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**THE NYERI COUNTY SOLID WASTE MANAGEMENT ACT,
2021**

**AN ACT of the County Assembly of Nyeri to make provision for the
management of solid waste in the county and for related matters**

ENACTED by the County Assembly of Nyeri, as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Nyeri County Solid Waste Management Act, 2021 and shall come into effect upon gazettment in the *Kenya Gazette*.

Interpretation

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

“agricultural waste” is waste that is generated from animal rearing and the production or harvesting of crops or trees and includes animal carcasses;

“authorized officer” means an officer appointed or designated under section 38;

“biomedical or clinical waste” means all waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, which by nature of its toxic, infectious or dangerous content and includes human or animal tissue excretions, drugs and medical products, swabs, dressings and instruments or similar substances and includes categories of waste specified under the Environment Management and Co-ordination Act and its subsidiary legislations;

“chief officer” means the chief officer responsible for matters relating to Solid Waste Management;

“construction and demolition waste” means waste generated from construction, renovation, repair and demolition of structures including buildings and roads;

“disposal” in reference to waste means the final placement of waste in the designated site and may include the disposal of raw or intermediary handled, inert or otherwise unwanted residues;

“disposal site” means any area of land on which waste disposal facilities are physically located or final discharge point but does not mean a re-use or re-cycling plant or site;

“domestic waste” means waste produced from dwellings but does not include agricultural waste;

“disposal site” means any area of land on which waste disposal facilities are physically located or final discharge point without the intention of retrieval but does not mean a re-use or re-cycling plant or site;

“enforcement officer” means an officer appointed or designated under section 38;

“e-waste” means electronic products that have become unwanted, non-working or obsolete;

“executive committee member” means the County Executive Committee Member responsible for Solid Waste Management;

“environment” includes physical factors of the surroundings of human beings including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factors of aesthetics and includes both the natural and the build environment;

“hazardous waste” means any waste which has been determined by the executive committee member to be hazardous waste or to belong to any other category of waste provided for in Section 91 of the National Environmental Management and Co-ordination Act;

“incineration” means the controlled burning of solid wastes to produce gases and residues containing little or no combustible materials for purposes of eliminating or minimizing potential adverse impacts of the waste to the environment;

“industrial solid waste” means waste generated by businesses from an industrial or manufacturing process;

“junk waste” consists of assorted items including automobiles, bicycles, industrial plants and other equipment that are obsolete whether abandoned or not in public or private places;

“market waste” means organic and inorganic waste generated from public market facilities;

“municipal waste” means everyday waste items generated by commercial establishments and households;

“occupier” means a person in occupation or control of premises and in relation to premises, different parts of which are occupied by different persons (means the respective persons in occupation or control of each part);

“premises” includes passages, buildings, lands and segment in every tenure and machinery, plant or vehicle used in connection with any trade carried on at any premises;

“recycling” means the processing of waste material into a new product of similar chemical composition;

“re-use” means use of waste with or without cleaning or repair;

“solid waste” includes any garbage, refuse, sludge from a waste water treatment plant, water supply treatment plant or air pollution control facility and includes waste in liquid form which is deposited in the environment in such volumes or composition likely to cause an alteration of that environment;

“solid waste management” means the activities, administrative and operational, that are used in the Collection, Transportation, handling, packaging, treatment, conditioning, reducing, recycling, re-use, storage and disposal of the solid waste so as to protect the environment against the possible resultant adverse effects;

“transfer station” means a station, an area, facility or premises designated under this Act for temporarily depositing solid waste collected in order to allow for final sorting and collection of recyclable waste.

“transport” in reference to solid waste means the transfer of solid waste from any point including but not limited to generation, intermediate handling, and collection points and final disposal;

“waste generator” means any person whose activities under his or her direction produces waste, or if that person is not known, the person who is in possession or control of that waste;

“zone” means an area or stretch of land having particular characteristics into which the county is divided for the purposes of this Act.

PART II—GENERAL PROVISIONS

Object of the Act

3. The objects of this Act are to—

- (a) provide a legal framework for solid waste management in the county as stated in Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010;
- (b) provide for a framework to encourage public participation in the management, protection and conservation of the environment as required by Article 69 (1) (d) of the Constitution;

- (c) provide for a legal basis for the implementation of the County Integrated Solid Waste Management Plan;
- (d) provide for and regulate the activities of the various actors in solid waste management in the county.

