



LEGAL NOTICE NO.

THE URBAN AREAS AND CITIES (GENERAL) REGULATIONS, 2022

PART I – PRELIMINARY PROVISIONS

- 1—Citation.
- 2—Interpretation.
- 3—Objects of the Regulations.

PART II—NEIGHBOURHOOD ASSOCIATIONS, THE NATIONAL URBAN DEVELOPMENT POLICY AND DELINEATION OF URBAN AREAS AND CITIES BOUNDARIES

- 4—Accreditation of Neighborhood Associations.
- 5—Clustering of Neighbourhood Associations.
- 6—Implementation of the National Urban Development Policy.
- 7—Monitoring framework.
- 8—Delineation of City or Urban Boundaries.
- 9—Functions of the *Ad hoc* Committee.
- 10—Consideration of reports and publication.
- 11—Winding up of the *Ad hoc* Committee.
- 12—Parameters to be applied in delineation.
- 13—Delineation of urban areas that fall in more than one county.

PART III—CLASSIFICATION OF URBAN AREAS OR CITIES AND SPECIAL PURPOSE CITIES

- 14—Criteria for classification of urban areas or cities.
- 15—Special purpose cities.
- 16—Processing of City Charter.
- 17—Decentralization of functions in the capital city.
- 18—Application for conferment of municipal status.
- 19—Registration of business community within municipalities, urban areas and cities.
- 20—Conferment of municipal status.
- 21—Composition of market centre management committee.

PART IV—GOVERNANCE AND MANAGEMENT OF URBAN AREAS AND CITIES

- 22— Association for Urban Areas and Cities.
- 23—Delegation of functions.
- 24—Governance of Boards.
- 25—Petition for removal of a Chairperson, Vice-chairperson or member of a city or municipal Board.
- 26—Accountability in urban areas and cities.
- 27—Promoting active citizenship and participation.
- 28—Efficient and effective service delivery.
- 29—Appointment of Municipal Manager.

- 30—Staff of urban areas and cities.
- 31—Constituent of citizen fora.
- 32—Convening of citizen fora.
- 33—Meetings of citizen fora.

PART V—DELIVERY OF SERVICES

- 34—Responsibility of county government.
- 35—Establishment of service delivery entities.
- 36—Factors for consideration on the establishment of a service delivery unit.
- 37—Service delivery units in towns.

PART VI— OBJECTIONS TO PARTNERSHIPS AND JOINT VENTURES BY RESIDENTS

- 38—Right to object.
- 39—Right to appeal.

PART VII— INTEGRATED DEVELOPMENT PLANNING AND DEVELOPMENT CONTROL

- 40—Integrated urban planning process.
- 41—Adoption of an integrated development plan.
- 42—Notice of adoption of the integrated development plan.
- 43—Summary of the plan.
- 44—Approval of developments within cities and urban areas.

PART IX—FINANCIAL PROVISIONS

- 45—Funds of Board/Committee.

PART X—SAVINGS AND TRANSITION PROVISIONS

- 46—Savings and transition provisions.

SCHEDULES

FIRST SCHEDULE	APPLICATION FOR ACCREDITATION OF A NEIGHBORHOOD ASSOCIATION
SECOND SCHEDULE	CERTIFICATE OF ACCREDITATION OF A NEIGHBORHOOD ASSOCIATION
THIRD SCHEDULE	CERITIFICATE OF ACCREDITATION OF NEIGHBORHOOD ASSOCIATION
FOURTH SCHEDULE	MODEL CITY CHARTER TEMPLATE
FIFTH SCHEDULE	APPLICATION FOR ACCREDITATION OF A BUSINESS ASSOCIATION
SIXTH SCHEDULE	CERITIFICATE OF ACCREDITATION OF A BUSINESS ASSOCIATION
SEVENTH SCHEDULE	MODEL MUNICIPAL CHARTER TEMPLATE
EIGHTH SCHEDULE	VESTING ORDER

NINETH SCHEDULE	FORM OF PETITION FOR REMOVAL OF CHAIRPERSON, VICE-CHAIRPERSON OR MEMBER OF A CITY OR MUNICIPAL BOARD
TENTH SCHEDULE	CITY/MUNICIPAL INSTITUTIONAL HUMAN RESOURCE STRUCTURE
ELEVENTH SCHEDULE	STEPS IN INTEGRATED URBAN AREA OR CITY DEVELOPMENT PLANNING PROCESS
TWELVETH SCHEDULE	PROCESS AND PROCEDURE OF DEVELOPMENT CONTROL

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LEGAL NOTICE NO.

THE URBAN AREAS AND CITIES ACT, 2011
(No. 13 of 2011)

IN EXERCISE of the powers conferred by section 53(1) of the Urban Areas and Cities Act, 2011, the Cabinet Secretary responsible for matters relating to urban areas and cities makes the following Regulations—

THE URBAN AREAS AND CITIES (GENERAL) REGULATIONS, 2022	
PART I – PRELIMINARY PROVISIONS	
Citation.	1. These Regulations may be cited as the Urban Areas and Cities (General) Regulations, 2022.
Interpretation. <i>No. 13 of 2019</i>	2. In these Regulations, unless the context otherwise requires— “development” means development as defined in section 2 of the Physical and Land Use Planning Act, 2019; “development control” means the process of managing or regulating the carrying out of any works on land or making of any material change in the use of any land or structures and ensuring that operations on land conform to spatial development plans city or urban area integrated development plan as well as policy guidelines, regulations and standards issued by the planning authority from time to time in order to achieve a purposeful utilization of land in the interest of the general welfare of the public; “resident” means a person who has lived within a defined urban area for a continuous period of not less than five years; “service delivery entity” means an incorporated body that is established in a city or urban area by a Board or Committee for carrying out a specified function; and “planning authority” means the Board of a City, Municipal Board of a Municipality or, the Town or Market Centre Committee of a Town or Market Centre.

Objects of the Regulations.	3. The objective of the Urban Areas and Cities (General) Regulations is to fully operationalize the Act pursuant to section 53
PART II—NEIGHBOURHOOD ASSOCIATIONS, THE NATIONAL URBAN DEVELOPMENT POLICY AND DELINEATION OF URBAN AREAS AND CITIES BOUNDARIES	
Accreditation of Neighborhood Associations.	4. (1) A Board or Urban Area Committee shall for purposes of implementation of the Act, establish a register of accredited neighbourhood associations within its jurisdiction in accordance to the First Schedule of these Regulations.
	(2) The Board or Urban Area Committee shall update the register in sub-regulation (1) every two years.
	(3) A Board or Urban Area Committee shall, before accrediting a registered neighbourhood association, require the neighbourhood association to provide— <ul style="list-style-type: none"> (a) a certificate of registration of the neighbourhood association issued by a relevant body; (b) a list of duly elected office bearers and their contact details; (c) a proof of existence and operation for at least two years; (d) a list of members of the association which should include at least twenty five percent of the residents of the neighbourhood; and (e) resolutions of five duly convened meetings of the neighbourhood association.
	(4) The information in sub-regulation (3) shall be submitted in the form provided for in the Second Schedule of these Regulations.
	(5) The Board or Urban area committee shall upon verification of the submitted information, issue an accredited neighbourhood association with a certificate of accreditation as provided in the Third schedule of these Regulations.
Clustering of Neighbourhood Associations.	5. (1) The Manager or Administrator may cluster the neighbourhood associations for better coordination and engagement
	(2) For better coordination of the clusters in regulation (1), each cluster shall upon establishment, elect from the list of officials of the neighbourhood associations in the register, a Chairperson, a Secretary and a Treasurer.

Implementation of the National Urban Development Policy.	6. (1) The Cabinet Secretary shall in consultation with the county governments develop a framework for monitoring the implementation of the National Urban Development Policy.
	(2) The County governments shall report annually on the state of implementation of the National Urban Development Policy
Monitoring framework. Term of the committee	7. (1) The Cabinet Secretary shall, in consultation with the Council of Governors establish a Committee to monitor the implementation of the National Urban Development Policy comprising of— (a) three representatives of the Council of Governors; (b) two representatives of Urban Area Managers; and (c) two representatives from the State Department responsible for matters relating to Urban Development.
	(2) The Cabinet Secretary shall, with respect to the Committee monitoring the implementation of the National Urban Development Policy — (a) designate the Chairperson; and (b) provide the administrative resources and support to the Committee.
	(3) The Committee monitoring the implementation of the National Urban Development Policy may from time to time co-opt experts in various fields to provide support and advice.
Delineation of City or Urban Boundaries.	8. (1) A County Governor shall make a request to the Cabinet Secretary in writing indicating— (a) the city or urban area whose boundary is proposed to be reviewed; and (b) nominees of the county government to the <i>Ad hoc</i> committee provided for in section 4A of the Act.
	(2) The Cabinet Secretary shall within twenty one days of receipt of the request in sub-section (2) request the relevant institutions forming membership of the <i>Ad hoc</i> committee to nominate representatives to the committee.
	(3) The relevant institutions in sub-section (3) shall, within twenty one days of the receipt of the request, nominate their representatives to the committee.

	(4) The Cabinet Secretary shall within fourteen days of receipt of the nominees from the relevant institutions, publish the names of the members of the <i>Ad hoc</i> committee for the delineation of the relevant boundary in the <i>Kenya Gazette</i> .
Functions of the <i>Ad hoc</i> Committee.	9. (1)The <i>Ad hoc</i> Committee shall be responsible for delineating the boundaries for the city or urban area for which the Committee is established.
	(2) In undertaking the delineating function, the Committee shall— <ul style="list-style-type: none"> (a) be facilitated by the county government; (b) issue a notice to the residents of the urban area or city on the intention to delineate the urban area or city; (c) allow the residents twenty one days to give their comments on any matter related to the delineation exercise; (d) develop a work plan for the assignment; (e) apply the set technical standards and guidelines provided for in regulation 12; (f) propose preliminary boundaries for the proposed city or urban area; (g) undertake structured stakeholder consultations with the residents, committee of the urban area or board of the municipality/city on the proposed boundaries; (h) document the receipt of and consideration of stakeholder comments; (i) review the proposed boundaries of the city or urban area, if necessary; (j) prepare a report on the proposed boundaries of the city or urban area; and (k) prepare a map of the proposed city or urban area and the proposed boundaries.
	(3) The map in sub-regulation (2)(k) shall be prepared by a licensed surveyor.
	(4) The <i>Ad hoc</i> Committee shall upon conclusion of the exercise, submit to the County Executive Committee— <ul style="list-style-type: none"> (a) a preliminary boundary mapping report based on application of the technical parameters; (b) a report of stakeholders’ consultations which shall include the mapping of stakeholders, conduct of consultations and consideration of the comments and views received; (c) a report describing boundaries of the targeted city or urban areas; and (d) a final drawn map and a Geographical Information System database of the proposed boundaries of the city or urban area.

