



Imo State of Nigeria

1980, Law No. 4

A Law to establish an Environmental Sanitation Authority for the State and for other matters connected therewith or incidental thereto

Long Title.

BE IT ENACTED by the Legislature of Imo State of Nigeria as follows—

Enactment.

1. This Law may be cited as the Imo State Environmental Sanitation Authority Law, 1980 and shall come into effect on a date to be appointed by the Governor by a notice in the *Gazette*.

Short Title and Commencement.

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

Interpretation.

“Authority” means the Imo State Environmental Sanitation Authority;

“Chairman” means the Chairman of the Authority;

“Commissioner” means Commissioner for Local Government and Social Welfare;

“Executive Council” means the Executive Council of Imo State of Nigeria;

“Government” means the Imo State Government of Nigeria;

“refuse” means garbage, refuse and other discarded solid materials resulting from domestic, industrial, commercial, and agricultural operations and from community activities;

“refuse disposal” means the collection, storage treatment, utilization, processing or final disposal of refuse.

3. (1) There is hereby established for the State an authority to be known as Imo State Environmental Sanitation Authority;

Establishment of the Authority.

Members
of the
Authority.

Rules.

Functions of
the
Authority.Responsi-
bility of the
Authority.

- (2) The Authority shall—
- be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and may acquire, hold and dispose of movable and immovable property;
 - be seated in Owerri and shall have Zonal Offices in all the Local Government Areas in the State, and such other towns in the State which may from time to time come within the operations of this Law.
- (3) The Commissioner may by notice in the *Gazette* declare any town to have come within the operations of the Law.
4. (1) The Authority shall consist of a Chairman and not less than four other members.
- (2) The Chairman and members of the Authority shall be appointed by the Governor and shall, subject to the pleasure of the Governor, hold offices for three years in the first instance, and shall be eligible for reappointment for a second term.
- (3) The provisions of the Schedule to this Law shall have effect in relation to the Authority and other matters connected with the Authority.
5. Subject to the Schedule, the Authority may make rules regulating its own proceedings.
6. The functions of the Authority shall be the collection, removal and disposal of refuse and subject to the provisions of this Law, the Authority for the purposes of carrying out its functions shall have power to carry on all activities which are necessary, advantageous or convenient, or which are incidental to the proper discharge of its functions.
7. (1) Notwithstanding the provisions of the Local Government Edict, 1976, and of any other Law, the Authority shall be responsible for—
- the environmental conditions in the Owerri, Aba, Umuahia and any other town which might from time to time come within its operations, through the preparation of and continuous updating of master plans for refuse collection and disposal in these cities and the establishment, operation and control of the resultant refuse disposal systems in these cities;
 - the approval and surveillance of private refuse disposal systems.
- (2) For the effective discharge of its functions under this Law, the Authority shall have powers to delegate its functions to consultants or contractors approved by the Executive Council or to its Zonal Committees, provided that the Authority may not delegate its powers to make rules.

8. (1) The Authority shall have powers to appoint and exercise disciplinary control over such staff as it may consider necessary to employ for the purposes of its functions under this Law:

Provided that the Board may, subject to such conditions as it may think fit, delegate any of its powers to other employees of the Board.

- (2) Where the Authority decides to operate with its own staff or through Zonal Committees, there shall be transferred to the Authority all such staff who are presently engaged in refuse disposal operations in that city.

9. There shall be transferred to and vested in the Authority upon the commencement of this Law and without further assurance—

- whether realty or personalty, all trenching and refuse disposal grounds, refuse depots and vehicles or other equipment for collecting refuse held by all the Local Governments in the State;
- all rights and liabilities of the said Local Governments in connection with their functions relating to removal and disposal of refuse;
- such properties, movable and immovable which the Local Governments may determine;
- all such properties, rights or liabilities of the Government as the Governor may determine.

10. (1) The Government and all the Local Governments covered by this Law, shall pay annually an apportionment of the expenses of the Authority; and in addition the Government shall contribute twenty-five *percentum* of the expenses of the Authority in respect of its services to the State Capital.

- (2) The balance of the expenses aforementioned, shall if any, be paid by the Authority.

11. (1) Without prejudice to section 10 the funds of the Authority shall comprise—

- moneys from time to time voted by the Imo State Government for the performance of its functions;
- sums received from donations, subscriptions, or amounts received for damages, or otherwise howsoever.

- (2) The funds of the Authority shall be administered by the Authority in such manner as the State Commissioner may from time to time prescribe.

12. (i) There shall be a Secretary to the Authority who shall be the head of the General Administration Division.

