool, public open space, public resort, recreation site, river, dam, nature reserve, zoo-logical, botanical or other park, or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, which is the property of, or is possessed, controlled or leased by the county government and to which the general public has access, whether on payment of admission fees or not, but excluding a public road or street;
- (b) a building, structure, hall room or office, including any part thereof or any facility or apparatus therein, which is the property of, or is possessed of, controlled or leased by the county government and to which the general public has access, whether on payment of admission of fees or not; and
- (c) a public place contemplated in paragraphs (a) and (b) which is lawfully controlled or managed by a private person or body under agreement between the county government and that private person or body;

“public entertainment” includes any—

- (a) betting, gambling and other games of chance;
- (b) racing;
- (c) concert, recital, dancing exhibition, picture or art exhibition;
- (d) animal or circus performance, waxworks, puppet performance;
- (e) cinemas and video shows;
- (f) acrobatics or other exhibitions of skill; and
- (g) sport which is open to or available for use to the public whether admission is procured or otherwise;

“public entertainment venue” means—

- (a) any premises, land, building, tent or other erection where public entertainment is performed or presented; or
- (b) a place having at least three amusement machines for use by the public; and
- (c) a sports stadium;

“sport” includes all forms of physical or mental activity which, through casual or organised participation, or through training activities, aims at expressing or improving physical and mental wellbeing, forming social relationships or obtaining results in competition at all levels, and includes any other activity as the county executive committee member may determine.

Object and purpose of the Act

3. The object and purpose of this Act is to regulate, protect and promote, for the interest and enjoyment of the community and other persons visiting the county, the following activities and services—

- (a) public entertainment; and
- (b) public amenities including camping sites.

PART II—REGULATION OF PUBLIC ENTERTAINMENT

Authorised officers

4. The county executive committee member shall, after consultation with the County Public Service Board, appoint such number of officers to be authorised officers to oversee the activities taking place in places of public entertainment, public amenities or camping sites under this Act.

Responsibilities of the Department.

5. (1) The Department is responsible for—
- (a) the development of county policies and legislation on public entertainment for consideration by the county executive committee;
 - (b) the implementation of national and county policies and legislation on public entertainment;
 - (c) the promotion, co-ordination and development of public entertainment within the county;
 - (d) advising the county government on initiatives, programs and services required for the regulation and promotion of public entertainment in the county;
 - (e) identifying talent within the county and make recommendation to the relevant institutions for the development of that talent;
 - (f) regulating the establishment of places of public entertainment within the county;

No. 10 *Bungoma County Public Entertainment and Amenities* **2023**

- (g) the sensitization of the public within a particular area on the effects of setting up a particular public entertainment in their community;
- (h) the protection of the public, especially children and vulnerable persons, against disadvantages of specific public entertainments;
- (i) receiving and investigating complaints on practices within specific public entertainments that impact negatively on surrounding communities; and
- (j) carrying out any other activity relating to public entertainment that may be necessary or assigned by any national or county legislation.

(2) The Department shall publish and disseminate information on its activities at least four times in a year.

Powers of the Department

6. The Department may in relation to public entertainment—

- (a) purchase or otherwise acquire, possess or hire movable or immovable property;
- (b) raise money by way of loans from any source with the approval of the county assembly;
- (c) set conditions and fees for the licensing of places of public entertainment;
- (d) determine the classes and categories of public entertainment; and
- (e) determine the age of the patrons of any class or category of public entertainment and the hours of operation.

Responsibility of the owner of a place of entertainment

7. The owner of a public entertainment venue shall—

- (a) ensure adherence to the requirements of all the applicable laws;
- (b) maintain the safety of the patrons in the place of entertainment;
- (c) give notice to the officer in charge of the nearest police station and the authorised officer of any major programme taking place in the public entertainment venue; and
- (d) Allow a police officer or authorised officer to inspect the public entertainment venue at a reasonable period.

Prohibition of public entertainment

8. (1) The county executive committee member may, where it is necessary in the public interest or for public security to do so and after consultation with the officer in charge of the police in the county—

- (a) impose any condition or conditions to be followed during the public entertainment; and
- (b) stop or prohibit any public entertainment from taking place in any area in the county.

