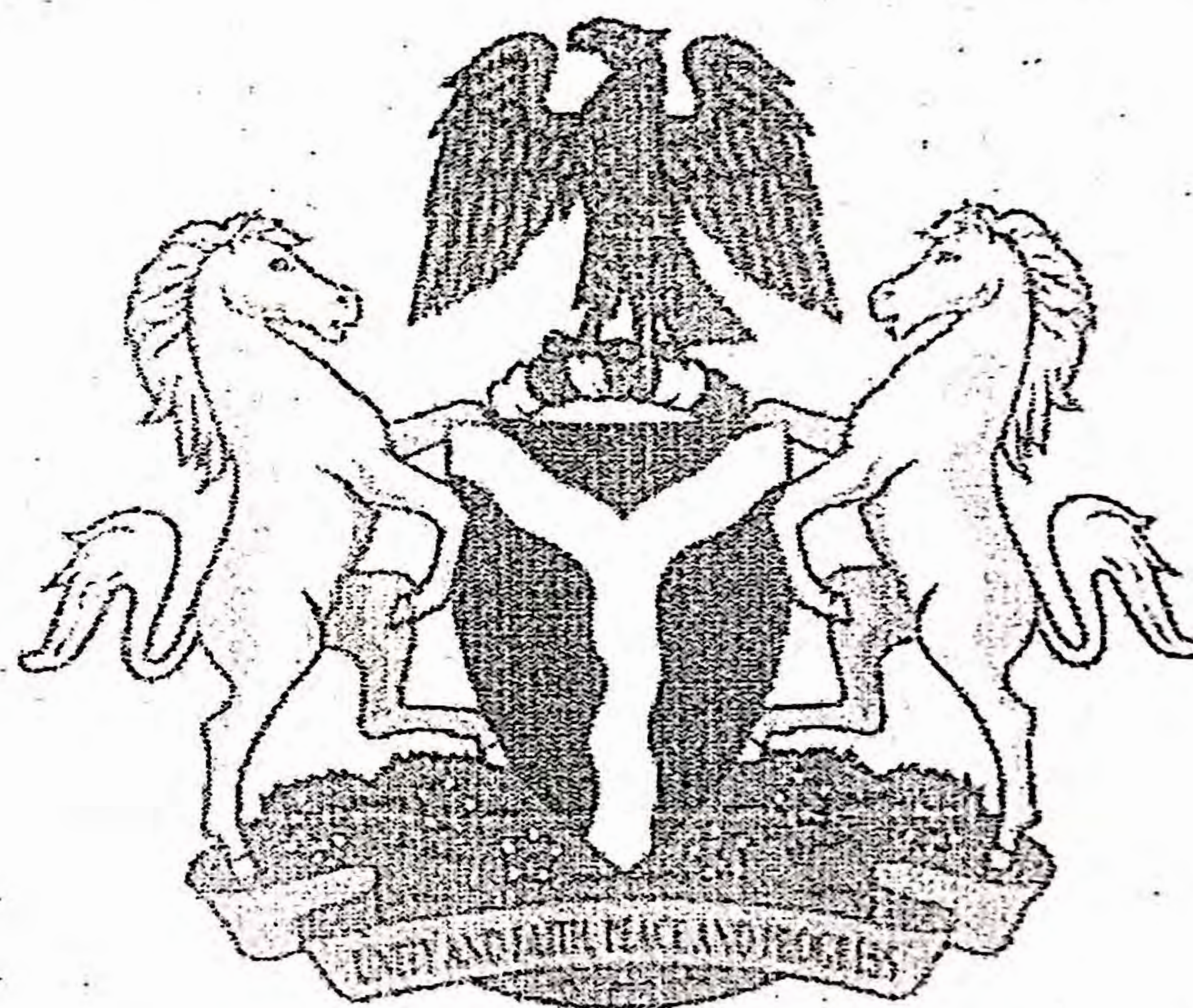


ABYE -LAW

**ON THE PROHIBITION OF
OPEN DEFECATION AND OTHER
RELATED OFFENCES**

EZEAGU LOCAL GOVERNMENT AREA OF ENUGU STATE, NIGERIA



A BYE -LAW

**ON THE PROHIBITION OF OPEN DEFECATION AND OTHER
RELATED OFFENCES
MADE THIS 14TH DAY OF DECEMBER 2023**

PREAMBLE:

We, the people of Ezeagu Local Government Area in order to form a good hygienic environment, make provision for this bye laws on the prohibition of open defecation and other related offences on this 14th day of December, 2023.