Consideration of reports and publication.	10. (1) The County Executive Committee responsible for urban areas and cities shall consider and present the reports in regulation 9 (4) to the County Assembly for approval.
	(2) The County Assembly may upon receipt of the reports from the County Executive Committee— (a) approve the reports; or (b) reject the reports, with reasons for consideration by the County Executive Committee and the <i>Ad hoc</i> Committee.
	(3) Where the County Assembly approves the reports, the Clerk of the County Assembly shall forward the reports to the County Governor who shall upon receipt, submit the reports to the Cabinet Secretary for publication in the <i>Gazette</i> .
Winding up of the <i>Ad hoc</i> Committee.	11. The <i>Ad hoc</i> Committee shall be wound up upon publication of the urban area or city boundary.
Parameters to be applied in delineation.	12. (1) The following parameters will guide the process of delineation of City urban boundaries: (a) Urban Population Density where the proposed boundary of the urban area should result in an urban population density which is not less than fifty percent of the urban population density of the County as per the last results of the Population and Housing Census; (b) balance between urban and rural development; (c) environmental sustainability; (d) cultural, historical, physical and social factors; (e) economic factors; (f) international and local best practices in delineation of urban areas and cities; (g) the relevant physical and land use plans at both national and county levels; (h) ability to provide services; (i) the built-up area guide; and (j) any other emerging parameters that may arise from time to time.
	(2) The built-up area guide provided for under (1) (i) is follows: a) market centre is 0.15 – 2.0 Square Kilometers; b) town is 2.0 – 12.0 Square Kilometers; c) municipality is 12.0 – 80.0 Square Kilometers; and d) city is 80.0 and above Square Kilometers;

Delineation of urban areas that fall in more than one county.	<p>13. (1) Where an urban area falls in more than one county the respective County Governors shall, through a joint memorandum to the Cabinet Secretary from the Council of Governors, request for the establishment of the <i>Ad hoc</i> Committee.</p>
	<p>(2) The joint memorandum shall provide—</p> <ul style="list-style-type: none"> (a) the city or urban area whose boundary is proposed to be reviewed; (b) nominees of the county government to the <i>Ad hoc</i> committee provided for in section 4A of the Act; and (c) a statement of commitment from the respective County Governors to support the process of delineation.
	<p>(3) The membership of the <i>Ad hoc</i> Committee for the delineation of an urban area shall be in accordance with section 4(6) of the Act.</p>
	<p>(4) The delineation process provided for an urban area in a county shall, with necessary modifications, apply to an urban area falling in more than one county.</p>
<p>PART III—CLASSIFICATION OF URBAN AREAS OR CITIES AND SPECIAL PURPOSE CITIES</p>	
Criteria for classification of urban areas or cities.	<p>14. (1) The ability of an urban area to generate sufficient revenue to sustain its operation in accordance with section 5(1) (c) of the Act shall be demonstrated by the ability of the urban area to—</p> <ul style="list-style-type: none"> (a) meet its short-term financial obligations; (b) meet its financial obligations over a budgeted fiscal year; (c) meet its long-term financial obligations; (d) finance the critical programs and services as required by law; and (e) establish technological, logistical, human resource and spatial systems and structures that will aid in the collection of at least half of the potential revenue of the urban area.
	<p>(2) The criteria for determining that an urban area has put in place good urban management practices is demonstrable by—</p> <ul style="list-style-type: none"> (a) Transparency and accountability; (b) Participatory urban planning, development and management; (c) Equity in access to resources and opportunities; (d) Efficiency in resource use and service provision; (e) Social, economic and environmental sustainability; (f) Diversity and Inclusivity; and (g) Subsidiarity.

Special purpose cities.	15. (1) The Cabinet Secretary or a County Governor may initiate the process of establishment of a special purpose city by anchoring the proposal on a national or county policy or spatial planning framework
	(2) Where the proposal is initiated by a County Governor, the proposal shall be submitted to the Cabinet Secretary.
	(3) The Cabinet Secretary shall upon development of the proposal, if the proposal is initiated by the Cabinet Secretary, or upon receipt of the proposal from the County Governor, constitute a committee to evaluate the viability of the proposal.
	(4) The Committee shall comprise of — (a) the National Director of Urban Development, who shall be the chair; (b) the National Director of Physical Planning; (c) the National Land Commission; (d) the Council of Governors; (e) the County Director in charge of urban development of the relevant county; and (f) a specialist in line with the theme of the proposed special purpose city.
	(5) The Committee shall— (a) prepare its terms of reference; (b) prepare a viability report within sixty days of its appointment; (c) conduct studies and research on the proposed effects and impacts of the proposed special purpose city on the national and county development plans; and (d) co-opt any other specialists, where necessary.
	(6) The Committee shall submit the viability report to the Cabinet Secretary who shall— (a) where the recommendation is affirmative to the creation of the special purpose city, prepare a charter for the conferment of special city status for the President’s action; or (b) where the recommendation is not affirmative to the creation of the special purpose city— (i) communicate the findings to the County Governor, where the proposal was initiated by the Governor; and (ii) recommend necessary action to enable the re-consideration of the conferment of the special purpose city status within three years of the initial request.

	(7) The process for conferment of city status shall, with necessary modification, apply to the process of conferment of special city status.
<i>No. 13 of 2011</i>	(8) A special purpose city shall be managed in accordance with section 12 of the Urban Areas and Cities Act.
Processing of City Charter.	16. The President shall within sixty days of the receipt of communication from the Senate on the resolution to confer city status to a Municipality, present the Charter in the format prescribed under the Fourth Schedule, to the respective County Governor.
Decentralization of functions in the capital city	17. (1) The Capital City shall be decentralized into functional units equivalent to Municipalities which shall be managed in accordance with Section 12 of the Urban Areas and Cities Act
	(2) A City County may also decentralize as guided in sub-regulation (1) above.
Application for conferment of municipal status.	18. (1) A Town Committee shall, where it is resolved to apply for the conferment of municipal status to an urban area or town, submit an application to the County Executive Committee Member responsible for Urban Development who shall table it in the County Assembly for consideration and approval.
	(2) The application in sub-section (1) shall be in writing and shall include— (a) the resolution of the Town Committee to recommend the conferment of Municipal status to the Town; and (b) details of the assessment on preparedness that led to the proposal to apply for conferment of the Municipal Status.
	(3) Upon submission of the application in accordance with this regulation, provisions of section 8 of the Act shall apply.
Registration of business community within municipalities, urban areas and cities	19. (1) For purposes of promoting public consultations with the relevant persons within specified urban areas, cities, municipalities or towns, the Manager or Town Administrator shall establish a register of business associations operating within the specified urban area, city, municipality or town.
	(2) To facilitate the registration process, the business associations shall apply in the prescribed form in the Fifth Schedule of these Regulations and pay the required fees.

	(3) The Board or Urban area committee shall upon verification of the submitted information, issue an accredited business association with a certificate of accreditation as provided in the Sixth Schedule of these Regulations.
	(4) In order for the registration to be completed, the business association shall provide to the Manager or Town Administrator with— <ul style="list-style-type: none"> (a) proof of existence for more than two years and registration by a recognised body and under the requisite law; (b) proof of membership comprising at least twenty-five per cent of the persons undertaking business in that particular sector in the specified area; and (c) active participation of its members in the management and governance of the association.
	(5) In order to promote efficiency and service delivery, the Manager or Town Administrator may cluster the associations according to their trade and provide guidance on a defined leadership structure for the clusters.
Conferment of municipal status	20. (1) Upon approval by the County Assembly on the conferment of Municipal status, the Governor shall within thirty days, confer the status to the Municipality.
	(2) The County Executive Committee Member responsible for Urban Development shall prepare and submit the charter in the format prescribed under the Seventh Schedule.
Composition of market centre management committee.	21. (1) For purposes of promoting uniformity in the management of market centres, the County Executive Committee Member for Urban Development shall appoint a market centre administrator for market centres within their jurisdiction.
	(2) The Market Centre Administrator shall in the performance of their duties, be responsible to a Market Centre committee which shall comprise— <ul style="list-style-type: none"> (a) the County Director responsible for Urban Development, or their representative who shall be appointed in writing; (b) the County Director responsible for Physical and Land Use Planning, or their representative who shall be appointed in writing; (c) the County Works Officer responsible for the area the market falls within; (d) a representative of the business community, appointed from the most representative business association in the area; and (e) a representative of the accredited neighbourhood association for the area the market falls within.

PART IV—GOVERNANCE AND MANAGEMENT OF URBAN AREAS AND CITIES	
Association for Urban Areas and Cities	22. The association for Urban Areas and Cities referred to in Section 8(3)(e) of the Act means an incorporated representative entity constituting of the urban areas and cities.
Delegation of functions	23. (1) A charter, prepared and presented in accordance with these Regulations, shall be the instrument of delegation of functions in accordance with section 20 of the Act.
	(2) The Board shall, within ninety days of appointment and before the second meeting of the Board, take responsibility for the functions in accordance with the Act and the Charter.
	(3) Where the Board is unable to effectively take responsibility for the functions in accordance with sub-regulation (2), the Chair of the Board shall notify the County Executive Committee of the situation for their intervention.
	(4) Where the Board takes responsibility for the functions in accordance with the Act, these Regulations and the Charter, the Governor shall issue— (a) an Executive Order appointing the County Urban Executive Committee, with the County Executive Committee Member responsible for Urban Development as Chair and that will be responsible for inter-departmental coordination of the functions of the Board; and (b) a Vesting Order in the form prescribed under the Eighth Schedule that will be the instrument for transfer of assets and liabilities of the municipality to the Board.
Governance of Boards	24. A City or Municipal Board shall be governed in accordance with the applicable national policies and laws on governance of public institutions.
Petition for removal of a Chairperson, Vice-chairperson or member of a City or Municipal Board.	25. (1) A resident of a city or municipality proposing the removal of a chairperson, vice chairperson or a member of a city or Municipal Board on any ground specified in section 16(a)(b)(c)(d)(f)(g)(h)(i) and (j) of the Act, may present a petition as prescribed in Ninth Schedule to the County Public Service Board setting out the alleged facts constituting that ground.

	(2) The County Public Service Board shall consider the petition within fourteen days and, if it is satisfied that it discloses a ground under section 16, shall send the petition to the County Governor.
	(3) On receiving a petition under clause (2), the County Governor-- (a) may suspend the member or office holder pending the outcome of the complaint; and (b) shall appoint a committee in accordance with clause (4).
	(4) The committee shall consist of-- a. County Attorney who shall be the chairperson; b. Secretary of the County Public Service Board c. Two other member who are qualified to assess the facts in respect of the particular ground for removal appointed by the Governor d. A member of the association of urban areas and cities
	(5) The committee shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the Governor, who shall act in accordance with the recommendation within thirty days.
	(6) A person suspended under this Section is entitled to continue to receive one-half of their entitlements.
Accountability in urban areas and cities	26. (1) A person who is appointed under the Act and Regulations shall within three months of their appointment, sign a performance contract in accordance public service principles and regulations.
	(2) A Board of a City, Municipal Board or Town Committee shall engage the residents of the urban area or city through the Citizen Fora and shall within six Months of the Board's or Committee's assumption of Office convene the first session of the Citizens forum to establish the Calendar of forum meetings to discharge the duties of the forum in accordance with section 22 of the Act.
	(3) The engagement between the citizens and the Boards and Committee shall be guided by Regulation 31.
Promoting active citizenship and participation.	27. For purposes of promoting vibrant and active citizenship and participation in urban areas and cities, the Boards or Committees shall put in place measures to— (a) map representative groups within the urban area or city;

	<ul style="list-style-type: none"> (b) set up appropriate platforms for engagement and participation; (c) empower residents through capacity development initiatives on urban development matters; and (d) set up community outreach programmes.
Efficient and effective service delivery.	28. The Board or Committee of an urban area or city shall within six months of its appointment prepare and operationalise a Citizen Service Delivery Charter.
Appointment of Municipal Manager.	29. The position of the Secretary to the Board shall be held by the Municipal Manager whose appointment shall be recruited competitively by the CPSB in consultation with the city / municipal board.
Staff of urban areas and cities.	30. County governments shall, in staffing the Boards and Committees of urban areas and cities and in order to establish uniform norms and standards in the staffing of urban areas and cities, be guided by the institutional structure provided in the Tenth Schedule.
Constituent of citizen fora	<p>31. (1) The Citizen Fora shall comprise of—</p> <ul style="list-style-type: none"> (a) accredited neighbourhood associations in the area; (b) registered associations of the informal sector including market committees and public transport associations in the area; (c) the association representing the private sector in the area; (d) professional associations in the area; (e) the association of business community in the area; (f) Faith Based Organizations; and (g) any other entity that the Boards or the Committees may deem necessary.
	(2) The entities in sub-regulation (1) may participate as clusters in their respective organizations.
Convening of Citizen Fora	32. (1) The first meeting of the Citizen Fora shall be convened by the Manager or Town Administrator for the area pursuant to a 21 days public notice.
	(2) At the first meeting of the Citizen Fora the entities under sub-regulation 31 (1) shall elect a chairperson, Secretary and Treasurer who jointly shall form the executive committee of the Citizen Fora.
	(3) The executive committee of the Citizen Fora shall hold office for a term of three (3) years renewable once.

