

I Assent this 29th day of December, 2010

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EXECUTIVE GOVERNOR
ZAMFARA STATE OF NIGERIA

**A LAW TO MAKE PROVISION FOR THE ESTABLISHMENT, FUNCTION
AND POWERS OF THE ZAMFARA STATE ENVIRONMENTAL
SANITATION AGENCY AND OTHER MATTERS CONNECTED
THEREWITH**

LAW No. 33

Date of commencement
Enactment:

BE IT ENACTMENT by the legislature of Zamfara state
of Nigeria as follows:

Short Title:

1. This Law may be as the Zamfara State Environmental
Sanitation Agency Law, 2010

Operations:

2. In this law unless the context otherwise requires:

"Agency" means the body established under section 3 of
this law.

"Commissioner" means Commissioner in charge of
Ministry of Environment.

"Zamfara State" means the areas within the
jurisdiction of all the Local Government Areas in
Zamfara State.

"Local Government" means the Local Government
Council and includes, as a context of the circumstance

may require, an administrator or committee of
management for a local government.

"Solid Waste" means, but not limited to garbage, refuse
and other domestic, industrial, residential, commercial
and agricultural activities from the community.

"Environmental Sanitation System" Means all
Component of a System Including Land, Vehicle,
Building, structure, plants and equipment used in
connection with the collection, transfer and disposal of
waste.

"Environmental Health Officer" means an officer
who has undergone the prescribed training for
Environmental, Health officer licensed in line with act
11 of 2002 to practice as an environmental Health
profession in Nigeria.

Establishment of
The Agency

3. There shall be established a body to be known as the
(1) Zamfara state Environmental Sanitation Agency" (in
This law referred to as "the Agency")

- (2) The Agency shall be a body corporate with perpetual
succession and a common seal and shall have power to
sue and be used in its corporate name and to acquired,
hold or dispose of movable and immovable property for
purpose of its function under this law.

Delegation of
Function of Local
Government
Council

4. The function of the local government in the state
under the 1999 constitution and instrument establishing
them for storage, collection, transfer and disposal of
solid waste are hereby delegated to the agency.

Duties of
Agency:

- 5.(1) The Agency shall be responsible for:
(a) Coordinating the maintenance of general envi-
ronmental sanitation throughout the State.
(b) The storage, management, conversion, transfer
and disposal of waste for the State.

- (c) Public Health/Pest Control activities throughout the State.
- (d) Appointment, registration and control of private refuse contractors in the State who must have been duly registered by the appropriate professional regulatory body in Nigeria (EHORENCON).
- (e) To hire or release out its equipment to refuse contractors at profitable rate.
- (f) Enforce all laws and regulations concerning waste management and any other sanitation laws and regulations as may be in force in the State.
- (g) To make effective use of Environmental Health Officers, Environmental Health technician and environmental health Assistants from the Local Government service and public service of the State.
- (h) To maintain sanitary land fill sites around the state and to charge economic rates.
- (i) Holding meeting concerning planning and strategy to be adopted for the success of its operations.
- (j) Approving the budget estimates based on the annual plan.
- (k) Ensuring proper use of governmental budget, allocated for waste management.
- (l) Improving the management and operations continuously such that the best service is given against the lowest possible costs.
- (m) Maintenance and proper use of vehicles buildings and other properties of the Agency and those entrusted to it by the State, Local Governments or other body or organization.
- (n) Preparation, collection and use of data and management information on waste management.
- (o) Conducting a research, seminars and workshops on waste Management and to advise State Government on them.

- (2) The Agency, apart from carrying out functions mentioned in sub-section (1) of this section throughout the State shall in particular carryout the management of waste throughout the State,

Power of the Agency to Employ Staff and transfer Certain Staff

- 6.(1) Subject to the provision of this law, the agency shall have power to appoint, promote and exercise disciplinary control over such staff as it may consider necessary for the purpose of its functions under this law.

- (2) There shall be transferred to the Agency, in accordance with the procedure applicable in respect of the transfer in the public service of the State or the service of the Local governments such willing staff as maybe selected by the Agency for the purpose of carrying out its functions under this law.

Acquisition Transfer of certain Rights and Liabilities to the Agency:

- 7. The Agency shall acquire necessary land and equipments needed for its operations for the purpose of waste management in the State.

