

**THE KISUMU COUNTY ENVIRONMENTAL HEALTH AND
SANITATION ACT, 2021**

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**THE KISUMU COUNTY ENVIRONMENTAL HEALTH AND
SANITATION ACT, 2021**

A Act for

AN ACT of the Kisumu County Assembly to give effect to the right to a clean and healthy environment and the right to reasonable standards of sanitation; to provide for the performance of the powers and functions of the County Government in respect of environmental health and sanitation matters; and to provide for the regulation and management of environmental health and sanitation; and for connected purposes.

ENACTED by the County Assembly of Kisumu, as follows—

PART I—PRELIMINARY

Short Title

1. This Act may be cited as the Kisumu County Environmental Health and Sanitation Act, 2021.

Interpretation

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

“Author of a nuisance” means the person by whose act, default or sufferance nuisance is caused, exists or is continued, whether he or she is the owner or occupier or both owner and occupier;

“Authorized officer” As per Food Drugs and chemical Substance Act Cap 254

“Charges” in relation to the use of environmental health and sanitation services, includes fees, levies and premiums of any kind;

“Chief Officer” means the Chief Officer of the County Government for the time being responsible for environmental health and sanitation matters;

“Cleaning services” services whose main or only component entails the bringing of premises or any public place into, and keeping of premises or any public place in, a clean condition, and includes supervising the carrying out of such work;

“Committee” Shall mean the Kisumu County Environmental Health and Sanitation Coordination Committee (KCEHSCC) as per this Act.

“Collection” means the gathering of waste, including the preliminary sorting and storage of waste for the purposes of transport to a waste treatment facility or disposal site;

“Department” means the County Government department for environmental health and sanitation;

“Disposal” means removal of waste including its deposits, destruction, discharge or burial or otherwise as advised by the Director of Health;

“Dwelling” has meaning assigned in the Public Health Act Cap 242

“Environmental Health” has meaning assigned in the Public Health Act Cap 242

“Environmental health hazard” means any threat to public health, and without limitation, includes nuisances, unsanitary conditions, circumstances which make it easier for a communicable disease to spread, circumstances which make food or drink, including water for human consumption, unhygienic or unsafe to eat or drink, and circumstances which allow pests to infest any place where they may affect public health;

“Environmental health impact assessment” means an assessment of health risks and benefits that may result from human interventions or the direct and indirect effects that a proposed policy, programme or development or changes in the environment may have or is likely to have on human health;

“Environmental health risk” means the probability that exposure to the physical, chemical and biological agents in air, water, soil, food and other environmental media or settings will produce harm to human health under specified conditions;

“Environmental health and sanitation services” include but are not limited to the services listed under the First Schedule of this Act;

“Food” has meaning assigned Public Health Act Cap 242

“Food hygiene” means all the practical measures involved in keeping food safe and wholesome through all the stages of production to point of sale or consumption;

“Food safety” means the handling of food in such a way as to prevent adulteration, infection and contamination to ensure that food quality and wholesomeness are maintained as to protect and promote the health of individual consumers;

“Hazardous Waste” means controlled waste which has the potential, even in low concentrations, to have significant adverse effect on the environment and human health on account of its inherent chemical, biological, radioactive and physical characteristics, such as toxic, ignitable, corrosive, or other properties;

“Industrial Waste” includes waste produced or arising from manufacturing or industrial activities or processes and waste from any premises;

(a) used for the purposes of or in connection with the provision to

the public of transport services by land, air or water;

- (b) used for the purposes of or in connection with the supply to the public of gas, water or electricity by land, air or water or electricity or the provision of sewerage services;
- (c) used for the purpose of or in connection with the provision to the public of postal or telecommunication services; or
- (d) forming part of a hospital or nursing home

“Infectious Disease” has meaning assigned in the Public Health Act Cap 242

“Insanitary Conditions” has meaning assigned in the Food Drugs and chemical Substance Act Cap 254

“License” means a license in force under this Act or any other applicable law;

“Licensee” means an environmental health and sanitation service provider licensed by an authority under this Act or any other applicable law;

“Market” means any place used for the sale of any meat, fish, fruit, vegetable, poultry, egg or other article of food, whether cooked or uncooked, for human consumption, and includes any premises therein used for the sale of goods or in any way used in conjunction or connection therewith or appurtenant thereto;

“Nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or is likely to be injurious or dangerous to health or property;

“Onsite sanitation” means household sanitation including latrines, septic tanks and conservancies including the associated emptying, transportation, treatment and disposal or reuse services;

“Owner” has meaning assigned in the Public Health Act Cap 242

“PHOTC” means the Public Health Officers Technical Council

“Pollution” has meaning assigned in the EMCA Act 1999 no 8 of 1999

“Premises” has meaning assigned in the Public Health Act Cap 242

“Public authority” means any public body;

“Public health” means the health of individuals in the context of the wider society and the act of preventing disease and promoting human health through organized public and private efforts;

“Public health event” means an outbreak or rapidly evolving situation or occurrence that may have negative consequences for human health, and includes events that have not yet caused disease or illness but that have the potential to cause disease through exposure to infected or contaminated food, water, animals, manufactured products or environments;

“Public health officer” means a public health practitioner as defined in the Public Health Officers Training, Registration and Licensing Act;

“Public place” includes any place whether privately owned or not to which the public has access;

“Public toilet” means any latrine or toilet to which the public are admitted for free or on payment for use;

“Recovery” means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function or waste being prepared to fulfill that function, in the plant or in the wider economy, and waste recovery activity shall be construed accordingly;

“Recycling” includes the reclamation of waste, recovery of materials, reprocessing of wastes, resource recovery and re-use of waste;

“Refuse” includes garbage, tins bottles, ashes, sweeping from dwellings, refuse from gardens or stables or waste products from any factory or workshop;

“Re-Use” means any operations by which products or components that are not waste are used again for the same purpose for which they were conceived;

“Rules” include regulations and by-laws made or deemed to be made under this Act or any other applicable law;

“Sanitation” means the prevention of hazards of human waste including provision of facilities and services for the safe management of human faeces, urine and other human waste;

“Sanitation or sanitary authority” means the county government, national government agency, city, municipality or an urban authority concerned with regulation and/or provision of environmental health and sanitation services to the extent that each has jurisdiction;

“Sanitary convenience” includes pit latrines, closets and urinals;

“Sanitation promotion” means activities undertaken to stimulate household demand for, and the supply of, the sanitation hardware necessary to maintain a healthy environment: latrines, toilets and sewer connections;

“Sell” includes offer, advertise, keep, expose, transmit, convey,

deliver, or prepare for the sale or exchange, dispose of for any consideration whatsoever or transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid;

“Sewerage” means a system of sewer pipes, manholes, pumps etc. for the transport of sewage;

“Sewerage services” means the development and management of infrastructure for transport, storage and treatment of waste water originating from centralized systems but does not include onsite sanitation facilities as defined under the Water Act;

“Soil” As per EMCA Act 1999 no 8 of 1999

“Trade premises” has meaning assigned in the Public Health Act Cap 242

“Treatment” means subjecting waste to any process including resource recovery, re-use, reprocessing, reclaiming or recycling;

“Unclaimed Human Body” means body of a deceased person, if such person has no known next of kin or relatives, or if it is not claimed by any of his relatives or friends or servants within 48 hours of his or her death;

“Urban authority” means a city board, municipality board, town committee or any other body established to manage an urban area under the Urban Areas and Cities Act;

“Village” means the decentralized unit of the County Government delimited in accordance with the County Government Act;

“Waste” includes—

- (a) any substance which constitutes scrap materials or an effluent or other unwanted surplus substance arising from the application of any process;
- (b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled;
- (c) any matter prescribed to be waste and any matter whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner likely to cause an alteration of the environment; or
- (d) the following substances and any combination thereof which are discarded by any person or are accumulated or stored by any person for the purpose of recycling—
 - (i) undesirable or superfluous by-products;
 - (ii) residue or remainders of any process or activity;

(iii) any gaseous, liquid or solid matter.

“Wastewater” means the spent or used water from industrial plants, trade premises, homes, communities, farms and businesses that contains enough harmful material to damage the water’s quality;

“Waste generator” means anyone—

- (a) whose activities produce waste (in this Act referred to as the original waste producer’); or
- (b) who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of such waste;

“Waste holder” means the waste producer or the person who is in possession of the waste;

“Waste management” means the process from generation to disposal of waste including:

- (a) the supervision of such operations;
- (b) the after care of disposal sites; and
- (c) actions taken as a dealer or broker.