	(4) In the event a vacancy arises at the executive committee for any reason whatsoever, the entities upon a 21 days' notice by the Manager/Town Administrator shall fill the vacancy and for the remainder of the term.
	(5) The executive committee of the Citizen Fora shall be responsible for convening subsequent meetings of the Citizen Fora, custodian of all documents of the Citizen Fora, be the point of contact to and with the Boards and the Committees.
Meetings of Citizen Fora	33. (1) The meetings of the Citizen Fora shall be held once annually pursuant to 30 days written notice to all the entities in sub-regulation 31 (1).
	(2) The notice issued under sub-regulation (1) shall be under the hand of the Chairperson and in his absence any other member of the executive committee.
	(3) The quorum for the Citizen Fora shall be two thirds of the entities under sub-regulation 31 (1).
	(4) The decisions of the Citizen Fora shall be by simple majority, however in case of a tie the Chairperson shall have a casting vote.
	(5) Notwithstanding the provisions of sub-regulation (1), the Chairperson may convene a special meeting upon request by the Boards, Committees or the Citizen Fora, as the case may be.
	(6) The special meeting shall be convened upon issuance of a 14 days' notice.
PART V—DELIVERY OF SERVICES	
Responsibility of county government. <i>No. 18 of 2012</i>	34. The county government shall, in accordance with sections 172 and 173 of the Public Finance Management Act, provide the requisite resources for the proper functioning and delivery of services by an urban institution created in accordance with the Act.
Establishment of service delivery entities	35. (1) A city or municipal manager shall, when they consider it expedient to do so and with the approval of the Board or Committee, prepare a proposal for the establishment of a service delivery entity within the urban area.

	(2) The proposal in subregulation (1) shall then be presented to the County Executive Committee for adoption and consequent tabling in the County Assembly for approval of the establishment of the service delivery unit.
Factors for consideration on the establishment of a service delivery unit.	<p>36. In considering the proposal to establish a service delivery unit within an urban area, the County Executive Committee and the County Assembly shall inquire into—</p> <p>(a) the impact of the service delivery entity in providing effective and efficient service delivery within the urban area; and</p> <p>(b) the proposed management structure of the entity to ensure that it includes all the required technical expertise to undertake the proposed functions.</p>
Service delivery units in towns	37. The regulations on the formation of service delivery entities in cities and municipalities shall with necessary modifications apply to the formation of service delivery units in towns.
PART VI— OBJECTIONS TO PARTNERSHIPS AND JOINT VENTURES BY RESIDENTS	
Right to object.	38. (1) A resident of an urban area may object to a partnership or joint venture initiated by the city, municipality or town committee.
	<p>(2) For purposes of public information and to allow for the opinion of residents to be given on partnerships or joint ventures, the city board, municipal committee or town committee shall publish a notice in two widely circulated newspapers within the county and on the respective city, municipality or town board website, information on—</p> <p>(a) particulars of the contract;</p> <p>(b) parties to the contract;</p> <p>(c) scope of the partnership or joint venture;</p> <p>(d) duration of the agreement;</p> <p>(e) financial details of the partnership or joint venture; and</p> <p>(f) any other relevant information for the public.</p>
	(3) The public shall be given fourteen days to submit their objection in writing, on the partnership or joint venture, to the Chair of the Board or Committee.
	(4) The Board shall hear, determine and respond to the resident within twenty-one days of receipt of the objection.
Right to appeal.	39. (1) The resident shall, if dissatisfied with the determination of the Board or Committee, appeal to the County Governor in writing within fourteen days.

	<p>(2) The County Governor shall upon receipt of the appeal from the resident, constitute a task force which shall within thirty days—</p> <p>(a) hear from both parties;</p> <p>(b) make a determination on the matter; and</p> <p>(c) recommend to the County Governor appropriate action to be taken.</p>
<p>PART VII— INTEGRATED URBAN DEVELOPMENT PLANNING AND DEVELOPMENT CONTROL</p>	
Integrated urban planning process.	<p>40. (1) Pursuant to section 39(1) of the Act, a Board of a City/Municipality or Committee of an Urban Area shall within sixty days of coming into office initiate the urban planning process for the respective city or urban area.</p>
	<p>(2) The Board or Committee shall formulate the city or urban integrated development plan through a consultative process that includes the residents and relevant stakeholders within the city or urban area.</p>
	<p>(3) Where the Urban Entity is not in existence, the county government shall initiate the process of the establishment of the urban institutions for proper integrated urban development planning of the cities and urban areas.</p>
	<p>(4) The integrated city or urban development planning process shall be undertaken in accordance with the Eleventh Schedule to these Regulations.</p>
Adoption of an integrated development plan.	<p>41. (1) Upon development and adoption of the city or urban area development plan by the Board or Committee, the manager or administrator shall submit the plan to the County Executive Committee in accordance with section 41 of the Act.</p>
	<p>(2) Where the Board or Committee fails to submit to the County Executive Committee the adopted city or urban area development plan within the stipulated time in the Act, the County Executive Committee may recommend to the County Assembly and Governor such sanctions as may be necessary to enforce the provisions of the Act and these Regulations.</p>
Notice of adoption of the integrated development plan	<p>42. (1) The board shall notify the public by posting on a conspicuous place in the board`s offices, in the Kenya Gazette in two widely circulated newspapers, and on the board`s website.</p>
	<p>(2) The Notice shall include—</p>

	<ul style="list-style-type: none"> (a) the objectives of the plan; (b) period of implementation of the plan; (c) effective dates of the plan; and (d) priority development projects and programs.
Summary of the plan	<p>43. Contents of the Summary of the Plan may include—</p> <ul style="list-style-type: none"> (a) an overview and objectives of the plan; (b) key issues and focus areas; (c) key development strategies; and (d) priority development projects and programs.
Approval of developments within cities and urban areas.	<p>44. (1) A developer shall seek and obtain a development permit from the Board or Committee of a city or urban area before commencing and development activities within the city or urban area.</p>
	<p>(2) The application for a development permit shall be prepared by a registered and practicing physical planner and shall in particular contain—</p> <ul style="list-style-type: none"> (a) such plans and particulars that indicate the purpose for the development, proposed land use and development density; (b) particulars on the land that had been set aside for principal and secondary means of access to any subdivision within the area and to adjoining parcels; (c) public purposes consequent upon the proposed development.
	<p>(3) The process and procedure for development control by the board or urban area committee is as provided for in the Twelfth Schedule.</p>
	<p>(4) The board or committee shall in accordance with Article 67(3) of the Constitution and section 5(2) of the National Land Commission Act, notify the National Land Commission of all existing and surrendered public land within its area of jurisdiction for purposes of ensuring the security and sustainable use of the public land.</p>
PART IX—FINANCIAL PROVISIONS	
Funds of Board/Committee No. 18 of 2012	<p>45. (1) The County Executive Committee Member for finance shall designate the accounting officer to be responsible for the managing the finances of an urban area or city in accordance with the provisions of section 148(1) (2) of the Public Finance Management Act.</p>

No. 18 of 2012	<p>(2) The accounting officer for an urban area or city shall—</p> <p>(a) exercise the functions and powers assigned to an accounting officer in line with the provisions of the Public Finance Management Act; and</p> <p>(b) be responsible and accountable to the County Assembly for the financial management and administration of the urban area or city.</p>
PART X—SAVINGS AND TRANSITION PROVISIONS	
Savings and transition provisions.	<p>46. Where an urban area or city has been classified accordingly and in accordance with the provisions of the Act, the application of these Regulations shall only be to the extent that is necessary to bring the formal recognition of the urban area within the provisions of these Regulations.</p>

FIRST SCHEDULE

(R. 4. (1))

URBAN AREAS AND CITIES ACT (REGULATIONS), 2022
REGISTER OF ACCREDITED NEIGHBORHOOD ASSOCIATION

No.	Name of accredited neighbourhood association	Representative area	Number of existing members	Accreditation certificate number	Date of issue of accreditation certificate	Any comments

SECOND SCHEDULE

(R. 4. (5))

URBAN AREAS AND CITIES ACT (REGULATIONS), 2022

APPLICATION FOR ACCREDITATION OF A NEIGHBORHOOD ASSOCIATION

Application Form for Accreditation

To: The City/Municipal Manager/ Town Administrator

P.O. Box

(County), Kenya

Name of organization:

Postal Address:

Physical Address:

Contact Person (Name, Position, Phone Number and Email):

.....

.....

Neighbourhood/Estate:

Sector of Operation (if applicable):

Date of Registration:

Registering Body:

Registration No: (Please attach copy of registration certificate):

Number of Registered Members:

Urban Development

Activities/Achievements.....

.....

.....

.....

.....

Registered officials of the
association.....

.....

Registered office and postal address of the Association:

.....

.....

We the undersigned hereby apply for the accreditation of the above Association under the Act, and enclose four copies of the proposed by-laws in English.

NAME	SIGNATURE	DATE

THIRD SCHEDULE

(R.4 (4))

**URBAN AREAS AND CITIES ACT, 2011
CERTIFICATE OF ACCREDITATION OF NEIGHBOURHOOD ASSOCIATION**

ACCREDITATION No:

I hereby certify that the neighbourhood association under the name of.....

.....has this day
been accredited by, in pursuance to the provisions of the
Urban Areas and Cities Act, 2011 and the Urban Areas and Cities (Regulations, 2022.

Given under my hand at, thisday of 20 ...

.....

MUNICIPAL/CITY MANAGER OR TOWN ADMINISTRATOR

FOURTH SCHEDULE

(R. 16)

URBAN AREAS AND CITIES ACT (REGULATIONS), 2022

MODEL CITY CHARTER TEMPLATE

[.....]CITY

[CITY SYMBOL]

CITY CHARTER

PREAMBLE

WHEREAS

Article 2 of the Constitution provides that the Constitution is the supreme law of the Republic of Kenya and binds all persons and all State organs at both levels of government.

WHEREAS

Article 184 of the Constitution of Kenya 2010 mandated parliament to enact a legislation to provide inter alia the criteria for classifying areas as urban areas and cities; establishing the principles of governance and management of urban areas and cities and to provide for participation by residents in the governance of urban areas and cities within 1 year of the promulgation of the Constitution.

WHEREAS

Parliament enacted the Urban Areas and Cities Act in the year 2011 which legislation had an effective date falling after the first elections held under the Constitution of Kenya 2010.

WHEREAS

Parliament enacted the Urban Areas and Cities (Amendment) Act in the year 2019.

WHEREAS

Section 8 of the Urban Areas and Cities Act of 2011 empowers the board of a municipality upon a resolution to apply to the county executive committee for consideration for the conferment of city status.

WHEREAS

Schedule 5(a) of the Regulations to The Urban Areas and Cities Act of 2011 and the Urban Areas and Cities (Amendment) Act of 2019 prescribes form of a City Charter.

WHEREAS

Section 72 of the Interpretations and General Provisions Act allows for substantial conformity of any instruments required to be in a prescribed form under any statute in Kenya.

WHEREAS

The Senate duly approved the request by the Municipal Board of [...] for grant of this Charter to the now City of[...].

NOW THEREFORE IN EXERCISE of the powers conferred by section 7 of the Urban Areas and Cities Act, (No. 13 of 2011) as complemented by section 72 of the Interpretations and General Provisions Act (Chapter 2) and all other enabling provisions of law, HIS EXCELLENCY THE PRESIDENT **HEREBY GRANTS** the Municipality of[] this City Charter

on this [...] day of [...] 20[..].

[SIGNATURE OF HIS EXCELLENCY THE PRESIDENT]

.....

....