Responsibility for waste management

4. Solid waste management shall be a shared responsibility amongst all actors including the county government, generators, owners and occupiers of premises and contracted service providers.

Right to a clean and healthy environment, etc.

5. Every person within the county is entitled to a clean and healthy environment and has a duty to safeguard and enhance the quality of the environment.

Public and private sector participation

6. (1) The Executive Committee Member, shall allow for, and facilitate the participation of all persons including individuals, corporate entities, and community and neighbourhood associations and organisations in all aspects of solid waste management in order to attain and maintain high and sustainable standards in solid waste management within the county.

(2) The Executive Committee Member shall establish mechanisms for the involvement of the various actors in solid waste management in the county and these mechanisms may include—

- (a) franchise system;
- (b) management contracts paid for by the county government; or
- (c) Any other arrangements for the provision of specified solid waste management services.

(3) The mechanisms referred to in subsection (2) may be applied in a specified zone and for a definite duration of time as determined by the Executive Committee Member.

(4) Every actor in solid waste management services including generators and service providers shall operate within the frameworks in place for their particular zones.

Solid waste management charge

7. The Executive Committee Member, in consultation with the governor, stakeholders and with the approval of the County Assembly,

may, by notice in the *Kenya Gazette*, impose a charge on generators of solid waste within the county for purposes of meeting the costs of solid waste management within the county.

Recycling and re-use

8. The Executive Committee Member shall establish guidelines through regulations and undertake activities to facilitate and promote clean management of waste through reduction, re-use, recycling and composting of waste by the various actors in solid waste management.

Solid Waste segregation and Handling

9. (1) The Executive Committee Member shall, by regulations, divide solid waste generated in the county into various categories depending on their physical or chemical characteristics and provide for the necessary manner of the handling of such waste so as to guarantee the health and safety of all, including but not limited to the waste handlers, as well as the wellbeing of the environment.

(2) The categories of solid waste referred to in subsection (1) include—

- (a) bio-degradable waste;
- (b) non-biodegradable waste;
- (c) medical waste ;
- (d) hazardous waste;
- (e) E-waste
- (f) any other category of waste as the county executive committee member may, in writing, determine.

Zoning

10. (1) The County shall be divided into zones specified in the Schedule.

(2) Any person or firm authorized to collect and or transport waste shall be guilty of an offence recognisable by the department, National Environment Management Authority (NEMA), national and county enforcement agencies if he or she operates outside the zone in which he or she is authorized to operate in.

Prohibition of certain operations

11. An enforcement officer may order any person to immediately cease an operation involving the generation, handling, transportation,

storage or disposal of any waste whose such generation, handling, transportation storage or disposal presents an imminent and substantial danger to public health or to the environment.

Power of entry

12. An enforcement officer, accompanied by a Public Health Officer, may at any hour reasonable, for proper performance of his or her duty, under this Act, enter any land or premises to make any inspection, inquiry, investigation or to perform any other work or do anything which is required or authorized by this Act or any other law to do if such inspection, inquiry, investigation or work is necessary for, or is incidental to, the performance of his or her duties or the exercise of his or her powers under this Act.

No licence for non-compliant businesses, etc.

13. A person shall not be licensed to carry on a business or an activity that generates solid waste unless that person demonstrates that he or she has established measures to minimize solid waste generation by adopting the following cleaner production principles—

- (a) improvement of production process through conserving raw materials and energy;
- (b) incorporating environmental concerns in the design, process and disposal of a product;
- (c) monitoring the product cycle from beginning to end in order to—
 - (i) enable the recovery and re-use of the product where possible;
 - (ii) facilitate reclamation and recycling.

PART III—COLLECTION

County government may directly collect waste

14. (1) The county government shall directly or indirectly undertake collection of solid waste from the streets and any other public spaces.

(2) It shall be the duty of the County Government to arrange for the collection, treatment and disposal of, or otherwise dealing with, all domestic waste and street and other litter generated or otherwise arising within its area of jurisdiction and to take all necessary and reasonably practicable measures to maintain all places falling within its area of jurisdiction in a clean and sanitary condition at all times.

(3) No person shall obstruct the collection of waste in all the county designated collection areas.

(4) Any person who contravenes this section (2) shall be guilty of an offence.

Owner or occupier responsibility for surrounding area

15. (1) It shall be the duty of every occupier or owner or agent of a house, or other premise to clean or cause to be cleaned ten metres radius around his or her house or other premises or any area otherwise in his or her control but which shall not include a main road or street.

