

**EKITI STATE ENVIRONMENTAL  
HEALTH AND SANITATION (RE-  
ENACTMENT) LAW, 2020.**

**NO. 21 OF 2020**

**EKITI STATE OF NIGERIA**

# **EKITI STATE ENVIRONMENTAL HEALTH AND SANITATION (RE-ENACTMENT) LAW, 2020.**

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THE EKITI STATE ENVIRONMENTAL HEALTH AND SANITATION  
LAW, 2020.**

**NO. 21 OF 2020**

**EKITI STATE OF NIGERIA**

*Commencement* { }

***ENACTED BY THE EKITI STATE HOUSE OF ASSEMBLY AS FOLLOWS:***

**PART I: ESTABLISHMENT OF THE DEPARTMENT OF  
ENVIRONMENTAL HEALTH AND SANITATION.**

## **Establishment of the Department of Environmental Health and Sanitation.**

1. (1) There is hereby established a Department known as Environmental Health and Sanitation Department which shall be under the Ministry of Environment or such other Ministry as the Governor may designate.
- (2) The units under the Department of Environmental Health and Sanitation in the designated Ministry shall include:
  - (a) Food Sanitation/Market & Abattoir Sanitation;
  - (b) Sanitary inspection of regulated premises/School Sanitation;
  - (c) Medical waste management/excreta and sewage management;
  - (d) Water Sanitation and Hygiene;
  - (e) Pest and vector control/weed and vegetation control;
  - (f) Control of stray animals/disposal of carcasses;
  - (g) Sanitary Diagnostic Laboratory;
  - (h) Occupational Hygiene and Hygiene Education and Promotion;
  - (i) Enforcement Health Law Enforcement and Prosecution.
- (3) There is hereby established a Department known as Environmental Health and Sanitation Department in every Local Government Council within Ekiti State.
- (4) The units under the Environmental Health and Sanitation Department of Local Government Council shall include:
  - (a) Water Sanitation and Hygiene (WASH);
  - (b) Food Sanitation/Market and Abattoir Sanitation;
  - (c) Sanitary Inspection of Regulated Premises/School Sanitation;
  - (d) Medical Waste Management/Excreta and Sewage Management;
  - (e) Pest and Vector Control/Weed and Vegetation Control;
  - (f) Control of Stray Animals/Disposal of Carcasses;
  - (g) Sanitary Diagnostic Laboratory;
  - (h) Occupational Hygiene and Hygiene Education Promotion and Community Mobilization;
  - (i) Environmental Health Law Enforcement and Prosecution.

## **Appointment of Director of Environmental Health and Sanitation.**

2. (1) The State Government shall appoint a qualified person as the State Director of Environmental Health and Sanitation from the Management level of the Environmental Health Officers Cadre in the Ministry of Environment.
- (2) The Local Government Service Commission Government shall appoint a Director of Environmental Health and Sanitation in each Local Government from the Management level of the Environmental Health Officers Cadre in the Local Government Service.
- (3) The Director of Environmental Health and Sanitation shall have at least a degree in any of the Environmental Health Science disciplines.

**Duties of Director of Environmental Health and Sanitation.**

3. (1) The Director of Environmental Health and Sanitation shall:
- (a) oversee, monitor and inspect the environment in order to abate nuisances and pollution pursuant to the powers vested in him under this Law;
  - (b) ensure that every premises has a file opened for it by an Environmental Health Officer or Assistant and for such premises.
  - (c) ensure the service of an abatement notice on any person by whose act or default a nuisance is caused or on the owner or occupier of any premises on which the nuisance exists, require the person to abate the nuisance within a specific time and prevent a recurrence of the nuisance.
  - (d) ensure regular filling of monthly/quarterly/annual Form EH3 and send same to the Honourable Commissioner for Environment for further actions.
- (2) In furtherance to sub-section 1 (b) above:
- (a) Form EH1 shall be duly filled and filed;
  - (b) there shall be periodic routine and special inspection of the premises during which Form EH2 shall be duly filled.
  - (c) an approved building plan of such premises shall be provided by the owner to the Environmental Health Officer to be included in the file.

(d) this Law shall not apply to building built before February, 1976.

**Duties of Environmental Health and Sanitation Department.**

4. The Environmental Health and Sanitation Department of the State and Local Government shall:

- (a) ensure protection of the environment against pollution, overgrown weeds, refuse and the communicable diseases.
- (b) educate the community on the dangers of deforestation and indiscriminate bush burning on human beings, animals and micro-organisms.
- (c) correct environmental indecency such as eating in the open space, urinating or defecating in the public place, smoking in the public place, noise pollution, industrial pollution, atmospheric pollution and ensure control of beggars and vagabonds.
- (d) ensure the development and maintenance of the public drainage system, sewage system, channelization of domestic water course and public toilets.
- (e) assist the State and Local Government in the formulation of environmental policies and guidelines in consonance with guidelines and standards existing at the Federal level.
- (f) coordinate planning and mobilization for special environmental programmes such as monthly or periodic Environmental Sanitation Days in Ekiti State as the State Government may direct and including World Environmental Day (WED) which comes up on 5<sup>th</sup> of June every year, National Environmental Sanitation Day (NESD) which comes up on 28<sup>th</sup> of June every year and World Toilet Day which comes up on 19<sup>th</sup> of November every year.
- (g) join in the approval of location and operation of industries and regulated premises, abattoirs and mills such as corn mill, rice mill, pepper mill, food/meat processing premises and food hygiene;
- (h) cause any Local Government Council affected by natural disaster to report to the State Ministry of Environment upon the occurrence of such disaster in the Local Government Council



and liaise with the State Emergency Management agency on the implementation of government relief packages in such circumstances;

- (i) monitor and survey all potable water distributed in the State for the purpose of controlling its quality and consumption.
- (j) control of occupational hazards in industrial, abattoirs, mills and other regulated premises;
- (k) join in carrying out Environmental Impact Assessment of new and existing projects;
- (l) carry out vector control, fumigation, disinfections and disinfestations of residential and industrial areas throughout the State;
- (m) submit Water Sample for bacteriological and chemical laboratory analysis by Local Government Councils to the Ministry of Environment;
- (n) educate the general public on the disposal methods approved by the Ekiti State Waste Management Authority for domestic and industrial wastes;
- (o) liaise with the Federal, other State Governments statutory bodies and research agencies on environmental pollution matters and facilities relating to checking residue in water, air, food etc and possible adverse effects on the general environment;
- (p) ensure clean and beautiful environment by liaising with the Local Governments in the State, private organizations, individuals and organizing them to participate actively in regular cleaning and beautification of their immediate environment and
- (q) arrest and prosecute any person who commits an offence under this Law.

#### **Power of Senior Environmental Health Officers.**

5. Every Senior Environmental Health Officer in the Service of the State Government or Local Government shall, while on duty in any place exercise power and perform duties conferred by this Law and have authority to assign same to his subordinate.

## PART II: NUISANCE.

### Nuisance which may be Abated.

6. (1) The following shall be deemed to be nuisance:
- (a) any premises which is in such a condition as to be summarily injurious to health;
  - (b) any premises which is so poorly illuminated or so ill-ventilated or so damp or in such a condition of dilapidation as to be dangerous or prejudicial to the health of the persons living or employed therein;
  - (c) any premises which contains rat holes or rat runs and droppings or other similar holes or which is infested with rats or other vermin or in which the ventilating openings are not protected by gratings in such a manner as to exclude rats or other vermin therein;
  - (d) any pool, ditch, gutter, watercourse, cesspool, drain, refuse, pit latrine, dustbin, washing place, well, water tank, barrel, sink, collection of sewage, receptacle which contains stagnant water, or other things in such a state or condition as to be injurious to health;
  - (e) any animal or bird kept in such a place or manner as to be prejudicial to health or to be injurious to health or molesting of neighbours and any animal or bird which suffers from a noxious or infectious disease;
  - (f) any pit or excavation, well, pond or quarry in or near any street which is or likely to become dangerous to the public or likely to form a prolific breeding for vectors;
  - (g) any stable, cow house, pig-sty, poultry or other premises for the use of animals or birds which are in such a condition to be injurious to the health of man or of such animals or birds;
  - (h) any noxious matter, water or waste water flowing or discharged from any premises into any street or into gutter or side channel of any street;
  - (i) any accumulation or deposit or rubbish of any kind whatsoever or any decaying animal or vegetable matter, whether in form of refuse or manure, any decayed or tainted food, adulterated food or drinks or any food or drink which appears to the authorized officer to be unfit for human consumption;

- (j) any growth of weed, cactus, long grass weeds or wild bush of any kind which may be injurious to health and any vegetable that of itself is dangerous to children or others either by its effluvia or through eating it's leaves seeds, fruits or flowers;
- (k) any premises certified by the authorized officer to be so overcrowded as to be injurious or dangerous to the health of the occupants;
- (l) any premises or public place on which servants or workmen are employed and adequate sanitary conveniences and dust bins are not provided;
- (m) any atmospheric pollution, water pollution and land pollution and degradation prejudicial to the health of people;
- (n) any unsanitary management of industrial waste of any description;
- (o) any construction material including blocks, cement, sand or gravel and iron rods dumped on any site in such conditions as may cause injury or be dangerous to health including direct iron materials constituting danger to life;
- (p) any dilapidated walls or littered and/or neglected surroundings of any building including home, office, factory, industry and commercial premises;
- (q) carcasses of animals and/or human beings in such a place and condition as to be injurious to health;
- (r) any act, omission, place or thing which is or may be adjudged dangerous to life or injurious to health or property;
- (s) any premises used as a boarding house for the occupants in which suitable and adequate sanitary conveniences are not provided;
- (t) any premises of a public or private school, technical school, college, polytechnic, university and/or other teaching/ learning institution premises which is adjudged prejudicial to the health of students and/or teachers;
- (u) any catering premises, guest house, motel or hotel not sanitarily maintained;
- (v) any stray animal causing embarrassment and/or injurious to health and property in the street, at private and/or public establishments;

- (w) indiscriminate defecation or improper disposal of human excreta;
- (x) indiscriminate display of explosives or petroleum product in an unauthorized place.
- (y) illegal or indiscriminate sale or display of goods, cooking of food, or selling of food on drain, road, bridge or roadside.
- (z) failure to pay monthly waste collection fees for waste collection manager.

#### **Duty of Owner, Tenant, Occupier, etc.**

7. As from the commencement of this Law, every owner, tenant and occupier of any building shall:

- (a) keep clean the drains, gutter and sidewalks that leads into the street;
- (b) bind all old newspapers, loose papers, rubbish and rags before putting out for collection;
- (c) put refuse into securely tied plastic bags or leak proof galvanized dustbins with tight fitting lids;
- (d) keep refuse dustbins within his premises until the time of collection;
- (e) ensure that refuse dustbins are covered at all times with tight fitting cover;
- (f) not dump yard sweepings, hedge cuttings, grass, leaves, earth, stones, bricks or business waste with household refuse to the surroundings of a premises or any unauthorized place;
- (g) not use dustbins which may be leaking or permitting litter to escape or which might injure people handling them; and
- (h) not litter, sweep out, or throw ashes, refuse, paper, nylon and rubbish into any street, public place or vacant plot.

#### **Cleanliness of backyard.**

8. As from the commencement of this Law, every owner, tenant, and occupier of any building shall ensure the cleanliness of his premises, particularly the backyard, the courtyard and either side of such building.

#### **Cleanliness of Toilet/bathrooms in restaurants/hotels, etc**

9. As from the commencement of this Law, every owner or operator of a restaurant, hotel, night club or school shall ensure the cleanliness of all toilets and bathrooms within the premises.