- (a) All waste disposals grounds, refuse depots, landfills, vehicles and other equipment for collecting refuse, held by the Local Government in the State.
- (b) Transfer of such all rights and liabilities of the Local Government in the State in connection with its functions relating to Environmental Sanitation.
- (c) Transfer of such properties, movable or immovable which the Local Governments may determine in respect of Environmental Sanitation.
- (d) Transfer of all such properties right or liabilities of the State Government as the Governor may determine in respect of Environmental Sanitation.
- (e) All rights, liabilities and properties of the State Ministry of Environment used for Environmental Sanitation are by this law Transferred to Zamfara State Environmental Sanitation Agency.

- Local Government to Fund the Agency
8. Each Local Government in the State shall contribute to Fund the Agency which shall be deducted from the Statutory Allocation made by the Federal Government to each Local Government. The Amount to be contributed for overhead cost shall stand at ₦200,000.00 from each Local Government monthly.
- Establishment of Zone:
9. For the purpose of effective discharge of its functions under this law, there is hereby established 3 Zonal Offices for the Agency. The headquarters of each Zone shall be at Bungudu, Kaura Namoda, and Talata Mafara.
- Appointment and Function of Director General:
- 10.(1) The Agency shall in accordance to the Civil / Public Service procedure appoint a person to the office of Director General who shall be registered and license by the Environmental Health Officer's Registration Council of Nigeria (EHORECON) with 15 years cognate working experience.
- (2) The Director General shall be Chief Executive Officer of the Agency and shall be responsible for the day to day running of the Agency.
- Power of the Agency, to Establish and Maintain Department, etc:
- 11.(1) The Agency shall have power to establish and maintain such departments, divisions and section such as:
- (a) Operation/coordinating department.
 - (b) Solid waste control department.
 - (c) Pollution control department
 - (d) Inspectorate and enforcement department
 - (e) Street and Drainage Sanitation department
 - (f) Administration department.
 - (g) Finance department.
- (2) The Agency shall have power to advise and use all such forms and procedures and make all other administrative arrangements as may, in the opinion of the agency be

- necessary or expedient for the performance of its functions under this law.
- Appointment of Management Team:
12. The Agency shall have members of the Management team as follows:-
- (a) Director (Operation/Coordinator) who shall be Registered and licensed Environmental Health Officer by the (EHORECON) with 10 years cognate working experience.
 - (b) Director (SOLID Waste Control Department) who shall be Registered and licensed Environmental Health Officer by the (EHORECON) with 10 years cognate working experience.
 - (c) Director (Pollution Control Department) who shall be Registered and licensed Environmental Health Officer by the (EHORECON) with 10 years cognate working experience.
 - (d) Director (Street and Drainage Sanitation Department) who shall be Registered and licensed Environmental Health Officer by the (EHORECON) with 10 years cognate working experience.
 - (e) Director (Inspectorate and Enforcement Department) who shall be Registered and licensed Environmental Health Officer by the (EHORECON) with 10 years cognate working experience.
 - (f) Director (Administration Department) who shall be qualified Admin Officer with at least 10 years post qualification experience. To be posted from the office of the Head of Service.
 - (g) Director (Finance) who shall be a qualified Accountant or a Graduate of Economics with at least 10 years qualification experience. To be posted by the Ministry of Finance.
- Gratuities and Pension:
13. It is hereby declared that the services in the agency shall be public service for the purpose of pension and accordingly officers and other staff of the agency, shall

		in respect of their service be entitled to such pension gratuity and other retirement benefit as applicable in the state public services.
Preliminary Investigation in Respect of the Land Needed for Purpose of The Agency.	14.(1)	Wherever, it appears to the agency that any land is likely to be needed for the purpose of the agency, the Agency may, with the consent of the Honourable Commissioner and agents together with all necessary work -men enter upon any such land and do all that act necessary to ascertain whether the land is suitable for such purposes.
	(2)	As soon as may be convenient after any entry made under Sub-section (1) of this section, the Agency shall pay compensation for damage arising out of the exercise of any power conferred by the Sub-section.
	(3)	In the case of any dispute as to the amount of any compensation payable under the amount may be determined by the High Court.
Management of the Affairs of the agency.	15.	The Agency 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 to or greater than its out-goings.
The Agency to Prepare long term Plan.	16.	Without Prejudice to any other Provision of this Law, the Powers of the Agency shall include, in Relation to its Responsibilities under this Law the Preparation of Long-Term Plans in Consultation with Appropriate Government.
Authorities, Courts:	17.	All magistrate court, mobile sanitation court and High Court in the state shall have Jurisdiction to try cases under the provisions of this law except where a special provision has been made.

