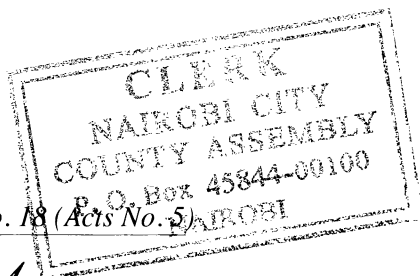


**SPECIAL ISSUE**

*Nairobi City County Gazette Supplement No. 18 (Acts No. 5)*



REPUBLIC OF KENYA

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***NAIROBI CITY COUNTY GAZETTE  
SUPPLEMENT***

**ACTS, 2015**

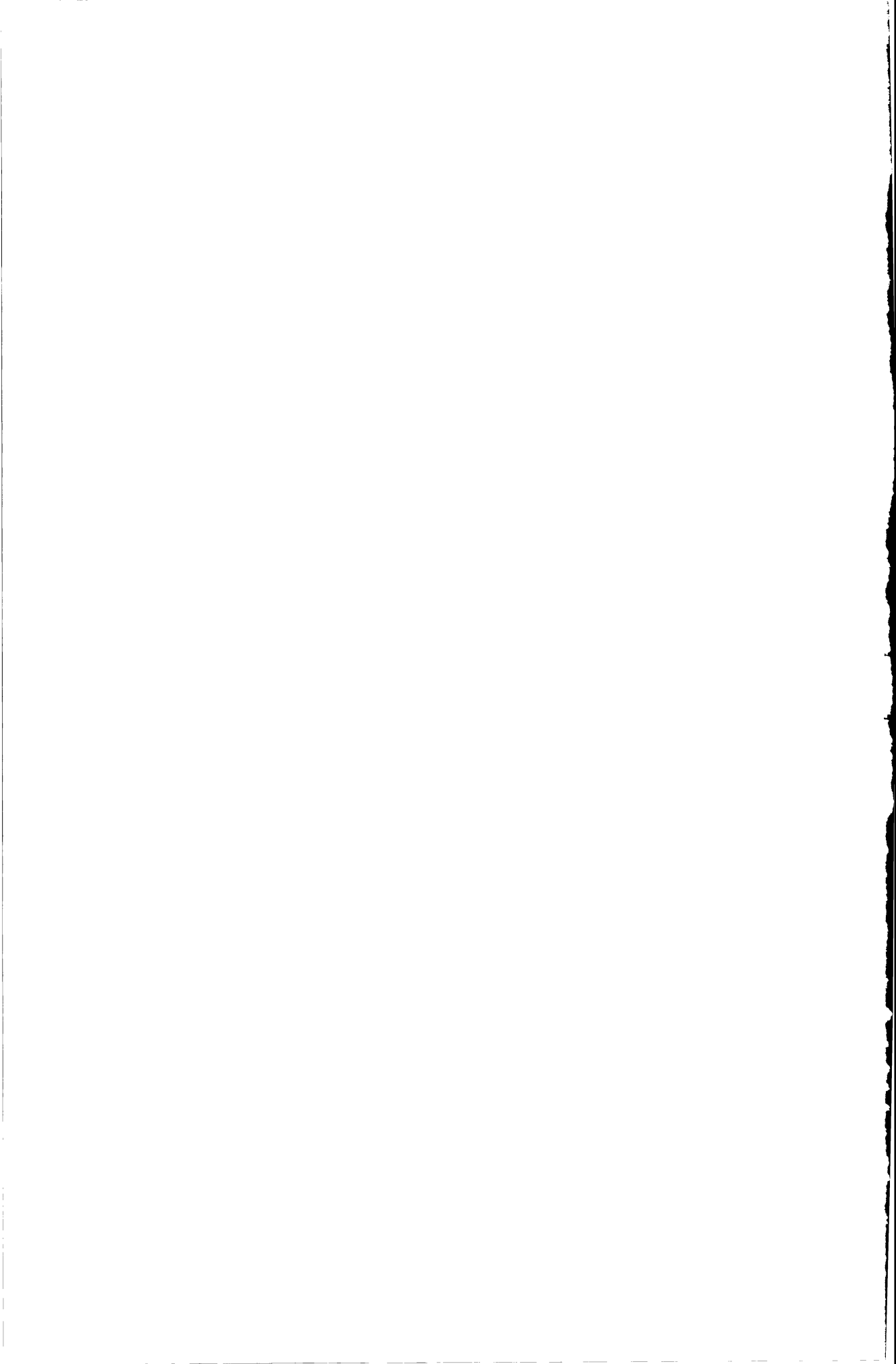
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**NAIROBI, 22nd October, 2015**

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**THE NAIROBI CITY COUNTY SOLID WASTE  
MANAGEMENT ACT, 2015**

**No. 5 of 2015**

*Date of Assent: 16th October, 2015*

*Date of Commencement: See Section 1*

**ARRANGEMENT OF CLAUSES**

*Section*

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- 2—Interpretation.