(2) No person shall place or cause or permit to be placed upon frontage of a house, building or any other premises any waste other than for purposes of enabling the convenient collection of such waste by a waste collector or transporter.

(3) Anyone who contravenes this section shall be guilty of an offence recognisable by the department, National Environment Management Authority (NEMA), national and county enforcement agencies.

Owner or occupier responsibility for hazardous waste

16. It shall be the duty of every occupier and the owner of premises wherein any hazardous waste or clinical waste is generated, to make suitable arrangements, including the separation of such waste from other non-hazardous waste or nonclinical waste, to the satisfaction of the County Government, for the proper management of the waste and in doing so shall comply with any directions issued by the County Government or any other regulatory agency.

County government to provide containers

17. (1) The County Government shall provide appropriate waste containers for the storage of solid waste in the public streets and other public places.

(2) Any person who places, or causes or permits to be placed any solid waste anywhere except in a designated waste container shall be guilty of an offence.

(3) Any person who places or allows usage of a waste container in a public place or private premises which is not of such a design, size, shape and quality acceptable by the County Government in accordance with the building regulations or under this Act shall be guilty of an offence.

(4) The county government may hire out to the owner, or occupier of any premises, approved waste containers at such charges and in accordance with such conditions as the county government may determine.

Approval of waste containers

18. (1) Every waste container shall be of size and pattern approved by the county government and shall—

- (a) have suitable handles where appropriate;
- (b) be close fitting, water and fly-proof; and
- (c) fitted with appropriate liner bags where applicable.

(2) Any person who uses or allows to be used waste container of a size or pattern not approved by the county government under this section shall be guilty of an offence.

Colour coding of waste bags or container

19. (1) Litter bins, liner bags and other solid waste bags shall be coded as follows in order to facilitate waste segregation—

- (a) green liner container for organic waste;
- (b) blue liner container for plastics and paper waste;
- (c) brown liner container any other waste;
- (d) yellow liner container for hazardous waste; and
- (e) red liner container for Clinical waste.

(2) The executive committee member may, by regulation, prescribe other colour codes to be used in the segregation of further categories of solid waste matter.

(3) Any person who deposits solid waste in any other manner other than in the litter bin, liner bag or other container which contravenes this section shall be guilty of an offence.

Branding of bags and other containers

20. (1) The following information shall be clearly printed or marked on one side of the liner bags and the containers—

- (a) the name and logo of the service provider;
- (b) the logo, address and phone number of the service provider;

- (c) any other information that may be prescribed by the executive committee member.

(2) Any person who uses or, being a service provider, provides for use a liner bag or container that does not comply with subsection (1) commits an offence.

Provision, placement and maintenance of waste containers

21. (1) Every owner or occupier of any premises shall provide it with an appropriate waste container and maintain it in accordance with this Act and shall cause all domestic waste from his or her premises to be placed in such container and not anywhere else.

(2) Every such owner or occupier shall cause all waste containers upon his or her premises to be placed and kept in an approved place upon his or her premises or elsewhere as directed by the enforcement officer so as to be accessible to the service provider that he or she has subscribed to for the purpose of its removal.

(3) Every such owner or occupier of any premises shall cause all refuse containers upon his or her premises to be continuously covered so as to prevent any escape of the contents thereof or any soakage there from into the ground, save when refuse is being deposited therein or discharged thereof.

(4) Every owner or occupier of any premise shall cause all waste containers on his or her premises to be kept reasonably clean and maintained in good condition.

(5) It shall be the duty of such owner or occupier to ensure a safe and sanitary disposal of his or her waste and show proof thereof failure to which he or she shall be guilty of an offence.

(6) Any authorized person may issue a notice requiring the owner, or occupier of any premises within the county to provide such number of waste containers and of specific type as he reasonably thinks are necessary for the reception of domestic or trade waste.

(7) Provision of required number of waste containers shall be a condition to be fulfilled for the purpose of granting of occupation permits and other licenses required for public, residential and commercial buildings.

(8) Anyone who contravenes any of these measures and requirements or fails to comply with a lawful direction issued by an authorized officer under this section shall be guilty of an offence.

(9) Any person who places, causes or permits to be placed in any waste container, any waste, substance or matter which in the opinion of the authorized officer has been exposed to infection or is contaminated or is infectious or which is in any way hazardous in nature shall be guilty of an offence and in addition penalty that may be imposed by court shall pay to the county government cost of waste treatment.