(2) A person holding any public entertainment contrary to an order or condition imposed under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months, or to both.

Declaration of any entertainment to be public entertainment

9. The County Executive Committee Member may, by notice in the *Gazette* and after approval of the county assembly, declare any entertainment to which the public is admitted, whether admission is procured or not, to be a public entertainment venue for the purpose of this Act.

Cruelty to animals

10. A person who mistreats any animal taking part in any public entertainment commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months, or to both.

Exits to be free from obstruction

11. The owner or employee in charge of a public entertainment venue and the person holding a public entertainment shall ensure that the means of exit, staircases, landings, passage ways or gangways are safe and free from obstruction any time members of the public are in the public entertainment venue.

PART III—ADMINISTRATION OF PUBLIC AMENITIES**Establishment of public amenities**

12. (1) The county executive committee member may, subject to any applicable law, establish, maintain, manage and oversee public amenities, including but not limited to—

- (a) nature reserves, playgrounds and recreation parks and grounds;
- (b) public libraries and information centres;

No. 10 *Bungoma County Public Entertainment and Amenities* **2023**

- (c) art galleries, museums, botanical gardens and zoological gardens;
- (d) boarding houses, hostels and social service centres;
- (e) charity homes and needy persons places;
- (f) sewerage and drainage systems;
- (g) public toilets;
- (h) areas for boating, fishing, bathing and washing;
- (i) public swimming pools;
- (j) cafes and restaurants;
- (k) sites providing relief services in the event of a disaster;
- (l) road signs; and
- (m) any other public facilities.

(2) The county executive committee member shall, subject to the applicable laws, encourage and promote the establishment of the public amenities provided under subsection (1) through public-private partnerships.

Responsibilities of the Department in relation to public amenities

- 13.** (1) The Department shall, in relation to public amenities—
- (a) recommend to the Executive Committee the applicable policy to be adopted by the County Government;
 - (b) create the proper business and administrative environment to provide public amenities;
 - (c) with the approval of the executive committee and the county assembly, raise funds for the relevant activities;
 - (d) where necessary, license any private public amenity established for the benefit of the community;
 - (e) ensure that public amenities conform with the health, safety and environmental standards including noise pollution and common decency;
 - (f) take relevant measures to ensure minimum standards for related sites including learning institutions, orphanages, children's homes, health facilities, rehabilitation centres, places of worship, nature reserves, game parks and other such places; and
 - (g) perform any other function that may be assigned to it by any legislation.

(2) The Department may establish, support or facilitate the establishment of radio or television stations to further the objectives of the county or for the benefit of the community.

(3) The Department may directly manage or enter into a public-private partnership in relation to any public amenity.

Agreement with another party

14. The Department may enter into a written agreement with any person, body, organisation, local community or organ of State—

- (a) for the use of any public amenity; or
- (b) with the approval of the county executive committee member, for—
 - (i) the development or management of any public amenity; or
 - (ii) the regulation of human activities in that amenity.

Admission and activities in a public amenity

15. (1) The county executive Committee member may, by regulations, determine—

- (a) the times, dates and conditions under which a public amenity shall be open to the public; and
- (b) the activities that may or may not be undertaken in a public amenity.

(2) The Department may permit any person or entity to use any recreation ground—

- (a) including or excluding any building or apparatus therein;
- (b) authorising the making of any changes or alterations therein;
- (c) exclusively for games, a public meeting, fete, show; or
- (d) any other authorised activity.

(3) The County Executive Committee Member shall, depending on the type and size of the public amenity, determine, by regulations—

- (a) the maximum number of persons or vehicles that may be in or at a public amenity at any given time; and
- (b) the different classes of vehicles that may be parked at a public amenity.