- (ii) The Secretary shall be responsible to the Chairman and shall be under his direction and control. The Secretary shall carry on the day-to-day administration of the affairs of the Authority and without prejudice to the

Power of Board to employ staff and transfer certain staff to the Authority.

Transfer of certain properties, rights and liabilities to the Authority.

Apportionment of expenses.

Funds.

Officers and other staff.

generality of the foregoing provisions of this subsection, the Secretary shall be responsible for the following matters, that is to say—

- (a) making arrangements for meetings of the Authority;
 - (b) preparing the agenda and minutes of such meetings;
 - (c) conveying the decisions of the Authority to members of the Authority and Zonal Committees;
 - (d) arrangement for payment of fees and allowances of meetings and all other matters affecting members of the Authority.
- (iii) The Secretary shall perform all other duties affecting the Authority as may be specifically assigned to him by the Chairman.
- (2) There shall be an officer of the Authority to be known as the Controller of Finance who shall be responsible to the Chairman in the performance of his duties.
- (3) (i) There shall be an officer of the Authority to be known as the Chief Internal Auditor.
- (ii) The Chief Internal Auditor, shall subject to the Audit Law, be directly responsible to the Authority in the performance of his duties as an auditor.

13. The Authority shall have power to establish and maintain such departments, subsidiary divisions and sections; and to devise and use as such formats and follow such procedure and make all other administrative arrangements as may in the opinion of the Authority be necessary or expedient for the performance of its functions under this Law.

Power of Authority to establish and maintain departments etc.

14. The Authority may—

- (a) grant pensions, gratuities or retiring benefits to officers or employees and their dependants and to the dependants or estates of deceased officers or employees;
- (b) establish, maintain and manage a provident fund for the benefit of officers or employees;
- (c) require its officers or employees to contribute to any pension scheme or to a provident fund.

Retirement benefits.

15. The Authority shall have power to charge collection fees which may vary from area to area and also make direct charges on users for services rendered.

Power to charge fees for services rendered.

16. For the purpose of this Law the Authority may, after giving notice to the owner or occupier of any land or premises in the State, enter upon any such land or premises and thereon dig trenches, lay pipes and do other acts reasonably necessary for carrying such objects and enter any road or place to which the public have access for carrying out such objects:

Provided that the Authority shall do as little damage as possible in the exercise of its powers under this section and shall compensate for any damages caused by the exercise of such powers and the liability

Power to enter land premises.

for and award of the compensation shall, in case of any dispute, be determined by the High Court of Imo State.

17. The Authority shall cause its affairs to be managed in accordance with practices observed in profitable public utilities and in particular shall cause its business under this Law to be carried out so as to ensure that, taking one year with another, its revenue is equal or greater than its outgoing.

Management of the affairs of Authority.

18. (1) For the effective discharge of its functions, there is hereby established for the Authority Zonal Committees in all the Local Government Areas in the State.

Zonal Committees.

(2) Whenever any town is declared to have come under the operations of this Law, there shall be established for that town a Zonal Committee of the Authority.

19. (1) A Zonal Committee shall comprise a Chairman and not less than two other members.

Composition of Zonal Committees.

(2) The Chairman and members of a Zonal Committee shall be appointed by the Commissioner for a term of two years and shall be eligible for reappointment for a second term of two years.

20. The Zonal Committee shall perform all such functions as may be assigned to it by the Authority so however that the Zonal Committee shall take responsibility for most of the operational functions.

Duties of Zonal Committees.

21. (1) Whenever it appears to the Authority that any land within the State is likely to be needed for the purposes of the Authority it may, by its servants and agents, together with all necessary workmen, enter upon such land and survey and take levels of the land and do all other acts necessary to ascertain whether the land is suitable for such purposes.

Preliminary investigation in respect of land needed for the purpose of the Authority.

(2) As soon as may be convenient after any entry made under subsection (1) of this section, the Authority shall pay compensation for all damage arising out of the exercise of any power conferred by that subsection.

(3) In the case of any dispute as to the amount of any compensation payable under this section the amount may be determined by the High Court of Imo State.

22. (1) The Authority shall in each financial year cause to be prepared a detailed estimates of its revenue and expenditure for the next ensuing financial year and shall submit the same through the Commissioner to the Governor for his approval, and the Governor may approve, disallow, increase or reduce any provision for any item in the estimate as he may deem expedient, and such estimates shall be included in the overall estimates of the Revenue and Expenditure of the State which the Governor shall cause to be prepared and laid before the House of Assembly, at any time before the commencement of each financial year.

Annual Estimate reports periodic returns.

Accounts
and audit.

- (2) The Authority shall as soon as may be after the end of each financial year, but not later than the end of June of each year, submit an annual report to the Government and all the Local Governments in whose area it operates through the Commissioner.
- (3) The submission of annual report to the Government shall be through the Commissioner.