**Use of Sanitary Litter Bins and Penalty.**

10. (1) No pedestrian shall dispose of any scrap paper, newspaper, candy wrapper, fruit skins and similar refuse anywhere except in litter bins.  
(2) No person shall use litter bins for household refuse, commercial, industrial waste.  
(3) Any person who violates any of the above provisions shall on conviction be liable to a fine according to Schedule one of this Law.

**Every commercial vehicle to carry litter bins.**

11. (1) As from the commencement of this Law, every commercial vehicle in the State shall carry a litter bin for the use of passengers.  
(2) No passenger shall throw any litter, fruit skins, scrap paper or other item onto the road from any vehicle.

**Proper disposal of refuse.**

12. (1) All sidewalks shall be free of or demolition debris and all other materials or items that can obstruct the free flow of pedestrian traffic.  
(2) All streets shall be free from obstruction, construction or demolition materials.  
(3) No person shall dump refuse in another person's wastebin.  
(4) No persons shall dump indiscriminately any domestic industrial or commercial waste, sand or gravel or discarded vehicle spare parts or tyres along highways, roads, channels, road medians, gorges, vacant land directly or through private operators except at designated refuse disposal sites.  
(5) No persons shall deposit sewage, effluent or rubbish of any kind besides the existing well which can lead to pollution of the water.  
(6) No persons shall construct septic tank or soak away besides the existing well which can lead to pollution/contamination of the well.  
(7) Any person who violates the above provisions commits an offence and shall on conviction be fined according to Schedule one of this Law.

**Disposal of Refuse.**

13. No person shall dispose of domestic refuse or waste except refuse through a private sector participation operator or an authorized agent.

**Abuse of open spaces.**

14. (1) No person shall:
- (a) use any road, street or other setback as a mechanic workshop;
  - (b) display, sell or buy goods on roads, rail tracks, bridges and road setbacks;
  - (c) cook or sell any food on roads, rail tracks, bridges and road setbacks;
  - (d) defecate or urinate in the drainage or any open space and
  - (e) organize or hold social parties or religious activities on any major road.
- (2) No person shall allow cattle, goats, sheep or other animals to roam on the road or any open space.
- (3) Any person who violates any of the above provisions shall upon conviction be fined according to Schedule one of this Law.

**Maintenance of Drains, Sewage and Septic Tanks and Penalty.**

15. (1) Every person shall:
- (a) clean and maintain any drain in the frontage, sides, rear of his tenement or building and;
  - (b) provide suitable holding tank for liquid waste or sewage liquor and ensure regular evacuation and disposal of same.
- (2) No person shall cause or knowingly permit any trade or sewage effluent or liquid waste to be discharged into any drain or drainage system, road, gorges, water courses or any part thereof except at such place as may be authorized by the Ministry of Environment.
- (3) Any person who violates any of the above provisions shall upon conviction be fined according to Schedule one of this Law.

**Vacant Lands.**

16. (1) Every grantee, lessee, or licensee of any vacant land shall ensure that there is no heap of refuse, rubbish, overgrown weed or offensive material on such land.

- (2) No person shall use heap of refuse or rubbish to fill vacant land, swamp, gorge or marshy land.
- (3) Any person who violates any of the provisions of this Section shall upon conviction be fined according to Schedule one of this Law.

**Covered Vehicles and Containers to transport Refuse.**

17. (1) All vehicles or containers used in transporting or conveying refuse shall be securely covered in such a way that the contents do not litter the road.
- (2) Where a vehicle or container is used in transporting or conveying refuse contrary to subsection (1) of this Section, the driver or carrier shall be guilty of any offence under this Law and shall be fined in accordance with Schedule one of this Law.
- (3) All domestic refuse must be packed in sanitary waste bags before disposal.
- (4) All waste from market, restaurants, schools, shops, religious premises and other commercial institutions shall be packed in plastic waste bags or dust bins before disposal.

**Prohibition of storage or burning of waste on tenement and use of incinerator without permit.**

18. No person shall:
  - (a) deposit, burn or bury refuse on any tenement or open place;
  - (b) deposit, burn or bury industrial or commercial waste on any tenement or open space;
  - (c) erect, construct or use an incinerator without prior approval or permit of the Ministry of Environment.

**Silt removal.**

19. No person shall leave silt, earth or other materials excavated during construction or maintenance of drains on the roadside beyond 48 hours.

**Obnoxious or poisonous waste.**

20. No obnoxious, toxic or poisonous waste shall be deposited in a waste dustbin.

**Disinfection and disinfestations.**

21. (1) Every infected and/or infested private, public and commercial premises should be disinfected or disinfested against pests and vectors by the Department of Environment Health and Sanitation of the Ministry of Environment, Local Government or duly registered pest and vector control outfits.
- (2) Any private organization that intends to operate as a pest and vector control outfit in Ekiti State shall be duly registered with the Department of Environmental Health and Sanitation of the Ministry of Environment.
- (3) Any violation of the provisions of subsections (1) and (2) above shall be fined according to Schedule one of this Law.

**Provision of toilet facilities.**

22. (1) Every owner or occupier of premises shall provide:
- (a) sanitary latrine;
  - (b) sanitary bath place or bathroom;
  - (c) sanitary kitchen;
  - (d) sanitary store.
- (2) Any premises that consist of unsanitary, sagging, dilapidated or defective toilet facility shall be deemed to constitute a nuisance.
- (3) All public toilets in Ekiti State shall be managed by licensed Environmental Health Officers of the Ministry of Environment and Local Government Councils or registered toilet services providers.

**Notice regarding abatement of nuisance and penalty for default.**

23. (1) An authorized officer shall, if satisfied of the existence of a nuisance, serve a notice, on the prescribed form, hereinafter called an Abatement Notice on the person who caused or continues to cause the nuisance or if such person cannot be found, on the occupier or owner of the premises on which the nuisance was caused, requiring him to abate the same within the period specified in the notice and to execute such works, and to do such thing as may be necessary for that purpose which the authorized officer thinks desirable as specified in the Abatement Notice.
- (2) An authorized officer may also by the same or another notice serve on such person, occupier or owner, require him to do what is necessary to prevent the recurrence of the nuisance, and may serve



that notice notwithstanding that the nuisance may for the time being have been abated.

- (3) Where the nuisance is caused by any defect of a structural character or where the premises are unoccupied, the notice shall be served on the owner or agent or occupier.
- (4) Where a notice has been served on any person (including an occupier or owner) under this Section and either:-
  - (a) the nuisance is caused by the willful act or default of such person, or
  - (b) such person fails to comply with any of the requirements of notice contained in Form EH. 4 within the time specified, he shall be liable to fine of twenty thousand Naira or six months imprisonment.

#### **Nuisance Order.**

24. (1) A person (including the owner or occupier) suspected of an offence under Sections 6 and 7 of this Law shall be brought by an Authorized Officer before a court by complaint for a summary trial, and upon conviction shall be liable to six months imprisonment or a fine as contained in Schedule one.
- (2) The trial Judge may in addition to any punishment that he, may deem fit to impose in accordance with any other provision of this Law make against the accused person a summary order in this Law referred to as a nuisance order.
- (3) A nuisance order may be an abatement order, a prohibition order, or a closing order, or a combination of such orders
  - (a) an abatement order may require a person to comply with any of the requisition of the notice or otherwise to abate the nuisance within a time specified in such order;
  - (b) a prohibition order may prohibit the recurrence of a nuisance;
  - (c) an abatement order or prohibition order shall, if the person on whom the order is made so requires or the court consider it desirable, specify the work to be executed by the person for the purpose of abating or preventing the recurrences of the nuisance;
  - (d) a closing order may prohibit any premises from being used for human habitation or for any other purpose.
- (4) A closing order shall only be made where it is proved to the satisfaction of the court that, by reason of a nuisance, the premises are

unfit for human habitation, and if such proof is given, the court may in addition to any punishment impose a fine of at least twenty thousand naira on the person against whom the order is made or imprisonment for six months.

- (5) The court when satisfied that the premises have been made fit for human habitation may declare that it is so satisfied and cancel the closing order;
- (6) If a person fails to comply with a nuisance order, he shall, in addition to punishment for contempt of the court be liable to a fine of one thousand naira everyday for as long as the non-compliance continues, and if a person knowingly and willfully acts contrary to a prohibition or closing order, he shall be liable to a fine of ten thousand naira everyday for as long as the contrary act continues.
- (7) Notwithstanding the provisions of subsection (6) above, any person who persists in deliberate non-compliance with a nuisance order beyond a period of seven days shall be liable on conviction to imprisonment for one month without option of fine and a person who knowingly and willfully acts contrary to a prohibition or closing order beyond a period of seven days shall be liable on conviction to imprisonment for six months without the option of fine.

#### **Power to Sell Premises.**

25. (1) If an order of the court or notice of the authorized officer for the abatement of a nuisance by the occupier or owner of any premises is not complied with because the occupier or owner cannot be found or because the occupier or the owner is imprisoned, the authorized officer may apply to the court for an order to have nuisance abated and all costs or any expenses incurred in the abatement of the nuisance may be recovered as a debt due from the occupier or owner to the Environmental Health Officer;
- (2) Where no owner or occupier of the premises can be found or if the expenses are not paid within six months after the completion of the abatement of such nuisance, the court may order the premises upon which the work is done or any part thereof, or any movable property found thereon belonging to such occupier or owner to be sold to defray the said costs and expenses;
- (3) The rules of court relating to sales in execution of decrees shall mutatis mutandis apply to such sale.

### **Right of Entry.**

26. (1) It shall be lawful of an authorized officer, upon identification of himself, to enter any premises at any time between the hours of six in the morning and six in the evening for the purpose of ascertaining whether;
- (a) a nuisance exists thereon, or
  - (b) a nuisance found to exist has been abated or
  - (c) works ordered to be done have been completed or
  - (d) a closing order is cancelled as the case may be, and when a nuisance order has been complied with or has infringed, to enter premises at all reasonable hours for the purpose of securing the execution of the order or for the purpose of carrying out the duties of the Department which shall be permissible on shifting duty basis within 24 hours:

Provided that, where the authorized officer on inspection does not secure entry for routine or special inspection due to any other reason than the refusal of the occupier or owner of the premises to admit him, the authorized officer shall fill the prescribed Form EH 2 contained in the Second Schedule and serve it on the occupier or owner of the premises;

- (2) If the admission into the premises is refused, the court may order the person having the custody of the premises to admit the authorized officer at such time as the court may think fit, and if the responsible person is found, the court may authorized the officer to forcibly enter the premises.
- (3) Any order for forcible entry shall be valid and continue in force until the work for which the order was made has been completed;
- (4) Any person who refuses to obey such order or in any way hinders, prevents, or obstructs the execution of the order, shall be liable to a fine of twenty thousand naira or six months imprisonment.

### **Cost of Execution relating to Nuisance.**

27. (1) All reasonable costs and expenses incurred in serving a notice, making a complaint or obtaining an order or in carrying an order into

effect shall be deemed to be money paid at the request of the person on whom the order is made.

- (2) If no order is made, but the nuisance is proved to have existed when a notice was served or the complaint made, then the cost and expenses incurred shall be attributed to the person by whose act default or sufferance the nuisance was caused, and in the case of nuisance caused by the act or default of the owner of the premises, such cost and expenses may be recovered from any person who is for time being an occupier of such premises.

### **Obstructing Authorized Officer in the course of execution of a search warrant.**

28. Any person who hinders, prevents or obstructs any authorized officer in the course of the execution of a search warrant shall be guilty of an offence under this Law and is liable to a fine of five thousand naira or six (6) months imprisonment and if corporate organization, it shall be liable to a fine of fifty thousand naira and subsection (3) of Section 24 of this Law shall apply.