(10) Every owner or occupier of any dwelling or any premises shall show proof, if required to do so by the authorized officer of safe disposal of refuse from his or her dwelling or premises.

(11) Anyone who contravenes any of these measures and requirements or fails to comply with a lawful direction issued by an authorized officer under this section shall be guilty of an offence.

Proof of arrangement for waste collection services

22. (1) Any person(s) or firm(s) whose waste is being collected by the county government shall have proof of such arrangement, which shall include, but not limited to a payment receipt from the County Government for such services.

(2) Any person whose waste containers are being serviced by an approved private service provider shall have proof of such arrangement, which shall include, but not limited to a payment receipt from the service provider for such services.

(3) It shall be sufficient proof of safe disposal of refuse if an authenticated payment receipt from a licensed private service provider, in case of domestic waste or a conservancy certificate issued by the County Government in case of trade or commercial waste is produced.

(4) It shall be an offence for any waste generator to subscribe to a solid waste collection services provider who is not approved by the County Government.

(5) Every owner or occupier of any dwelling or any premises shall show proof, if required to do so by the authorized officer of safe disposal of refuse from his or her dwelling or premises.

(6) Any person who contravenes any of the requirements of this section or fails to comply with a lawful direction issued by an authorized officer under this section shall be guilty of an offence.

Destruction of waste container

23. (1) Any person who makes away with or wilfully damages any solid waste container, or any part thereof, the property of the County

Government, shall be guilty of an offence and in addition to any penalty that may be imposed and in addition any fees shall pay to the county government cost of replacement or repair of such container.

(2) Any person who makes away with or wilfully damages any solid waste container, or any part thereof, the property of anyone duly authorized by the county government to install and maintain such container shall be guilty of an offence, and in addition to any penalty that may be imposed by court shall pay to the owner of the container cost of replacement or repair of such container.

Separation of waste

24. (1) Every generator of solid wastes shall separate or cause to be separated the waste into various categories including—

- (a) organic;
- (b) plastics;
- (c) paper;
- (d) metals;
- (e) glass; or
- (f) any others that may be provided for in regulations.

(2) The segregated waste referred to in subsection (1) shall be respectively contained separately in the approved containers for such category of waste prior to collection or other handling as appropriate.

(3) Every generator shall ensure appropriate collection and transportation of the different wastes separated.

(4) Every waste transporter shall ensure appropriate collection and transportation of the different wastes separated.

(5) A person who contravenes this section shall be guilty of an offence.

(6) A person who commits an offence under any of this section shall upon conviction be liable to a fine not exceeding three hundred thousand shillings or to an imprisonment not exceeding three years or to both such fine and imprisonment.

Waste Separation in Public Markets

25. (1) A person operating an enterprise in a public market shall deposit waste generated in a waste collection container designated for the specific type of waste.

(2) The County Government shall in consultation and coordination with waste operators in a public market adopt rules for segregation, handling and storage of waste generated in the public market.

PART IV—TRANSPORTATION

Licence to transport waste

26. (1) Any person intending to collect and transport solid waste within the county, shall prior to commencing such activity apply to the National Environment Management Authority (NEMA) in collaboration with the department in the prescribed manner a license to transport waste.

(2) Where the authorised officer rejects an application made under the section, he or she shall within fourteen days of that decision, notify the applicant of the decision and shall specify the reasons for the decision in the notice.

Waste Operators

27. (1) The County Government shall issue permit to waste operators who satisfy such requirements as to technical and financial capability as it shall stipulate.

(2) The County Government shall determine categories of waste operators for which an application may be made and may from time to time alter such categories.

(3) An application for a waste operator's permit shall be made on an application form provided by the County Government shall include information about the technical and financial capability of the applicant to provide the services specified in the application.

(4) Any person who, in an application for a waste operator's permit makes any statement which he knows to be false or reckless in any material fact shall be guilty of an offence under this Act.

(5) A waste operator's permit shall include such terms and conditions as the County Government sees fit to specify in the permit including a description of the activities which may be undertaken under the permit; the duration of the permit; the supervision by the holder of the permit of activities to which the permit relates and the zone of operation and the time of operation.

(6) The County Government shall from time to time review the performance of waste operators and may suspend or cancel a waste operator's permit if the permit holder has breached the terms and conditions of the permit or has been guilty of negligence in managing

waste whose management is authorized by the permit; or for other sufficient reason.