“Waste Service” means a waste service, facility, approval or other thing which the County Government may, or is required to render, supply, grant, issue or otherwise provide in the performance of any of its functions under this Act or any other applicable law to any person or in respect of any premises.

Object of this Act

3. The object of this Act is to—

- (a) provide an institutional framework for the promotion of environmental health and provision of sanitation services by the County Government and other authorized service providers;
- (b) provide an institutional framework for the licensing of sanitation service providers and the regulation of sanitation services;
- (c) provide an enabling environment for the realization of the right to reasonable standards of sanitation and to clean and healthy environment;
- (d) provide for the preparation and adoption of environmental health and sanitation services integrated development and investment plans;
- (e) provide a framework for resource mobilization, financing and performance management for environmental health and

sanitation;

- (f) establish a system for county environmental health and sanitation information management systems;
- (g) provide fiscal and other non-financial incentives to promote compliance and reward exemplary services, performance and innovation in environmental health and sanitation promotion;
- (h) provide for disincentives or fees to induce proper sanitation management or prevent or abate poor environmental sanitation practices; and
- (i) Impose national standards and norms in respect of environmental health and sanitation within the county context.

Guiding Principles

4. (1) Establishes an institutional framework for the administration of the Committee, functions of the Committee, Remuneration of the Committee, Chief Officer, the Staffing of , common seal, protection from personal liability, liability for damages, corporate Governance.

(2) The Act establishes the general principles underpinning the interpretation, application and enforcement of the Act. These principles are derived from the applicable constitutional provisions, the international human rights framework and other general principles and jurisprudence relating to environmental health and sanitation.

Obligation of county government of Kisumu on Environmental Health and Sanitation

5. The County Government shall in realizing the objective of this Act—

- (a) Carry out an assessment of resources and the infrastructural requirements that would be necessary to ensure the effective exploitation and development of resources on Environmental Health and Sanitation
- (b) Implement the objectives, policies and strategies to achieve autonomous management of the resources.
- (c) Identify any actual or potential effects of the Environmental Health and Sanitation exploitation development which are of economic significance
- (d) To empower the environmental health and sanitation stakeholders to carry out its activities within Kisumu County
- (e) The County Public Service Board in Consultation with the PHOTC appoints such staff as are necessary for proper

discharge of its function under this Act.

PART II—ESTABLISHMENT OF INSTITUTIONAL FRAME WORK

Directorate of Public Health and Sanitation

6. Directorate of Public Health and Sanitation shall be constituted to deal with matters as provided for in section 18 (a) and (b) of the Public Health Act 2017

Establishment of the Kisumu County Environmental Health and Sanitation Coordination Committee

7. (1) There shall be established, the Kisumu County Environmental Health and Sanitation Coordination Committee.

(2) The Committee shall consist of—

- (a) Director Public Health and Sanitation who shall be the Chair
- (b) County Public Health Officer who shall be the Secretary
- (c) Director Water
- (d) Director Environment
- (e) Director Veterinary
- (f) Two licensed Public Health Practitioners in consideration of the two-thirds gender rule
- (g) Two representatives of the partners for the time being working with the department of which shall be of the opposite gender

Functions of the Kisumu County Environmental Health and Sanitation Co-ordination Committee

8. The Functions of the Committee are to—

- (a) Ensure proper and efficient exercise of the powers and performance of the functions of the department
- (b) Advise the county on the exercise of the powers and performance and the function of the department
- (c) Formulation of the County Policies, standards, guidelines and regulations relating to Environmental Health and Sanitation
- (d) To set areas of research and development in respect of Environmental Health and Sanitation
- (e) Perform such other function as provided for under this Act or any other written law.

Establishment of the Sub County Environmental Health and Sanitation Coordination Committee

9. (1) There shall be established, Sub County Environmental Health and sanitation Coordination Committee.