[INSERT NAME OF HIS EXCELLENCY THE PRESIDENT]

THE PRESIDENT OF THE REPUBLIC OF KENYA

SEAL OF THE REPUBLIC OF KENYA

1. INCORPORATION, NAME AND BOUNDARIES

1.1. Incorporation and Name

- 1.1.1. This Charter is the City Charter of the City of [...], within [...] County, Kenya.
- 1.1.2. All processes affecting the City shall be served on the City Manager or the person for the time being holding the office of City Manager, in the absence of both of said officers, on the Secretary of the Board of the City.

1.2. Boundaries

- 1.2.1. The boundary of the municipality of [...] as now existing or as may subsequently be altered shall be the boundary of the City of[...].
- 1.2.2. The boundary of the city of (.....) is as per the sketch/map below

2. OBJECTS, FUNCTIONS AND POWERS OF THE CITY

2.1. Powers of the City

- 2.1.1. The City of [...] shall have all the powers, general and special, governmental or proprietary, expressed or implied, which may be possessed or assumed by Cities under the Urban Areas and Cities Act, the County Government Act and the County Legislations.
- 2.1.2. All such powers shall be exercised in the manner prescribed in this Charter, resolutions of the Board, or, as prescribed in any other written law.

2.2. Objects of the City

- 2.2.1. The objects of the City of [...] are to:-
 - Provide for efficient and accountable management of the affairs of the City.
 - Provide for a governance mechanism that will enable the inhabitants of the City to:
 - Participate in determining the social services and regulatory framework which will best satisfy their needs and expectations.
 - Verify whether public resources and authority are utilized or exercised, as the case may be, to their satisfaction.
 - Enjoy efficiency in service delivery.
 - Vigorously pursue the developmental opportunities which are available in the City and to institute such measures as are necessary for achieving public order and the provisions of civic amenities, so as to enhance the quality of life of the inhabitants of the City.

- Provide a high standard of social services in a cost-effective manner to the inhabitants of the City.
- Promote social cohesiveness and a sense of civic duty and responsibility among the inhabitants and stakeholders in the City in order to facilitate collective action and commitment towards achieving the goal of a harmonious and stable community.
- Fostering the economic, social and environmental well-being of its community

2.3. Functions of the City

2.3.1. The City of [...] shall, within its boundary, perform the following functions:

- Promotion, regulation and provision of refuse collection and solid waste management services;
- Promotion and provision of water and sanitation services and infrastructure (in areas within the City not served by the Water and Sanitation Provider);
- Construction and maintenance of urban roads and associated infrastructure; Construction and maintenance of storm drainage and flood controls;
- Construction and maintenance of walkways and other non-motorized transport infrastructure;
- Construction and maintenance of recreational parks and green spaces;
- Construction and maintenance of street lighting;
- Construction, maintenance and regulation of traffic controls and parking facilities;
- Construction and maintenance of bus stands and taxi stands;
- Regulation of outdoor advertising;
- Construction, maintenance and regulation of City markets and abattoirs;
- Construction and maintenance of fire stations; provision of fire-fighting services, emergency preparedness and disaster management;
- Promotion, regulation and provision of City sports and cultural activities;
- Promotion, regulation and provision of animal control and welfare;
- Development and enforcement of City plans and development control;
- City administration services (including construction and maintenance of administrative offices);
- Promoting and undertaking infrastructural development and services

within City;

- Pollution (water, air, and soil) control
- Any other functions as may be delegated by the County Government.

3. THE BOARD OF THE CITY

3.1. Establishment of the Board

3.1.1. There shall be a Board of the City of [.....].

3.1.2. The Board of the City shall be a body corporate with perpetual succession and a common seal with all the attributes provided for under section 12.(2) of the Act.

3.2. Powers and Functions of the Board of the City

3.2.1. The Board of the City shall have all the powers and perform all functions vested in boards of Cities under the Urban Areas and Cities Act, the County Government Act and the City By-laws.

3.2.2. Except as this Charter otherwise provides, all powers of the City shall be vested in the Board of the City.

3.2.3. The powers of the board shall be as provided for under section 21 of the Act.

3.2.4. The functions of the board shall be as provided for in section 20.

3.3. Composition and term of the Board of the City

3.3.1. The composition of the board shall be as provided in Section 13 of the Act.

3.4. Eligibility for appointment as member of the Board of the City

3.4.1. A person will be eligible for appointment as a member of the board if they meet the requirements set out in Section 13(4) of the Act.

3.5. Chairperson and a vice chair person of the Board

3.5.1. There shall be a chair person and vice chair person of the board as provided for in section 17(2) of the Act.

3.6. Powers and functions of the Chairperson

3.6.1. The Chairperson of the Board shall have such powers as provided for in section 17(5).

3.7. Vice-Chairperson of the Board of the City

3.7.1. The Vice-Chairperson shall, in the absence of the Chairperson, perform the functions of the Chairperson and shall perform such other functions as may be delegated by the Chairperson.

3.8. Removal of the Chairperson and Vice-Chairperson

3.8.1. The Chairperson and the Vice-Chairperson of the Board of the City may be removed by:

- a majority decision of the members of Board of the City at a duly convened meeting where quorum is present; or
- upon petition by a resident of the City.

3.8.2. The procedure for the removal of a Chairperson or Vice-Chairperson of the Board of the City under 3.8.1 above may be provided by Regulations under the Urban Areas and Cities Act and, in the absence, thereof in accordance with Kenyan law having regard to fair labour practices.

3.8.3. Any vacancy arising out of the removal of a Chairperson or the Vice-Chairperson of Board of the City may be filled in the manner provided under Article 3.6 and 3.7 respectively.

3.9. Secretary of the Board of the City

3.9.1. The secretary of the Board shall be appointed according to section 13A of the Urban Areas and Cities Act (Amendment), 2019

3.10. Committees of the Board of the City

3.10.1. The board may establish such committees as provided for in section 26 of the Act.

3.11. Vacation and Removal of members of the Board of the City

3.11.1. A member of the Board of the City shall cease to hold office as provided for in section 16 of the Act.

3.11.2. A member of the Board of the City may be removed from office in accordance with section 18 of the Act.

3.12. Quorum

3.12.1. The quorum for board meetings is a minimum of seven members.

3.12.2. **Conflict of interest.**

3.12.3. A member of the Board of the City who has a conflict of interest on a matter before the Board shall declare the same ahead of the meeting and shall not be eligible to vote on that particular issue.

3.13. Rules of the Board

3.13.1. The Board of the City shall by resolution regulate the procedure governing its meetings.

3.14. Record of information of the Board

- 3.14.1. The minutes and other information of the Board of the City shall be kept by the Secretary of the Board of the City.
- 3.14.2. Access to information on the activities and resolutions of the Board of the City shall be availed as provided for under the Urban Areas and Cities Act and other applicable laws.
- 3.17.1. The Board of the City shall ensure the development of mechanisms for the participation of the residents of the City in the management and administration of the City.
- 3.17.2. All recommendations from the Citizen Fora shall be forwarded to the Board for deliberations.

4. LEGISLATIVE AUTHORITY

4.1. By-laws

- 4.1.1. The Board shall make By-laws for the efficient management of the city.

4.2. Passing of By-laws

- 4.2.1. The Board shall adopt a procedure to guide the making, approval and effective date of by-laws.

5. ADMINISTRATIVE AUTHORITY

5.1. Resolutions

- 5.1.1. The Board of the City shall exercise its administrative authority by approving and implementing its resolutions.

5.2. Approval of resolutions

- 5.2.1. Approval of a resolution or any other Board administrative decision shall be made through consensus by the Board.

6. THE CITY MANAGER

6.1. Office of the City Manager

- 6.1.1. There shall be a City Manager as provided for in Section 28 of Urban Areas and Cities Act.
- 6.1.2. The City Manager shall be the administrative head of the City of [...].

6.2. Appointment and Term

- 6.2.1. The Manager shall be recruited competitively by the County Public Service Board in consultation with the board.
- 6.2.2. The City Manager may be appointed under such terms and conditions as the Board may determine.

6.3. Qualifications

- 6.3.1. The City Managers shall:
 - Be a citizen of Kenya
 - Hold a degree from a university recognized in Kenya or its equivalent
 - Have served and had proven experience in administration or management either in public or private sector for a term of at least ten years.
- 6.3.2. In appointing the City Manager, the County Public Service Board shall ensure:
 - gender equity;
 - The inclusion of minorities and marginalized communities; and
 - the person satisfies the requirements of Chapter six of the Constitution.

6.4. Functions and powers of the City Manager

- 6.4.1. The City Manager shall implement the decisions and functions of the Board of the City and shall be answerable to the Board.
- 6.4.2. The City Manager shall perform the following powers and functions:

Act on behalf of the Board of the City-

 - In ensuring the execution of the directives of the Board of the City; During all intervals between meetings of the Board of the City;
 - Prepare and present for approval of the Board of the City, an annual estimate of revenue and expenditure to fund and carry out the programmes and operations of the Board;
 - Be principally responsible for building and maintain a strong alliance and effective working relationships between the Board of the City and the civil society, private sector and community based organizations;
 - Cause to be prepared, transmitted to the Board of the City, and distributed to the public at least an annual report on the activities and accomplishments of the departments and agencies comprising the executive branch of the City.

- Act as an ex-officio member of all committees of the Board of the City; and
 - Such other functions as the Board may, by order, confer upon the City Manager.
- Exercise supervision over all departments and agencies of the City and provide for the coordination of their activities;
 - Enforce the provisions of this Charter, City By-laws, and all applicable laws;
 -
 - Exercise powers granted to the City Manager in this Charter, By-laws and applicable laws concerning the appointment and removal of certain officers, employees, and members of committees of the Board of the City;
 - Exercise such other powers as may be prescribed by this Charter, by-laws and applicable laws.

6.4.3. The City Manager must:

- Attend all Board meetings unless excused by the Chairperson of the Board or the Board;
- Make reports and recommendations to the Board about the needs of the City;
- Administer and enforce all City By-laws, resolutions, franchises, leases, contracts, permits, and other City decisions;
- Supervise City employees; Propose to the Board the organization of City departments and administrative structure;
- Prepare and administer the annual City budget; Administer City utilities and property;
- Encourage and support regional and intergovernmental cooperation;
- Promote cooperation among the Board, staff and citizens in developing City policies and building a sense of community;
- Perform other duties as directed by the Board;

6.4.4. The City Manager may attend meetings of the Board but shall not be entitled to vote.

6.5. Removal of the City Manager

6.5.1. The City Manager may be removed from office by;

- The County Public Service Board
- a resolution of the Board of the City supported by at least two-thirds of the members of the Board of the City; or

6.5.2. The City Manager shall cease to hold office upon the lapse of the employment term

or if he/she:

- is unable to perform the functions of the office by reason of mental or physical infirmity;
- is declared or becomes bankrupt or insolvent;
- is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;
- resigns in writing to the Board;

- is found guilty of professional misconduct by the relevant professional body; is disqualified from holding a public office under the Constitution;
- engages in any gross misconduct; or dies.

6.5.3. Any vacancy arising in the office of the City Manager may be filled in the manner provided under **Article 6.2** above.

7. CITY FINANCES AND FINANCIAL MANAGEMENT

7.1. Sources of the City's funds and revenue

7.1.1. The Board of the City shall derive its revenue and funds as provided for in Section 172 of the Public Finance Management Act,2012.

7.2. Appointment of the City Accounting Officer

7.2.1. The City Accounting Officer shall be designated by the County Executive Committee Member for Finance in the manner provided under Section 148 of the Public Finance Management Act.

7.3. Functions and Powers of the City Accounting Officer

7.3.1. The City Accounting Officer shall have all the powers and perform all the functions of accounting officers as provided under the Public Finance Management Act.

7.3.2. Without prejudice to the foregoing, the City Accounting Officer shall be responsible for managing the finances of the City.

7.4. Financial year

7.4.1. The City shall operate on an annual budget.

7.4.2. The financial year of the Board shall be the period of twelve months ending on the thirtieth June in each year.

7.5. Budget

7.5.1. The budget of the Board of the City shall be developed in the manner provided under Section 175 of the Public Finance Management Act.