(7) Subject to the process in (6) above, the County Government may on its own initiative, or on the application of the permit holder, modify the terms and conditions of the permit.

(8) Where it appears to the County Government that the continuation of activities to which a waste operator's permit relates is causing or would cause pollution of the environment, danger to the public health or serious detriment to the amenity of the locality affected by the activities and the pollution, danger or detriment cannot be avoided by modifying the conditions of the permit, the County Government may revoke the permit with effect from a specified date after issuing a notice to the permit holder and hearing any representations that the permit holder may wish to make as to why the permit should not be revoked.

(9) No permit holder shall transfer the permit to another person without a written consent of the County Government.

(10) Permits issued under this Act may be relinquished upon—

- (a) a permit holder giving a thirty days' notice to the County Government;
- (b) receives a notification from the County Government of no objection to the relinquishment; and
- (c) delivering the permit to the County Government, within 14 days from the date of such notification.

(11) Any such relinquishment shall not absolve the permit holder from any liabilities or obligations whether civil or criminal incurred during the period when he held the permit.

Transporters of Waste

28. (1) Unless a person belongs to a category of transporters exempted by the County Government, any person, who is not a registered transporter of solid waste or a permit holder in the course of any business of his or otherwise with a view to profit from transporting any solid waste within the area of jurisdiction of the County Government commits an offence under this Act.

(2) The County Government shall make provision for the registration of waste transporters. Applicants shall provide information regarding their physical address and their financial and technical capability to transport waste.

(3) In determining whether it is desirable for any individual to be or to continue to be authorized to transport waste the County Government shall have regard to—

- (a) whether the person, his agents, servants and/or employees have been convicted of an offence under this Act; and,
- (b) whether that individual has been party to the carrying out of business in a manner involving commission of an offence under this Act.

(4) The County Government may revoke the registration of a person who has been convicted of an offence under this Act.

(5) If it appears to a duly authorized officer of the County Government that any waste is being or has been transported in contravention of this Act, he may, in the presence of a enforcement officer, stop any person appearing to him to be or to have been engaged in transporting that waste and require that person to produce his authority or, as the case may be, his employer's authority, for transporting that waste and search any vehicle that appears to him to be a vehicle which is being or has been used for transporting waste.

(6) For the purposes of paragraph (6) of this Section, a person's authority to transport waste is his certificate of registration as a transporter of waste or a certified copy thereof or evidence that he is not required to be registered as a waste transporter.

Registers

29. (1) The County Government shall maintain a register containing prescribed particulars of all waste operator's permits and registrations of transporters which are for the time being in force.

(2) The County Government shall ensure that the register is open for inspection at its principal and Zone offices by members of the public free of charge at all reasonable hours.

(3) The County Government shall accord members of the public reasonable facilities for obtaining, on payment of reasonable charges, copies of entries in the register.

Revocation of licence, etc.

30. (1) The authorized officer may revoke a licence in respect of any vehicle if such vehicle does not maintain the set operational guidelines as may be prescribed.

(2) Any vehicle used for transportation of waste or any other means of conveyance shall be labelled in such a manner as may be prescribed.

(3) An authorized officer shall have the power to revoke any approval of vehicle if such vehicle does not meet the set operational guidelines.

(4) Anyone who transports waste without a license issued under this section commits an offence.

(5) No person shall obstruct the transportation of waste by licensed transporters.

(6) Any person who contravenes section (5) commits an offence under this Act.

Registration of tenants, etc.

31. (1) Any owner or occupier of any premises where waste is generated shall register or ensure that his or her tenants register for waste collection.

(2) Any person who contravenes this section commits an offence under this Act shall be guilty of an offence.

PART V—TREATMENT

Treatment licences

32. (1) Any person who wishes to install and operate—

- (a) an incinerator;
- (b) a recycling facility;
- (c) a composting facility,

shall make an application to the Solid Waste Management committee through the Chief Officer for a permit.

(2) The Chief Officer shall upon consideration of the applications and being satisfied that the capabilities of the incinerator or facility for the intended activity may grant the applicant the permit.

(3) An incinerator or facility approved in sub-clause (2) above shall be in conformity with set national standards.

(4) A prescribed fee which shall be subject to review from time to time shall be imposed on any applicant of a permit.

(5) Any person, firm, hospital or any other facility which produce any solid waste that should be disposed by combustion as maybe required

by regulations in place shall ensure that such waste is disposed of as stipulated.