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INTRODUCTION

A BYE-LAW TO MAKE PROVISION AGAINST OPEN DEFECATION AND OTHER RELATED OFFENCES IN EZEAGU LOCAL GOVERNMENT ARE OF ENUGU STATE. TO PREVENT ENVIRONMENTAL AND HEALTH HAZARDS, REGULATE EXCRETA DISPOSAL, PROMOTE USAGE OF TOILETS BY FAMILIES AND MEMBERS OF THE PUBLIC WITHIN THE COUNCIL AREA, STRENGTHEN AND SUSTAIN EZEAGU LOCAL GOVERNMENT, ON OPEN DEFECATION FREE (ODF) STATUS. MADE BY THE EZEAGU LOCAL GOVERNMENT LEGISLATIVE COUNCIL.

SECTION 1(Citation)

1. This Bye-law shall be cited as Prohibition of Open Defecation and other Related Offences Law and in acronym **ODRO**.

SECTION 2 DEFINITION

1. In this Bye-law, unless the context requires :

- a) **"Council"** means, Ezeagu Local Government Council
- b) **"LGA"** means, Ezeagu Local Government Area of Enugu State.
- c) **"Environmental Health Officer"** means, an environmental Health Officer of Ezeagu Local Government Area who has been trained and has also registered in line with the Environmental Act of practice the profession.
- d) **"WASH Officer:** means a staff of Water Sanitation and Hygiene with Ezeagu Local Government Council WASH Department who has/have been trained in sanitation and hygiene related activities.
- e) **"STF"** means Sanitation Trust Fund
- f) **"WASH"** means, Water Sanitation and Hygiene.
- g) **"WASHCOM"** means , Water Sanitation and Hygiene Committees.
- h) **"WASHCOM Federation"** means, the (5) Towns WASHCOMs operating in the LGA. Communities.
- i) **"HUMAN WASTES"** means, faeces or excreta
- j) **"OPEN DEFECATION (OD)"** means , disposal of excreta internationally in an open space, other

than in an approved sanitary manner or it means excreta disposed in an unapproved sanitary manner, excreta exposed to flies.

- k) Open Defecation Free(**ODF**) means the absence of faeces in open within or around the household, community, institutions, public places or the entire LGA. It means proper disposal of faeces in an approved sanitary manner.
- l) Traditional Pit Latrine shall mean a toilet that has a sub structure, with slab and drop hole cover, built with mud blocks or zinc. This toilet hygienically separates human faeces from human contact.
- m) Improved Toilet shall mean a toilet that is built with concrete slab and with a vent pipe. It can be pour flush, WC. This toilet hygienically separates human faeces from human contact.
- n) Fly Proof Drop hole cover shall mean, a fitted pit cover made to cover the pit-hole toilet which does not allow the movement of flies from the pit-holes toilet.
- o). Hand washing facility, shall mean a foot operated Tippy tap that is constructed close to the toilet use for hand washing.

SECTION 3: APPLICATION

- a) This Bye-law shall apply and be enforced in all parts of

Ezeagu Local Government Area of Enugu State of Nigeria.

SECTION 4: ESTABLISHMENT OF A SANITATION TRUST FUND (STF)

- a. There shall be established fund to be known and called a Sanitation Trust Fund.

SECTION 5: OBJECTIVES OF THE SANITATION TRUST FUND (STF)

The objectives of the Sanitation Trust Fund (STF) shall include:

- a. To ensure the availability of revenue for the improvement of sanitation in the LGA.
- b. To keep all fines paid by offenders found guilty under the law.
- c. To rehabilitate and construct toilets in public places
- d. To keep all revenues accruing from use/ services offered from the public toilets for improvement of access to sanitation facilities in public places in the L.G.A
- e. To do any other thing that may be necessary or expedient for the purpose of giving full effect to the intendment of this law.

SECTION 6: APPROPRIATION OF THE SANITATION TRUST FUND.