7.6. Management of City Finances

7.6.1. The Board shall, with the approval of the County Executive Committee member for finance, open and maintain a bank account in the name of the City.

7.6.2. All monies received by the Board of the City shall be paid into the City's bank account promptly and in accordance with the Public Finance Management Act.

7.7. Borrowing by the City

7.7.1. The Board may only borrow from:-

- from the County Government;
- through the County Government; or
- by way of a bank overdraft.

and subject to such terms as may be imposed by the County Assembly or such terms as provided by law.

7.8. Audit

7.8.1. The audit of the Board shall be as provided under Section 46 and 47 of the Urban Areas and Cities Act.

8. CITY PERSONNEL

8.1. City Personnel

8.1.1. The Board may subject to the approval by the County Public Service Board, employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other any other law.

8.1.2. The remuneration of the city personnel shall be set by the County Public Service Board in consultation with the Board and Salaries and Remuneration Commission.

8.2. Management of City Personnel

8.2.1. Employees of the City shall be under the general guidance of the City Manager.

8.3. Retirement systems

8.3.1. The retirement benefits for the officers of the Board shall be determined in accordance with Section 49 of the Urban Areas and Cities Act.

9. CITY PROPERTY

9.1. Acquisition, possession and disposal

9.1.1. The Board of the City is a body corporate and may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the City.

9.1.2. All Municipal property and funds of every kind belonging to or in the possession of the Municipal (by whatever prior name known) at the time this Charter becomes effective are vested in the City, subject to the terms and conditions thereof.

9.2. Compulsory acquisition

9.2.1. Whenever the City deems it necessary to acquire private land for its purposes, it shall send a request to the National Land Commission through County Executive Committee Member for acquisition.

9.2.2. The provisions of the Land Act shall apply to any intended compulsory acquisition by the City of property within the City.

9.3. Protection and Maintenance of City Property

9.3.1. The Board of the City may do whatever may be necessary to protect City property and to keep all City property in good condition.

10. GENERAL PROVISIONS

10.1. Amendments to the Charter

10.1.1. Amendment of this Charter may be proposed by the Board or County Government. The proposal shall be made to the President through the County Governor.

10.1.2.

10.2. Separability

- 10.2.1. If, at any time, any provision of this Charter is or becomes illegal, invalid or unenforceable in any respect under Kenyan law, neither the legality, validity or enforceability of the remaining provisions nor the legality, validity or enforceability of such provision will in any way be affected or impaired.

11. TRANSITIONAL PROVISIONS

11.1. Effective Date of Charter

- 11.1.1. The commencement date of this Charter shall be the date of Gazettement.

11.2. Rights and Privileges Preserved

- 11.2.1. Nothing in the Charter except as otherwise specifically provided shall effect or impair the rights or privileges of persons who are Municipal Officials, Officers or Employees at the time of its adoption.

11.3. Departments

- 11.3.1. All Municipal Departments shall continue to operate with the same powers, duties, activities, budgets, and employees as were in effect at the time this Charter becomes effective until changed by the City Manager with the approval of the Board of the City.

FIFTH SCHEDULE

(R. 19. (2))

URBAN AREAS AND CITIES ACT (REGULATIONS), 2022
APPLICATION FOR ACCREDITATION OF A BUSINESS ASSOCIATION

Application Form for Accreditation

To: The City/Municipal Manager/ Town Administrator

P.O. Box

(County), Kenya

Name of organization:

Postal Address:

Physical Address:

Contact Person (Name, Position, Phone Number and Email):

.....
.....

Neighbourhood/Estate:

Sector of Operation (if applicable):

Date of Registration:

Registering Body:

Registration No: (Please attach copy of registration certificate):

Number of Registered Members:

Urban Development
Activities/Achievements.....
.....

.....
.....
.....

Registered officials of the
association.....
.....

Registered office and postal address of the Association:
.....
.....

We the undersigned hereby apply for the accreditation of the above Association under the Act, and
enclose four copies of the proposed by-laws in English.

NAME	SIGNATURE	DATE
------	-----------	------

SIXTH SCHEDULE

(R.19 (3))

URBAN AREAS AND CITIES ACT, 2011

CERTIFICATE OF ACCREDITATION OF BUSINESS ASSOCIATION

ACCREDITATION No:

I hereby certify that the neighbourhood association under the name
of.....
.....has this day been accredited by, in
pursuance to the provisions of the Urban Areas and Cities Act, 2011 and the Urban Areas and Cities
(General) Regulations, 2022.

Given under my hand at, thisday of..... 20...

.....

MUNICIPAL/CITY MANAGER OR TOWN ADMINISTRATOR

SEVENTH SCHEDULE

(R. 20(2))

URBAN AREAS AND CITIES ACT, 2011

URBAN AREAS AND CITIES (GENERAL) REGULATIONS, 2022

MUNICIPAL CHARTER (MODEL)

Model Municipal Charter

Template

[.....] MUNICIPALITY

[MUNICIPALITY SYMBOL]

MUNICIPAL CHARTER

PREAMBLE3

1. INCORPORATION, NAME AND BOUNDARIES4

1.1. Incorporation and Name4

1.2. Boundaries.....4

2. POWERS, OBJECTS AND FUNCTIONS OF THE MUNICIPALITY.....4

2.1. Powers of the Municipality4

2.2. Objects of the Municipality4

2.3. Functions of the Municipality5

3. THE BOARD OF THE MUNICIPALITY6

3.1. Establishment of the Board6

3.2. Powers and Functions of the Board of the Municipality.....6

3.3. Composition and term of the Board of the Municipality8

3.4. Eligibility for appointment as member of the Board of the Municipality.....8

3.5. Chairperson of the Board.....8

3.6. Powers and functions of the Chairperson.....8

3.7. Vice-Chairperson of the Board of the Municipality.....9

3.8. Removal of the Chairperson and Vice-Chairperson.....9

3.9. Secretary of the Board of the Municipality9

3.10.

3.11. Committees of the Board of the Municipality.....9

3.11 Remuneration of the members of the Board of the Municipality 10

.

3.12 Removal of members of the Board of the Municipality 10

.

3.13 Meetings of the Board of the Municipality 11

.

3.14 Quorum 11

.

3.15 Rules of the Board 11

.

3.16 Record of information of the Board 12

.

3.17 Citizen Fora 12

.

4. LEGISLATIVE AUTHORITY 12

4.1. By-laws 12

4.2. Passing of By-laws 12

4.3. Effective date of By-laws 12

5. ADMINISTRATIVE AUTHORITY 13

5.1. Resolutions 13

5.2. Approval of resolutions	13
5.3. Effective date of resolutions	13
6. THE MUNICIPAL MANAGER	13
6.1. Office of the Municipal Manager	13
6.2. Appointment and term	13
6.3. Qualifications	13
6.4. Functions and powers of the Municipal Manager	14
6.5. Remuneration	15
6.6. Removal of the Municipal Manager	15
6.7. Acting Municipal Manager	16
7. MUNICIPAL FINANCES AND FINANCIAL MANAGEMENT	16
7.1. Sources of the Municipality's funds and revenue	16
7.2. Appointment of the Municipality Accounting Officer	17
7.3. Functions and Powers of the Municipality Accounting Officer	17
7.4. Financial year	17
7.5. Budget	17
7.6. Management of Municipality Finances	17
7.7. Borrowing by the Municipality	17
7.9. Audit	17
8. MUNICIPALITY PERSONNEL.....	18
8.1. Municipality Personnel	18
8.2. Management of Municipal Personnel	18
8.3. Retirement systems	18
8.4. Compensation of Municipal Personnel	18
9. MUNICIPALITY PROPERTY	18
9.1. Acquisition, possession and disposal	18
9.2. Compulsory acquisition	18
9.3. Municipal Buildings	19
9.4. Protection of Municipality Property	19
10. GENERAL PROVISIONS.....	19
10.1 Oath of office	19
.	
10.2 Amendments to the Charter	19
.	
10.3 Separability	19
.	
11. TRANSITIONAL PROVISIONS	20
11.1 Effective Date of Charter	20
.	
11.2 Rights and Privileges Preserved	20
.	
11.3 Departments	20
.	

PREAMBLE

WHEREAS

Article 2 of the Constitution provides that the Constitution is the supreme law of the Republic of Kenya and binds all persons and all State organs at both levels of government.

WHEREAS

Article 184 of the Constitution of Kenya 2010 mandated parliament to enact a legislation to provide inter alia the criteria for classifying areas as urban areas and cities; establishing the principles of governance and management of urban areas and cities and to provide for participation by residents in the governance of urban areas and cities within 1 year of the promulgation of the Constitution.

WHEREAS

Parliament enacted the Urban Areas and Cities Act in the year 2011 which legislation had an effective date falling after the first elections held under the Constitution of Kenya, 2010.

WHEREAS

Parliament enacted the Urban Areas and Cities (Amendment) Act in the year 2019.

WHEREAS

Section 9 of the Urban Areas and Cities Act of 2011 empowers the County Governor, on the resolution of the County Assembly, to confer on a qualifying town, the status of a Municipality by grant of a Charter in the prescribed form.

WHEREAS

Schedule 5(b) of the Regulations of the Urban Areas and Cities prescribes the form of a Municipal Charter.

WHEREAS

Section 72 of the Interpretations and General Provisions Act allows for substantial conformity of any instruments required to be in a prescribed form under any statute in Kenya.

WHEREAS

The County Assembly of [...] duly approved the request by the Town Committee of [...] for grant of this Charter to the now Municipality of[.....].

NOW THEREFORE IN EXERCISE of the powers conferred by section 9 (1) of the Urban Areas and Cities Act, (No. 13 of 2011) as complemented by section 72 of the Interpretations and General Provisions Act (Chapter2) and all other enabling provisions of law, I, the County Governor of [...] County **HEREBY GRANTS** the Town of[.....], this Municipal Charter

on this [...] day of [...] 20[..].

[SIGNATURE OF COUNTY GOVERNOR]

.....
.....

**[INSERT NAME OF COUNTY GOVERNOR] THE
COUNTY GOVERNOR OF [.....] COUNTY**

SEAL OF THE COUNTY GOVERNOR OF [...] COUNTY

1. INCORPORATION, NAME AND BOUNDARIES

1.1. Incorporation and Name

1.1.1. This Charter is the Municipal Charter of the Municipality of [...], within [...] County, Kenya.

1.1.2. All processes affecting the Municipality shall be served on the Municipal Manager or the person for the time being holding the office of the Municipal Manager.

1.2. Boundaries

1.2.1. The boundary of the Town of [...] as now existing or as may subsequently be altered shall be the boundary of the Municipality of [...].

1.2.2. The boundary of the Municipality of (.....) is as per the sketch/map below;

2. OBJECTS, FUNCTIONS AND POWERS OF THE MUNICIPALITY

2.1. Powers of the Municipality

2.1.1. The Municipality of [...] shall have all the powers, general and special, governmental or proprietary, expressed or implied, which may be possessed or assumed by municipalities under the Urban Areas and Cities Act, the County Government Act and the County Legislations.

2.1.2. All such powers shall be exercised in the manner prescribed in this Charter, resolutions of the Board, or, as prescribed in any other written law.

2.2. Objects of the Municipality

2.2.1. The objects of the Municipality of [...] are to:-

Provide for efficient and accountable management of the affairs of the Municipality.

