

## CHAPTER 49

## ENVIRONMENTAL SANITATION

AN EDICT TO IMPROVE ENVIRONMENTAL SANITATION PRACTICES IN THE  
COMMUNITY AND SAFEGUARD PUBLIC HEALTHBOS 3 of  
1986.  
BOS 4 of  
1986.  
BOS 1 of  
1990.

[11 June 1986]

Date of  
commence-  
ment.

1. This Edict may be cited as the Environmental Sanitation Edict. Short title.

2. In this Edict, unless the context otherwise requires:-

Interpreta-  
tion.

"Commissioner" means the Commissioner for Health and Social Welfare of the State;

"Court" means the Environmental Sanitation Court; for the avoidance of doubt any reference in this Edict to any court shall be construed to be a reference to the Environmental Sanitation Court;

BOS 4 of  
1986.

"Government" means the Government of the State;

"health officer" includes a medical officer, a sanitary inspector, a sanitary overseer, a health inspector and other health staff whether in the service of the State Government or any of the State local governments;

"medical officer" means a qualified medical practitioner employed in the service of the State Government;

"nuisance" means any of the things listed in the Schedule to this Edict;

"person" includes any company or association or body of persons, whether incorporated or not;

"premises" includes buildings, lands, vehicles, tents, drains, ditches and places whether open or enclosed; and

"State" means the Borno State of Nigeria.

Appoint-  
ment of  
medical  
officers.

3. The Commissioner may assign a medical officer to be in charge of any area, for the purpose of this Edict.

Powers of  
a medical  
officer.

4. A medical officer shall have the power, personally or through other health officers to:-

- (a) enter and inspect premises at reasonable hours in order to detect any nuisance;
- (b) direct sanitary work and give instructions generally to sanitary inspectors and occupiers of premises;
- (c) order the destruction of any animal which he has reason to believe is likely to be agent in the transission of an infectious disease; and
- (d) cause any person suffering or suspected to be suffering from an infectious disease, to be removed to a Government hospital or any other place provided by the Government or a local government to be detained there until he is no longer a danger to the public.

Duties of  
a medical  
officer.

5. It shall be the duty of a medical officer to:-

- (a) exercise the powers vested in him by this Edict;
- (b) inspect the area to which he is assigned and to abate any nuisance on it;
- (c) serve an abatement notice on any person from whose act or default a nuisance arises or continues, or on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the nuisance within a specified time, and to prevent a recurrence of the nuisance;
- (d) inspect at reasonable hours any meat, poultry, game, fish, vegetables, grains, bread, flour or other provisions exposed for sale or any preparation for sale intended for human consumption; and
- (e) where any of the things mentioned in (d) above is found to be unfit for human consumption, condemn and order same to be destroyed.

Right of  
Entry.

6.—(1) A health officer may enter any premises and inspect at any time between the hours of six in the morning and six in the

evening, for the purpose of examining a nuisance, to determine whether an abatement notice has been complied with, or for serving an abatement notice.

(2) Where admission to premises is denied, any court of law may direct the person having custody of the premises to admit the health officer into the premises, and if no person having custody of the premises is found, the court may authorise the health officer to forcibly enter the premises.

7.—(1) It shall be the duty of every owner and occupier of any premises, to clear and keep free from all undergrowth, weeds, filth, rubbish and refuse of any description, the streets at the front, back and both sides of the premises, together with the drains, gutters and channels on the streets. Duties of owner or occupier of premises.

(2) Where there are two or more premises contiguous to any street, drain, gutter or channel and facing each other, the owners and occupiers of each premises shall be responsible for keeping clean only part of the street, drain, gutter or channel nearest to their premises.

8. Every owner or occupier of premises shall provide proper rubbish receptacles for the purpose of keeping rubbish, prior to removal of the rubbish to an authorised collection site. Rubbish receptacles.

9. Every local government or authority responsible for the collection of refuse shall make adequate provision for public dustbins for the purpose of receiving and incinerating rubbish. Public dustbins.

10.—(1) It shall be the duty of every Local Government to make adequate provision for public conveniences at all strategic public places. Provision of public conveniences.

(2) A person shall not defecate in an open space or public place.

11.—(1) There is hereby established for the purposes of this Edict an Environmental Sanitation Court to be presided over by a legal practitioner. Establishment of Court. BOS 1 of 1990.

(2) It shall be the duty of the court speedily to try and determine cases arising from or under this Edict. For this purpose the State is

divided into five zones (as set out in the Schedule hereto) with a Court for each Zone.

