

CHAPTER 142

SEWAGE DISPOSAL SYSTEM LAW

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CHAPTER 142

SEWAGE DISPOSAL SYSTEM LAW

A Law to establish the sewage disposal system in certain towns in the State, and to abolish pail latrine system in those towns

ANSL Cap. 124

[27th August 1991]

1. This Law may be cited as the Sewage Disposal System Law.

Short title.

2. In this Law—

Interpretation.

“appropriate Local Government” means a Local Government within whose area of jurisdiction a town or place to which this Law applies is situated;

“Authority” means the Enugu State Environmental Sanitation Authority established by the Environmental Sanitation Authority Law; (cap. 42);

“authorized officer” means an officer or staff of the Authority or of an appropriate Local Government authorized by the Authority or that Local Government under the land of the General Manager of the Authority or the Administrator of that Local Government, as the case may be, to carry out any specific function under this Law;

“Commissioner” means the State Commissioner for the time being assigned with responsibility for matters relating to local government;

“existing building or tenement” means any building or tenement in existence in the towns on or before the date of commencement of this Law;

“Governor” means the Governor of the State;

“new building” means any building or structure the construction or erection of which is commenced after the date of commencement of this Law or before the commencement of this Law but is not completed by that date, or any existing building or structure not used or intended to be used for human habitation but which after the commencement of this Law becomes converted into a dwelling house, or the rebuilding, wholly or partially, or the extension of any existing building;

“owner” includes an occupier, a joint owner, lessee, tenant, mortgagee in possession or any other person in actual possession of a building or tenement and the agent or attorney of such occupier, joint owner, lessee, tenant mortgagee in possession or other person in actual possession;

“pail latrine system” means the system whereby human excrements are deposited in a receptacle placed or kept in a latrine used or intended to be used as convenience by the occupants of a building or tenement; and the removal of such human excrements being the responsibility of persons engaged in night soil services;

“sewage disposal system” means the system whereby human excrement are disposed of through the use of a water closet or power flush or such other hygienic method of sewage disposal as may be prescribed by regulations made under this Law;

“State” means Enugu State of Nigeria;

“tenement” includes a dwelling house;

“towns” means the towns or places specified in the First Schedule to this Law and includes such towns or places to which the operation of this Law may hereafter be extended in pursuance of section 10 of this Law.

Abolition of
Pail system in
scheduled
towns.

3. (1) As from the commencement date of this Law, the use or retention of the pail latrine system in any existing building or tenement located in the towns is hereby abolished or prohibited.

(2) Nobody shall provide or use in a new building located in any of the towns the pail latrine system.

Existing
building
therein to
convert to
sewage
system.

4. As from the commencement date of this Law—

(a) every existing building or tenement located in any of the areas of the towns being the areas mentioned in the Second Schedule to this Law and having adequate and regular supply of tap water shall be provided by the owner thereof with a sewage disposal system; and

(b) every existing building or tenement located in any of the towns being areas not mentioned in the Second Schedule and having adequate and regular supply of tap water shall be provided by the owner thereof with any of the types of sewage disposal systems specified in the Third Schedule to this Law.

New building
therein to
have sewage
system.

5. Every person who intends to construct or put up or is constructing or putting up a new building in any of the towns shall provide for or in such building a sewage disposal system as may be approved by the appropriate Local Government Council.

6. (1) An owner of an existing building or tenement in any of the towns who pursuant to this Law wishes to construct a sewage disposal system for such building or tenement shall for the purpose of obtaining the requisite approval of the appropriate Local Government Council first register with the Local Government Council.

Registration of owners of buildings.

(2) For each registration as is mentioned subsection (1) an owner of an existing building or tenement shall supply to the appropriate Local Government Council the following particulars, that is to say—

- (a) the number of persons occupying the building or tenement for which a sewage disposal system is to be constructed;
- (b) the type of sewage disposal system intended to be constructed for that building or tenement;
- (c) the availability or otherwise of pipeborne water in the area where the building or tenement is located; and
- (d) such other information as the Local Government Council may consider material or necessary.

7. (1) Following a registration made in pursuance of section 6 of this Law, an authorized officer of the appropriate Local Government shall conduct an inspection of the existing building or tenement so registered in order to satisfy himself on—

Inspection of buildings.

- (a) the veracity of the particulars supplied under section 6(2) of this Law, and
- (b) the suitability or otherwise of the soil condition thereat.

(2) Where after an inspection under subsection (1), an authorized officer is, from the facts at his disposal, satisfied, he will give to the owner of the existing building or tenement an approval in writing under his hand for the construction of the sewage disposal system to proceed as intended by the owner under section 6(2) of this Law.

(3) Where after an inspection as aforesaid, an authorized officer is, from the facts available to him, dissatisfied, he will direct the owner by writing under his hand to construct the type of sewage disposal system which in the opinion of that authorized officer is best suited for the owner's existing building or tenement and the owner shall comply with such direction.

Power to enter land.

8. (1) For the purpose of ensuring compliance with the provisions of this Law, an authorized officer may enter upon any land and inspect the conveniences provided in any building or tenement thereon.

(2) On demand by any owner of a building or tenement, an authorized officer shall present to the owner such permit authorizing him to inspect any building or tenement as may be issued in that behalf by the General Manager of the Authority or the Administrator of the appropriate Local Government as the case may be.

(3) For purpose of subsection (1) of this section, a joint inspection may be carried out by authorized officers being staff of both the Authority and an appropriate Local Government.

Arrest and prosecution.

9. (1) An authorized officer may arrest any person whom he finds committing or has committed an offence under this Law.

(2) Any person arrested pursuant to subsection (1) shall as soon as practicable be taken to the nearest police station for custody.

(3) Subject to the provisions of any other Law, an authorized officer may institute criminal proceedings against any person found to be committing or to have committed an offence under this section.

Extension of the scheduled towns.

10. The Commissioner may, subject to such conditions or modifications as he may specify or make, by notice in the State Official *Gazette* extend the operation of this Law to towns or places other than those mentioned in the First Schedule to this Law.

Offences

11. (1) Any person who fails or neglects to comply with the provisions of sections 3,4,5,6(1) or 7(3) of this Law shall be guilty of an offence and shall on conviction be liable to a fine of four hundred naira or to imprisonment for five months or to both such fine and imprisonment.

(2) Any person who obstructs an authorized officer in the lawful execution of his duty under this Law or incites any person so as to obstruct the authorized officer in the execution of his duty shall be guilty of an offence and shall on conviction be liable to a fine of two hundred and fifty naira or to imprisonment for two months or to both such fine and imprisonment.

12. (1) The Commissioner may make regulations to give effect to the provisions of this Law.

(2) Without prejudice to the generality of subsection (1), regulations made by the Commissioner under this section may provide for the types and specifications of such sewage disposal systems as may be required to be constructed by an owner under this Law.

FIRST SCHEDULE

The town or place referred to in this Law is Enugu.

SECOND SCHEDULE

[Section 4(a)]

- (1) The areas of Enugu town to which section 4(a) relates are—
- | | |
|---------------------------------|-----------------|
| (a) Government Reservation Area | (i) Trans-Ekulu |
| (b) Asata | (j) Emene |
| (c) Ogui | (k) Idaw River |
| (d) Ogui New Layout | (l) Maryland |
| (e) Independence Layout | (m) Ogbete |
| (f) Achara Layout | (n) Abakpa |
| (g) New Era | (o) Ugwu Aaron |
| (h) Udi Siding | (p) Ugwu Alfred |