Right of Entry.	18.(1)	An Environmental Health Officer of the Agency may in the course of his duty and proof of his identity if so required enter any premises within the State for the purposes of ensuring compliance with the provisions of this law.
	(2)	The right of entry conferred by sub-section (1) of this section shall be exercisable within 24 hours on shift basis by the officers.
Power to Sealed Premises and Prosecution of Offenders.	19.	An Environment Health Officer shall, while acting in Accordance with the provision of this law enjoy all power and privilege exercisable by a public, for the purpose of enforcing the provision of this law which includes the power: <ul style="list-style-type: none"> (a) To sealed any premises in cause where an abatement notice has been dully served on a premises or industry and action has not been taken by such industry or premises within reasonable time. (b) To appear with other relevant government agents for the purpose of prosecution of such an offender in a court of competent jurisdiction.
Power to Accept Donations etc.	20.(1)	Subject to sub-section (2) of this section, the Agency may accept donation of land, money, book or other property upon such terms and conditions, if any as may be specified by the person or Non-Governmental organizations making the donation.
	(2)	The Agency shall not accept any donation if the conditions attached thereto by the person/NGO making the donation are inconsistent with the function of the Agency under law.
Financial Provisions Grant From Federal, State and Local Government.	21.(1)	The Agency shall establish and maintain a fund which shall be defrayed all expenses incurred by the Agency.

- (2) There shall be paid and credited to fund establishment under sub-section(1) of this section:
- Such other sums as may from time to time be granted by the Federal, State or Local Government.
 - All monies raised for the purpose of the Agency by way of donation grant-in-aid, testamentary disposition and sale of publication:
 - All subscription, fees and charge for services rendered by the Agency and all other sums which may accrue to the Agency from any source shall be utilized by the Agency for it day to day activities.

Registration of
Refuse
Contractors.

- 22.(1) The Agency shall have power to register the refuse contractors subject to rules and regulations as may from time to time.
- (2) The Agency shall also have to fix necessary amount as registration fees which shall be renewable annually and also subject to review from time to time.
- (3) Notwithstanding sub-section (1) above, the Agency shall charge reasonable amount as an operational fees from the refuse contractors in respect of facilities provided.
- (4) It shall also be the responsibility of the Agency to regulate the activities of the refuse contractor through the zoning system of operation for effective maintenance and cost effectiveness.

Charge for
Services
Rendered.
Annual
Estimates
Report on
Periodic Returns.

23. The Agency shall have power to make charge for services rendered.
- 24.(1) The Agency shall, in each financial year cause to be prepared a details estimates of its revenue and expenditure for the next ensuring financial year and shall submit the same to its meeting for approval.

- (2) The agency shall as soon as possible after the end of the financial year not later the end of the June of each year submit as annual report to the governor and to each of the local government in the State.

Account and
Audit.

- 25.(1) The Agency shall cause to be kept proper accounts 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 account, showing in a fair and accurate manner the financial position of the Agency and result of its operations for that financial year.

- (2) A professional Firm of Auditors shall audit the annual statement of accounts.

As soon as the annual statement of accounts has been audited the Agency shall forward copies of same together with copies of the Auditor's Report to the Governor and to each of the Local Governments in the State.

SUBSIDIARY LEGISLATION**LIST OF SUBSIDIARY LEGISLATION**
ZAMFARA STATE WASTE MANAGEMENT
OFFENCES(FINES/SANCTIONS) REGULATION

1. These regulations may be cited as the Zamfara State Waste Offences(fines/sanctions) Regulations.

2. Any person who:

(a) Being a landlord, agent of a landlord or tenant, and who neglects, fails or refuses to provide and maintain a dustbin or make provision for waste disposal in his premises shall be guilty of an offence and shall be liable on conviction to a fine of **Two Thousand, Five Hundred Naira Only (N2,500.00)** or two months imprisonment or both.