- Provide for a governance mechanism that will enable the inhabitants of the Municipality to:
 - Participate in determining the social services and regulatory framework which will best satisfy their needs and expectations.
 - Verify whether public resources and authority are utilized or exercised, as the case may be, to their satisfaction.
 - Enjoy efficiency in service delivery.
- Vigorously pursue the developmental opportunities which are available in the Municipality and to institute such measures as are necessary for achieving public order and the provisions of civic amenities, so as to enhance the quality of life of the inhabitants of the Municipality.
- Provide a high standard of social services in a cost-effective manner to the inhabitants of the Municipality.
- Promote social cohesiveness and a sense of civic duty and responsibility among the inhabitants and stakeholders in the Municipality in order to facilitate collective action and commitment towards achieving the goal of a harmonious and stable community.
- Fostering the economic, social and environmental well-being of its community

2.3. Functions of the Municipality

2.3.1. The Municipality of [...] shall, within its

boundary, perform the following functions:

- Promotion, regulation and provision of refuse collection and solid waste management services;
- Promotion and provision of water and sanitation services and infrastructure
- Construction and maintenance of urban roads and associated infrastructure;
- Construction and maintenance of storm drainage and flood controls;
- Construction and maintenance of walkways and other non motorized transport infrastructure;
- Construction and maintenance of recreational parks and green spaces;
- Construction and maintenance of street lighting;

- Construction, maintenance and regulation of traffic controls and parking facilities;
- Construction and maintenance of bus stands and taxi stands;
- Regulation of outdoor advertising;

- Construction, maintenance and regulation of municipal markets and abattoirs;

- Construction and maintenance of fire stations;
- provision of fire-fighting services, emergency preparedness and disaster management;
- Promotion, regulation and provision of municipal sports and cultural activities;
- Promotion, regulation and provision of animal control and welfare; Development and enforcement of municipal plans and development controls;
- Municipal administration services (including construction and maintenance of administrative offices); Promoting and undertaking infrastructural development and services within municipality;
- Any other functions as may be delegated by the County Government.

3. THE BOARD OF THE MUNICIPALITY

3.1. Establishment of the Board

- 3.1.1. There shall be a Board of the Municipality of[...].
- 3.1.2. The Board of the Municipality shall be a body corporate with perpetual succession and a common seal with all the attributes provided for under section 12.(2) of the Act.
- 3.1.3. There shall be a principal and agency relationship between the Board of the Municipality and the County Government of [.....].

3.2. Powers and Functions of the Board of the Municipality

- 3.2.1. The Board of the Municipality shall have all the powers and perform all functions vested in boards of municipalities under the Urban Areas and Cities Act, the County Government Act and the Municipality By-laws.
- 3.2.2. Except as this Charter otherwise provides, all powers of the Municipality shall be vested in the Board of the Municipality.

3.2.3. The functions of the board shall be as provided for in section 20.(1)

3.3. Composition and term of the Board of the Municipality

3.3.1. The composition of the board shall be as provided in Section 14 of the Act.

3.4. Eligibility for appointment as member of the Board of the Municipality

3.4.1. A person will be eligible for appointment as a member of the board if they meet the requirements set out in Section 13(4) of the Act.

3.5. Chairperson and vice chairperson of the Board

3.5.1. There shall be a chair person and vice chairperson of the board as provided for in section 17(2) of the Act.

3.6. Powers and functions of the Chairperson

3.6.1. The Chairperson of the Board shall have such powers as provided for in section 7(5).

3.7. Vice-Chairperson of the Board of the Municipality

3.7.1. The Vice-Chairperson shall, in the absence of the Chairperson, perform the functions of the Chairperson and shall perform such other functions as may be delegated by the Chairperson.

3.8. Removal of the Chairperson and Vice-Chairperson

3.8.1. The Chairperson and the Vice-Chairperson of the Board of the Municipality may be removed by a majority decision of the members of Board of the Municipality at a duly convened meeting where quorum is present; or upon petition by a resident of the Municipality.

3.8.2. The procedure for the removal of a Chairperson or Vice-Chairperson of the Board of the Municipality under 3.8.1 above may be provided by Regulations under the Urban Areas and Cities Act and, in the absence, thereof in accordance with Kenyan law having regard to fair labor practices.

3.8.3. Any vacancy arising out of the removal of a Chairperson or the Vice-Chairperson of Board of the Municipality may be filled in the manner provided for in Section 19 of the Urban Areas and Cities Act.

3.9. Secretary of the Board of the Municipality

3.9.1. The secretary of the Board shall be appointed according to section 13A of the Urban Areas and Cities Act (Amendment), 2019.

3.10. Committees of the Board of the Municipality

3.10.1. The board may establish such committees as provided for in section 26 of the Act.

3.11. Vacation and Removal of members of the Board of the Municipality

3.11.1. A member of the Board shall cease to hold office as provided for in section 16 of the Act.

3.11.2. A member of the Board may be removed from office in accordance with section 18 of the Act.

3.12. Quorum

3.12.1. The quorum for board meetings is a minimum of five members.

3.12.2. Conflict of interest

A member of the Board who has a conflict of interest on a matter before the Board shall declare the same ahead of the meeting and shall not be eligible to vote on that particular issue.

3.13. Rules of the Board

3.13.1. The Board of the Municipality shall by resolution regulate the procedure governing its meetings.

3.14. Record of information of the Board

3.14.1. The minutes and other information of the Board of the Municipality shall be kept by the Secretary of the Board of the Municipality.

3.14.2. Access to information on the activities and resolutions of the Board shall be availed as provided for under the Urban Areas and Cities Act and other applicable laws.

3.15. Citizen Fora

3.17.1. The Board of the Municipality shall ensure the development of mechanisms for the participation of the residents of the Municipality in the management and administration of the Municipality.

3.17.2. All recommendations from the Citizen Fora shall be forwarded to the Board for deliberations.

4. LEGISLATIVE AUTHORITY

4.1. By-laws

4.1.1. The Board shall make By-laws for the efficient management of the Municipality.

4.2. Passing of By-laws

4.2.1. The Board shall adopt a procedure to guide the making, approval and effective date of by-laws.

5. ADMINISTRATIVE AUTHORITY²⁸

5.13. Resolutions

5.13.1. The Board of the Municipality shall exercise its administrative authority by approving and implementing its resolutions.

5.14. Approval of resolutions

5.14.1. Approval of a resolution or any other Board administrative decision shall be made through consensus by the Board

6. THE MUNICIPAL MANAGER

6.13. Office of the Municipal Manager

6.13.1. There shall be a Municipal Manager as provided for in Section 28 of Urban Areas and Cities Act. The Municipal Manager shall be the administrative head of the Municipality of[...].

6.14. Appointment and Term

The Manager shall be recruited competitively by the County Public Service Board in consultation with the board.

6.14.1. The Municipal Manager may be appointed under such terms and conditions as the Board may determine.

6.15. Qualifications

6.15.1. The Municipal Manager shall:

Be a citizen of Kenya

Hold a degree from a university recognized in Kenya or its equivalent

Have served and had proven experience in administration or management either in public or private sector for a term of at least ten years.

6.15.2. In appointing the Municipal Manager, the County Public Service Board shall ensure:

gender equity;

The inclusion of minorities and marginalized communities; and

the person satisfies the requirements of Chapter six of the Constitution.

6.16. Functions and powers of the Municipal Manager

6.16.1. The Municipal Manager shall implement the decisions and functions of the Board of the Municipality and shall be answerable to the Board.

6.16.2. The Municipal Manager shall perform the following powers and functions:

- Act on behalf of the Board of the Municipality-
- In ensuring the execution of the directives of the Board of the Municipality;
- During all intervals between meetings of the Board of the Municipality;
- Prepare and present for approval of the Board of the Municipality, an annual estimate of revenue and expenditure to fund and carry out the programmes and operations of the Board;
- Be principally responsible for building and maintain a strong alliance and effective working relationships between the Board of the Municipality and the civil society, private sector and community based organizations;
- Cause to be prepared, transmitted to the Board of the Municipality, and distributed to the public at least an annual report on the activities and accomplishments of the departments and agencies comprising the executive branch of the Municipality.
- Act as an ex-officio member of all committees of the Board of the Municipality;

- Exercise supervision over all departments and agencies of the Municipality and provide for the coordination of their activities;
- Enforce the provisions of this Charter, Municipal By-laws, and all applicable laws;
- Exercise powers granted to the Municipal Manager in this Charter, By-laws and applicable laws concerning the appointment and removal of certain officers, employees, and members of committees of the Board of the Municipality;
- Exercise such other powers and functions as may be prescribed by this Charter, by-laws, applicable laws, and as the Board may, by order, confer upon the Municipal manager.

6.16.3. The Municipal Manager must:

- Attend all Board meetings unless excused by the Chairperson of the Board or the Board of the Municipality; Make reports and recommendations to the Board about the needs of the Municipality;
- Administer and enforce all Municipality By-laws, resolutions, franchises, leases, contracts, permits, and other Municipality decisions;
- Supervise Municipality employees; Propose to the Board the organization of Municipality departments and administrative structure;
- Prepare and administer the annual Municipality budget; Administer Municipality utilities and property;
- Encourage and support regional and intergovernmental cooperation;
- Promote cooperation among the Board of the Municipality, staff and citizens in developing Municipality policies and building a sense of community;
- Perform other duties as directed by the Board of the Municipality;

6.16.4. The Municipal Manager may attend meetings of the Board but shall not be entitled to vote.

6.17. Removal of the Municipal Manager

6.17.1. The Municipal manager may be removed from office by; the County Public Service Board; or a resolution of the Board of the Municipality supported by at least two-thirds of the members of the Board of the Municipality;

6.17.2. The Municipal Manager shall cease to hold office upon the lapse of the employment term or if he/she:

- is unable to perform the functions of the office by reason of mental or physical infirmity; is declared or becomes bankrupt or insolvent;
- is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;
- resigns in writing to the Board; is found guilty of professional misconduct by the relevant professional body;
- is disqualified from holding a public office under the Constitution;
- engages in any gross misconduct;
- dies.

6.17.3. Any vacancy arising in the office of the Municipal Manager may be filled in the manner provided under Article 6.2 above.

7. MUNICIPAL FINANCES AND FINANCIAL MANAGEMENT

7.13. Sources of the Municipality's funds and revenue

7.13.1. The Board of the Municipality shall derive its revenue and funds as provided for in Section 172 of the Public Finance Management Act, 2012

7.14. Appointment of the Municipality Accounting Officer

7.14.1. The Municipality Accounting Officer shall be designated by the County Executive Committee Member for Finance in the manner provided under Section 148 of the Public Finance Management Act.

7.15. Functions and Powers of the Municipality Accounting Officer

7.15.1. The Municipality Accounting Officer shall have all the powers and perform all the functions of accounting officers as provided under the Public Finance Management Act.

7.15.2. Without prejudice to the foregoing, the Municipality Accounting Officer shall be responsible for managing the finances of the Municipality.

7.16. Financial year

7.16.1. The Municipality shall operate on an annual budget.

7.16.2. The financial year of the Board shall be the period of twelve months ending on the thirtieth June in each year.³⁸

7.17. Budget

7.17.1. The budget of the Board shall be developed in the manner provided under Section 175 of the Public Finance Management Act.

7.18. Management of Municipality Finances

7.18.1. The Board shall, with the approval of the County Executive Committee member for finance, open and maintain a bank account in the name of the Municipality.

7.18.2. All monies received by the Board shall be paid into the Municipality's bank account promptly and in accordance with the Public Finance Management Act.³⁹

7.19. Borrowing by the Municipality

7.19.1. The Board may only borrow from:-

- from the County Government;
- through the County Government; or
- by way of a bank overdraft.
- and subject to such terms as may be imposed by the County Assembly or such terms as provided by law.

7.20. Audit

7.20.1. The audit of the Board shall be as provided under Section 46 and 47 of the Urban Areas and Cities Act.

8. MUNICIPALITY PERSONNEL

8.13. Municipality Personnel

8.13.1. The Board may subject to the approval by the County Public Service Board, employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other any other law.

8.13.2. The remuneration of the municipal personnel shall be set by the County Public Service Board in consultation with the Board and Salaries and Remuneration Commission.

8.14. Management of Municipal Personnel

8.14.1. Employees of the Municipality shall be under the general guidance of the Municipal Manager.

8.15. Retirement systems

8.15.1. The retirement benefits for the officers of the Board shall be determined in accordance with Section 49 of the Urban Areas and Cities Act.

9. MUNICIPALITY PROPERTY

9.13. Acquisition, possession and disposal

9.13.1. The Board of the Municipality is a body corporate and may acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Municipality.