(2) The Sub County Committee shall consist of;

- (a) Sub-County Medical Officer of Health who shall be the Chair
- (b) Sub County Public Health Officer who shall be the Secretary
- (c) Sub County Administrator
- (d) Sub County Environment Officer
- (e) Sub County Water Officer
- (f) Sub County Veterinary Officer
- (g) One licensed Public Health Practitioners inconsideration of the two-thirds gender rule
- (h) One representatives of the partners for the time being working with the department of which shall be of the opposite gender

Functions of the Sub County Coordination Committee

10. The Functions of the Sub County Coordination Committee are to—

- (i) Ensure proper and efficient exercise of the powers and performance of the functions of the department
- (ii) Advice the Sub county on the exercise of the powers and performance and the function of the department
- (iii) Implementation of the Policies, standards, guidelines and regulations relating to Environmental Health and Sanitation
- (iv) To Conduct areas of research and development in respect of Environmental Health and Sanitation
- (v) Perform such other function as provided for under this Act or any other written law.

Establishment of the Ward Environmental Health and Sanitation Coordination Committee

11. (1) There shall be established, Ward Environmental Health and

sanitation Coordination Committee.

- (2) The Ward Coordination Committee shall consist of;
 - (a) Ward Public Health Officer who shall be the Chair
 - (b) A licensed Public Health Practitioners who shall be the Secretary
 - (c) Ward Administrator
 - (d) One representative of people with disabilities
 - (e) One representative of youths
 - (f) One Representative from the National Government
 - (g) One representative from the Civil Society Organizations

Functions of the Ward Coordination Committee

12. The Functions of the Ward Coordination Committee are to;
 - (a) Ensure proper and efficient exercise of the powers and performance of the functions of the department
 - (b) Advise the Ward on the exercise of the powers and performance and the function of the department
 - (c) Implementation of the Policies, standards, guidelines and regulations relating to Environmental Health and Sanitation
 - (d) To Conduct areas of research and development in respect of Environmental Health and Sanitation
 - (e) Perform such other function as provided for under this Act or any other written law.

Conduct of Business

13. (1) The committee may regulate its own procedure
- (2) The Conduct and regulation of the business and affairs of the committee is as set out in the schedule

Remuneration of the Committee

14. The remuneration of the members of the committee is determined by the department of health

Common Seal of the Environmental Health and Sanitation Co-ordination Committee

15. (1) The common seal of the Committee is authorized by the signature of the chairperson of the committee

2) The common seal of the committee is kept in the custody of the chairperson or of such other person as the committee may direct and must not be used except upon the order of the committee

Protection from personal liability

16. (1) No matter or thing done by a member of the committee or by any officer, member of staff, or agent of the committee, if the matter or a thing is done bonafide for executing the functions, powers or duties of the committee of this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action claim or demand whatsoever.

(2) Any expenses incurred by any person in any suit or prosecution brought against the person in any court, in respect of any act which is done or purported to be done by the person under the direction of the committee must if the court holds that such act was done bonafide be paid out of the funds of the department unless such expenses are recovered in such suit or prosecution.

Liability for damages

17. The provisions of clause 16 must not relieve the committee of the liability to pay the compensation or damages to any person for any injury to the person, their property or any of the persons interests cost by the exercise of any power conferred by this Act or any other written law or by the failure wholly or partially, of any works,

Cooperate Governance

18. The committee must establish a frame work for and implement cooperate governance principles and practices applicable to similar entities.

Annual Report

19. (1) The committee shall, within three months after the end of each financial year, prepare and submit annual report to the County Executive Committee Member through the chief officer of health for the immediate preceding year.

(2) The annual report must provide information regarding the activities and plans of the committee during the year to which it relates sufficient to impart an accurate understanding of the nature and scope of its activities and its plans and priorities.

(3) The County Executive Committee Member must within 14 days of receiving the annual Environmental Health and Sanitation report submit it to the county Executive committee who thereafter must with 21 days transmit the report to the clerk for tabling before the county assembly for

consideration.

(4) The County Assembly may after considering a report make recommendations' to the County Executive Committee member on appropriate ways of effectively implementing the Act

PART III—GENERAL PROVISIONS

Financial Provisions

20. (1) There shall be charged minimum of 2% on and paid out of the county treasury fund all payments required to be made from time to time by the County Government of Kisumu under the resource envelop allocation of health department.

(2) The Kisumu County Government shall consider the Kisumu County Environmental Health and Sanitation Coordination Committee budget in its annual budgetary estimate as guided by the Public Finance Management Act, 2012

(3) The County Government shall upon (2) above Disburse funds to KCHSCC in installments within the financial year.