(4) A person shall not, without the prior written consent of the Department, while in a public amenity—

No. 10 *Bungoma County Public Entertainment and Amenities* **2023**

- (a) organise or attend any gathering, procession or exhibition within the amenity;
- (b) display or distribute pamphlets, placards, paintings, books, hand bills or other printed, written or painted work;
- (c) engage in any form of trade; or
- (d) carry out any other public activity.

Closure and suspension of public amenities.

16. The Department may, for reasons of maintenance, development, security, safety or public health, temporarily or permanently—

- (a) close a public amenity or a portion thereof; or
- (b) suspend all or any activities thereon.

Notice boards

17. (1) There shall be a notice board at the entrance or in the immediate vicinity of a public amenity on which the following information may be displayed—

- (a) the dates, times and conditions of entry;
- (b) the activities that may be undertaken;
- (c) the fees payable; and
- (d) a notice of closure or suspension imposed under section 16.

(2) No person, other than the authorised officer or a person authorised by the authorised officer may remove or alter the contents of any notice on the notice board.

(3) A notice posted on the notice board may contain graphic representation to convey meaning.

(4) A person who alters, defaces or otherwise tampers with any information on the notice board commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months, or to both.

Declaration of recreation ground

18. (1) The county executive committee member may, in consultation with the department responsible for physical planning, by notice in the *Gazette*, and with the approval of the county assembly, declare any portion of land to be a recreation ground for the purpose of any particular games, recreation or activities.

(2) The Department shall facilitate or authorise on terms that the Department may decide, the provision of any apparatus, equipment, gadgets, devices or tools which may be required for the particular games, recreation or activities in the recreation ground.

(3) The Department shall facilitate or authorise on terms that the Department may decide, the establishment and maintenance of refreshment rooms, cafes and restaurants in the recreation ground.

(4) The Department may rent out, for a specific period, function or occasion any recreation ground established under this section to any person, club, organisation or other body of persons.

(5) The county executive committee member may, with the approval of the county assembly, authorise the person or entity to whom a recreation ground is rented to make charges on the ground.

Restriction of animals

19. (1) No person shall bring an animal into a public amenity where animals are prohibited by notice displayed on the notice board of the public amenity.

(2) Where a person is permitted to bring an animal into a public amenity in accordance with a notice on the notice board, that person shall have direct and physical control of the animal by a leash or other device, and may not bath, wash or allow the animal to enter or remain in any pond, fountain or ornamental water, and shall be responsible for tidying up the animal's solid waste excretion.

(3) Any animal which is not under the control of any person, while in a public amenity, may be impounded and removed from the amenity and dealt with in accordance with the law relating to the impoundment of animals.

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

Prohibited actions or activities

20. (1) A person who is under the influence of alcohol or any drug shall not be permitted to enter or remain in a public amenity.

(2) A person shall not, while in a public amenity—

- (a) break, damage, destroy, tamper with, remove, misuse, disfigure or use anything or fail to observe an instruction by the authorised person;
- (b) intentionally throw or roll a rock, stone, bottle or other object;

No. 10 *Bungoma County Public Entertainment and Amenities* **2023**

- (c) unless authorised to do so under section 33(2)(b), pull out, pick, cut or damage any flora growing in the amenity, or have in possession flora;
- (d) walk on a flowerbed;
- (e) walk, stand, sit or lie on grass in contravention of any notice;
- (f) write, paint, draw pictures or symbols, emblem or other structures on buildings or other places in the amenity;
- (g) excavate soil, sand or stone or remove organic or inorganic objects except if authorised to do so;
- (h) interfere with, obstruct or divert water flow, stream or drain a wetland;
- (i) deface or disfigure anything provided in the public amenity;
- (j) wash, polish or repair a vehicle, except emergency repairs;
- (k) litter or dump any refuse, garden refuse or building materials or burn refuse;
- (l) wash crockery or laundry or hang out clothes, except at places indicated by notice for that purpose;
- (m) use or try to use anything provided in the amenity for a purpose other than that for which it is designed or determined by notice;
- (n) dispose of any burning or smouldering object contrary to the manner provided by the Department;
- (o) behave or conduct oneself in an improper, indecent or unbecoming manner;
- (p) play or sit on play-park equipment, except if the person concerned is a child under the age of thirteen years;
- (q) swim, walk or play in a fish-pond, fountain, dam, river, artificial feature or pond, in contravention with a notice prohibiting the action;
- (r) having an open wound, enters any bath provided by the county;
- (s) enter or use a toilet facility indicated, by notice, for use by members of the opposite sex;
- (t) hunt, injure, disturb, feed, kill, hurt, follow, disturb, ill-treat or catch an animal, or displace, disturb, destroy or remove a bird, nest or egg, or skin or gut an animal, except if authorised to do so;