9.13.2. All town property and funds of every kind belonging to or in the possession of the town (by whatever prior name known) at the time this Charter becomes effective are vested in the Municipality, subject to the terms and conditions thereof.

9.14. Compulsory acquisition

9.14.1. Whenever the Municipality deems it necessary to acquire private land for its purposes, it shall send a request to the National Land Commission through County Executive Committee Member for acquisition.

9.14.2. The provisions of the Land Act shall apply to any intended compulsory acquisition by the Municipality of property within the Municipality.

9.15. Protection and maintenance of Municipality Property

9.15.1. The Board of the Municipality may do whatever may be necessary to protect municipal property and to keep all municipal property in good condition.

10. GENERAL PROVISIONS

10.13. Amendments to the Charter

10.13.1. Amendment of this Charter may be proposed by the Board or County Government. The proposal shall be made to the President through the County Governor.

10.14. Separability

10.14.1. If, at any time, a provision of this Charter is or becomes illegal, invalid or unenforceable in any respect under Kenyan law, the legality, validity or enforceability of the remaining provisions shall not be affected or impaired.

11. TRANSITIONAL PROVISIONS

11.13. Effective Date of Charter

The commencement date of this Charter shall be the date of Gazettement.

11.14. Rights and Privileges Preserved

11.14.1. Nothing in the Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are Town Officials, Officers or Employees at the time of its adoption.

11.15. Departments

- 11.15.1. All Town Departments shall continue to operate with the same powers, duties, activities, budgets, and employees as were in effect at the time this Charter becomes effective until changed by the Municipal Manager with the approval of the Board of the Municipality.

EIGHTH SCHEDULE

(R.23(4b))

URBAN AREAS AND CITIES ACT, 2011

URBAN AREAS AND CITIES (GENERAL) REGULATIONS, 2022

FUNCTIONS & ASSETS TRANSFER TO A COUNTY PUBLIC ENTITY FROM

THE COUNTY GOVERNMENT OF
(PRINCIPAL)

TO THE
THE MUNICIPAL/CITY BOARD OF
(BODY CORPORATE AGENT)

VESTING ORDER

(AS PER ATTACHED SCHEDULE OF ASSETS & LIABILITIES)

WHEREAS COUNTY NO ;
CONSTITUTIONALLY REFERRED TO AS THE
COUNTY GOVERNMENT OF;
P.O. BOX.....

has the constitutional principal mandate of rendering services to the residents of
....., currently referred to as
MUNICIPALITY/CITY under Constitution of Kenya article 184, the Urban Areas and Cities
Act, 2011 and the County Government Act; and as formalized vide gazette notice No..... dated
.....;

outlining the functions and assets associated with the provision of services within the spatial
framework so designated as the Urban Entity, and as outlined under the Municipal/City
Management Charter signed between the County Government of and her agent
Municipality/City;

This vesting order is herein signed and sealed as the hand-over instrument of the said functions and Assets (as per the annexes herein) transfer thereto.

In so doing, the two corporate entities, the Principal and Agent (County and Municipality/City) are affirming the Body corporate and the Executive authority nature of the two entities in as far as the provision of services within their distinct but conjoined spatial context is concerned.

Subsequently, it is NOW ACKNOWLEDGED by the instrument of this Vesting Order that the said functions and assets within the spatial framework of the urban entity in reference are effectively within the management and governance executive authority of the

..... MUNICIPALITY/CITY as per the provisions of Article 184 of the Constitution of Kenya, but without prejudice to the provisions of the Public Finance Management Act, 2011, the Urban Areas and Cities Act, 2011 and the County Governments Act, 2012.

SIGNED THIS DAY OF 20.....

COUNTY GOVERNMENT OF

GOVERNOR..... Date

Sign

MUNICIPAL/CITY BOARD OF

Board Chair..... Date... ..

Sign

Municipal/City Manager..... Date

Sign

**IN THE PRESENCE OF
COUNTY ATTORNEY**

AT THE COUNTY HEADQUARTERS AT

NINTH SCHEDULE
(R. 25(1))
URBAN AREAS AND CITIES ACT, 2011
URBAN AREAS AND CITIES (GENERAL) REGULATIONS, 2022

**FORM OF PETITION FOR REMOVAL OF CHAIRPERSON, VICE- CHAIRPERSON
OR MEMBER OF A CITY OR MUNICIPAL BOARD.**

Petition to the County Public Service Board of (State the County)

I/We, the undersigned,
Resident(s) of (State the name of City or Municipality)

DRAW the attention of the County Public Service Board to the following:

Indicate appropriately the person who the petition seeks to remove

- a) Chairperson
- b) Vice-Chairperson
- c) Board Member
- d) The entire Board

Briefly describe the grounds for the removal of the said board member.

Briefly describe and/or attach evidence leading to the grounds for removal.

Has the matter been raised administratively earlier? (a) Yes (b) No

If yes, state the date and person who the matter was raised with and whether it has been concluded.

WHEREFORE your humble petitioner(s) Pray that the County Public Service Board Initiates the necessary procedure/process to cause the removal of the said person(s)

And your PETITIONER(S) will ever Pray.

Petitioner 1
Name
Full Address
National ID /Passport No.....

Signature/ Thumb impression

Petitioner 2

Name

Full Address

National ID /Passport No.....

Signature/ Thumb impression

Petitioner 3

Name

Full Address

National ID /Passport No.....

Signature/ Thumb impression

(Add Separate sheets if there are more petitioners)

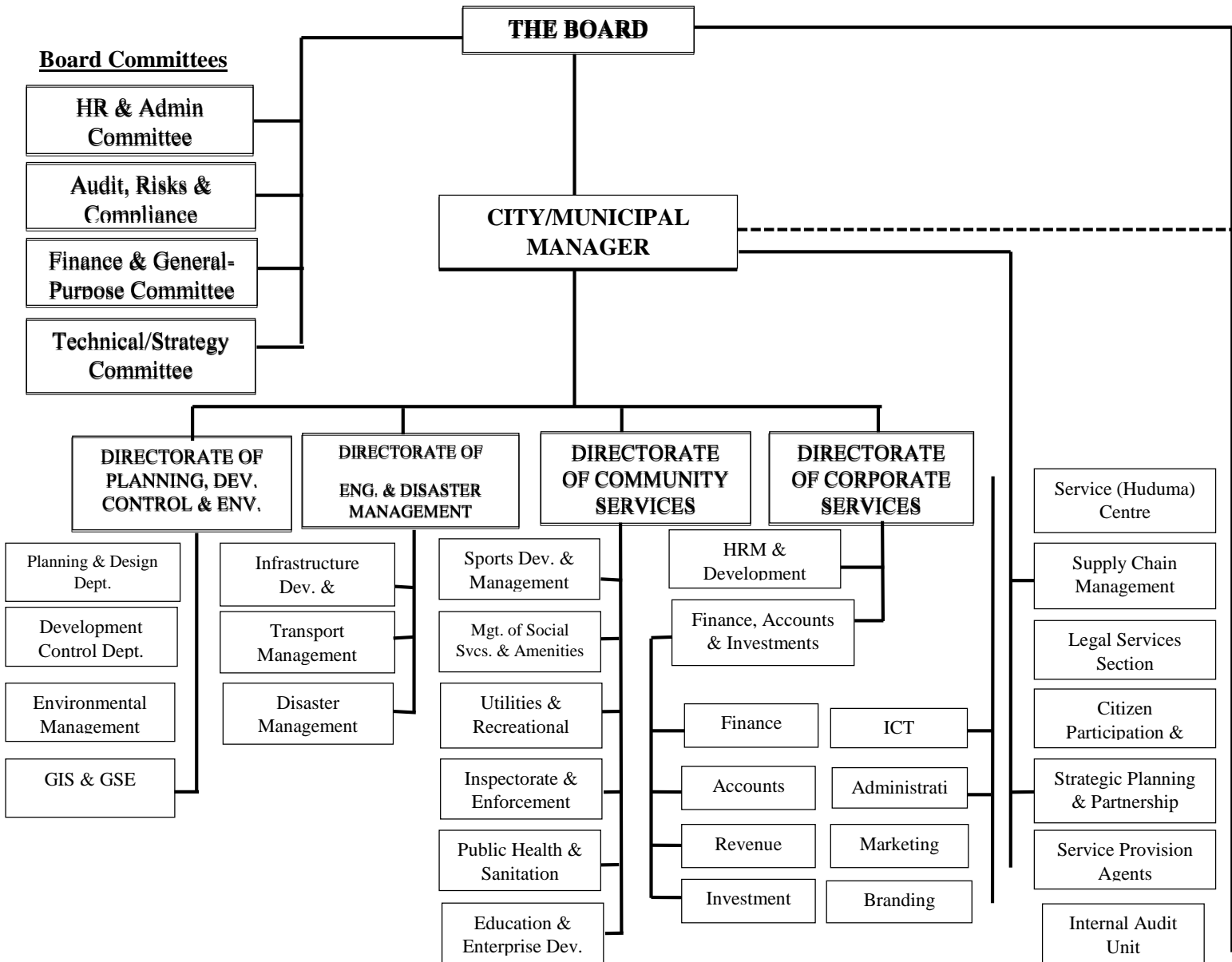
TENTH SCHEDULE

URBAN AREAS AND CITIES ACT, 2011

URBAN AREAS AND CITIES (GENERAL) REGULATIONS, 2022

(R. 30)

CITY/MUNICIPAL INSTITUTIONAL HUMAN RESOURCE STRUCTURE



DIRECTORATES' FUNCTIONS

Service Provision Agents	Planning and Development Control & Environment	Community services	Municipal Manager	Corporate Services	Engineering and Disaster Management
<ul style="list-style-type: none"> Water Services and Management Solid Waste Management Water resources' management Conservation and protection of water catchment areas County Line ministries National Government Internal partners NGOs CBOs Institutions CDF Religious Organizations National Government Agencies Women Rep related Funds Senatorial related Funds 	<ul style="list-style-type: none"> Developmental Services <i>-Integrated Development Planning</i> <i>-Local Economic Development</i> <i>-Performance Management Systems</i> <i>-Compliance</i> GIS and GSE Urban Planning and Design, & Building Control <i>-Business advertising and signage</i> <i>-Building Control</i> <i>-Urban Planning</i> <i>-Urban Design</i> <i>-Environmental Monitoring & Compliance</i> <i>-Road signage</i> <i>-Street Furniture</i> Valuation services Quantity surveying Housing Services <i>-Housing Projects</i> <i>-Housing Finance</i> <i>-Housing Administration</i> 	<ul style="list-style-type: none"> Sports and Talents Development Library Services Public Parks and squares Cemeteries Refuse collection & Transportation Healthcare Services Education and Technical Training Agricultural Extension Services Markets management Enterprise development Administrative Support Services <i>-Secretariat/Committee Services</i> <i>-Office Auxiliary Services</i> <i>-Records & Archives</i> <i>-Cleaning Services</i> <i>-Customer Care Services</i> <i>-Switchboard/Reception</i> 	<ul style="list-style-type: none"> Citizen Participation and Empowerment Programs Municipal Branding and Marketing <i>Municipal image</i> <i>Outdoor advertising</i> <i>Roads &</i> <i>Business signage</i> <i>Marketing of municipal products/services</i> Supply Chain Management <i>-Demand & Acquisition Management</i> <i>-Stores and Disposal Management</i> Legal & ERM Services Huduma Centre services Investment Modelling Performance Management Service Provision Agencies/Partners 	<ul style="list-style-type: none"> ICT Services Budget, Reporting and Expenditure Services <i>-Asset Management</i> <i>-Creditors</i> <i>-Payroll</i> Revenue Services <i>-Rates & Taxes</i> <i>-Debtors & Cashiers</i> <i>-Credit Control</i> Finance and Accounts Human Resource Management <i>-HR Administration & Staff Provisioning</i> <i>-Labor Relation Management & Employee Wellness</i> <i>-Skills Development</i> Staff welfare management Pension Management 	<ul style="list-style-type: none"> Civil Engineering Services <i>-Roads & Storm Water Services</i> <i>-Transport network Planning, Compliance</i> <i>-Project Management Services</i> <i>-Fire fighting</i> <i>-Fleet Management Services</i> <i>-Street lighting and service lines</i> <i>-Structural engineering services</i> <i>-Mechanical Engineering services</i> <i>-Electrical installation and controls</i> <i>-Traffic Services</i> <i>-Law Enforcement</i> <i>-License & Vehicle Test Station</i> <i>-Registration, Licensing</i> <i>-Infrastructure Maintenance</i>