### **PART III: DUTIES OF OWNER/OCCUPIERS OF PREMISES.**

#### **Owner or Occupier to Clear Street.**

29. (1) Every owner or occupier of any premises shall clear and keep it free from all undergrowth, weeds, filth, rubbish and refuse of any destruction.
- (2) The owner or occupier shall also be responsible for keeping the frontage, back and sides of the premises clean as well as the adjoining gutter or drains along the street.
- (3) Where two premises are facing each other on any street, the owner or occupier of each premises shall be responsible for keeping only half of the street and the drains or gutter nearest to his premises clean.

#### **Certain Offences Relating to Streets and Premises.**

30. (1) Any person who:
- (a) throws or deposits waste or debris on any street or premises, whether occupied or not (except at such places as may be set apart by the Ministry of Environment for such purpose) or

- (b) commits any nuisance in any street or in an open space or in any place being part of or adjoining a dwelling-house, shall for each infraction, in addition to any liability for damage lawfully claimed by any aggrieved party, be guilty of an offence under this Law and liable to a maximum fine of ten thousand naira or one month imprisonment and if a corporate organization, it shall be liable to a fine of fifty thousand naira and the provisions of Section 24 shall apply.
- (2) Subject to the provisions of the Constitution and any other enabling law in that behalf, any person who commits any offence under this section may be taken into custody without warrant by a police officer, Environmental Health Officer of person whom he may call to his aid, or by the owner or occupier of the property on or with respect to which the offence is committed, or by person authorized by him, and such offender shall immediately be delivered into the custody of a police officer:  
Provided that no person arrested under this Section for a period longer than 24 hours before being taken to court.

#### **Nuisance Complaint.**

31. (1) An occupier, owner or any other person may through Form EH. 5 contained in the schedule complain on an authorized officer of an existing nuisance and such authorized officer shall undertake a special inspection of the premises.
- (2) The authorized officer in charge of the area shall undertake special physical inspection of the premises and acknowledge receipt of complaint through the Form EH. 6 contained in Schedule two.
- (3) In such case, the provisions of Section 23 of this Law shall apply.

#### **PART IV: COMMUNICABLE DISEASES.**

##### **Declaration of Infected Area and Order of Evacuation and Penalty.**

32. (1) Whenever there is an outbreak of a communicable disease in any place, the Honourable Commissioner for Health may by public notice declare such place or any portion thereof to be an infected area and may in like manner order the evacuation of the whole or any part of such infected area.

- (2) No person shall reside or carry on business within any area declared to be an infected area and ordered to be evacuated or enter or remain in such area except when passing along a thoroughfare allowed to remain open to the public, without an order in writing to that effect signed by Director, Environmental Health and Sanitation and upon such conditions as such Director, Environmental Health and Sanitation may in such order direct.
- (3) Any person who fails to comply with the provisions of this Section shall be guilty of an offence and shall upon conviction be liable to a fine of ten thousand naira or three months imprisonment.

#### **Marking of Premises where Disease has Occurred.**

- 33.** (1) An Environmental Health Officer may cause to be placed on or about any premises in which any case of communicable disease occurred a letter “C” in red circle mark for the occurred purpose demoting the occurrence of such disease and may keep such mark affixed for such time as he may deem necessary.
- (2) Any person who removes or obliterates any such mark without the authority of Environmental Health Officer shall be guilty of an offence under this Law and shall be liable to a fine of five thousand naira or three months imprisonment.

#### **Disinfections.**

- 34.** The State Director of Environmental Health and Sanitation may order the disinfection of any premises in which any case or suspected case of communicable disease has occurred and of article or thing in such premises, upon being reported by the Local Government Council Environmental Health Officer or the monitoring division of the Environmental Health and Sanitation Department of the Ministry of Environment.

#### **Destruction of Building etc.**

- 35.** Any premises, in which a case of communicable diseases has occurred or any article or thing exposed to infection in such premises may, if considered necessary in the interest of public health, by order of the State Director of Environmental Health and Sanitation, be destroyed by the Environmental Health Department of the appropriate Local Government Council.

### **Removal of Beddings and Clothing for Disinfection.**

36. (1) An Environmental Health and Sanitation Officer may by notice in Form EH. 7, require the owner of any bedding, clothing or other articles which have been exposed to infection to cause the same to be delivered to such Environmental Health Officer for removal for the purpose of disinfection.
- (2) The bedding, clothing and articles referred to in subsection (1) shall be disinfected by the Environmental Health Officer, and shall be brought back and delivered to the owner free of cost.

### **Letting Infected Houses.**

37. Any person who knowingly lets or lives in any premises in which any person had suffered or was suffering from any communicable disease without having had such house and the Articles therein properly disinfected to the satisfaction of the Director of Environmental Health and Sanitation, shall be guilty of an offence and liable to a fine of five thousand naira or three months imprisonment.

### **Acts tending to Spread Communicable Disease.**

38. Any person who, while suffering from a communicable disease or being in charge of any person or suffering does any act or thing which is likely to cause the disease to spread, gives, lends, sells or transmits or exposes without previous disinfection any bedding, clothing or other article which has been exposed to infection shall be guilty of an offence and liable to a fine of five thousand naira or one month imprisonment.

### **Certificate of Destruction.**

39. A Certificate of Destruction shall be issued to any person, whose articles have been examined, found unwholesome or contaminated and unfit for human consumption and such article shall be confiscated and appropriately disposed of.

### **Infected Person Entering Public Conveyance.**

40. Any person who, while suffering from any communicable disease, enters any train, vehicle or other public conveyance without previously notifying the person in charge thereof that he is so suffering, shall be guilty of an

offence, and on conviction shall be liable to a fine of ten thousand naira only.

#### **Disinfection of Public Conveyance.**

41. (1) Every person in charge of any public conveyance shall after conveying a person suffering from a communicable disease, disinfect such public conveyance to the satisfaction of the Director of Environmental Health and Sanitation and if he fails to do so, shall be guilty of an offence and on conviction shall be liable to a fine of ten thousand naira.
- (2) Where the person in charge or the owner of such public conveyance is unable in the opinion of the Director of Environmental Health and Sanitation to effectively clean and disinfect the public conveyance, the same may be cleaned and disinfected by the Director of Environmental Health and Sanitation at the expense of the person in charge or the owner.

#### **Disinfecting a community with communicable disease.**

42. When any communicable disease has been declared in any community, Environmental Health Officer shall have the authority to enter any premises in the community in which there maybe, or is suspected to be, any case of communicable disease, to examine such premises and give such order in writing for the cleaning or disinfection thereof by completing Form EH. 8 and serving same on the owner or occupier of the premises.

### **PART V: WATER SANITATION AND HYGIENE.**

#### **Drinking Water Quality.**

43. (1) The Ministry of Environment in collaboration with other relevant Government agencies shall ensure the regular monitoring of drinking water quality.
- (2) The Environmental Health and Sanitation Department shall register all water points from where water is collected for sale to the public.

#### **Prohibition of sales of drinking water without approval.**

44. No person shall sell water to the public for consumption without the approval of National Agency for Food, Drugs Administration and Control (NAFDAC).



**Penalty.**

45. Any person who contravenes the provisions of Sections 43 and 44 of this Law shall be guilty of an offence and on conviction shall be liable to a fine of ten thousand naira or three months imprisonment.

**Prohibition on use of certain chemicals.**

46. (1) No person shall use any herbicide, insecticide or any other chemicals to kill fish or for any other purposes in a river, lake or stream within the State.
- (2) Any person who contravenes the provision of this Section shall be guilty of an offence and shall upon conviction liable to a fine of twenty thousand naira or six months imprisonment.

**License for water tankers and water source.**

47. (1) All owners of water tankers or containers used for sale and distribution of water to the public, shall obtain a license in respect thereof that such tankers conform with the required quality and standard from Environmental Health Department.
- (2) Any person who fails to comply with the provision of this Section commits an offence and shall upon conviction be liable to a fine of ten thousand naira or three months imprisonment and in case of a corporate body it shall be liable to a fine of twenty thousand naira for a first offence and for every subsequent offence to a fine of thirty thousand naira.
- (3) The license for both water tanker and water source shall be renewed annually at a fee prescribed by the Environmental Health and Sanitation Department of the Ministry.

**Prohibition of Discharge of Untreated Waste onto the Environment.**

48. No person shall discharge or cause to be discharged untreated waste into any public drain, water course, gorge, storm water drain or into any open space.

**Prohibition of Air Pollution.**

49. (1) No person shall discharge into the air any inadequately filtered and purified gaseous waste, gases containing substances injurious to life and property, such as sulphur dioxide, oxides of Nitrogen, oxygen, sulphate, carbon mono-oxide, ammonia, chlorine, smoke and metallic dusts and particulates.
- (2) No person within Ekiti State shall burn or cause to be burnt refuse of any type, tyres, cables or wastes of any description as sources of fuel without prior written permission from the Ministry of Environment.
- (3) All car assembling companies and automobile engineering firm in the State are to install exhaust air-scrubbers as a standard design.

**Prior Written Approval of Discharge of Waste to be obtained.**

50. (1) Any waste, which is to be discharged into the environment, shall have been adequately treated or purified by the person/organization generating such waste and shall have been certified by the Ministry of Environment to have complied with the approved standards set by the Ministry prior to such discharge.
- (2) The Ministry on being satisfied that the person/organization has complied with the standard approved by it shall issue a written permission, renewable every twelve (12) months, to such person for such discharge.
- (3) A copy of any written permission obtained shall be displayed on the premises generating such waste.

**Inspection of factories, hotels, guest houses, regulated food premises, schools and cemeteries.**

51. (1) The Director of Environmental Health and Sanitation or his authorized officers shall from time to time inspect factories existing in the State to:
- (a) to ensure proper sanitation of the premises and
- (b) collect samples of waste water discharged from factories to ensure that it does not contain chemicals in concentrations which exceed the maximum permissible limits
- (2) The Director of Environmental Health and Sanitation or his authorized officers shall from time to time inspect hotels guest houses, regulated food premises, schools and cemeteries to ensure proper sanitation of the premises.

- (3) Every owner or director of private establishment such as factories, hotels, guest houses, regulated food premises, schools and cemeteries shall be required to pay annual sanitary inspection fees to be determined by the Ministry of Environment and in the default, the owner or director or their agent shall be guilty of an offence and liable to pay a fine of twenty-five thousand naira or six months imprisonment.

## **PART VI: PEST AND VECTOR CONTROL REGULATIONS.**

### **Application.**

52. The provision of this part shall apply to all property of every description including property belonging to or vested in or maintained by the government and shall be in addition to and not in derogation of any of the provisions of the Environmental and Sanitation Laws relating to the power and duties of the Director of Environmental Health and Sanitation.

### **Body or Agency Responsible for Pest Vector Control.**

53. The Environmental Health and Sanitation Department of the Ministry of Environment and Local Government shall:
- (a) ensure the control of insects, rodents snakes and other pest or vectors of public health importance in their areas of authority excluding abattoirs, farmlands, agricultural zones and forest area.
  - (b) ensure that premises for storage of chemicals used for disinfestations and disinfection are properly ventilated.
  - (c) collaborate with other relevant agencies in the setting of minimum health standards for insecticides/chemicals including its application, equipment and operational procedures.
  - (d) ensure pest and vector control (fumigation) of all Government dumpsites and public / private premises in Ekiti State.

### **Regulation of Pest/Vector Control Outfit.**

54. (1) No person, group of persons or corporate organization(s) shall operate or cause to operate a pest/vector control outfit in Ekiti State unless such person(s)/organization obtain a current operating permit from the State Ministry of Environment.