(1) Fails, neglects or refuses to pay the prescribed fee on his dustbin to the registered waste collectors or contractor in his area, shall be guilty of an offence and shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira(N2,500.00) only or two months imprisonment or both.

(2) Being a registered waste-collector or contractor who fails to collect the waste which he has undertaken to collect, shall be guilty of an offence and may apart from being liable to a fine of not less than Ten Thousand Naira Only on each occasion, have his registration revoked;

(3) Being a registered waste - collector or contractor fails, neglects or refuses to cover the tipper lorry or any vehicle used to collect refuse with tarpaulin while passing through the city shall be guilty of an offence and shall be liable to a fine of not less than Five Thousand Naira only;

(4) Being a driver of a tipper lorry carrying sand or gravels fails, neglects or refuses to cover the tipper lorry with tarpaulin while passing through the city shall be guilty of an offence and shall be liable to a fine of not less than Five Thousand Naira;

(5) Deposit or cause to be deposited laterite sand or building materials or equipment on the road or road side shall be guilty of an offence and shall be liable to a fine of Five Thousand Naira;

(6) Being registered waste-collector or contractor fails, neglects or refuses to pay the prescribed fee towards the maintenance of public disposal facilities which he has to use may have his registration revoked;

(7) Being an unregistered person or persons who carryout the work of a waste collector or contractor, dumps waste in any unauthorized place, shall be guilty of an offence and be liable to a fine of Ten Thousand Naira Only;

(8) Burns or causes to burnt, the contents of any dustbin belonging to the Board or Committee, shall be guilty of an offence and shall be liable to fine of Five Thousand Naira; or both.

(9) Stores or causes to be stored or agreed to be stored on his premises, industrial or commercial waste, shall be guilty of an offence and shall be liable on conviction to a fine of Twenty-Five Thousand Naira or two years imprisonment; or both.

(10) Throws or dumps or counsels or procures any person to throw or dump, or causes to be thrown or dumped any waste on any road or a public place shall be guilty of an offence and shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira or to imprisonment for two months or both;

(11) Abandons or parks a motor-vehicle or any scrap thereof on any road or in any unauthorized public place shall be guilty of an offence and shall be liable on conviction to a fine of Twenty-Five Thousand Naira per trailer, Ten Thousand Naira per lorry, Five Thousand Naira per other vehicles and Two Thousand, Five Hundred Naira per motorcycle or Two months imprisonment or both;

(12) Stores in any receptacle in any place in a manner likely to hold water and breed mosquitoes shall be guilty of an offence and shall be liable on conviction to fine of Five Thousand Naira or to imprisonment for two months or both;

- (13) Construct on any of structure or displays for sale any wares, articles or tins on any roadside or on public drains or pedestrian ways shall be guilty of an offence and shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira or to imprisonment for two months or both;
- (14) Allows waste-water to drain from his premises into the road in a manner likely to be injurious to health or public property shall be guilty of an offence and shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira or to imprisonment for four months or both;
- (15) Allows any Bird or animal under his control to stray on any road or public place; shall be guilty of an offence and shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira or to imprisonment for four months and the seized animal or bird shall be forfeited to the State in case of default in payment of fine;
- (16) Being the owner of any premises without toilet facilities and who fails to provide such facilities, shall be guilty of an offence and shall be liable on conviction to a fine of Five Thousand Naira or to imprisonment for twelve months or both;
- (17) Defecates or urinates in any public place shall be guilty of an offence and shall be liable on conviction to a fine of Five Hundred Naira or imprisonment for two months or both;
- (18) Being the owner of any premises with overgrown weeds likely to harbor vermin or reptiles shall be guilty of an offence and shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira or imprisonment for two months or both;
- (19) Being the owner of any place or structure which is likely to constitute a danger to the public, shall be guilty of an offence and be liable on conviction to a fine of Ten Thousand Naira or to imprisonment for twelve months or both;
- (20) Being the owner of premises whose surroundings are dirty or weedy or whose gutter is used as a dump shall be guilty of an offence and