**PART II—GENERAL PROVISIONS**

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**THE NAIROBI CITY COUNTY SOLID WASTE  
MANAGEMENT ACT, 2015**

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

**ENACTED** by the County Assembly of Nairobi City  
as follows—

**PART I—PRELIMINARY**

1. This Act may be cited as the Nairobi City County Solid Waste Management Act, 2015 and shall come into effect six months after assent by the governor.

Short title and commencement.

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

Interpretation.

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

“authorized officer” means the chief officer, the director of environment or any other officer authorized by the county government in writing for the purposes of the enforcement of the provisions of this Act;

“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;

“chief officer” means the chief officer responsible for environment;

“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 without intention of retrieval and may include the disposal of raw or intermediary handled inert or otherwise unwanted residues;

“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;

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

“executive committee member” means the county executive committee member responsible for environment;

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

“market waste” means organic 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 waste use of waste with or without cleaning or repair;

“solid waste” includes any waste in solid 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 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;

“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;

“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;

“zone” means a zone into which the county is divided for the purposes of this Act.

## **PART II—GENERAL PROVISIONS**

**3.** The objects of this Act are to—

Object of the Act.

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

- (c) provide for a legal basis for the implementation of the county integrated solid waste management plan;
- (d) provide for and regulate the participation of the various actors in solid waste management in the county.

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.

Shared responsibilities, entitlements.

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.

Right to a clean and healthy environment, etc.

6. (1) The executive committee member, in consultation with the governor, 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.

Public and private sector participation.

(2) The executive committee member, in consultation with the governor, 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

(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 in consultation with the Governor.

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

7. The executive committee member, in consultation with the governor and with the approval of the County Assembly, may, by notice in the gazette, impose a charge on generators of solid waste within the county for purposes of

Solid waste management charge.



meeting the costs of solid waste management within the county.

8. (1) The executive committee member responsible for finance, may, in consultation with the Governor and with the approval of the County Assembly, by Order impose at the rate of not more than two per cent of the property rates payable in respect of a ratable property, a charge to be known as the environmental levy to be applied in waste management, dealing with environmental nuisances and to improve the quality of the environment generally. Environmental levy.

(2) The Order mentioned in subsection (1) shall provide the manner in which the environmental levy may be imposed and its administration.

9. The executive committee member shall establish guidelines through regulations and undertake activities to facilitate and promote recovery of waste materials through reduction, re-use, recycling and composting of waste by the various actors in solid waste management. Material recovery.

10. (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. Solid Waste Categorization and Handling.

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

- (a) municipal waste;
- (b) market waste;
- (c) construction and demolitions waste;
- (d) industrial solid waste;
- (e) agricultural waste;
- (f) biomedical or clinical waste;
- (g) hazardous waste;
- (h) e- waste;
- (i) plastic waste;
- (j) junk waste;
- (k) any other category of waste as the county executive committee member may, in writing, determine.

**11.** (1) The County shall be divided into zones specified in the Schedule. Zoning.

(2) Any person or firm authorized to collect transport waste shall be guilty of an offence if he or she operates outside the zone in which he or she is authorized to operate in.

**12.** An authorised 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. Prohibition of certain operations.

**13.** An authorized 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. Power of entry.

**14.** 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— No licence for non-compliant businesses, etc.

- (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.

**15.** (1) No person may manufacture, have in his or her possession, offer for sale or distribution in any manner within the county any carry bags form virgin plastic of thickness of less than 30 micron and of a size not less than “8x12” and of a colour other than the specified colour of the Kenyan Standard. Prohibition against manufacture, etc of certain plastics.

(2) Notwithstanding the provisions of subsection (1) of this section, a person may manufacture carry bags of a size, thickness and colour specified by this Act or any other law from recycled plastic materials but such materials must be locally recycled.

(3) A person who contravenes this provision commits an offence.

### PART III—COLLECTION

16. The county government may directly or indirectly undertake collection of solid waste from the streets and any other public spaces.

County government may directly collect waste.

17. (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.

Owner or occupier responsibility for surrounding area.

(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.

18. (1) The county government shall provide appropriate waste containers for the disposal of solid waste in the public streets and other public places.

County government to provide containers.

(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 prescribe by 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.

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

Approval of waste containers.

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

(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.

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

Colour coding of waste bags or container.

- (a) green liner container for organic waste;
- (b) blue liner container for plastics and paper waste;
- (c) brown liner container any other 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.

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

Branding of bags and other 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.

**22.** (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.

Provision, placement and maintenance of waste containers.

(2) Every such owner or occupier shall cause all waste containers upon his or her premises to be placed and kept in