- (2) Every operating permit shall be issued for a period of one (1) year or part thereof and shall expire on the 31<sup>st</sup> day of December of the year of issued unless if revoked earlier.

### **Application for Permit.**

**55.** (1) No operating permits shall be issued unless the insecticides/chemicals and equipment are found after inspection to meet all applicable requirements of this Law and applicable rules and regulation pursuant thereof;

(2) No operating permit shall be issued or renewed unless the applicant or owner/operator had first made application in the relevant form.

(3) (a) No operating permit shall be issued or renewed unless the completed application form is accompanied by Form EH. 9 from the State Ministry of Environment certifying that such outfit meets the minimum safety requirement.

(b) All fumigation certificates must be duly signed by the Director, Environmental Health and Sanitation Department of the Ministry of Environment or any authorized license Environmental Health Officer(s) with professional seal

(4) (a) The insecticide to be used shall conform to the National Standards for insecticides set by the appropriate authority (Federal Ministry of Environment/other relevant agencies).

(b) Such insecticides shall be classified according to the way they kill pests viz:

(i) stomach poisons, contact insecticides, fumigant and disinfectants.

(ii) adulticides, larvicide, ovacide, ascaricide, pediculiade.

(iii) mineral, botanical, chlorinated-hydrocarbon-organophosphate, carbonate, funmigants.

(5) Such insecticides must be labeled with accompanying literature or precautions for the safe use of the pesticides

(6) (a) The applicant owner/operator shall submit for regular inspection the insecticides application equipment which must satisfy the National Standard for same.

(b) Such equipment shall be accompanied with their names and literature on their use.

(c) The equipments include: hand sprayers compressed air sprayer, aerosol dispenser, hand pump atomizer, pistol sprayer,

knapsack sprayer, garden hose sprayer, hand duster, power sprayer, hydraulic-truck mounted sprayer, power dusters, mist and fog applicators, mist and dust blowers, fog generators.

- (7) The applicant owner/operator of an outfit shall have at least one Environmental Health Officer in his employ at the time of applying.
- (8) All operatives of the outfit shall be trained on the hazards of the chemicals they would be handling and the importance of putting on protective equipment such as respirators, hand gloves, overalls gum boots while handling chemicals.

#### **Information on care and maintenance.**

- 56.** (1) The owner/operator of pest and vector control outfit and his staff shall follow strictly all instructions and guidelines laid down by Ministry of Environment on the use of chemicals and operational equipment.
- (2) Any person who violates the provision of this Section shall be guilty of an offence and on conviction be liable to a fine of twenty thousand naira or imprisonment for three months, and if a corporate organization, it shall on conviction be liable to a fine of one hundred thousand naira and its operating permit revoked.

#### **Penalty for Default.**

- 57.** (1) All hotels, guesthouse, regulated food premises and schools (public and private) that run boarding houses shall ensure annual disinfection/fumigation of their premises.
- (2) Disinfection/fumigation of the specified premises shall be done by the Department of Environmental Health and Sanitation of the State and Local Governments or Accredited Pest and Vector Control outfits which are registered to operate in the State.
- (3) The annual disinfection/fumigation of the premises shall be confirmed by a certificate issued after the exercise which shall be valid for one year.
- (4) All hotels, guesthouse, regulated food premises or school which violates the provisions of this Section shall be liable to a maximum fine of one hundred thousand naira and be sealed up until it complies with this Law.

### **PART VII: NOISE POLLUTION CONTROL REGULATIONS.**

### **Definition.**

**58.** Noise means-

- (a) any unwanted sound exceeding 90 decibel (dB) known as the safe limit, which causes adverse health condition;
- (b) Any noise resulting from:
  - (i) commercial and recreational activities such as parties, record stores, advertisements, sports programmes, religious worship or any other such activities that is above 90 decibels, is prohibited;
  - (ii) all forms of vehicles and ground transport systems such as railways or metrolines that is above 145 decibels, is prohibited and
  - (iii) vibration tools and industrial machines such as electric motors, grinding machines, blowers, generators and other such equipment that is above 145 decibels, is prohibited.

### **Regulation of activities that produce excessive noise.**

- 59.** (1) No person shall make noise exceeding 90 decibels in a residential area unless under special circumstances which can only be permitted by the Ministry of Environment.
- (2) No person shall make noise exceeding 145 decibels in an industrial area unless under special circumstances which can only be permitted by the Ministry of Environment.
- (3) Any person who contravenes or fails to comply with the provisions of this Section shall be guilty of an offence and on conviction be liable to a fine of five thousand naira or three months imprisonment and in the case of corporate body shall be liable to a fine of ten thousand naira for first offence and twenty thousand naira and a closing order for subsequent offence.

## **PART VIII: FOOD HYGIENE AND SANITATION.**

### **Power to Inspect and Condemn Unhygienic Food.**

- 60.** (1) A Health Officer may at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale or is in possession of or has been deposited with any person for the purpose of sale or of preparation for or consigned to

sale and if it appears to him to be unfit for human consumption or diseased or unwholesome may condemn the same and order it to be destroyed or so disposed of as to prevent it from being used for human consumption.

- (2) Any person to whom food condemned under this section belongs or in whose possession or premises it was found shall be guilty of an offence and liable on conviction for the first offence to a fine of one thousand naira for each article condemned and for every subsequent conviction to a fine of five thousand naira or imprisonment for six months.
- (3) In any proceedings for an offence under this section the proof that any food condemned was not sold, offered, exposed for sale or in the possession of or deposited with or committed to any person for the purpose of sale or preparation for sale or that any such food was not intended for human consumption shall be upon the party charged with the offence.

#### **Enforcement of Search Warrant.**

- 61.** (1) Where a Magistrate is satisfied by information presented before him that there is in a building, carriage, receptacle or place any food intended for human consumption which is unwholesome or unfit for human consumption, he may issue a search warrant authorizing an officer of the court, a health officer, or a police officer to search such building, carriage, receptacle or place and seize and destroy such food in accordance with the provisions of Section 39 of this Law.
- (2) The provisions of Sections 28 of this Law and the Administration of Criminal Justice Act, 2015 shall apply in relation to search warrant issued under this Section.
  - (3) Any person who hinders, prevents or obstructs any such officer in the performance of his duty under such search warrant shall be liable to a fine of five thousand naira.

### **PART IX: SANITATION AND HOUSING.**

#### **Other Regulations and By- Laws concerning Public Sanitation.**

62. The State Commissioner may make rules and a competent Local Government Council may make by-laws for all or any of the following purposes:

- (a) the maintenance of public latrines, urinal, dustbins, manure and night-soil deposits in a sanitary condition;
- (b) surface scavenging, the removal and disposal of night-soil and other refuses;
- (c) the cleansing of streets;
- (d) the provision and proper construction of rubbish receptacles on private premises;
- (e) the prevention of overcrowding in premises or rooms either in respect of human beings or animals, including the designation of an officer to fix the maximum number of human beings or animals which may occupy any particular premises or room;
- (f) for the destruction of rats, mice and other kinds of vermin, and of fleas, bugs or any other such parasites as it may be deemed advisable to destroy and for rendering houses rat-proof;
- (g) the sanitary maintenance of workshops breweries and places of public instruction, recreation or assembly;
- (h) the regulation of laundries and wash-houses;
- (i) the admission of animals into any urban area;
- (j) the construction, position and proper sanitary maintenance of all places where animals are kept;
- (k) the methods to be adopted in cleansing and disinfecting places which have been occupied by any animal suffering from a contagious or infectious disease;
- (l) requiring the owner or occupier of any land or tenements to clear and keep free from vegetation to roads, streets, or paths adjoining their land or tenements;
- (m) prohibiting or regulating the making of burrow pits or excavation'
- (n) prohibiting or regulating the sinking of wells and providing for the closing of wells.

## **PART X: REGULATION OF BURIALS, CEMETERIES AND OTHER RELATED ISSUES.**

### **Maintenance of Public Cemetery.**



63. (1) The Department of Environmental Health and Sanitation of the Ministry of Environment in collaboration with Department of Environmental Health and Sanitation of the Local Government shall regulate the operations of all Public and Private cemeteries in Ekiti State

(2) (a) No private cemetery may operate within Ekiti State without prior approval and registration by the Ministry of Environment.

(b) Every owner/manager of a cemetery must maintain records stating the identity of each corpse buried in the cemetery, date of burial and the location of the grave which records shall be made available to authorized officers when demanded.

(3) (a) As from the date of commencement of this Law, no person shall bury any corpse in a residential area other than in the approved cemeteries.

(b) Any person who intends to bury his relative's corpse or any corpse howsoever related in a residential area or any other location outside the approved cemeteries must obtain prior written permit from the Ministry of Environment which shall only be issued upon satisfaction that the grave site is not close to any source of drinking and domestic water.

(c) Any person given permission pursuant to sub-section 3 (b) above to bury any corpse outside the designated cemeteries shall, in addition to obtaining the written permit, pay a fee of not less than fifty thousand naira.

(4) Any person who violates the provisions of this Section shall upon conviction be liable to a fine of one hundred thousand naira or six months imprisonment or both.

(5) Any person or group of persons that preserves a corpse in a residential apartment for more than forty-eight hours shall be liable on conviction to a fine of fifty thousand or three months imprisonment or both.

## **PART XI: ENVIRONMENTAL SANITATION TASK FORCE AND MOBILE COURT OPERATION.**

### **Establishment of Ekiti State Environmental Sanitation Task Force (SESTF).**

64. (1) There is hereby established for the purpose of carrying out the provisions of this Law, a body to be known as Ekiti State Environmental Sanitation Task Force (SESTF) which shall work in collaboration with Department of Environmental Sanitation and Health of the State Ministry of Environment and each Local Government Environment Services Department.

### **Establishment of Mobile Court.**

65. (1) There is hereby established, a Mobile Court which shall be known as Environmental Sanitation Mobile Court.
- (2) The Mobile Court established under subsection 1 of this Section shall have jurisdiction in each of the Magisterial Districts in Ekiti State.
- (3) The Mobile Court shall have jurisdiction on trial of any person who contravenes any of the provisions of this Law and shall have power to convict and impose penalty on any person found guilty.

### **Provision of sanitary dustbins by occupier of premises and commercial vehicle.**

66. (1) Owners and occupiers of households, industries, buildings and other premises shall provide sanitary dustbins in their premises.
- (2) Any person who fails to comply with subsection (1) above shall pay a fine of ten thousand naira or one month imprisonment.
- (3) Where the owner or occupier of premises defaults under this Section, the Environmental Sanitation Task Force shall have the authority to supply a sanitary dustbin to such premises at a stipulated cost.
- (4) Owner of commercial vehicle without dustbin shall be liable to a fine of twenty thousand naira or one month imprisonment.

### **Duty of occupier to keep surroundings clean.**

67. (1) Occupier of houses shall keep the surroundings of their premises tidy at all times and shall not deposit sand, gravel, building materials or rubbish in front of premises or on street roadsides.
- (2) Any person who contravenes this Section shall be liable to a fine of five thousand Naira and where he fails to remove it within 24 hours, he shall pay the cost of removal to the Environmental Sanitation Task Force.

**Owner of vacant lands.**

68. (1) Any owner or occupier of residential premises or vacant plot that consist of overgrown weeds and rubbish shall be liable to a fine of five thousand naira.
- (2) Any person found or apprehended for throwing or dumping refuse on street road, or in gutter, stream, walk-way, frontage of building or in a place other than a sanitary dustbin shall be liable to a fine of five thousand Naira or one month imprisonment.