- (u) discharge any firearm or set off fireworks except if authorised to do so;
- (v) discharge a bow or use a slingshot or catapult or in any way that prejudice the safety, convenience or rights of other persons; or
- (w) play or conduct a game in a manner that causes annoyance or endangers public safety.
- (x) perform any act that may be detrimental to the health of another person.

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

Use of a vehicle in a public amenity

21. (1) No person may bring into a public amenity any truck, bus, motor vehicle, motor cycle, hand drawn cart, bicycle or any other vehicle except in accordance with the directions of the Department.

(2) Where a person is permitted to drive a vehicle in a public amenity it shall be done on the road constructed in the amenity at the speed indicated on the notice board at the amenity.

(3) This section shall not apply to—

- (a) an emergency vehicle, while lawfully in use, at the amenity;
- (b) any vehicle used by a member of the public in an emergency; or
- (c) a vehicle used by an official or authorised officer in the discharge of their duties while acting in an emergency.

(4) A person who contravenes subsection (1) and (2) commits an offence.

Camping sites and camping

22. (1) The county executive committee member may, within the County—

- (a) subject to any written law and with the approval of the county assembly, declare any area to be a county government camping site; and
- (b) on application by any person or entity, permit the applicant to establish a private camping site.

(2) A private camping site shall be established and managed by the applicant on conditions that may be declared in the permit.

No. 10 *Bungoma County Public Entertainment and Amenities* **2023**

(3) Except when camping on one's own land, no person may camp on any land which is not established as a camping site under subsection (1) or any national law in force.

(4) No person may camp in a county government camping site without the written consent of the Department or a person authorised by the Department.

PART IV—LICENCES AND OPERATIONAL PERMITS**Powers of the Department**

23. (1) The Department has the power to—

- (a) issue licences and permits in accordance with this Act;
- (b) during the subsistence of a licence or permit, vary, or for good cause, suspend a license or permit for not more than fourteen days;
- (c) cancel a licence or permit after giving the licensee or permit holder a reasonable opportunity to show cause against the cancellation; and
- (d) inquire into complaints against licensees or permit-holders.

(2) The Department shall exercise the powers referred to under subsection (1), subject to the provisions of the applicable national legislation, to issue permits and regulate the use of, entry into and safety of patrons in places of public entertainment, public amenities and camping sites.

Application for a license of a public entertainment venue

24. (1) No person shall operate a public entertainment venue without a license issued for that purpose in accordance with the applicable law.

(2) A person requiring a licence shall make application to the Department in the form prescribed by the county executive committee member by regulations.

(3) On receipt of an application under subsection (2), the Department may carry out investigations and consider any information that may be required before issuing a licence.

Issuing of a licence

25. (1) The Department may, within thirty days after receiving an application under this Act—

- (a) consider the application; and

(b) if satisfied that the application meets the requirements of this Act, issue a licence for a public entertainment venue subject to payment of the prescribed fee, upon such terms and conditions that the Department may consider appropriate.

(2) The licence issued under subsection (1) shall be in a form prescribed by the county executive committee member by regulations.

(3) A licence issued under subsection (1) may be revoked or suspended if the safety, health or convenience of persons attending the public entertainment is not adequately provided for or if the structure, equipment or lighting has ceased to conform to the law.

(4) A person who is aggrieved by the decision of the Department to decline an application for a licence may appeal to the county executive committee member against that decision, within thirty days of receiving a written notice of the decision.