1. The constitution of the Sanitation Trust Fund Appropriation Committee (SATFAC) shall be made as may be expedient.
2. The following officials shall form or constitute the Sanitation Trust Fund Appropriation Committee (SATFAC) They are:
 - a. The Chairman of the Local Government or any other executive as appointed by the Chairman shall be the Chairman of the Communities.
 - b. The WASH Unit Coordinator who shall be the Secretary of the Committee
 - c. The Ezeagu Legislative House Committee Chairman on WASH who shall be a member of the Committee.
 - d. One staff from the Works Department of the Local Government shall be appointed by the Head of Department (HOD) of Works.
 - e. One representative from the Ezeagu Local Government Traditional Council.
 - f. Any other member (s) as may be required by the chairman.

SECTION 7: DUTIES/ FUNCTIONS OF THE SANITATION TRUST FUND APPROPRIATION COMMITTEE (SATFAC)

1. The duties and functions of the Sanitation Trust Fund Appropriation Committee (SATFAC) shall include:
 - a. To appropriate to the STF for the purpose of building more public toilets within Ezeagu LGA in accordance with the established procurement plan of the LGA.
 - b. To enter into public-private partnership (PPP) arrangement with investors on behalf of Ezeagu LGA Executive for the purpose of ensuring increasing access to sanitation facilities in the Local Government.
 - c. To submit quarterly and annual reports of its activities to the Local Government Executive Council.
 - d. To do any other thing which is necessary or expedient for the proper execution of its duties.

SECTION 8: THE LAW IMPLEMENTATION STRATEGY CONSTITUTION OF ENFORCEMENT AGENCIES:

- (1) The enforcement agencies shall be:
 - a. The Nigeria Police Force,
 - b. The Nigeria Correctional Services
 - c. The Nigerian Securities and Civil Defense Corps

(NCSDC)

- d. The Vigilante Group of Enugu State/L.G.A.
- e. The Vigilantee Group of Nigeria
- f. The Ezeagu/State Lives Stock Guards /Forest Guards.
- g. The Environmental Health Officers of Nigeria
- h. Water, Sanitation and Hygiene Committees (WASHCOMS): and
- i. Any other security outfit as maybe allowed, recognized or created from time to time by any tier of government.

SECTION 9: ROLE OF THE ENFORCEMENT AGENCIES:

1. The Nigeria Police Force shall under the law have the power to:
 - i. Arrest offenders
 - ii. Prosecute offenders
2. The Nigeria Correctional Authority shall under this law have the power to:
 - i. Provide housing for convicted persons for the purpose of serving any jail term that may be imposed by the court of law.
 - ii. Rehabilitate convicted persons.

3. The Nigeria Security and Civil Defense Corps (NCSDC) shall under this law have the powers to:
(I) Arrest offenders and shall within twenty four (24) hours of any reasonable time handover offender(s) to the Nigeria Police Force for prosecution in a court of law as the case may be.

4. The Vigilante Group of Enugu State/Forest Guards and the Vigilante Group of Nigeria shall under this law have the powers to:

(i) Arrest offenders and shall within twenty four (24) hours of any reasonable time handover any offender(s) to the Nigeria Police Force for prosecution in a court of law as the case may be.

5. Mobile Court:

A Mobile court shall be inaugurated to try offenders and institutions without toilets and practicing open defecation in accordance with the law. Magistrates or Judges of Customary Courts or Senior Environmental Officer sitting in Ezeagu L.G.A shall be appointed to preside in such a centre or trail venue.

6. The Environmental Health officer of Nigeria shall under this law have the power to:

i. Arrest offenders and further handover such offenders to the Nigeria Police Force for prosecution.

ii. The Environmental Health Offender(s) instead of the

Police.

7. Water, Sanitation and Hygiene Committee (WASHCOMs) shall under this law have the power to:

I. Report Offenders to NSCDC, Vigilante and Nigeria Police Force for arrest and prosecution as the case may be..

SECTION 10: ENFORCEMENT:

a. The relevant Enforcement Authorities as well as authorized Council Enforcement, Environmental Officers, WASH Officers and other enforcement agencies or anybody(s) as may be created, shall be responsible for the enforcement of this Bye-law within the jurisdiction of Ezeagu Local Government Area.

b. The Chairman of the Council shall constitute a Committee whose membership shall cut across the Twenty (20) Council Wards in Ezeagu LGA or/make use the existing WASHCOMs in Forty-five (45)Communities of the Twenty (20) Council wards, L.G.A WASHCOM Federation and WASH Officers of the council for the purpose of monitoring and enforcing the compliance of the provisions of this bye-law.