Refuse
dumps.

23. (1) The Authority shall cause to be kept proper account in respect of its revenue and expenditure from time to time and shall, within three months after the end of each financial year, prepare an annual statement of accounts showing in a clear and accurate manner the financial position of the Authority and the results of its operations for the financial year.
- (2) The Director of Audit shall be responsible for auditing the accounts of the Authority.
- (3) As soon as the annual statement of accounts has been audited, the Authority shall forward copies of the same together with copies of the audit report to the Government through the Commissioner and to the Local Governments in whose area the Authority operates.
24. In any town to which this law applies, the Authority shall appoint and/or construct refuse dumps or incinerators to which all household refuse or waste shall be dumped for the ultimate disposal by the Authority.

Offence and
penalty.

25. (1) Any person who dumps refuse in a place other than an appointed refuse dump or incinerator is guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding six months; or to both such fine and imprisonment.

Vicarious
liability.

26. (1) Where a child under the age of sixteen contravenes section 25, the parent or guardian or master or mistress of the child shall be charged with actually committing the offence.
- (2) It shall not be a defence to a charge under this section that the parent or guardian or master or mistress of the child did not permit the commission of the offence or that the offence was committed without his knowledge.

Limitation
of suits
against the
Authority.

27. (1) No suit against the Authority or any servant of the Authority for any act done in pursuance or in execution or intended execution of any law or of any public duty or authority or in respect of any alleged neglect or default in the execution of such law, duty, or authority shall lie or be instituted in any court unless it is commenced within three months next after the act, neglect or default complained of or in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

- (2) No suit shall be commenced against the Authority until at least one month after written notice of an intention to commence the same shall have been served upon the Authority by the intending plaintiff or his agent, and such notice shall clearly and explicitly state the cause of action, the particulars of the claims the name and place of abode of the intending plaintiff and the relief which he claims.

SCHEDULE

(Section 2)

SUPPLEMENTARY PROVISIONS

1. (1) The Authority shall for the despatch of business, meet at least once every month at such place and time as the Chairman may determine.
- (2) A special meeting of the Authority may be summoned at any time with the approval of the Chairman or at the request of the State Commissioner.
- (3) All meetings of the Authority shall be summoned by the Secretary in consultation with the Chairman.
- (4) The Chairman shall preside at any meeting of the Authority but in his absence the Authority shall elect one of its members present to preside.
- (5) Every question for decision by the Authority at any meeting shall be decided by a majority of the votes of the members present and voting.
- (6) The Chairman or the members presiding in his absence shall at any meeting have an original vote and in the case of an equality of votes, a second or casting vote.
- (7) The Secretary shall be in attendance at all meetings of the Authority and may also require any of its other officers or servants to attend such meetings and take part in the proceedings thereat in an advisory capacity but any of the officers or servants of the Authority attending its meeting shall not have a right to vote on any matter.

Meetings
of the
Authority.

2. The validity of any proceedings of the Authority shall not be affected by any vacancy in the membership of the Authority or any defect in the appointment of a member or by reason that a person who is not entitled to do so took part in the proceedings.

Validity of
proceedings.

3. Without prejudice to the other provisions of this Law, the powers of the Authority shall include in relation to its responsibilities under this Law—

Powers of
the
Authority.

- (a) the preparation of long-term plans in consultation with appropriate government authorities;
- (b) the conduct of research relative to refuse collection and disposal system;
- (c) making of engineering survey and plans;
- (d) the setting of standards relative to refuse collection and disposal in collaboration with the government and appropriate authorities; and

Tenure of
Office of
Members.

- (e) the conduct of other related or incidental activities to the foregoing.
4. (1) Each member of the Authority appointed shall hold office for three years after which he shall retire but without prejudice to his reappointment under the provisions of this Law.
- (2) The office of a member of the Authority shall become vacant—
- (a) upon the expiration of his term of office as provided under subsection (1) of this section;
 - (b) if he resigns by notice in writing addressed to the Chairman;
 - (c) if he is absent from four consecutive meetings of the Authority without the leave of the Chairman given in writing;
 - (d) if he is removed from office by the Governor for misconduct, incapacity, inability, or unfitness to discharge his functions as such member; or
 - (e) if he dies.

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly pursuant to section 94 of the Constitution of the Federal Republic of Nigeria, 1979, and found by me to be a true and correctly printed copy of the said Bill.

EMMANUEL EGBU ONYEGBIA
Clerk of House of Assembly
Imo State of Nigeria

I ASSENT.



SAMUEL ONUNAKA MBAKWE
Governor
Imo State of Nigeria

DATED the 21st day of March, 1980.