(6) Anyone who contravenes any of these measures and requirements or fails to comply with a lawful direction issued by an authorized officer under this section commits an offence.

PART VI—DISPOSAL

Disposal

33. (1) The County Government shall undertake disposal of solid waste either by controlled tipping, sanitary land filling, recycling, composting, incineration and any other disposal method that may be in place depending on the type, quality and quantity of the waste.

(2) The County Government shall establish waste disposal sites in various places across the Zones.

(3) It shall be the duty of the County Government to provide and or approve places at which to deposit waste before its transfer to a place for its final disposal, and places at which to dispose off waste and plant and equipment for processing it or otherwise disposing of it.

(4) No person shall sort over or disturb anything deposited at a place provided or approved by the County Government for the deposit of waste or in containers for waste provided by the County Government or other person unless he is authorized to do so by the County Government or unless he or she is a person entitled to the custody of the container or is authorized to do so by such a person or is a person having the function of emptying the container.

(5) No animal shall be allowed in such facility and any animal found thereof shall be dealt with in a manner that the County government shall decide and any animal found in the disposal facility shall be dealt in the manner the County Government decides.

Waste Facilities

34. (1) In addition to the existing facilities, the County Government shall establish transfer and disposal facilities shared by the electoral wards in the County.

(2) Any person or firm authorized to collect and transport waste shall be guilty of an offence if he or she disposes off any waste outside the disposal facility in which he or she is authorized to dispose of waste.

(3) Pursuant to subsection (1), no person shall dispose or dump any solid waste in—

- (a) any non-designated place;
- (b) an open ground;
- (c) a public place; including a street, public park, bus park or station, bus stop or public facility
- (d) water resource, water source, riparian to a water resource or source; or
- (e) any private place or facility, that is not owned or occupied by the person.

Offence to enter disposal sites, etc.

35. (1) Any person, who enters, uses, causes, allows use or entry to the county government waste disposal site without written permission from County Government shall be guilty of an offence.

(2) No person shall dispose of waste in the county's final disposal facility or transfer station unless such person has paid the prescribed disposal fee in respect of such disposal.

(3) No person shall obstruct the disposal of waste in all designated areas.

(4) No person shall dispose off waste or litter in public areas,

(5) A person who contravenes subsection (2, 3, 4) commits an offence.

Junk waste

36. (1) No owner or occupier shall keep or allow to be kept junk waste in public premises.

(2) Where any junk waste is found abandoned in any public place, the authorized officer shall take immediate steps to remove such junk waste and dispose of it in such manner as he or she may deem fit after consulting the Chief Officer.

(3) Any disposal by the authorized officer as set out by subsection (3) shall be at the expense of the owner of the junk waste, where such owner is known.

(4) The County Government may hire the services of any person for the purposes of ensuring safe and environmentally friendly manner of disposal of junk waste.

Responsibilities of the Executive Committee Member

37. Subject to the provisions of this Act, the Executive Committee Member shall exercise control and provide guidance over solid waste Management and the implementation of this Act, by—

- (a) ensuring that the waste collection areas are zoned;
- (b) ensuring timely and regular collection of all solid wastes either through door to door collection or from centralized collection points;
- (c) ensuring waste collection facilities such as skips, bulk containers and waste cubicles are regularly emptied and do not become eye-sores;
- (d) ensuring that all the collected waste is transported using licensed vehicles to designated disposal sites;
- (e) ensuring there is a designated site(s) for waste disposal;
- (f) ensuring that the disposal site is secured with a fence and a gate manned by a county government official to control dumping and spread of waste outside the disposal site;
- (g) ensuring all incoming waste is weighed or estimated and the quantities recorded in tonnes;
- (h) developing and maintaining motorable roads inside the site to ensure ease of access during disposal;
- (i) ensuring the waste is spread, covered and compacted at regular intervals;
- (j) putting in place appropriate control measures for the management of dumpsite fires;
- (k) enhancing security and control of the disposal sites so that illegal activities are contained.

PART VII—ENFORCEMENT

Authorized officers

38. (1) The County Executive Committee Member shall designate by notice in the county *Gazette*, such officers to be authorized officers for the purpose of enforcing this Act.

(2) For an officer to be designated as authorized officer under subsection (1), the officer shall be qualified in matters related to Solid Waste Management.