(5) Upon receipt of an appeal, the county executive committee member shall, within thirty days from the date of receiving the appeal, consider and determine the appeal.

Use of public entertainment venue for performance or exhibition.

26. (1) A person who requires to use any public entertainment venue for a performance or presentation of a stage play, music show, cinema or other exhibition shall apply to the Department for a permit to use the public entertainment venue.

(2) The application for a permit under subsection (1) shall state the public entertainment venue, period and the type of entertainment to be presented or staged.

(3) The Department may issue a permit if the public entertainment venue in relation to which the application is made under subsection (1) conforms to the requirements of the law on films and stage plays.

Cap. 222

(4) A permit issued under subsection (3) may be revoked or suspended if the safety, health or convenience of persons attending the performance or presentation is not adequately provided for or if the structure, equipment or lighting has ceased to conform with the Films and Stage Plays Act.

(5) Where a new part is added to a stage play or public entertainment, a permit covering the new part shall be obtained from the Department before the new part is presented or staged.

(6) The permit issued under subsection (3) shall be in a form prescribed by the county executive committee member by regulations.

Use of public amenity

27. (1) A person who requires to use a public amenity for—

- (a) the performance or presentation of any public entertainment;
- (b) camping;
- (c) motor sport, horse riding or other sport; or
- (d) any other activity,

shall make an application for a permit to use the amenity or site.

(2) The application for a permit under subsection (1) shall state the location of the activity, period and type of entertainment.

(3) The Department may issue a permit if the activity in relation to which application is made under subsection (1) conforms to the applicable laws.

(4) The license issued under subsection (1) shall be in a form prescribed by the county executive committee member by regulations and issued upon payment of fees and charges provided in the schedule.

Submission and inspection of stage play or other public entertainment

28. (1) A copy of the stage play for which a permit has been granted, and a full description, in writing, of any other public entertainment intended to be performed in a public entertainment venue shall be submitted to the Department, including the time and the public entertainment venue where the stage play or other public entertainment shall be performed.

(2) If any stage play or any part of it is not in English or Kiswahili, the Department may require, in addition to the original script, a certified true translation in English or Kiswahili submitted to the Department.

(3) The Department may inspect, through its officer or any other person, the scripts submitted to it.

(4) The Department may, before issuing a licence, cause the stage play or public entertainment to be performed or presented for its inspection.

Conditions for issuance of licence

29. The Department shall not issue a licence under this Act unless it is satisfied that the building or place in respect of which the application is made has—

- (a) proper sanitary arrangements;
- (b) satisfactory provisions against risk from fire;
- (c) suitable arrangements for extinguishing fire;

- (d) in the case of fire, safe and sufficient exits; and
- (e) adequate provision for the safety and convenience of the public generally;
- (f) adequate aeration.

Conditions of a licence

30. (1) A licence issued under this Act is subject to conditions specified by the Department in the licence including but not limited to—

- (a) the term of the licence;
- (b) the days and hours of operation;
- (c) the number and ages of persons who may be admitted;
- (d) the noise and light in and emanating from the public entertainment venue; and
- (e) the behaviour of persons in the public entertainment venue.

(2) The holder of a licence shall cause the licence to be displayed in a conspicuous place in the public entertainment venue to which it relates.

(3) The holder of a licence, who contravenes or fails to comply with a condition of the license or causes another person to contravene or fail to comply with any condition, commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings.

Unlawful use of place of entertainment

31. Where a class of public entertainment other than that specified in the licence is held in a public entertainment venue, the person holding the entertainment and the holder of the licence commit an offence.

Cancellation of licence or permit

32. The Department may cancel or vary a condition of a licence if the holder of a licence contravenes or fails to comply with a condition of the licence or if the continued use of the public entertainment venue—

- (a) would constitute a danger to the public;
- (b) is prejudicial to public health or convenience; or
- (c) constitutes a nuisance to persons who normally reside in the vicinity of the place.