(4) All the expenditure of the KCEHSCC shall be utilized to finance activities of the KCEHSCC as shall be approved by Chief Officer of Health

(5) The financial year for the KCEHSCC shall run from 1st July to 30TH June

(6) The account of the KCEHSCC shall be audited as per the PFM Act 2012

(7) Other resources for the KCEHSCC shall include extra budgetary resources which includes—

- (a) Grants, Donations, Funds for projects, programmes and Technical assistance; and
- (b) Income earned and or fees charged from activities undertaken by the KCEHSCC.

Regulations

21. The CECM-Health Kisumu County shall make regulations for carrying into effect the provisions of this Act.

Consequential Legislations

22. The County Assembly of Kisumu shall enact any legislations required by this Act to be enacted to govern a particular matter.

**FIRST SCHEDULE—GUIDELINES AND PROCEDURES OF
KCEHSCC**

ARTICLE 1. These may be cited as the KCEHSCC Guidelines and Procedures

ARTICLE 2. The KCEHSCC shall meet for the dispatch of business of the Committee as often as may be necessary, the Committee shall meet every Four weeks of the month

- (a) The chairman may at any time , and shall on the request in writing of not less than four members call a special meeting on a date not early than Fourteen days of the presentation of the request
- (b) The notice of any meeting shall be signed by the secretary and circulated among all the members of the committee
- (c) All Acts, Matters or Things authorized or required to be done by the committee, and all questions that may come before it, shall be done and decided by the majority of the members who are present at any meeting at which not less than four members are present.
- (d) In the absence of the Secretary, any member authorized by the committee shall sign such notice
- (e) In the absence of the Chairman the committee shall nominate one of the members to chair the meeting

ARTICLE 3. The chairman shall not vote unless there is a tie in votes cast.

ARTICLE 4. Minutes of the proceedings of every meeting of the committee shall be regularly entered in a book to be kept for their purposes, and minutes of proceeds of a meeting of the committee signed at the next ensued meeting by the chairman of the meeting at which the minutes signed, shall be received as evidence without further proof.

ARTICLE 5. The committee shall submit annual reports to the chief office of health.

ARTICLE 6. Every order, notice or other documents requiring authentication by the committee shall be sufficiently authenticated by a simple majority of the committee on behalf of the chairman and by the secretary.

ARTICLE 7. Membership to the KCEHSCC

- (a) Membership to the committee shall be drawn from the Kisumu Environmental and Sanitation related Directorates and shall be reviewed at the end of every financial year
- (b) Attendance also to include two representatives from the private sector to committee shall be reviewed at the end of every financial year

SECOND SCHEDULE-ENVIRONMENTAL HEALTH AND SANITATION SERVICES

ARTICLE 8. Environmental Health and Sanitation Services shall include:

- (a) Refuse or garbage removal.
- (b) Refuse or garbage collection.
- (c) Refuse storage.
- (d) Refuse transportation.
- (e) Refuse or waste recovery or recycling.
- (f) Refuse or waste disposal.
- (g) Refuse or waste treatment.
- (h) Faecal sludge management
- (i) Manual and mechanical pit emptying
- (j) Maintenance of sanitary facilities for refuse disposal.
- (k) Maintenance of storm water drains.
- (l) Incineration.
- (m) Establishment or operation of landfills.
- (n) Household water treatment services.
- (o) Clean and safe drinking water
- (p) Hand washing facilities
- (q) Toilet facilities
- (r) Hygiene education and awareness
- (s) Menstrual hygiene management services
- (t) Medical examination and health certificate
- (u) Vaccination services
- (v) Wastewater treatment and disposal.
- (w) Cleaning services for public places and buildings.
- (x) Control of pests and vectors and vermin services including fumigation.
- (y) Cemeteries, crematoria and funeral parlour services.
- (z) Exhumation services
- (aa) Collection, transportation and disposal of dead animals.