REQUIRED KEY COMPETENCIES

Service Provision Agents	Planning and Development Control & Environment	Community services	Municipal Manager	Corporate Services	Engineering and Disaster Management
<ul style="list-style-type: none"> -Water resource management -Water Engineering - Geology -HR -Finance &Investment - Environment - Strategic management 	<ul style="list-style-type: none"> -Urban planning -Urban design -Geospatial engineering -Building economics -Construction technology - Environmental science -Housing policy and practice -Natural Resources management -Architectural -Human Resources -Strategic management 	<ul style="list-style-type: none"> - Information Systems’ development & management -Strategic Management -Sports & performing Arts dev & management -Public policy - Healthcare -Education and vocational training -Statistics -Customer care 	<ul style="list-style-type: none"> -Financial Analysis - Economics -Strategic Management -Human relations -Branding &Marketing -Public policy -Supply chain management -Legal 	<ul style="list-style-type: none"> -Finance -HR -ICT -Strategic management - Economic investments 	<ul style="list-style-type: none"> - Civil/Structural Engineering -Transport management -Disaster planning & management -Mechanical /plants’ engineering -Electrical -Water engineering -Irrigation engineering

ELEVENTH SCHEDULE

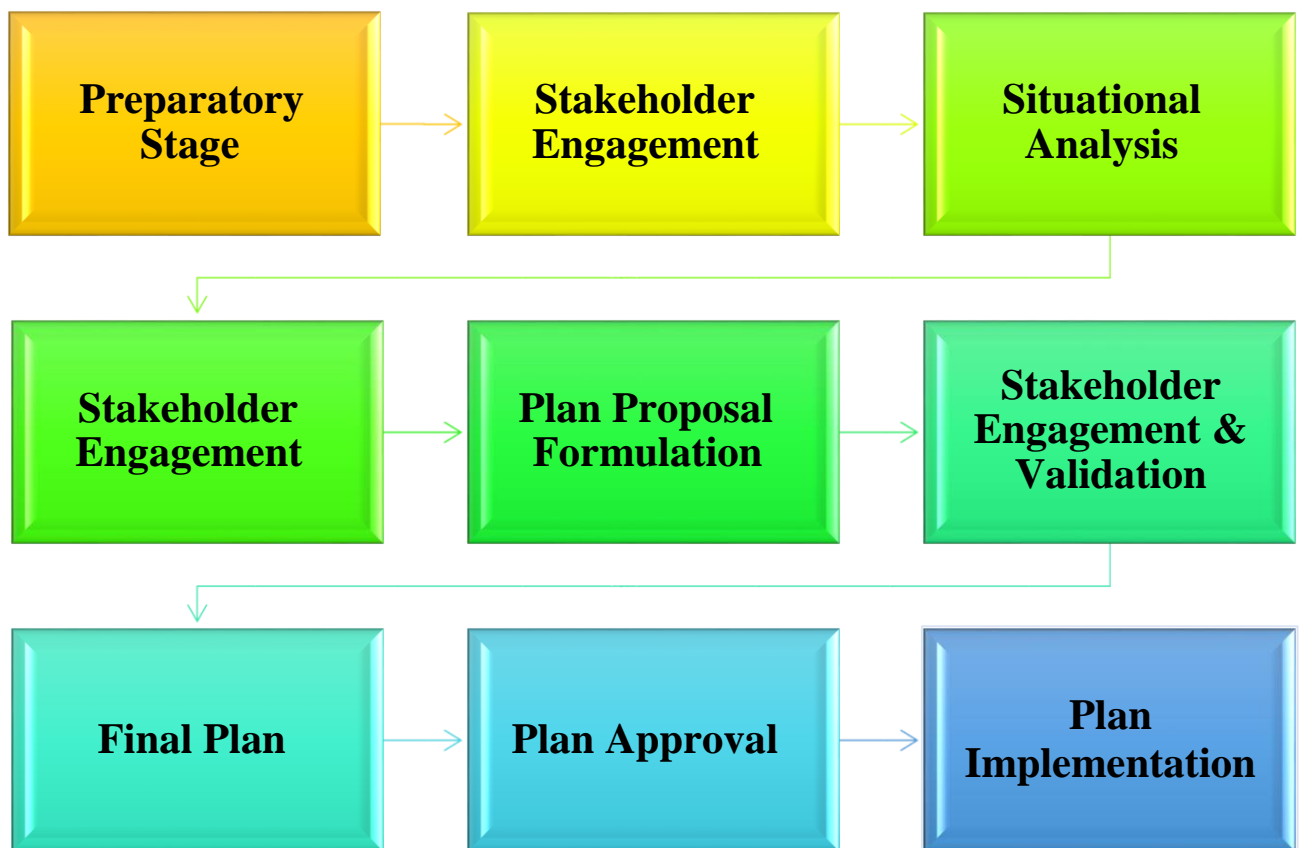
URBAN AREAS AND CITIES ACT, 2011

URBAN AREAS AND CITIES (GENERAL) REGULATIONS, 2022

(R. 40(4))

STEPS IN INTEGRATED URBAN AREA OR CITY DEVELOPMENT PLANNING PROCESS

The steps in preparing the Integrated Urban Area or City Development Plan are outlined as follows;



TWELFTH SCHEDULE
URBAN AREAS AND CITIES ACT, 2011
URBAN AREAS AND CITIES (GENERAL) REGULATIONS, 2022
(R. 44(3))

PROCESS AND PROCEDURE OF DEVELOPMENT CONTROL

12(a)

- (1) Any development(s) taking place within an urban area or city must be seek for approval by the Board/Committee of the respective Urban Area or City.
- (2) A person shall obtain development permission from the respective Board/Committee of an urban area or city by applying for development permission from that Board/Committee in the form in 12 (b) and after paying the prescribed fees.
- (3) An applicant for development permission shall provide documents, plans and particulars as may be required by the respective Board/Committee to indicate the purposes of the proposed development.
- (4) An applicant for development permission shall indicate the proposed uses to which the land shall be put, and the portion of the land the applicant shall provide for easements as a consequence of the applicant's proposed development.
- (5) The development permission granted by a Board/Committee shall be subject to compliance with the provisions of the Act and any other written law.
- (6) A person applying for development permission shall also notify the public of the development project being proposed to be undertaken in a certain area in such a manner as the Board/Committee shall prescribe.
- (7) The notification referred to under part (6), shall invite the members of the public to submit any objections on the proposed development project to the relevant Board/Committee for consideration.
- (8) A person applying for development permission shall ensure that any documents, plans and particulars that are provided to the respective Board/Committee while applying for development permission have been prepared by the relevant qualified, registered and licensed professionals.
- (9) Within seven days of receiving an application for development permission, the Board/Committee shall give a copy of the application to the relevant authorities or agencies to review and comment and the relevant authorities or agencies shall comment on all relevant matters.

- (10) Within fourteen days of receiving the copy of the development permission from a Board/Committee, the relevant authorities or agencies shall submit their comments to the respective Board/Committee
- (11) The Board/Committee will after, reviewing the comments from the relevant authorities or agencies, issue the development permission within thirty days if the development meets the criteria set in this Regulation or any other written law.
- (12) Where an applicant does not receive written response for development permission within sixty days, such permission shall be assumed to have been given in accordance to this Regulations.

12 (b)
Prescribed forms

Form UACA 001
.....

Registered Number of Application
.....

Application for Development Permission

(To be filled respect of each transaction and sent to or left at appropriate office of the City/Municipality/Town).

To the.....

(Insert Name and address of the appropriate City/Municipal/Town Office)

I/We hereby apply for permission to develop the land and/or building as described in this application and on the attached plans and drawings.

Date

Registration Number

Coordinates of Property/Plot (UTM).....

Section A—General Information

1. Owner's name and address
2. Applicant's name and address
3. If applicant is not the owner, state interest in the land e.g., leasee, prospective purchaser, etc. and whether the consent of the owner to this application has been obtained.
 - (a) L.R. or parcel No.....
 - (b) Road, Ward and City/Municipality/Town
 - (c) Acreage.....
4. If an application has been previously been submitted state the registered number of the application

Section B—Subdivision

- 5. Describe briefly the proposed subdivision including the purposes for which land and/or buildings are to be used
- 6. State the purpose for which land and/or buildings are now used. If not now used, the purpose for which and the date on which they were last used
.....
- 7. State whether the construction of a new or an alternative of an existing means of access to or from a road is involved
- 8. State method of:
 - (a) Water supply
 - (b) Sewerage disposal
 - (c) Surface water disposal
 - (d) Refuse disposal
- 9. Give details of any relevant easements affecting the proposed subdivision
.....

Section C—Extension of Lease or User or Change of User

- 10. State whether subdivision is involved and if so whether permission has been applied for and if so, give registered number of the application
.....
- 11. Describe briefly the proposed development including the purpose for which land and/or buildings are to be used
- 12. State the purpose for which land and/or buildings are now used. If not now used, the purpose for which and date on which they were last used.....
- 13. State whether the construction of a new or alternative of an existing means of access to or from a road is involved
- 14. If the proposed development consists only of a change of user and does not involve building operations state the exact nature of such change
- 15. If the site abuts on road junction, give details and height of any proposed walls, fence, etc., fronting thereon
- 16. State method of:
 - (a) Water supply
 - (b) Sewerage disposal
 - (c) Surface water disposal
 - (d) Refuse disposal
- 17. Give details of any relevant easements affecting the proposals
.....
- 18. State the:
 - (a) Area of land affected
 - (b) Area covered by buildings
 - (c) Percentage of site covered

by existing buildings

by proposed buildings

Note. —Drawing and specifications must be prepared and signed by licensed professionals

If filled by Agent:

Name

Address

Profession.....

.....

Submission Certificate

City/Municipality/Town of

Department/Section of Development Control.....

On..... before(Name and Title of the Officer), personally received the application Ref No..... on Plot L.R

No.....located along.....road in area,.....ward for the proposed.....

..... hereby acknowledge receipt of the application with the attachments mentioned below:

- a)
- b)
- c)
- d)
- e)
- f)
- g)

Name of the Applicant.....

ID No of the Applicant

Registration No of Registered Professional

.....

This certificate will be deemed to be an approval, where the applicant does not receive written response to this application within 60 Working Days as per the provisions of this Regulations.

Name of the Receiving

Officer.....

Signature (Stamp)

CC:

Board/Committee of the City/Municipality/Town

12 (d)

The Applicant

Certificate of Compliance

URBAN AREAS AND CITIES ACT

(No. 13 of 2011)

Certificate of Compliance

FORM UACA 003

.....

Certificate No.

Name and Address of Applicant

.....

Type of Development (Industrial, Commercial, etc.)

On L.R./Parcel No. with coordinates.....situated in

.....

ward locality (City, Municipality, Town, etc.)

Received from (Board/Committee) by

Ref. No. of

This is to certify that the application above is in compliance with—

- a) Approved Integrated City/Urban Area Development Plan No.....
- b) Approved Subdivision Plan/Advisory Plan No.....
- c) Special conditions specified in the Notification of Approval

with respect to Registered Application No.

Issued by (Name of Officer)

..... Signature

City/Municipal Director of Urban Planning and Development Control or Town Planner/Town Development Control Officer

Department Seal

Made on the day of, 2022

JAMES W. MACHARIA, E.G.H
Cabinet Secretary
Ministry of Transport, Infrastructure, Housing,
Urban Development and Public Works