**Provision of toilet facility.**

69. (1) Every owner of premises shall provide adequate toilet which shall be made accessible to all the occupiers and where the use of such toilet is water dependent, such as water closet, the owner shall provide adequate water supply to the premises including an alternative water supply to the premises including an alternative water source as remedy to pipe borne water shortage.
- (1) (2) Any owner of premises who contravenes the provisions of subsection above shall be liable to a fine of ten thousand naira or six months imprisonment.
- (3) All owners of hotels, motels and Guest Houses shall provide and maintain functional toilets, failure of which shall be liable to a fine of twenty thousand naira or twelve months imprisonment.
- (4) Failure to provide adequate and sanitary toilet facility in premises shall be liable to a fine of ten thousand naira or six months imprisonment.

**Maintenance of drainage and dumping of waste on streets.**

70. (1) Owners of premises shall provide and maintain adequate drains in their houses and no domestic waste water shall be allowed to drain into streets or neighbouring building.
- (2) Owners of premises shall ensure free flow of drains or run-offs into public drainage channels and all rubbish there in shall be removed and deposited into the approved dino bins or communal dustbin to be removed or emptied by the appropriate agents, failure of which shall be liable to a fine of ten thousand naira or three months imprisonment.

- (3) Owner of premises where there is stagnant water or a pit capable of holding water for mosquito breeding shall be liable to a fine of ten thousand naira or one month imprisonment.
- (4) Within seven days of the commencement of this Law, owner or occupier of unauthorized shed, rubbish, temporary structure, or building erected within the set back or insanitary attachment to an existing building, or hut shall demolish it, failure of which shall be liable to a fine of five thousand naira and where it is demolished by the Task Force, the cost of demolition shall be payable to the coffers of the Environmental Sanitation Task Force.
- (5) No person shall dump or drop building materials on streets, or walkways, in the default of which the owner shall be liable to a fine of two thousand naira or three months imprisonment, and where he fails to remove same within twenty four hours, he shall pay the cost of removal to the coffers of the Environmental Sanitation Task Force.

#### **Blockage of drainage.**

71. (1) No building structures, crossovers or materials shall be allowed to block drains or highways, failure of which shall be liable to immediate demolition or removal at the cost of the owner.
- (2) All drains shall be constructed with adequate pipe or ring culverts to allow free flow of storm and waste water, failure of which shall be liable to a fine of five thousand naira or six months imprisonment.
  - (3) No person shall allow permanent or temporary structure to obstruct natural water-course, failure of which shall be liable to a fine of ten thousand naira and where a water course is blocked or obstructed by any structure, debris or rubbish, it shall be removed or demolished by the owner, and in the default, the Task Force shall demolish or remove same at the cost of the owner or occupier.

#### **Broken-down or abandoned vehicle and littering of derelict iron.**

72. (1) Any broken-down vehicle, illegally parked vehicle and/or abandoned vehicle in the street, frontage of buildings, open spaces or on

the road or roadside in towns shall within seven days be removed by the owner, failure of which shall be liable to a fine of ten thousand naira and if the owner cannot be located, the Task Force shall remove the vehicle to the nearest Police Station or any other authorized location and whenever he shows up, he shall pay for the cost of removal.

- (2) Every owner of mechanic workshop in township shall clean up his premises and shall not allow indiscriminate littering of derelict iron, failure of which shall be liable to a fine of ten thousand Naira or twelve month imprisonment.

#### **Food exposure.**

73. (1) No person shall expose food or meat meant for human consumption to contamination, or chemical poisoning during preparation, processing, storage, transportation, or sales, failure of which shall be liable to a fine of five thousand naira or six months Imprisonment.

- (2) Notwithstanding the fine imposed in subsection (1) above, any food exposed to contamination shall be impounded and destroyed by the Task Force.

#### **Meat shop, butchers and fish sellers.**

74. Operators of Meat shops, butchers and fish sellers shall comply with the laid down sanitary regulations and guidelines failure of which shall be liable to a fine of two thousand five hundred Naira or three month imprisonment.

#### **Roaming of animals.**

75. Any animal found roaming the street shall be impounded and where the owner wishes to recover it, he shall pay a fine of five thousand naira and if the owner fails to request for recovery within seven days, the animal shall be auctioned.

#### **Dumping of planks and refuse.**

76. (1) Indiscriminate and insanitary dropping or dumping of planks or woods in a premises is prohibited and failure of which the owner shall be liable to a fine of five thousand naira or six months imprisonment.

- (2) Owner of premises with accumulation of refuse shall be liable to a fine of two thousand naira.

**Erection of Illegal structure.**

77. No person shall erect Kiosk or any other illegal structure within the building line or on the public drain or on the sidewalks or in front of the existing buildings, failure of which shall be liable to a fine of five thousand naira or six months imprisonment, and the structure shall be demolished by the Task Force.

**Burning of waste or hazardous materials.**

78. No person shall burn waste and/or tyre and/or any hazardous material on the open space, failure of which the operator shall be liable to a minimum fine of five thousand naira or six months imprisonment.

**Telecommunication mast.**

79. (1) No telecommunication mast shall be erected within Ekiti State without the prior formal approval of the Ministry of Environment.
- (2) The approval of the Ministry shall only be granted subsequent to the submission of the report of an environmental impact assessment conducted by licenced professionals
- (3) Failure to comply with the provisions of this Section shall on conviction attract a fine of one hundred thousand naira or six months imprisonment.

**Illegal sale or display of goods.**

80. (1) Illegal or indiscriminate sale or display of goods on road, bridge or roadside shall be liable to a fine of five thousand naira or six months imprisonment.
- (2) The goods/materials seized shall be released on payment of prescribed fees and if the owner fails to collect them after a specified period, the goods shall be auctioned accordingly.
- (3) Bread meant for sale which is not wrapped with cellophane or is left uncovered shall be impounded and destroyed and the person in whose custody it is found shall be liable to a fine of two thousand Naira or one month imprisonment.

**Defecation around premises.**

81. Indiscriminate defecation around premises shall be liable to a fine of one thousand naira or three months imprisonment.

**Tampering with Task force seal.**

82. Anybody who tampers with the Seal and/or Padlock without the consent of the Environmental Sanitation Task Force is liable to a fine of one hundred thousand naira or thirty six months imprisonment.

**Discharge of sewage or waste.**

83. Any person who causes sewage effluent or liquid waste to be discharged to any drain or drainage system, road, gorges, or water course shall be liable to a fine of one hundred thousand naira or three months imprisonment.

**Provision of sanitary toilets at public places.**

84. All public institutions, private or Government owned i.e. Schools, Colleges, Post Offices, Club Houses, Banks, Supermarkets, Petrol Fillings etc must have adequate sanitary toilets and urinals, failure of which the Proprietor or head shall be liable to a fine of ten thousand naira or three months imprisonment.

**Procedure at slaughter slab.**

85. Absence of adequate fence of about 1.6metres high, lairage, potable water source, drainage, cloak room and meat handlers without Apron, Head gear, booths etc at slaughter slab shall be liable to a fine of five thousand Naira or six months imprisonment.

**Owner of dilapidated building.**

86. Owner of any dilapidated building shall be liable to a fine of five thousand naira and shall renovate or demolish same within seven days and in the default of the owner, the Task Force shall demolish it and he shall pay the cost of demolition.

**Pollution of environment by industries or factories.**

87. Operators of factories such as block industries, printing factories, garri processing factories, poultries and other industries that pollute the environment shall pay a development levy of ₦10,000 per year, failure to pay the prescribed levy shall be liable on conviction to a fine of ₦25,000 and/or imprisonment of three months and/or sanction by sealing up of such premises.

**PART XII: GENERAL PROVISIONS.**

### **General Power of Environmental Health Officer.**

88. (1) The Environmental Health Officer, if as a result of any routine inspection it appears that anything on any premises is favourable to the propagation or harboring of pests and or vectors, may by a written order, direct the owner or occupier of such premises to, within a particular period, take specified measures with regard to the premises that will remedy the situation.
- (2) In particular and without prejudice to the generality of the powers aforesaid, the Environmental Health Officer may in such order direct the owner or occupier to drain or fill up any area of land or to undertake such construction works necessary to keep the land area from being covered with overgrown vegetation and, also direct him to refrain from doing such things or keeping such animal as may damage any remedial works done or increase the cost of maintenance thereof.
- (3) The Environmental Health Officer may, by order in writing, direct the owner or occupier of any premises to cover any open vessel or receptacles including any tank, cistern or well, on or appertaining to the premises to prevent mosquitoes from proliferating therein.

### **Duty of Owner/Occupier to take Preventive Measures.**

89. The owner or occupier of any premises shall take such measures as are reasonably necessary:
- (a) to destroy mosquitoes wherever found;
  - (b) cover receptacles in which mosquitoes may breed and appropriately dispose of any filth or disused articles capable of harboring pests and vectors;
  - (c) to cut down and remove any grass, bamboo stumps, fern undergrowth or other vegetation in which mosquitoes are likely to breed or to harbor;
  - (d) to bring any water or swamp into a condition not favourable to the propagation or harboring of mosquitoes;
  - (e) to fill with concrete or otherwise treat holes or hollows in trees which hold or are likely to hold water, rodents and reptiles and

### **Recovery of Cost for work performed.**



90. (1) Where the owner or occupier of any premises on whom an order under the provisions of this Law has been served fails to comply with terms thereof, the Environmental Health Officer, or any person authorized by him either generally or specifically in that behalf in writing may enter upon or into the said premises with such assistance and things as are necessary and may perform and do thereof or therein all acts and things required by the order to be performed or done, and the cost thereof shall be recoverable from the owner or occupier by the Environmental Health and Sanitation Department of the Ministry.

(2) Where the amount of such cost is not paid by the party liable to pay the same within seven days after demand, an application may be made to a court and the cost recovered in the same way as if judgment has been obtained in that court for such amount.

### **PART XIII: MISCELLANEOUS.**

#### **Obstruction of Environmental Health Officer on Duty.**

91. Any person who willfully hinders, prevents, or obstructs any Environmental Health Officer or other person in the execution of this Law shall be guilty of an offence and shall be liable to a fine of twenty-five thousand naira or six months imprisonment.

#### **Obstruction by occupier.**

92. Where the occupier of any premises prevents the owner thereof from obeying any order made under or for carrying into effect any provision of this Law, the court, on complaint and on proof of such prevention, shall order and compel such occupier to permit the execution of any works which appear to the court necessary for the purpose of obeying such order or carrying into effect such provision and if within twenty four hours after service on him of the order, such occupier fails to comply therewith, he shall be liable to a fine of one thousand naira for everyday during the continuance of such non-compliance.

#### **Penalty for contravention.**

93. For every contravention of the provisions of this Law and for every omission to do anything required to be done by or under this Law for which no other penalty is provided, the offender shall be liable on conviction to a fine of twenty thousand naira or two months imprisonment.

**Jurisdiction of Court.**

94. Every court in the State shall notwithstanding the provisions of any other Law, have jurisdiction to try and impose the punishment for offences provided by this Law.

**Service of notice.**

95. A notice, order or document required or authorized by this Law to be served on the owner or occupier of any premises shall be deemed to be properly addressed if so addressed by the description of the “owner” or “occupier” of such premises without further description, and shall be deemed to be properly served if it is delivered to some adult person on the premises to whom the same can with reasonable diligence be delivered or by fixing the notice on some conspicuous part of the premises.

**Mode of service.**

96. A notice, order or document required or authorized by this Law to be served on any person (including an owner or occupier) may be served-
- (a) by delivering the same to such person;
  - (b) by delivering the same, at the usual or last known place of abode of such person, to any adult resident therein or pasting same on the external wall of the place if nobody is willing to accept the service.