SECTION 11: OBJECTIVES OF THE LAW:

(1) The objectives of this Bye -law shall include:

SECTION 11: OBJECTIVES OF THE LAW:

- (1) The objectives of this Bye-law shall include:
- a. To protect the environment from pollution due to open defecation or disposal of faeces anywhere other than in an improved and safe toilet.
 - b. To prevent, control and sustainably manage the spread of diseases linked to the practices of open defecation and disposal of faeces in places other than toilets, towards contributing to enhance the hygiene and well-being of the people in Ezeagu Local Government Area of Enugu State.
 - c. To Support the implementation of water, sanitation and hygiene (WASH) program towards the achievement of the goals of improving health outcomes in all communities of Ezeagu LGA, especially for women and children who are more vulnerable.
 - d. To strengthen and sustain Ezeagu Local Government Open Defecation free (ODF) status and make households to acknowledge Ezeagu Local Government Area (ODF) status so as to progress to total sanitations.
 - e. Contribute towards achievement of sustainable Development Goal (SDGs) 3 and 6 in Nigeria by 2030.

SECTION 12: TO THE EFFECT:

- a) All rented houses and privately owned houses must construct either traditional or improved latrines. Traditional latrines must have drop-holes covers and all latrines either traditional or

improved, must have hand-washing facility for their households.

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- c. To Support the implementation of water, sanitation and hygiene (WASH) program towards the achievement of the goals of improving health outcomes in all communities of Ezeagu LGA, especially for women and children who are more vulnerable.
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- e. Contribute towards achievement of sustainable Development Goal (SDGs) 3 and 6 in Nigeria by 2030.

SECTION 12: TO THE EFFECT:

- a) All rented houses and privately owned houses must construct either traditional or improved latrines. Traditional latrines must have drop-holes covers and

properly, with proper platforms, the building must be mud blocks or zinc and platforms. No other toilet except these shall be accepted.

- c) All institutions, schools and health centres (both public and private) must construct latrines, including handwashing facilities, (or bathroom sink) and properly maintain them to prevent open defecation and encourage hygiene.
- d) All public places, (markets, and motor parks) supported by market overseers and the Local Government Council, must construct latrines having hand-washing facilities (Tippy Tap) which must be properly maintained to prevent open defecation and encourage hygiene.
- e) All buildings, both publicly and privately owned such as shopping malls, plazas, viewing centers etc, must have toilets, including hand-washing facilities (Tippy Tap) which must be properly maintained to prevent open defecation and encourage hygiene.
- f) All religious building (Churches, Mosques and Traditional worship centers) must construct toilets and hand washing facilities for their members, which

(N10,000.00) only or imprisonment for three (3) months or both.

- d. Any person caught defecating openly or throwing faeces in open place(s), commits an offence and is liable to a fine to the tune of Fiver Thousand Naira (N5,000.00) only or one week imprisonment or both.
- e. Any Institution , (school, health centre) both public and

private without latrines guilty of an offence and is liable to Twenty Thousand Naira (N20,000.00) fine or two or three months imprisonment and withdrawal of licenses of such institutions or both.

- f. Any building open to the public without a toilet including hand-washing facility, is guilty of law and the owner/occupier shall pay a fine of Twenty Thousand Naira (N20,000.00) only or one month imprisonment or both.
- g. Any household, public place (market, motor park) religious centres, school, health centre, without a hand washing facilities, will pay a fine of Five Thousand Naira (N5,000.00) only or any other reasonable fine not above Ten Thousand Naira (N10,000.00) only as the committee may determine.
- h. Any faeces sighted around any household, public building, private and public institution, (school, health centres), religious centers attracts a fine of Two Thousand Naira (N2,000.00) only or imprisonment for 1 week or both on the person who is responsible for the presence of the faeces and where it is that of a child who is under the age of 7, the parents or guardian, school authority/principal of such a child, shall be held responsible.