Permit regarding flora and fauna

33. (1) The Department may, on application and subject to any national legislation and any condition that may be imposed by the Department, issue,

No. 10 *Bungoma County Public Entertainment and Amenities* **2023**

free of charge or otherwise, a permit in the prescribed form, to use a public entertainment venue, public amenity or camping site to—

- (a) a group of people, including students, organisations, associations or other group;
- (b) a person or persons undertaking scientific, educational or other research.

(2) The holder of a permit issued under subsection (1) may—

- (a) if a holder of a valid hunting license, hunt, catch, kill or remove fauna under the supervision, control and in accordance with the instructions of an authorised officer;
- (b) pick, collect or remove fauna;
- (c) have in possession diving equipment, weapon trap, gardening tools, living or dead fauna or flora;
- (d) excavate soil, sand or stone or remove organic or inorganic objects;
- (e) remove any flora or carcass which has been plucked or hunted if the authorised officer—
 - (i) has inspected the flora or carcass;
 - (ii) considers it necessary or desirable;
 - (iii) has measured the dimensions or mass, or taken a sample of the flora or carcass; and
 - (iv) authorises in writing, the removal of the flora, carcass or inorganic material.

(3) The holder of a permit shall, on arrival at the public amenity, present the permit to the authorised officer.

(4) The holder of a permit who undertakes an activity in contravention of a condition imposed by that permit commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months, or to both.

(5) The Department shall, before issuing a permit under this section, confirm with the applicable state department that the fauna, flora, soil or stone is not a natural resource which—

- (a) is an endangered species;
- (b) is restricted from being picked, collected or removed;
- (c) contains a national mineral resource.

Use of camping site

34. (1) The Department may issue a permit to camp in a camping site for a period not exceeding three months subject to any conditions that the Department may consider necessary.

(2) The permit shall include—

- (a) the name or names of the persons or entities camping in the site;
- (b) the dates the camping will take place; and
- (c) the conditions to be fulfilled or followed by the persons camping.

Appeal against decision of the Department

35. (1) A person aggrieved by the decision of the Department under this Part may appeal, within fourteen days from the date of being notified of the decision, in writing, to the county executive committee member.

(2) An appeal under this section shall be considered and determined within twenty-one days from the date of the appeal.

Exemption from obtaining a permit

36. The county executive committee member may exempt a person holding an activity in a public entertainment venue, public amenity, camping site or other place owned or managed by the Department, from obtaining a permit under this Act for the purpose.

Security for compliance

37. (1) The Department may, before issuing a permit in respect of a public entertainment venue, public amenity or camping site, for purposes of public security and compliance to the conditions of the permit, require—

- (a) the applicant to give security in a form that the Department may determine; or
- (b) if there are two or more applicants, that each applicant gives a separate security as the Department may determine.

(2) Where a holder of a permit has a previous conviction under this Act, the Department may require that holder to give security that may determine to ensure that the provisions of the Act and the conditions of the permit will be duly observed.

Records of licences and permits

38. (1) The Department shall keep record of all places of public entertainment, public amenities and camping sites to which licences are issued or renewed.

No. 10 *Bungoma County Public Entertainment and Amenities* **2023**

(2) The Department shall keep record of all stage plays and other public entertainments to which permits are issued under this Act.

(3) The county executive committee member may notify the public in the *Gazette* on the particulars contained in the records of the Department regarding the licences and permits issued under this Act.

(4) Notwithstanding subsection (3), a person may request to be furnished with the particulars referred to in that subsection, and the county executive committee member or a person authorised by him or her shall provide those particulars in the prescribed form.

PART V—MISCELLANEOUS PROVISIONS**Liaison forums**

39. (1) The Department shall establish a liaison forum in the county and may establish different fora for different communities to—

- (a) encourage the local community to participate in the affairs and activities in a public entertainment venue or public amenity in their area; and
- (b) promote security and public safety for the benefit of the community.

(2) The Department may consult the liaison forum for input on any matter concerning the regulation, administration or activities in a place of entertainment or public amenity.

(3) The Department shall ensure that all decisions made in the course of administering public entertainment, public amenity or camping activities which may affect the community of any particular area, are published, publicised and subjected to the widest possible consultation and members of the public are invited to participate.