**Occupier to give name and address.**

97. (1) The Occupier of any premises shall, if required by any Environmental Health Officer or any police officer give his name and the name of the address of the owner of the premises if known.
- (2) Any occupier declining to give or willfully misstating the name or address whether of himself or of the owner shall be guilty of an offence.

### **Power of Arrest.**

98. Subject to the provision of the Constitution and any enabling Law in that behalf, every Environmental Health Officer shall have power of arrest under this Law.

### **Joint liability or co-offender or joinder of parties.**

99. Where any nuisance appears to be wholly or partially caused or contributed to by the acts or defaults of two or more persons (including an owner or occupier), an order may be served on one or several or all of such persons and proceedings may be instituted against, any one or several or all of such persons and anyone or several or all of such persons may be ordered to abate such nuisance so far as the same appears to the court to be caused by his or their acts or defaults which the court finds as matter of fact to contribute to such nuisance, or may be fined or otherwise punished notwithstanding that the acts or defaults of any one of such persons would be separately have caused a nuisance, and the costs may be distributed as may appear fair and reasonable to the court.

### **Proof of ownership.**

100. Where in any proceeding under this Law, any person is summoned or otherwise served with any process as the occupier of a premises, if he alleges that he is not the occupier, the proof of such allegation shall be on him.

### **Monthly environmental sanitation exercise.**

101. (1) Every owner or occupier of premises shall observe the monthly environmental sanitation exercise within the required time specified by the State Government.
- (2) Any person who willfully contravenes or fails to comply with the provision of subsection (1) shall be guilty of an offence and shall upon conviction be liable to imprisonment for one month or a fine of five thousand naira.
- (3) All vehicles such as cars and trucks shall not move during the exercise except vehicles on special duties.

### **Immunity of the Environmental Health Officer.**

102. An Environmental Health Officer or any other person shall not be liable to any action, liability or demand on account of anything done by him bonafide for the purpose of executing this Law.

#### **Policy guidelines.**

103. The Ministry of Environment shall from time to time issue policy guidelines on all or any of the provision of this Law.

#### **Forms.**

104. The Environmental Health and Sanitation forms and Court forms in the Schedule two of this Law or any forms to the like effect, may be used in all matters to which they are applicable in such variations as dictated by circumstances.

#### **Operation office.**

105. It shall be the duty of the Ministry of Environment to provide an operation office of the Environmental Health and Sanitation Department at the State level and Environmental Health and Sanitation post in designated towns.

#### **Provision of Service material.**

106. It shall be the responsibility of the State and Local Government to provide service materials for effective Environmental Health and Sanitation Services in Ekiti State.

#### **Repeal.**

107. The provisions of the Environmental Health and Sanitation Law, CAP. E38, Laws of Ekiti, 2012 is hereby repealed.

#### **Interpretations.**

108. In this law, unless the context otherwise requires:-

**“Adult”** means a person who is eighteen (18) years of age or over;

**“Articles or Things”** include things;

**“Authorised Officers”** include the Director of Environmental Health and Sanitation, Environmental Health Officer Cadre, Environmental Health Superintendent Cadre, Environmental Health Assistant Cadre or any other person acting under the authority whether general or special of the Director of Environmental Health and Sanitation whether such cadre or other person is serving in the Ministry of Environment or in the Local Government of the State.

**“Aerated Water Factory”** means any premises in which aerated and mineral waters and fruit drinks other than imported ones, are prepared and stored for sale;

**“Animal”** means any animal that may be slaughtered for consumption such as cattle, sheep, goats, pig, fowl, birds and bush animal or wildlife;

**“Bake-House”** means any premises set apart or intended for the preparation or baking of cake bread and similar foodstuffs for sale;

**“Builder”** means any person who is actively engaged in the design, construction, repair or alteration of any building;

**“Building”** includes any structure or erection of any kind or nature whatever and any alteration or addition to any existing building;

**“Chairman”** means the chairman of a Local Government Council;

**“Child”** means any person who is under eighteen (18) years of age;

**“Clothing”** means overall, gum boots, hand gloves and headgear to be worn by the butcher, baker or cook as applicable;

**“Commissioner”** means the State Commissioner for Environment;

**“Communicable Diseases”** means any of the diseases as the Commissioner may by public notice declare to be communicable diseases and which can be transferred from man to man, man to animal or animal to man.

**“Company”** includes any organization or association or body of persons whether incorporated or not;

**“Corn-Mill”** means any premises set apart or intended for the preparation of flour pap grinding and/or similar food for sale;

**“Court”** means a duly constituted organ of government established by Law to try the subject matter;

**“Dairy”** includes any farm house, cow shed, milk store, milk shop or other place which milk is stored or imported, preserved milk is supplied or kept for sale;

**“Director”** means the Director of Environmental Health and Sanitation;

**“Environmental Health Science”** means and includes Health Education, Environmental Management, Environmental Sanitation, Environmental Biology, Public Health and any other Environmental Health Science related discipline;

**“Environment”** means the totality of man and his surroundings;

**“Environmental Health Assistant”** includes a staff in the Environmental Health Department of the Ministry of Environment or Local Government who has successfully completed a two years certificate programme in Environmental Health and serving under the supervision of the Environmental Health Officer;

**“Environmental Health Officers Cadre”** comprises the Director of Environmental Health and Sanitation, the Deputy Director, Assistant Director, Chief Environmental Health Officer, Principal Environmental Health Officer, Senior Environmental Health Officer, Environmental Health Officer Grade I and Environmental health Officer Grade II serving in the Ministry of Environment or in any of the Local Government in Ekiti State and who has undergone a degree course in Environmental/Health related course from a reputable University;

**“Environmental Health Superintendent Cadre”** comprises of Staff holding a Higher National Diploma in any of the Environmental Health Sciences from the School of Health Technology and shall within the context includes Chief Environmental Health Superintendent, Assistant Chief Environmental Health Superintendent, Principal Environmental Health Superintendent Grade I & II, Senior Environmental Health Superintendent serving in the Ministry of Environment or in any of the Local Government in Ekiti State;

**“Government”** means the Governments of the Federation: Federal, State or Local Government, as applicable or required.

**“Health Institutions”** includes public and private hospitals, clinics maternity homes, health centres and dispensaries.

**“Health Officer”** includes a Medical Officer of health, an Environmental Health Officer or other person acting under the authority, whether general or special, of the Medical Officer of Health or Director of Environmental Services and whether such other person is serving in the Medical or Environmental Health and Sanitation Department of the State Government or local Government;

**“Illegal Market”** means a market that is prohibited under this Law;

**“Living Room”** includes any bedroom, sitting room or parlour, lounge, hall, dining room or any other room which between the hours of sunset and sunrise is ordinarily used for sleeping purposes or which between the hours of sunrise and sunset is ordinarily used for living purposes including a store and an outhouse, a kitchen, pantry, store, room, bathroom or toilet;

**“Local Government”** means any of the established Local Government Councils in Ekiti State;

**“Market”** means any premises or defined area authorized for display and sale of merchandise, food items and other goods;

**“Medical Officer”** means a medical officer or qualified medical practitioner in the service of the State or Local Government;

**“Medical Officer of Health”** means a qualified medical practitioner appointed for the purpose of Part III and IV of this Law and in any specified area or for general purposes by the State or Local Government;

**“Minister”** means the Federal Minister of Environment;

**“Ministry”** means Ministry of Environment or such other Ministry as may be specified in this Law;

**“Parent”** means the father or mother of a child and includes any person having legal custody of a child.

**“Pest”** means small animals or insects that harm or destroy food supplies or transmit any infectious substance/organism to the food which may have a harmful effect on the health of humans;

**“Premises”** means and includes passages, buildings, lands, tenements, hereditaments, vehicles, vans, tents structure of any kind, drains ditches or places open, covered or enclosed and any ship or vessel in any port or on any inland water;

**“Private Premises”** include:

- (a) Any dwelling house or any building, within the cartilage thereof or;
- (b) The ground immediately outside any dwelling house or any building within the cartilage thereof or;
- (c) Any compound.

**“Public Place”** includes motor park, market place, filling station or other places;

**“Receptacle”** Includes a vehicle or stall or hanger and any basket bags, box, vessel, stand, easel, board, tray or other structure or thing which is used (whether or not constructed or adopted for such use) as a container or for the display of any article or thing;

**“Registrar”** means an employee of the Local Government designated to register births, death, marriages and divorce;

**“Regulated Food Premises”** include bake houses, corn-mills, aerated water factories, bottled or packaged water factories, dairies, eating houses and food preparation and food preserving establishments;

**“Rice Mill”** means any premises set apart for the processing and preparation of rice for sale;

**“Service Materials”** means and include uniform, uniform accessories identification cards and tags, sanitary equipment and all other Environmental Health materials as may be prescribed from time to time by the Commissioner;

**“State”** means Ekiti State of Nigeria;

**“Street”** means any of the streets specified by the Local Government Council and includes all highways, expressways and bridges in/and around the State;

**“The Applicant”** has the meaning assigned to that expression in this Law;



***“The Court”*** means a Court of Law, either Customary, Magistrate or Special Tribunal upon which jurisdiction to enforce the provisions of this law is conferred;

***“The Town Planning Authority”*** means the planning authority establishment under Urban and Regional Planning Law and Having Authority in a special area of jurisdiction;

***“Vector”*** means a small animal or insect that transmits disease or transmits disease causing pathogens from one host to the other;

***“Vector Control”*** means the term used for any action taken on the vector to ensure that they are unable to affect human beings directly or indirectly;

***“Veterinary Officer”*** means an officer trained and certified in veterinary medicine and in employment of the government;

***“Vicinity”*** means any footpath or any open space adjoining any high-way within the State to the limit of thirty (30) metres from the highway belonging to the State.

***“Water Tanker”*** means a vehicle specially constructed for the purpose of conveying water from water source to the consumer;

***“Works Superintendent”*** includes an engineer, an architect and any other person so designated.

#### **Citation.**

- 109.** This Law may be cited as the Ekiti State Environmental Health and Sanitation (Re-Enactment) Law, 2020.