(3) Notwithstanding subsection (1)—

- (a) a public health officer licensed under the Public Health (Training, Registration and Licensing) Act and appointed as a county public officer;
 - (b) an authorized officer appointed by the County Government;
 - (c) a police officer appointed under the National Police Services Act; or
 - (d) an officer appointed under a national law as an authorized officer in environment related matters,
- shall be enforcement officers for the purpose of this Act.

PART VIII—RESEARCH AND DEVELOPMENT

Carrying out of research

39.(1) The department in charge of solid waste management shall—

- (a) undertake research; or
 - (b) collaborate with other relevant research organizations or institutions of higher learning in carrying out research and development in solid waste management.
- (2) The department shall—
- (a) publish and publicize reports of research carried out; and
 - (b) disseminate research findings to county residents and relevant stakeholders.

(3) The department and County Executive Committee shall ensure that appropriate measures are adopted on the basis of research findings generated from the research carried out.

Capacity development

40. The department shall in collaboration with national government promote and facilitate capacity development for officers and relevant stakeholders in research and development related to solid waste management.

Data management system

41. The department shall in collaboration with the Departments responsible for information technology and county statistics establish a research and analysis data management system which shall be based on modern technology.

PART IX—FINANCIAL PROVISIONS

User fees and charges

42. The County Government may levy fees and charges for services rendered under this Act.

(2) A waste generator shall pay such user fees and charges for solid waste collection, transportation and disposal services.

(3) The fees and charges for providing public services for solid waste collection, transportation and disposal shall be in accordance with the tariff policy stipulated under the County Governments Act.

(4) The user fees and charges stipulated under subsection (1) shall be differentiated on the basis the type of the waste generator as described under section 10.

Utilization of fees collected

(No. 18 of 2012)

43. Subject to the Public Finance Management Act, the fees and charges collected under this Act, or a portion thereof shall be utilized for the purpose of defraying operational costs associated with—

- (a) implementation of this Act;
- (b) implementation of the County Solid Waste Management Policy; and
- (c) generally the provision of Public Solid Waste Management Services as stipulated under this Act.

Incentives

44. The County Government may in collaboration with national government provide such incentives for promoting and facilitate private sector investment in solid waste management.

Donations and grants

45. The County Government may mobilize resources in the form of grants and donations from development partners for financing implementation of this Act, the County Solid Waste Management Policy and generally the provision of public solid waste management services as stipulated under this Act.

Public private partnerships

46. The county government may finance services described under this Act through public-private partnership.

PART X—MISCELLANEOUS

General offences

47. (1) A person commits an offence if he or she—

- (a) hinders or obstructs an authorized officer in the exercise of his or her duties;
- (b) refuses an authorized officer entry upon any land or into any premises, or motor-vehicle which he is empowered to enter under this Act;
- (c) impersonates an authorized officer;
- (d) refuses an authorized officer access to records or documents kept pursuant to the provisions of this Act ;
- (e) fails to state or wrongly state his or her name or address to an authorized in the cause of his or her duties;
- (f) misleads or gives wrongful information to an authorized officer;
- (g) fails, neglects or refuses to carry out an improvement order issued;
- (h) contravenes or abstracts the implementation of this Act.

(2) All offences under this Act, are recognisable by the Police Department, national and county enforcement agencies.

Offences to deploy hazardous, etc. waste container, etc.

48. Any person who places, causes or permits to be placed in any waste container, any waste, substance or matter which has been exposed to infection or is contaminated or is infectious or which is in any way hazardous in nature commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 12 months or a fine not exceeding Kenya shillings one hundred thousand or to both such fine and imprisonment.

Public education on solid waste management

49. The county government shall, through such means as it shall determine, promote, facilitate and ensure public education on solid waste management in order to—

- (a) enhance the levels of awareness and knowledge of all stakeholders on general and specific aspects of sound solid waste management;
- (b) promote and sustain individuals' practical steps to ensure that waste is managed in a manner which will protect human health and the environment against the adverse effects which may result from the waste.

General penalties

50. (1) Any person convicted of an offence under this Act for which no penalty is specifically provided shall, in the case of a first offence, be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred thousand shillings or to both and, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three years or to a fine not exceeding two hundred thousand or to both, and, where an offence is of a continuing nature, he shall in addition be liable to a fine not exceeding three hundred thousand shillings for each day or part thereof during which the offence continues.

(2) Any person who dumps, causes, or allows waste disposal in any premises, land or any other place not approved for such disposal shall be guilty of an offence.

