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**MANDERA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

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THE MANDERA COUNTY PUBLIC WORKS ACT, 2014

No. 14 of 2014

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Date of Commencement: 5th January, 2015

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THE MANDERA COUNTY PUBLIC WORKS AND SERVICES ACT, 2014

AN ACT of Mandera County Assembly to make provision for storm water management, county water services and sanitation and for related matters.

ENACTED by the County Assembly of Mandera as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Mandera County Public Works and Services Act, 2014 Short Title

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

“flood plain” means the land adjoining a watercourse which in the opinion of the county is susceptible to inundation by floods;

“nuisance” means a condition that is or might become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease;

“private storm water system” means a storm water system, owned, operated, or maintained by a person other than the county;

“sanitation” means conditions relating to public health, especially the provision of clean drinking water and adequate sewage disposal;

“storm water” means water resulting from natural precipitation or accumulation and includes ground water and spring water ordinarily conveyed by the storm water system, as well as sea water within estuaries, but excludes water in a drinking water or waste water reticulation system;

“storm water system” means both the constructed and natural facilities, including pipes, culverts, water courses and the associated flood plains whether under or over public or private property, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of storm water; and

“Water pollution incident” means an incident or occurrence which has a detrimental impact or a potential detrimental impact on the quality of the water in the storm water system to such an extent that public health or the natural ecosystem may be threatened.

PART II—STORM WATER MANAGEMENT

3. (1) The Executive Member may—

Provision of
infrastructures

- (a) Construct, expand, alter, maintain or lay any drains, pipes or other structures related to the storm water system on or under immovable property;
- (b) Drain storm water or discharge water from any County Public Works into any natural water course; and
- (c) Do any other thing necessary to give effect to this Act.

(2) Ownership of any drains, pipes or structures related to storm water shall vest in the County.

4. A person shall not, unless with the written consent of the Executive Member and subject to any conditions it may impose—

Protection of
storm water
system

- (a) discharge, permit to enter or place anything other than storm water into the storm water system;
- (b) damage, endanger, or destroy the storm water system or its operation ;
- (c) construct or erect any structure or thing or over or in such a manner to interfere with or endanger the storm water system or its operation;
- (d) discharge, permit to enter or place anything likely to cause storm water pollution;
- (e) make an opening into a storm water pipe, canal or culvert;
- (f) drain, abstract or divert any water directly from the storm water system; or
- (g) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the storm water system

5. A person shall not, except with the written consent

Prevention of

of the Executive Member and subject to any conditions it may impose undertake in any activity which alone or in combination with other existing or future activities, may cause an increase in the flood levels or create a potential flood risk.

flood risk

6. (1) The conditions which the Executive Member may impose in Section 3 and 4 may include—

Studies and assessments

- (a) the establishment of flood lines;
- (b) the undertaking of impact assessments, and
- (c) Environmental impact studies or
- (d) investigations which may be required by any applicable environmental laws.

(2) Any study done under sub-section (1) will be at the expense of the applicant.

7. (1) Where there is a storm water pollution incident as contemplated in this Act, the owner of the property on which the incident took place or is still in the process of taking place or the person responsible for the incident shall immediately report the incident to the County.

Water pollution incidents

(2) The Executive Member may in its opinion require that such persons take all reasonable measures to minimize the effects of the pollution at their own cost.

8. (1) Every owner of property on which private storm water systems are located shall—

Storm Water Systems on Private land.

- (a) not carry out any activity which could reasonably be expected to impair the effective functioning of the storm water system; and
- (b) at own cost, keep such storm water systems functioning effectively, including undertaking its refurbishment or reconstruction.

(2) the provisions of subsection 1(b) do not apply to the extent that the county has accepted responsibility for any of the duties in a formal agreement or in terms of a condition of a servitude.

9. The County Executive Member for the time being responsible formatters related to public works may make regulations relating to the manner of disposing water falling or coming to rest within private property.

Regulations.

**PART III—WATER AND SANITATION
SERVICES**

10. (1) The Executive Member responsible for water, may by order prohibit the erection or retention of temporary dwellings on any land or water in their sanitary district if they are of opinion that such erection or retention would be prejudicial to public health or the amenities of the locality.

Prohibition by Authority of temporary dwellings.

(2) A person who erects or retains a temporary dwelling in contravention of an order in force under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty thousand shillings, in the case of a continuing offence, to a further fine not exceeding fifty thousand shillings

11. The Executive Member may, in consultation with Executive Member responsible for water, take such steps as are reasonably necessary to prevent injury being caused to public health or the amenities of any locality by reason of obstructions in any river or watercourse.

Obstructions in rivers and watercourses.

12. The owner of a public place at which toilet facilities are provided shall ensure that—

Indoor toilet Facilities

(a) the toilet facilities are installed and maintained so that they are accessible to the persons for whom they are intended;

13. The owner of an outdoor privy shall ensure that—

Outdoor toilet facilities

(a) the outdoor toilet;

(i) is located and maintained so that no nuisance is created,

(b) In the case of an outdoor pit latrine, the contents are covered with earth or other suitable material when the outdoor pit latrine is abandoned or removed.

14. The County Executive may make regulation on any matter necessary for the carrying out of the provisions of this Act.

Regulations