Protection from personal liability

40. No matter or thing done by a member of the Department, authorised officer or other officer, employee or agent of the county shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the county under this Act, render the member, officer, employee or agent personally liable to any action, claim or demand.

Powers of entry by police officer or authorised officer

41. (1) A police officer, or authorised officer appointed for the purpose by the county executive committee member may, at all reasonable times, enter upon any public entertainment venue, public amenity or camping site in which there is reason to believe that any activity or event is being or is about to take place, with a view to ensuring that this Act is complied with.

(2) A person preventing or obstructing a police officer, or authorised officer acting under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months or to both.

(3) If the police or authorised officer is satisfied that an activity or event is being performed or presented contrary to this Act, and there is clear and present danger to the members of the public, the officer shall order the event to cease immediately.

General penalty

42. A person who is convicted of an offence under this Act, for which no other penalty is provided shall, on conviction, be liable to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding three years or to both.

Regulations

43. The County Executive Committee Member may make regulations for the better carrying into effect of the provisions of this Act and without prejudice to the generality of the foregoing may prescribe—

- (a) entrance fees to public amenities;
- (b) the fees to be charged in respect of any licence or permit in accordance with the applicable Act;
- (c) the form of applications for the licence or permit;
- (d) the form of records to be kept;
- (e) hours during which public amenities may be open to the public;
- (f) conditions subject to which the Department may issue permits for private places of public entertainment, public amenities, camping sites; and
- (g) any matter that the county executive committee member considers necessary for the administration of this Act.

SCHEDULE: COUNTY PUBLIC ENTERTAINMENT AND AMENITIES

Item	Description of fee or Charge on Service	Unit of Measure	Charges
	FEE AND CHARGES FOR SERVICES		
	Social Welfare Groups		
1-4013	Registration of Welfare Groups (Self Help Groups, Youth Groups, Women Groups)	Per Certificate	1,000
1-4015	Registration of community-based organisation	Per Certificate	2,500
	Betting, Gaming and Lotteries		
	INSPECTION OF BETTING SERVICES		
1- 4201	Casino Premise Application Fee	Per Application	10,000
1-4202	Transfer of Casino Premise license	Per License	5,000
	Funfair Permit (Card Games)		
1- 4203	Application fee	Per Application	3,000
1-4204	Renewal Fee	3 Months	20,000
	Local Public Lottery Permit		
1-4205	Application Fee	Per Application	10,000
1-4206	Grant Fee	Per Application	400,000
1-4207	Annual Fee	Per Year	500,000
1-4208	Permit Renewal application fee	Per Application	25,000
1-4209	Investigation Fee (Local applicant)	Per Application	500,000
1-4210	Investigation Fee (Foreign applicant)	Per Application	1,000,000
	Amusement and Pool table		
	Bungoma, Kimilili & Webuye		
1-4211	Application Fee	Per Application	1,000
	Other Sub Counties		
1-4213	Application Fee	Per Application	500
	Local Public Lottery for 3 Month		
1-4226	Application fee	Per Application	250
1-4227	Permit		3% of projected ticket sales or 75,000 whichever is less
	Local Prize Competition Permit		
1-4228	Application fee		500
1-4229	Permit	Per Application	6% of total budget (advertisement +production+d esign+cost of prize

			design+cost of prize)
	HIRE OF PARKS/STADIA/SPORTS GROUND –Kanduyi, Kimilil Stadium & Muliro Gardens		
1-4501	Political Rally	Per day ,or part thereof	50,000
	Religious Function		
1-4502	Local	Per day ,or part thereof	2,000
1-4503	National	Per day ,or part thereof	5,000
1-4504	International	Per day ,or part thereof	25,000
1-4505	School /Institution Sporting Activities/ Commercial Activities	Per day ,or part thereof	5,000
1-4507	Music Extravaganza	Per day ,or part thereof	3,000 +30% of
1-4508	Motor Rallying		gate collection
	Other Open Space		
1-4508	Hire of open space at ward level	Per Day	2,000