THIRD SCHEDULE- COMMUNICABLE DISEASES IN GENERAL

ARTICLE 9. Communicable diseases are as follows;

- (a) Anthrax
- (b) Avian Flu
- (c) Chancroid.
- (d) Cholera.
- (e) COVID-19
- (f) Dengue fever and Dengue haemorrhagic fever
- (g) Diphtheria.
- (h) Dysenteries (All forms).
- (i) Ebola.
- (j) Food poisoning
- (k) Human immunodeficiency virus infection (all form)
- (l) Gonococcal infections (all forms
- (m) Leprosy.
- (n) Malaria.
- (o) Measles.
- (p) Myocarditis.
- (q) Plague
- (r) Poliomyelitis (acute).
- (s) Rabies.
- (t) Relapsing fever.
- (u) Syphilis (all forms).
- (v) Tetanus (all forms).
- (w) Tuberculosis (all forms).
- (x) Typhoid and paratyphoid fevers
- (y) Typhus and other rickettsioses.
- (z) Viral encephalitis.
- (aa) Viral hepatitis.
- (bb) Whooping cough.
- (cc) Yellow fever.
- (dd) Any other life threatening microbial infection.

FOURTH SCHEDULE- INFECTIOUS DISEASES DECLARED TO BE NOTIFIABLE DISEASES

ARTILCE 10. These include;

- (a) Influenza,
- (b) Relapsing fever,
- (c) Blackwater fever,
- (d) Encephalitis lethargica,
- (e) Yellow fever,
- (f) Kala-azar,
- (g) Malaria
- (h) Bacillary dysentery
- (i) Amoebic dysentery
- (j) Severe Acute Respiratory Syndrome (SARS).
- (k) COVID-19

FIFTH SCHEDULE: FOOD SAFETY AND SANITARY CONTROL

ARTILCE 11. Food Safety and Sanitary Control are as follows;

- (a) Food hygiene and sanitation plans
- (b) Powers of authorized officers in respect of food hygiene and sanitation
- (c) Licensing and control of undertakings that sell food to the public
- (d) Medical examination certificates
- (e) Standards of foods
- (f) Conditions for sale of food in public places
- (g) Production of food articles and raw materials
- (h) Improvement notice, prohibition order and notices generally
- (i) Sanitary control of slaughterhouses and abattoirs
- (j) Establishment of food testing laboratories and other infrastructure

SIXTH SCHEDULE: SANITARY CONTROL OF BUILDINGS AND PREMISES

ARTILCE 12. Sanitary control of buildings and premises shall include the following

- (a) Development control in the interest of public health
- (b) Approval or disapproval of development license in the interest of public health
- (c) Maintenance of buildings and dwellings in sanitary state
- (d) Right of entry and issuance of notice and order
- (e) Buildings or dwellings that pose danger to human health
- (f) Closing public buildings or premises
- (g) Prohibition of nuisances generally
- (h) Abatement of nuisance

SEVENTH SCHEDULE: SANITATION IN PUBLIC AND INSTITUTIONAL SETTINGS

ARTICLE 13. Sanitation in Public and Institutional Settings include:

- (a) Public toilet and latrine facilities
- (b) Hotels, motels, resort, courts, inns, lodging houses and similar accommodations or boarding facilities
- (c) Sanitary control in spas, massage parlours, gymnasia, swimming pools, salons and other beauty establishments
- (d) Sanitary control of public and private markets
- (e) Health and sanitation measures in fairgrounds, picnic camps, recreational parks, rest areas and similar facilities
- (f) Sanitation in educational facilities and other institutional settings
- (g) Sanitation where the public congregates
- (h) Sanitary control and safety in business and trade premises and other workplaces
- (i) Menstrual hygiene management
- (j) Control of rearing of animals and disposal of dead animals
- (k) Duties in relation to vermin control
- (l) Licensing requirements in respect of commercial vermin control services

EIGHT SCHEDULE—CONTROL AND MANAGEMENT OF ENVIRONMENTAL HEALTH RISKS

ARTICLE 14. Control and Management of Environmental Health Risks shall include the following programs and activities:

- (a) Environmental health risk management plan
- (b) County integrated waste management policy, strategy and plan