- shall be liable on conviction of a fine of two Thousand, Five Hundred Naira or to imprisonment for two months or summary closure of the premises for three to seven days by an authorized officer;
- (21) Being a registered waste - collector, organization or individual who dumps waste on any unapproved place or site, shall be guilty of an offence and shall be liable on first conviction to a fine of Twenty Thousand Naira and in the case of a second offender to a cancellation of its operating licensing in addition to the payment of a fine of Twenty Thousand Naira;
- (22) As a driver of passenger vehicle (bus or "Danfo") fails to maintain a waste paper basket in his vehicle shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira or imprisonment for three months or both;
- (23) A food or meat vendor fails to displace his food or meat items in approved model boxes shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira or imprisonment for three months or both;
- (24) Knowingly fouls or pollutes sources of water supply shall be liable on conviction to a fine of Ten Thousand Naira imprisonment for twelve months or both;
- (25) Being the owner of petrol station or any premises licensed to the sale of petroleum products fails to provide toilet facilities for the use of customers shall be guilty of an offence and shall be liable on conviction of a fine of Ten Thousand Naira or to imprisonment of six months or both;
- (26) Does act or omits to do any act or counsel, procures, aids, or abets any person to do any act or omit to do any act in contravention of any of the provision of this law but for which no penalty is otherwise provided shall be liable on conviction to a fine of Five Thousand Naira or to imprisonment of six months or both;
- (27) Being a person, group of persons, organization makes emit noise by natural, mechanical, electronic or any other means shall be liable on conviction to a fine of Two Thousand, Five Hundred Naira each

person and Ten Thousand Naira for group of person or organization or both;

- (28) Wonders of moves about during the period of a sanitation exercise without lawful reason shall on conviction be liable to a fine of Two Thousand, Five Hundred Naira or four months imprisonment or both;
- (29) After having a ceremony Party or any other function in any open place within Zamfara State, fails or neglects to remove or clear all the debris or any other resultant waste within twelve hours after the said ceremony, party or functions shall be liable on conviction to a fine of Five Thousand Naira or to imprisonment of three months or both.

SUMMARY OF FINES

VIOLATION CLAUSES	PROPOSED FINES
B5 (ii)	N2,500.00 or 2 months imprisonment
B5(iii)	N10,000.00 on each occasion or revocation of registration licenses.
B5 (iv)	N5,000.00
B5 (v)	N5,000.00
B5 (vi)	N5,000.00
B5 (vii)	Revocation of operating license
B5 (viii)	N10,000.00
B6 (ix)	N25,000.00 or 2 years imprisonment
B6(x)	N2,500.00 or 2 months imprisonment
B6 (xi)	N2,500.00 or 2 months imprisonment
B6 (xii)	N25,000.00 (Trailer) N10,000.00 per lorry Other vehicles N5,000.00 N2,500.00 per motorcycles or 2 months Imprisonment
B6(xiii)	N2,500.00 or 2 months imprisonment
B6 (xiv)	N2,500.00 or 2 months imprisonment
B6 (xv)	N2,500.00 or 4 months imprisonment
B6 (xvi)	N2,500.00 or 4 months imprisonment
B7 (xvii)	N5,000.00 or 12 months imprisonment
B7 (xviii)	N5,000.00 or 2 months imprisonment
B7 (xix)	N2,500.00 or 2 months imprisonment
B7 (xx)	N10,000.00 or 2 months imprisonment
B7 (xxi)	N2,500.00 or 2 months imprisonment
B7 (xxii)	N25,000.00 or (First cancelation of operating)

B7(xxiii)	N2,500.00 or 3 months imprisonment
B7 (xxiv)	N2,500.00 or 3 months imprisonment
B7 (xxv)	N10,000.00 or 12 months imprisonment
B8 (xxvi)	N10,000.00 or 6 months imprisonment
B8 (xxvii)	N5,000.00 or 6 months imprisonment
B8 (xxviii)	N2,500.00 per person N10,000.00 group / organization
B8 (xxix)	N2,500.00 or 4 months imprisonment
B8 (xxx)	N5,000.00 or 3 months imprisonment

This printed impression has been carefully compared with the Bill which passed by the Zamfara State House of Assembly and it is hereby certified to be true and correct copy of the Bill.

SHEHU SA'IDU ANKA
CLERK OF THE HOUSE