(3) Any person who contravenes sub section (2) shall be guilty of an offence shall be liable to a fine not exceeding two hundred thousand shillings or in default to imprisonment not exceeding two years or to both.

When offence by body corporate, partnerships, etc.

51. (1) Where an offence is committed under this Act by a body corporate, the body corporate and every director or officer of the corporate who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act shall be guilty of the offence.

(2) Where an offence is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act commits an offence.

(3) A person shall be personally liable for an offence against this Act, whether committed by him or his or her own account or as an agent or servant of another person.

(4) An employer or principal shall be liable for an offence against this Act, unless the employer or principal proves that the offence was committed against his or her express or standing directions.

Regulations

52. (1) The Executive Committee Member may make regulations generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Executive Committee Member may, with the approval of the County Assembly, make regulations—

- (a) regulating the management of various categories of waste from the generation thereof to recycling or disposal;
- (b) regulating the use of plastic waste and the safe disposal thereof;
- (c) providing for the standards applicable in the waste management generally; and
- (d) establishing mechanisms for participation of the private sector in solid waste management.

FIRST SCHEDULE

(Section 11)

ZONES

1. Nyeri Municipality.
2. Tetu Sub-County.
3. Othaya Sub-County.
4. Kieni East Sub-County.
5. Kieni West Sub-County.
6. Mathira East Sub-County.
7. Mathira West Sub-County.
8. Mukurweini Sub-County.

SECOND SCHEDULE

Fines and charges

REFUSE AND WASTE MANAGEMENT SERVICES	UNITS	WITHIN THE COUNTY	TOWNS AND URBANS	RURAL SPECIFIC LOCATION
REFUSE COLLECTION CHARGES PER MONTH	per Month			
Refuse collection (professional services (e.g. surveyors' auctioneers etc.)	per Month		300	150
Refuse collection charges-large hotels	per Month		4,000	4,000
Refuse collection charges-medium hotels	per Month		500	250
Refuse collection charges-small hotels	per Month		250	150

REFUSE AND WASTE MANAGEMENT SERVICES	UNITS	WITHIN THE COUNTY	TOWNS AND URBANS	RURAL SPECIFIC LOCATION
Refuse collection charges-Go down	per Month		1,000	500
Refuse collection charges-large workshops	per Month		4,000	4,000
Refuse collection charges-other workshops	per Month		250	150
Refuse collection charges-other/residential houses	per Month		150	100
Refuse collection charges-large petrol stations	per Month		1,000	500
Refuse collection charges-retailers	per Month		150	100
Refuse collection charges-large education institutions	per Month		4,000	4,000
Refuse collection charges-medium education institutions	per Month		400	200
Refuse collection charges-small education institutions	per Month		200	100
Refuse collection charges-supermarkets	per Month		4,000	4,000
Refuse collection charges-wholesalers	per Month		500	250
Refuse collection charges-commercial services (e.g. banks, insurance etc.)	per Month		400	200

REFUSE AND WASTE MANAGEMENT SERVICES	UNITS	WITHIN THE COUNTY	TOWNS AND URBANS	RURAL SPECIFIC LOCATION
Refuse collection charges-distributors/industries	per Month		2,000	1,000
Refuse collection charges-hawker (designated areas)	per Month		70	50
Refuse collection charges-large institutions -up to 5km	per Month		4,000	4,000
Refuse collection charges-large institutions -5-10km	per Month		5,000	5,000

WASTE DISPOSAL CHARGES TO COUNTY DUMP SITE

Solid waste:		WITHIN THE COUNTY	TOWNS AND URBANS	RURAL SPECIFIC LOCATION
Vehicle 7 tonnes	Per trip	1,000	5,000	1,000
Vehicle 1 tonne pick up	Per trip	500	1,500	500
Hand cart load	Per trip	150	1,000	150
Penalties for dumping solid waste without approval	Per Tonne	15,000	15,000	15,000
Permit for transporting waste	Per month		15,000	

OFFENCES AND PENALTIES

S/NO.	OFFENCE	CHARGES
Polluters of the Environment Offences include indiscriminate littering.	Per offence	5,000
Illegal and indiscriminate disposal of waste so as to be a nuisance		30,000
Urinating in undesignated places		1,000
Open Disposal of sewage		50,000
Air Pollution (crude burning)		10,000
Vandalism of waste receptacles		Provided in the Penal Code