

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KISII COUNTY BILLS, 2018

NAIROBI, 23rd November, 2018

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KISII COUNTY PUBLIC LAVATORIES BILL, 2018**A Bill for****AN ACT of the County Assembly of Kisii to provide for Public Lavatories Management and related purposes**

ENACTED by the County Assembly of Kisii as follows—

PART I—PRELIMINARY**Short title**

1. This Act may be cited as the Lavatories Act, 2018.

Interpretation

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

“county” means the Kisii County;

“executive committee member” means the County Executive Committee Member for the time being in charge of Water, Environment, Energy and Natural Resources or any other officer of the county authorized by the Executive Committee Member for the purposes of this Act;

“mobile toilet convenience” means a public lavatory closet or urinal established and maintained by the County or in partnership with any other person;

“medical officer of health” means the person for the time being holding the office of a Medical Officer of Health of the County and includes his deputy or any other person duly authorized to act as such;

“person” means for the purpose of this Act will include an individual, body corporate, or a Community Based Organisation or an Association.

Application

3. The Act shall apply throughout the area of jurisdiction of Kisii County.

Objective

4. The objective of this Act is to provide for an efficient management of the public lavatories within the County.

PART II—PUBLIC PRIVATE PARTNERSHIP**Partnership**

5. (a) The County may partner with any person to provide public lavatory services at a fee agreed between the partners. Provided the above partnership is only for management Purposes;

- (b) the County may enter into a lease agreement with a person to manage the existing Public Lavatories;
- (c) the partnership and lease agreement mentioned in (a) and (b) will be reviewed after every two years;
- (d) the person managing the Public lavatory shall pay for the water, sewerage, electricity, refuse to the relevant bodies; and
- (e) the person Managing or leasing a public lavatory will pay the county a monthly fee or quarterly fee or such a fee as may be agreed between the county and that person.

PART II—MISCELLANIOUS

Use of lavatory

- 6.** A person who uses or enters a convenience shall not—
- (a) enter any water closet without first paying any fee which the County may charge for its use;
 - (b) willfully annoy or interfere in any way with the privacy of any other person using the convenience;
 - (c) willfully and improperly soil any part of the convenience;
 - (d) write on, mark or otherwise deface or damage any part of the convenience;
 - (e) affix any picture or printed or written matter to any part of the convenience;
 - (f) leave any litter in the convenience except in any receptacle provided for the purpose; and
 - (g) interfere with any officer or servant of the County or any other person authorized to manage the convenience in the execution of his duties.

Management

7 (1) A person managing a convenience shall keep the convenience clean and in hygienic conditions at all times.

(2) The disposal of liquid waste from a mobile toilet should be hygienic and disposed as directed by the Executive Committee Member.

Mobile toilets

8. (1) Except with the approval of the Executive Committee Member, no mobile toilet shall be operated within the County.

(2) The approval in sub section (1) above shall be on advice of a Medical Officer of Health.

(3) Any person carrying on convenience services within the County will be required to obtain a permit from the Executive Committee Member at fee as per the gazetted County latest fees and charges.

Penalties

9. Any person who contravenes any of the provisions of this Act shall be guilty of an offence and shall be liable to a fine not exceeding two thousand Kenya Shillings or to imprisonment for a term not exceeding six months or to both.

Regulations

10. The Executive Committee Member may make Regulations generally for the better carrying out into effect of the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose and objectives of this Bill is to provide for Public Lavatories Management and related purposes.

Part I—of the Bill provides for preliminary matters including the short title to the Bill, application, objective and the interpretation of words and expressions used in the Bill.

Part II—of the Bill provides for establishment of the public private partnerships in provision of lavatory services.

Part III—of the Bill contains miscellaneous provisions in respect of use of lavatories, management of lavatories in clean and hygienic conditions, use of mobile toilets, penalties for contravening the provisions of the Act and power to make Regulations.

The enactment of this Bill will not occasion any additional expenditure of public funds.

Statement on Delegated Powers to Legislate

The Executive Committee Member responsible is empowered to make necessary regulations for the better functioning of various provisions of the Act.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution of Kenya 2010.

Dated this 12th November, 2018.

BENSON NTABO ONGERI,
Chairman Health Services.

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