(3) The composition of each of the Zonal Courts shall be:-

- (a) the Resident State Counsel as the Chairman;
- (b) the Divisional Police Officer; and
- (c) a Health Officer.

Provided that the composition of the Metropolitan Zonal Court shall be:-

- (a) a legal practitioner appointed by the Attorney-General of the State to be referred to as the President;
- (b) a Health Officer; and
- (c) a representative of the Nigeria Police.

(4) A State Counsel or a Police Officer shall prosecute all cases under this Edict.

(5) The Court shall have all the powers, immunities and privileges of a Magistrates' Court.

Jurisdiction  
of the Court.  
BOS 1 of  
1990.

12. The Court shall have the jurisdiction to try all cases or matters arising under this Edict in any part of the State:

Provided that an appeal from the decision of the Court shall lie to the High Court.

Powers and  
procedure of  
the Court.  
BOS 1 of  
1990.

13.—(1) The Court shall have powers to try and to impose punishment provided by this Edict and in addition the Court shall have powers:-

- (a) to fine on the spot any person or body corporate that commits an offence under this Edict;
- (b) to issue an abatement notice in appropriate cases on any owner, caretaker or occupier of any premises in respect of any nuisance:-
  - (i) giving particulars of nuisance to be abated; and
  - (ii) stating the period within which such nuisance shall be abated.

(2) Without prejudice to the provision of this Edict, where at the expiration of the period stated under sub-paragraph (ii) of

paragraph (b) of subsection (1) of Section 13 of this Edict, the nuisance to which the notice relates to had not been abated, the court shall summarily try the offender and impose appropriate penalty.

(3) The procedure of the court shall be the same as the procedure of a Magistrate Court.

14. A medical officer, health officer or any other person authorised by the court may arrest without warrant any person who commits an offence under this Edict and that person so arrested may be arraigned before the court for prosecution. Power of arrest.

15. Any person who contravenes the provisions of this Edict, or refuses to comply with an order or a directive by a health officer, commits an offence. Offence.

16. Any person who commits an offence provided by this Edict, shall be liable:- Penalty.

- (a) for the first offence, to a term of imprisonment not exceeding one month or to a fine not exceeding five hundred naira or both; in the case of a body corporate, to a fine not exceeding five thousand naira; and
- (b) for subsequent offences, to a term of imprisonment not exceeding three months or to a fine not exceeding one thousand naira or both; in the case of a body corporate, to a fine not exceeding ten thousand naira.

#### SCHEDULE 1

- (a) obstruction, excavation, throwing or laying on any street or tenement whether occupied or not, or on any space, other than place set out by the proper authorities for such purpose, any rubbish or offensive matter;
- (b) premises in such a condition as to be injurious to the health of any person;
- (c) any noxious matter into any public street or into gutter or side channel of any street;

- (d) accumulation or deposit of rubbish of any kind, decaying animal or vegetable matter, whether in the form of refuse, manure, decayed or tainted food, or in any form whatsoever;
- (e) any stable, cowhouse, pigsty or other premises for the use of animals or birds which are in such a condition as to be injurious to the health of man, animals or birds;
- (f) any offensive trade not sited at an authorised place (dying pits, tannery, soap making etc.);
- (g) premises on which helpers or workmen are employed and where suitable and adequate sanitary conveniences are not provided;
- (h) any act, commission, place or thing which is or may be dangerous to health, life or property;
- (i) excessive noise-making, misuse of public address system or indiscriminate blowing of horn; and
- (j) excessive air pollution by emission of smoke, fumes of dangerous gases and effluent by factories and manufacturing houses.

## SCHEDULE 2

| <i>Zone</i> | <i>Composition</i>                                                             | <i>Headquarters</i> |
|-------------|--------------------------------------------------------------------------------|---------------------|
| (i)         | Maiduguri Metropolitan, Konduga, Kaga and Dikwa                                | Maiduguri           |
| (ii)        | Bama, Askira/Uba and Gowza                                                     | Bama                |
| (iii)       | Fika, Fune, Potiskum/Nangere, Bade, Geidam, Nguru Kanamma and Machina/Yusufari | Potiskum            |
| (iv)        | Biu, Gajba, Damboa, Damaturu and Shani/Kwaya-Kusar                             | Biu                 |
| (v)         | Monguno, Kukawa, Ngala and Mobar                                               | Mongono             |