must also be properly maintained to prevent open defecation and encourage hygiene

SECTION 13: OFFENCES AND PENALTIES:

(1) The following acts or omissions shall constitute and offence under this Bye-law:

- a. Any household without latrine, either traditional or improved including hand washing facility or drop hole-cover described in section 2 (1) (L) above, is guilty of an offence and shall pay a fine of **Twenty Thousand Naira (N20,000.00)** only or one month imprisonment or both.
- b. Any landlord or owner/occupier of premises or household or family who fails to provide a sanitarily-approved toilet and hand-washing facility in his/her premises, contravenes the provision of this Bye-law and shall be guilty of an offence and shall be liable upon conviction to a fine of **Twenty Five Thousand Naira (N25,000.00)** only or imprisonment for two (2) months.
- c. Any person or group of persons who constructs any platform (concrete slab, mud) other than pit latrine, pour, flush or do a water closet intended for use or being used as toilet where the human waste is exposed to flies, sight or domestic animals, contravenes the provision of this subsection and shall

be liable upon conviction to a fine of Ten Thousand Naira (N10,000.00) only or imprisonment for three (3) months or both.

- d. Any person caught defecating openly or throwing faeces in open place(s), commits an offence and is liable to a fine to the tune of Fiver Thousand Naira (N5,000.00) only or one week imprisonment or both.
- e. Any Institution , (school, health centre) both public and private without latrines guilty of an offence and is liable to Twenty Thousand Naira (N20,000.00) fine or two or three months imprisonment and withdrawal of licenses of such institutions or both.
- f. Any building open to the public without a toilet including hand-washing facility, is guilty of law and the owner/occupier shall pay a fine of Twenty ThousandNaira (N20,000.00) only or one month imprisonment or both.
- g. Any household , public place (market, motor park) religious centres, school, health centre, without a hand washing facilities, will pay a fine of Five Thousand Naira (N5,000.00) only or any other reasonable fine not above Ten Thousand Naira (N10,000.00) only as the committee my determine.

- h. Any faeces sighted around any household, public building, private and public institution, (school, health centres), religious centers attracts a fine of Two Thousand Naira (N2,000.00) only or imprisonment for 1 week or both on the person who is responsible for the presence of the faeces and where it is that of a child who is under the age of 7, the parents or guardian, school authority/principal of such a child, shall be held responsible.
- i. Any defecation site within or around any community, will be traced to that particular community. The community leader(s) will be held responsible. He/they would pay a fine of Five Thousand Naira (N5,000.00) only or imprisonment for 1 week.

SECTION 14: PROSECUTION:

- a. The Environmental Health Officer(s) WASH Officer(s) WASH Officer(s) of Ezeagu Local Government Council or any law enforcement officer or any officer of any institution(s) or body(ies) created under this Bye-law, shall have power to prosecute and for the purpose of this law on receipt of any complaint of any person or group of persons who practice open defecation or contravene this Bye-law shall:
 - I. Investigate and if the offender is proven guilty shall be punished according to this Byelaw.
 - ii. If any person(s) is caught in the act, he/she shall be arrested and investigated by the police or any agency of agencies

mentioned by the Bye-law for the purpose of enforcing this Bye-law (including any agency which may be created in accordance with this Bye-law) and shall be prosecuted in a court of competent jurisdiction as provided in this Bye-law.

SECTION 15: APPROVAL


This prohibition of Open Defecation Bye-Law of 14th December, 2023 if hereby made and all instruments captured therein shall be modified in line with the provision of this Bye-law.

This printed impression as has been carefully compiled by e with the bill which was passed into law by Ezeagu Local Government Legislative Council is a true and corrected printed copy of the said Bye-law.

This Bye-law may be cited as Ezeagu Local Government Area Open Defecation Prohibition Bye-law, 2023 and shall be deemed to have come into force on the 14th December, 2023.

This impression is hereby endorsed by the Council as correct.

.....
Hon. Agu Wisdom Sunday
Leader of the House

.....

Enekwe Jecinta Izuchukwu
Clerk of the House

.....
Hon. Ozoeluba Chukwudi
Executive Chairman
Ezeagu Local Government Area,
Enugu State, Nigeria



EZEAGU IGBUDU

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