## **SCHEDULE ONE**

### **SCHEDULE OF FINES.**

| <b>S/No</b> | <b>Violation</b>  | <b>Minimum</b>                    | <b>Maximum</b> |
|-------------|---|-----------------------------------|----------------|
| 1.          | Failure to clean sidewalk from curb into street   | ₦ 5,000                           | ₦ 10,000       |
| 2.          | Failure to clean drains and gutter areas  | ₦ 5,000                           | ₦ 10,000       |
| 3.          | Littering/throw out, non provision of litter bin in commercial vehicles   | ₦ 2,500                           | ₦ 5,000        |
| 4.          | Sweep out   | ₦ 2,500                           | ₦ 5,000        |
| 5.          | Improper use of litter bins   | ₦ 2,500                           | ₦ 5,000        |
| 6.          | Failure to use covered dustbins or waste bags   | ₦ 2,500                           | ₦ 5,000        |
| 7.          | Improper placement of dustbins  | ₦ 2,500                           | ₦ 5,000        |
| 8.          | Sidewalk obstruction  | ₦ 5,000                           | ₦ 10,000       |
| 9.          | Street obstruction /road side obstruction   | ₦ 5,000                           | ₦ 10,000       |
| 10.         | Improper disposal of refuse   | ₦ 2,500                           | ₦ 5,000        |
| 11.         | Dumping of refuse on vacant and/or overgrown vacant land  | ₦ 5,000                           | 10,000         |
| 12.         | Failure to clean premises, backyard and courtyards etc  | ₦ 2,500                           | ₦ 5,000        |
| 13.         | Failure to clean premises backyards and courtyards etc toilets in Hotels, Guest House, restaurants, shops schools and residential houses                  | ₦ 5,000                           | ₦ 10,000       |
| 14.         | Removal of Ministry's advertisements  | ₦ 5,000                           | ₦ 10,000       |
| 15.         | Discharge of sewage into public place   | ₦ 5,000                           | ₦ 10,000       |
| 16.         | Structure on road setback and drainage alignment (fines and demolition of the structure)  | ₦ 5,000                           | ₦ 10,000       |
| 17.         | Failure to cover waste trucks   | ₦ 10,000                          | ₦ 15,000       |
| 18.         | Waste burning in open space   | ₦ 5,000                           | ₦ 10,000       |
| 19.         | Storage of trade waste  | ₦ 10,000                          | ₦ 15,000       |
| 20.         | Failure to provide certificate of fitness   | ₦ 5,000                           | ₦ 10,000       |
| 21.         | Direct dealing with unregistered private refuse collectors  | ₦ 10,000                          | ₦ 15,000       |
| 22.         | Unregistered private refuse collector   | ₦ 10,000 or 3 months imprisonment | ₦ 15,000       |
| 23.         | Failure to provide sanitary convenience for both sexes in schools – public and private, petrol stations, factories, hotels, guesthouse, eateries or banks | ₦ 10,000                          | ₦ 20,000       |
| 24.         | Failure to construct and maintain drainages/presence of cracks of floors and walls at the petrol station  | ₦ 10,000                          | ₦ 15,000       |
| 25.         | Failure to provide working gadgets for Saw mill operators and exposure to occupational hazards  | ₦ 15,000                          | ₦ 20,000       |
| 26.         | Failure of registered private refuse operator to service clients  | ₦ 10,000                          | ₦ 15,000       |

|     |  |          |          |
|-----|--|----------|----------|
| 27. | Failure to pay for service rendered by private refuse operator   | ₦ 5,000  | ₦ 10,000 |
| 28. | Dumping of silt indiscriminately   | ₦ 5,000  | ₦ 10,000 |
| 29. | Failure of Bank to provide sanitary conveniences for its customers in Ekiti State  | ₦ 10,000 | ₦ 20,000 |
| 30. | Failure of Banks to pay prescribed amount to Ministry of Environment   | ₦ 10,000 | ₦ 20,000 |
| 31. | Indiscriminate arrangements of building blocks liable to cause hazards by block maker/owner  | ₦ 5,000  | ₦ 10,000 |
| 32. | (a) Dangerous dilapidation of walls<br>(b) Indiscriminate stray of animals birds dangerous to men and property   | ₦ 5,000  | ₦ 10,000 |
| 33. | Failure to clean dirty surrounding   | ₦ 2,500  | ₦ 5,000  |
| 34. | Insanitary use of barbing and beauty salon equipments  | ₦ 5,000  | ₦ 10,000 |
| 35. | Failure to register Aerated water factories, bottled or package water factories.   | ₦ 10,000 | ₦ 20,000 |
| 36. | Failure to provide Sanitary Conveniences in the places specified in paragraph 38 above   | ₦ 10,000 | ₦ 20,000 |
| 37. | Failure to control pest and vector infection and/or infestation respectively and failure to disinfect and/or disinfest infected and/or infested premises | ₦ 5,000  | ₦ 10,000 |
| 38. | Failure to register as des-infection and des-infestation operator  | ₦ 10,000 | ₦ 15,000 |
| 39. | Indiscriminate hawking in Government establishment   | ₦ 2,500  | ₦ 5,000  |
| 40. | Owner of destroyed article/articles prosecuted to court of law   | ₦ 5,000  | ₦ 10,000 |
| 41. | Surface tankers not registered with the Ministry of Environment  | ₦ 5,000  | ₦ 10,000 |
| 42. | Stone Quarry, Earth digging operation liable to cause or that is causing pollution to the nearby or distant occupant                                     | ₦ 10,000 | ₦ 20,000 |
| 43. | Earth digging operation, stone quarry, liable to   | ₦ 10,000 | ₦ 20,000 |

|     |   |                    |                      |
|-----|---|--------------------|----------------------|
|     | cause or that is causing deep hole, which is detrimental to nearby, or distant occupants  |                    |                      |
| 44. | Failure of tipper lorry or any other vehicles carrying sand, gravel or any other materials to cover up from posing danger to the community  | ₹ 10,000           | ₹ 20,000             |
| 45. | Indiscriminate digging of the earth surface for provision of sand, gravel etc supply without registration with the Department of Environmental Health and Sanitation of the Ministry of Environment                         | ₹ 10,000           | ₹ 20,000             |
| 46. | Failure to pay the prescribed toll fee by gravel, sand, stone etc carries in tipper or any other vehicle to the designated officers of the Department of Environmental Health and Sanitation of the Ministry of Environment | ₹ 5,000            | ₹ 10,000             |
| 47. | Obstruction of sidewalk/road side by improper trading   | ₹ 5,000            | ₹ 10,000             |
| 48. | Indiscriminate parking of vehicle along the roadside causing obstruction  | ₹ 5,000            | ₹ 10,000             |
| 49. | Generating Set; Mills, vehicle producing smoke and fumes to the public or neighbouring premises   | ₹ 5,000            | ₹ 10,000             |
| 50. | (a) Indiscriminate and insanitary placement of plants or / and logs on an environment<br>(b) Insanity placement of firewood in a living environment   | ₹ 5,000<br>₹ 5,000 | ₹ 10,000<br>₹ 10,000 |
| 51. | Hinders, prevents or obstructs any authorized officer in the performance of his duty on carrying out this law   | ₹15,000            | ₹ 25,000             |
| 52. | Failure to register Private sludge evacuator outfit, Private cemetery/Mortuary with the Ministry of Environment   | ₹ 5,000            | ₹ 10,000             |
| 53. | Failure to pay for polluter pay principle   | ₹ 10,000           | ₹ 20,000             |
| 54. | Tampering with sealed premise   | ₹ 50,000           | ₹ 100,000            |
| 55. | Indiscriminate mast erection  | ₹ 50,000           | ₹ 100,000            |
| 56. | Obstruction of natural water course   | ₹ 5,000            | ₹ 10,000             |
| 57. | Dirty mechanic workshop   | ₹ 5,000            | ₹ 10,000             |
| 58. | Sale or distribution of unwholesome water for human consumption/failure to adequate cover/protect water well within the premises from pollution.  | ₹ 5,000            | ₹ 20,000             |

|     |  |          |          |
|-----|--|----------|----------|
| 59. | Failure to participate during the Sanitation exercise  | ₦ 5,000  | ₦ 10,000 |
| 60. | Illegal Vehicles moving during the Sanitation exercise | ₦ 10,000 | ₦ 20,000 |

**SCHEDULE TWO**

**FORM EH. 1**

**EKITI STATE MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL HEALTH AND SANITATION DEPARTMENT**

PREMISES INSPECTION FORM (APPRAISAL)

(SECTION

5)

.....LGA

.....WARD

..... TOWN

.....STREET

PREMISES

NO.....

**Name and Address of Owner:**

.....  
 .....  
 ....

**CODE AS APPROPRIATE**

**A. DESCRIPTION**

**B**

- 1. Type of Premises  
Types of A,B,C,D
- 2. Usage Code.....

Approval Plan No:.....

Total Area of Premises

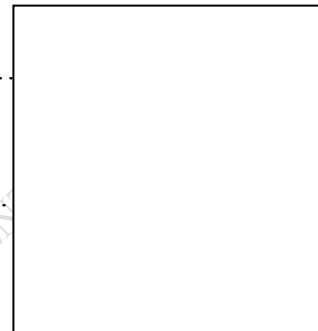
Occupation Permit

No.....

of.....

Date of Inspection

.....  
 .....  
 Signature of Inspecting Officer



**SERVICES AND CONVENIENCES**

(i) Water Supply Source .....

(a) Status:.....

(b) is it adequate [ ]

(ii) Toilets

(a) is it available [ ]

(b) Type of such facilities [ ]

(c) Status [ ]

(d) Is it adequate [ ]

(iii) Bathrooms

(a) Is it available? [ ]

(b) Is it adequate [ ]

(iv) Ventilation

(a) Is it adequate? [ ]

**B. KITCHEN**

(a) Is its available? [ ]

(b) Is it adequate? [ ]

(c) Is the location within / separated? [ ]

**C. REFUSE COLLECTION**

(a) Dust bin on Premises [      ]

(b) Status [      ]

D. TRADE CARRIED OUT ON PREMISES

Types: Food/Industry/Commerce/Others

E. GENERAL ENVIRONMENTAL CONDITION

(i) Drainage

(a) Status [      ]

(b) Is it available [      ]

(c) Is it properly graded [      ]

(ii) Overgrown Weeds [      ]

(a) Status [      ]

(iii) Soakage Pit

(a) Status [      ]

(iv) Water bearing receptacles

(a) Are they available? [      ]

1. Underdeveloped land
2. Bungalow
3. Story building
4. Cluster of buildings
5. Flats
6. Single rooms
7. Duplex
8. Owner/occupier
9. Tenanted
10. Residential
11. Commercial
12. Pipe borne water
13. Well
14. Borehole
15. Rain water
16. Other sources of water supply [      ]
17. Water closet
18. Pit latrine
19. Bucket latrine (daily pull system) no longer available

20. Vip latrine
21. Other types of latrines
22. Satisfactory
23. Not satisfactory
24. Adequate
25. Inadequate
26. Functional
27. Non functional
28. Clean
29. Dirty
30. Cricked
31. Broken
32. Dilapidated
33. Sagging
34. Dangerous
35. Weevil planked
36. Dampness
37. Leakages
38. Slippery
39. Rusty pipe
40. Overcrowding
41. Rodent
42. Animal dropping
43. Defective
44. Health education
45. Abatement notice service
46. Expiration date of notice
47. Application of summons
48. Prosecution
49. Available
50. Not available
51. Within
52. Separated
53. Sanitary



54. Unsanitary
55. Existing
56. Not existing
57. Cavadin
58. Accumulation of articles
59. Sheep
60. Goat
61. Ram
62. Cattle
63. Pigs
64. Fowls
65. Other animals

EKITI STATE ENVIRONMENTAL HEALTH AND SANITATION (RE-ENACTMENT) LAW, 2020

**FORM EH. 2**

**EKITI STATE MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL HEALTH AND SANITATION DEPARTMENT**

**CALL BACK FORM**

TO HOUSEHOLD  
HEAD.....  
ADDRESS.....  
.....  
.....

**ROUTINE / SPECIAL HEALTH INSPECTION:**

I, ..... ENVIRONMENTAL HEALTH OFFICER, responsible for your neighborhood, called at your home today for the purpose of inspection but could not secure an entry.

It will be greatly appreciated if you can arrange for an adult member of your family to be at home on ..... at the .....am/pm when a repeat visit be made.

Otherwise you can telephone ..... Or call at the State Ministry of Environment, LGA headquarters on ..... at about..... to give alternative appointment.

.....

**Environmental Health Officer**

**FORM EH. 3**

**EKITI STATE MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL HEALTH AND SANITATION DEPARTMENT**

**ENVIRONMENTAL HEALTH MONTHLY/QUARTERLY/ANNUALLY  
REPORT FORM FOR THE YEAR 20..... (SECTION 3)**

I submit herewith the monthly/quarterly/annually of work formed by the  
.....  
..... for the  
month/quarter/year ..... 20.....