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- (c) Prohibition against disposal of industrial waste in unauthorized places
 - (d) Special requirements relating to healthcare waste
 - (e) Prohibition of open defecation
 - (f) Management of excreta
 - (g) Power to undertake sewerage services
 - (h) Vesting of sewers and right of access thereto
 - (i) Owners to make and maintain drains to public sewers
 - (j) Prohibitions relating to sewers and sewage
 - (k) Provisions for protection of sewers and drains
 - (l) Sewage haulage and disposal permit
 - (m) Private and decentralized wastewater management
 - (n) Construction of septic tank, storage tank; soak pits or other similar works
 - (o) Emptying and disposal of septic tank waste
 - (p) Examination of drains, latrines, cesspools and septic tanks
 - (q) Faecal sludge and septage management
 - (r) Prohibition of use untreated wastewater for agriculture
 - (s) Preparation and implementation of water safety plan
 - (t) Protection of water sources and supplies from pollution
 - (u) Prohibition of bathing and washing within riparian areas and water courses
 - (v) Prohibition of washing of motor vehicles within riparian areas and water courses
 - (w) Taking of samples of water from public or private water sources and supplies
 - (x) Prohibition of littering
 - (y) Removal of litter
 - (z) Storm water management
 - (aa) Management and reduction of runoff water
 - (bb) Cleansing and emptying surface and storms water drains

NINETH SCHEDULE—CEMETERIES, CREMATORIA AND FUNERAL PARLORS

ARTICLE 15. The Department of Health and Sanitation shall undertake:

- (a) Duty to establish and maintain cemeteries and crematoria
- (b) Funeral parlours and embalming establishments
- (c) Licensing and registration of undertakers and embalmers
- (d) Public and private cemeteries
- (e) Establishment of crematoria
- (f) Licensing of community or private cemeteries and crematoria
- (g) Power to close cemeteries and crematoria
- (h) Burial of dead persons
- (i) Burial of unclaimed human body
- (j) Prohibition of burial and cremation in undesignated place
- (k) Keeping, removal and disposal of remains of person dying of infectious disease
- (l) Prohibition of exhumation without permit
- (m) Exhumation to execute public works
- (n) Record of permits and orders for exhumation
- (o) Regulations

TENTH SCHEDULE—PLANNING, FINANCING AND PERFORMANCE MANAGEMENT

ARTICLE 16.

- (a) Urban areas environmental health and sanitation plans

ELEVENTH SCHEDULE: ENFORCEMENT POWERS

ARTICLE 17. Enforcement Powers shall include;

- (a) Power to obtain information
- (b) Power of search and seizure
- (c) Power of arrest
- (d) Right of entry and inspection
- (e) Prohibition order, improvement notice and other administrative orders

- (f) Urgent provisional orders

TWELVETH SCHEDULE: MISCELLANEOUS AND GENERAL PROVISIONS

ARTICLE 18.

- (a) General penalty
- (b) Register of Environmental health and sanitation service providers and service license
- (c) Notices may be printed or written
- (d) Service of notices
- (e) Public Private Partnerships
- (f) Public education and awareness
- (g) Regulations

MEMORANDUM OF OBJECTS AND REASONS

The Kisumu County Environmental Health and Sanitation Act, 2021 aims to ensure access to safely managed sanitation, promote clean and healthy environment and ensure the wellbeing of all in Kisumu County. Its main policy objective is to prevent and reduce health risks associated with environmental hazards and to tackle the social and economic costs of preventable diseases related to poor environmental health and sanitation conditions in Kisumu County. The constitutional basis of the Act is anchored on Articles 42 and 43 of the Constitution of Kenya that guarantee the right of every person to a clean and healthy environment, highest attainable standards of health, reasonable standards of sanitation, clean and safe water of adequate quantities, adequate food of acceptable quality and other related rights. The Act also provides the legislative framework for the execution of the environmental health and sanitation functions and powers vested in the County Government of Kisumu by the Constitution of Kenya and related national policies and legislation.

The Act has undergone a transformation following its initial formulation. Its provisions now reflect a consensus among the relevant departments and stakeholders that it is a legislation designed to be enforced by multiple departments, agencies and stakeholders in the interest of the people of Kisumu County.

PART I deals with the title, interpretation, object of the Act, guiding principles and obligation of County Government.

PART II Establishes an institutional framework for the administration of the Act. It includes the Kisumu County Environmental Health and Sanitation Coordination Committee, functions of the Kisumu County Environmental Health and Sanitation Coordination Committee-, Conduct of Business, remuneration, the Chief Officer, the staff, common seal, protection from person to liability, liability for damages Remuneration of the Board, Chief Office, the Staff, common seal, protection from personal liability, liability for damages, corporate Governance and annual reports

PART III Contains miscellaneous and general provisions. Financial, Regulation and Consequential provisions.

Dated the 12th August, 2021.

VINCENT JAGONO,
Chairperson Health and Sanitation.