**ENVIRONMENTAL SANITATION**

1. Number of premises inspected.....
2. Number not satisfactory  
.....
3. Number with structural defect  
.....
4. Number remedied  
.....
5. Number with toilet facility  
.....
6. Number without toilet facility  
.....
7. Number with defective toilet  
.....
8. Number with bathroom accommodation  
.....
9. Number with defects  
.....
10. Number remedied  
.....
11. Number with kitchen accommodation  
.....
12. Number without /inadequate kitchen accommodation  
.....
13. Number with defects  
.....

14. Number ..... remedied
15. Number with pipe borne water supply  
.....
16. Number ..... functional
17. Number with defective pipes  
.....
18. Number ..... remedied
19. Number of wells inspected  
.....
20. Number ..... protected
21. Other sources:  
 a. Protected .....  
 b. Not ..... protected
22. No of premises where animals are reared .....
23. Number reared unsanitarily  
.....
24. Number of rooms inspected  
.....

**FORM EH. 4**

**EKITI STATE MINISTRY OF ENVIRONMENT  
 ENVIRONMENTAL HEALTH AND SANITATION DEPARTMENT**

**NOTICE TO ABATE NUISANCE**

To:.....  
 ....of.....  
 ..... You are required to abate within  
 ..... a nuisance at  
 ..... and for  
 that purpose to .....

.....  
..... and to prevent the recurrence of the nuisance.

**Dated this..... day of .....20..... at .....  
am/pm**

.....  
**Director  
Environmental Health and Sanitation**

I hereby certify that a copy of the above notice was served by me on  
..... the ..... day of ..... 20.....  
at..... am/pm.

Described ..... how  
served.....

In ..... the ..... presence ..... of  
.....

Signature ..... of ..... Witness  
.....

Name:  
.....

**FORM EH. 5**

**EKITI STATE MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL HEALTH AND SANITATION DEPARTMENT**

**COMPLAINT FORM [SECTION 31 (1)]**

COMPLAINT: ..... Mr./  
Mrs.....



**FORM EH. 6**

**EKITI STATE MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL HEALTH AND SANITATION DEPARTMENT**

**COMPLAINT ACKNOWLEDGEMENT FORM [SECTION 31 (2)]**

Ref No:.....

Address of complainant.....

.....

.....

.....

.....

action has been initiated and you will be informed when action is completed

Yours faithfully,

.....  
***Environmental Health Officer***

EKITI STATE ENVIRONMENTAL HEALTH AND SANITATION (RE-ENACTMENT) LAW, 2020

**FORM EH. 7**

**EKITI STATE MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL HEALTH AND SANITATION DEPARTMENT**

**NOTIFICATION OF DISINFECTION ORDER (SECTION 36)**

To:.....

.....

.....

.....

This is to inform you that disinfections shall be carried out in your premises due to infestation / outbreak of communicable disease.

.....

.....

.....

.....

Dated this ..... Day of ..... 20..... at .....pm/am

.....

***Director, Env. Health & Sanitation***





.....  
**Director, Env. Health & Sanitation**

**FORM EH. 9**

**EKITI STATE MINISTRY OF ENVIRONMENT  
ENVIRONMENTAL HEALTH AND SANITATION DEPARTMENT**

**INSPECTION OF PEST CONTROL OUTFIT (SECTION 55)**

To:.....  
.....  
.....  
.....

Please be informed that following our inspection of your equipment, the following observations were made:

|                    |                                 |
|--------------------|---------------------------------|
| Working condition: | Satisfactory / Not satisfactory |
| Safety standards:  | Appropriate / Not appropriate   |

Your operational permit issued on the ..... of ..... 20..... to operate a pest control outfit is therefore extended/ cancelled for the rest of the year.

Be aware that your continued operation shall constitute a violation of the law. You may however take the actions specified inspection of the said equipment.

Dated this ..... Day of..... 20..... at .....pm/am

.....  
*Director, Environmental Health & Sanitation*

**CRIMINAL FORM NO. 1**

**APPLICATION TO COMMENCE TRIAL OF AN OFFENCE UNDER  
ENVIROMENTAL HEALTH AND SANITATION LAWS, 2020**

**TO:**

The Magistrate,  
Environmental Health and Sanitation Offences Court,  
Sitting at .....

In the ..... Local Government Council Area.

**BETWEEN**

THE STATE

AND

..... Accused

PURSUANT TO SECTION..... of the Environmental Health  
and Sanitation Laws, 2020, I hereby apply for the commencement of a trial of  
the offence of:

(i)

.....

.....

.....

.....

.....

Under Section ..... of the Environmental Health and Sanitation  
Laws, 2020.

.....

***Prosecutor***

EKITI STATE ENVIRONMENTAL HEALTH AND SANITATION (RE-ENACTMENT) LAW, 2020

**CRIMINAL FORM NO. 2**

**ENVIRONMENTAL HEALTH AND SANITATION COURT**

**SUMMONS TO ACCUSED**

In the Environmental Health and Sanitation Court for the trial of Offences triable under the Environmental Health and Sanitation Laws, 2020. Sitting at..... in the ..... Local Government Council Area of Ekiti State.

**BETWEEN  
THE STATE  
AND**

..... Accused.

To..... of.....  
complaint has been made this day  
by.....

..... that you on the  
..... Day of ..... 20..... In the  
..... did

..... you are therefore summoned to appear before the Environmental and  
Sanitation Court mentioned above sitting at

..... on ..... to answer the said  
complaint.

Dated this ..... Day of..... 20.....

.....  
*Magistrate*

**CRIMINAL FORM NO. 3**

**ENVIRONMENTAL HEALTH AND SANITATION COURT**  
**WARRANT FOR THE APPREHENSION OF THE ACCUSED**

In the Environmental Health and Sanitation Court for the trial of Offences triable under the Environmental Health and Sanitation Laws, 2020. Sitting at..... In the ..... Local Government Council Area of Ekiti State.

**BETWEEN**

THE STATE

**AND**

..... Accused.

To..... Police officer. Complaint has been made on  
.....of

by.....

..... that

Hereinafter called the accused, on the .....day of.....

20..... Did (\*).....

..... you are hereby commanded to bring the  
accused before the Environmental and Sanitation Court mentioned above sitting at

..... on ..... to answer the said  
complaint and be dealt with according to law.

Dated this ..... Day of..... 20.....

.....  
**Magistrate**

**CRIMINAL FORM NO. 4**

**ENVIRONMENTAL HEALTH AND SANITATION COURT**

**SUMMON TO WITNESS**

In the Environmental Health and Sanitation Court for the trial of Offences triable under the Environmental Health and Sanitation Laws, 2020. Sitting at..... In the ..... Local Government Council Area of Ekiti State.

**BETWEEN**

THE STATE

**AND**

..... Accused.

To: (i)

..... (ii)

charged by (iii).....

at ..... in .....

that he did

(iv).....

and it appearing to me on the application of

(iii).....

..... that you are likely to give material evidence there in on behalf of the Prosecutor (or accused). You are

therefore summoned to appear before the Environmental and Sanitation Court mentioned above sitting

at..... on the

.....day of .....20.....at the hour of

..... in the ..... noon to testify as to what you know in such matter.

Dated this ..... Day of..... 20.....

.....

**Magistrate**

EKITI STATE ENVIRONMENTAL HEALTH AND SANITATION (RE-ENACTMENT) LAW, 2020



**CRIMINAL FORM NO. 5**

**ENVIRONMENTAL HEALTH AND SANITATION LAWS, 2020**

**WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE**

In the Environmental and Sanitation Court.

Sitting

at..... In  
the ..... Local Government Council Area of  
Ekiti State.

To:

.....  
Mr.....has been charged  
by..... that on the .....day  
of.....20.....  
at.....

... in the .....  
.....

did.....  
.....  
.....

.....

and it appears to me by the oath of  
..... that Mr.

..... is likely to give material  
evidence concerning the said matter and that he will not probably attend to give  
evidence unless compelled to do so. You are therefore hereby commanded to bring  
him before the Environmental and Sanitation Court mentioned above sitting  
at.....to testify as to  
what he knows concerning the said matter.

Dated this ..... Day of..... 20.....

.....  
**Magistrate**

EKITI STATE ENVIRONMENTAL HEALTH AND SANITATION (RE-ENACTMENT) LAW, 2020

**CRIMINAL FORM NO. 6**

**ENVIRONMENTAL HEALTH AND SANITATION COURT**

**WARRANT FOR APPREHENSION OF WITNESS**

In the Environmental Health and Sanitation Court for the trial of offences triable under the Environmental Health and Sanitation Laws, 2020.

Sitting

at..... In  
the ..... Local Government Council Area of  
Ekiti State.

**BETWEEN**

THE STATE

**AND**

..... Accused.

To..... Police constable or to each all the  
constable ..... of

.....  
..... (i).....was duly summoned to  
appear before the Environmental and Sanitation Court named above sitting at  
.....

.....  
... on .....at the hour  
of..... in the ..... noon, to satisfy as to what  
he/she knows according a certain complaint against  
..... and it had proved on  
oath that the summon has duly been served on him (and that a reasonable sum has  
been paid or (transferred) to him for his cost and expenses in that behalf). you are  
hereby commanded to bring the accused before the Environmental and Sanitation  
Court mentioned above sitting at ..... forthwith to  
testify as to what he knows concerning the said matter.

Dated this ..... Day of..... 20.....

.....  
**Magistrate**

EKITI STATE ENVIRONMENTAL HEALTH AND SANITATION (RE-ENACTMENT) LAW, 2020

**CRIMINAL FORM NO. 7**  
**ENVIRONMENTAL HEALTH AND SANITATION LAWS, 2020**  
**COMMITMENT ON REMAND**

In the Environmental and Sanitation Court,  
Sitting

at..... In  
the ..... Local Government Council Area of  
Ekiti State.

**BETWEEN**

THE STATE  
**AND**

..... Accused.  
To..... Officer in charge of  
..... Police Station

.....  
hereinafter called the accused being brought before the Environmental and  
Sanitation Court named above sitting at

.....  
.....charged  
for

.....  
the hearing of the case being adjourned:

You the said Police Officer are hereby commanded together with this warrant to  
receive the accused person into the Police Custody and keep him until the  
.....day of.....20..... in the ..... noon, to  
be further dealt with according to Law.

Dated this ..... Day of..... 20.....

.....  
**Magistrate**

**CRIMINAL FORM NO. 8**

**ENVIRONMENTAL HEALTH AND SANITATION LAW, 2020**

In the Environmental and Sanitation Court,  
Sitting at..... In the  
..... Local Government Council Area of Ekiti  
State.

**WARRANT OF CONVICTION**

**BETWEEN**

THE STATE

**AND**

.....  
Accused

Having appeared before the Environmental Health and Sanitation Court named above  
sitting  
at.....

..... is this day convicted for that he on the  
..... and it appearing to me on the  
application of (iii)..... on the  
..... day of .....20.....at .....  
..... within the  
.....

.....(ii).....  
.....and it is adjudged that the accused, for his said offence be sentenced for  
(iii)..... in  
default of a fine of  
..... and the  
accused shall until the conviction be kept in custody at  
(iv).....

Dated this ..... Day of..... 20.....

.....

*Magistrate*

**This printed impression has been carefully compared by me with the Bill, which has been passed by the Ekiti State House of Assembly and found by me to be a true copy of the said Bill.**

.....

**MR. TOLA ESAN**  
*Clerk of the House of Assembly*

.....

**RT. HON. FUNMINIYI AFUYE**  
*Speaker of the House*

**Governor's Assent**

**I hereby signify my assent to this Bill**

**DR. JOHN KAYODE FAYEMI**  
**Executive Governor of Ekiti State**

**MADE AT ADO EKITI THIS .... DAY OF .....2020**