
SPECIAL ISSUE

Nairobi City County Gazette Supplement No. 18 (Bills No. 9)



REPUBLIC OF KENYA

***NAIROBI CITY COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2014

NAIROBI, 15th August, 2014

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The Nairobi City County Urban Agriculture Promotion and
Regulation Bill, 2014

**CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100
NAIROBI**

**THE NAIROBI CITY COUNTY URBAN AGRICULTURE
PROMOTION AND REGULATION BILL, 2014**

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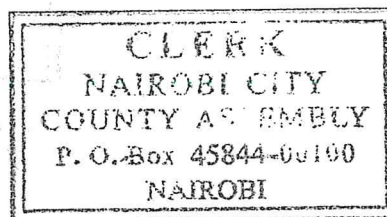
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**THE NAIROBI CITY COUNTY URBAN
AGRICULTURE PROMOTION AND REGULATION
BILL, 2014**

A Bill for

AN ACT of the County Assembly of Nairobi City to provide for the promotion of urban agriculture within the Nairobi City County; to provide the necessary regulatory framework for the practice of agriculture in the county; to establish the Nairobi City County Urban Agriculture Promotion Advisory Board and for connected purposes

ENACTED by the County Assembly Nairobi City as follows—

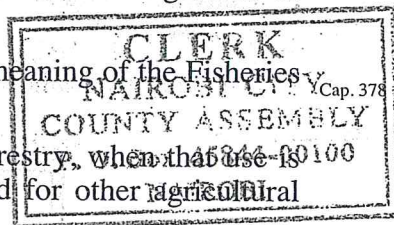
PART I—PRELIMINARY

1. This Act may be cited as the Nairobi City County Urban Agriculture Promotion and Regulation Act, 2014. Short title.

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

“agriculture” means cultivation of land and the use of land (whether or not covered by water) for any purpose of husbandry, aquaculture and food production and includes—

- (a) cultivation of crops and horticultural practice within the meaning of the Crops Act, 2013; No. 16 of 2013
- (b) breeding of aquatic animals and plants in the Kenya fishery waters and fish farming as provided for in the Fisheries Act; Cap. 378
- (c) the use of land, meadow land, market gardens or nursery grounds;
- (d) fish harvesting within the meaning of the Fisheries Act; Cap. 378
- (e) the use of land for agro forestry, when that use is ancillary to the use of land for other agricultural purposes; No. 10 of 2010
- (f) transgenic and microbial formulations for use and application in agricultural systems;



“Board” means the Nairobi City County Urban Agriculture Promotion Advisory Board established under section 11;

“executive committee member” means the executive committee member responsible for agriculture, livestock and fisheries; and

“relevant legislations” means the national Agriculture, Fisheries and Food Authority Act, 2013, the national Crops Act, 2013 and any other national legislation relating to agriculture, enacted by the national government.

No. 13 of 2013
No. 16 of 2013

(2) The meanings ascribed to words, phrases or expressions in the relevant legislation shall apply to those words, phrases or expressions respectively where the words, phrases or expressions are used in this Act and the words, phrases or expressions used in this Act shall have corresponding meaning as set out in the national legislation unless the context requires otherwise.

3. The objects of this Act are to—

Objects of the Act.

- (a) contribute to food security through the development of agriculture in the county by empowering the people and institutions through allowing and facilitating agricultural activities for subsistence and commercial purposes;
- (b) promote increased access to agricultural extension services and promote the development of people’s capacities in food production, value-addition, value chain development and employment creation;
- (c) promote support and guide the development of urban agriculture within the county;
- (d) regulate access to land and water for use in urban agriculture within the county, giving priority to residents of high density and informal settlements;
- (e) protect food safety, public health and the environment by defining environmental standards for urban agriculture within the county;
- (f) institutionalise administrative procedures for access to agricultural resources including organic waste;

- (g) provide for procedures to monitor positive and negative effects of urban agriculture with regard to social, economic and environmental conditions and allocate responsibilities to the respective county institutions in that regard, taking into account authoritative research and best practice;
- (h) establish procedure to oversee law enforcement on issues regarding urban agriculture;
- (i) facilitate job creation in the county by encouraging agriculture as an alternative source of income.

PART II—PROMOTION OF URBAN AGRICULTURE

4. (1) The executive committee member shall ensure measures are taken to promote sustainable urban agriculture in the county.

Duty of executive committee member to promote agriculture.

(2) Urban agriculture may be carried out by means of structures that support agricultural activity, including tool-sheds, greenhouses, livestock structures, fish structures, storage facilities such as silos and hay barns, produce stands, and instructional space.

(3) The executive committee member shall establish measures to promote best practices and regulate production, processing, marketing, grading, storage, collection, transportation and warehousing of crop and livestock products and inputs including organic waste within the county.

5. The executive committee member shall, in consultation with the respective county executive committee members, ensure the inclusion of urban agriculture in the planning process as a component of land use and food policy and zoning, marketing and market infrastructure.

Inclusion of urban agriculture in county physical planning.

6. The executive committee member shall prepare a strategic plan for the urban agriculture programs in accordance with section 36 (1) (f) and 40 (i) of the national Urban Areas and Cities Act, and shall identify areas for the expansion or deepening of agricultural activities in the county.

County urban agriculture strategic plan.

7. A person may engage in agriculture within the county subject to this Act, the relevant legislation and any

Approval for agricultural activities.

other laws relating to planning, environment, nuisance and public health.

8. The county government shall—

General responsibilities of the county government with respect to agriculture.

- (a) undertake training and capacity building of farmers in various areas including sustainable commercial livestock farming, animal health, disease and pest management practises, biogas and organic compost and manure production, sustainable, appropriate production of crops, vegetables, fruits, agro forestry and mushrooms; appropriate fish farming and breeding;
- (b) ensure collaboration among the relevant stakeholders of the county government to manage organic waste for its use as an input for urban and rural agriculture;
- (c) supervise, coordinate and promote crop and livestock production, fishing, fish farming, fish breeding programmes and fish inspection in markets to ensure quality fish products on the market;
- (d) establish a policy of co-management for the fisheries, crop and livestock;
- (e) monitor and regulate, crop, livestock and fishing activities in accordance with this Act and relevant legislation;
- (f) ensure the hygienic and sanitary standards in the handling of fish, meat and other products for human consumption through implementation of standard operating procedures and food health requirements for handling of foods and treatment of any agricultural product;
- (g) ensure that the urban agriculture programs are adequately funded;
- (h) collect and collate data, and maintain a database on agricultural activities and production including registration of players;
- (i) develop an agriculture, fish and livestock marketing infrastructure in the county;

- (j) promote animal welfare standards in livestock production activities;
- (k) promote product identification and traceability systems.

9. The executive committee member may, after a public hearing, enter into contracts with landowners, on a voluntary basis, for the use of any vacant, unimproved, or blighted lands for small-scale agricultural use within the county.

Use of vacant land for agricultural purposes.

10. (1) The executive committee member may make rules consistent with the county's zoning and other relevant laws, for the implementation and administration of urban agriculture.

Implementation and administration of urban agriculture.

(2) The executive committee member may enter into a contract with a landowner to restrict the use of land, subject to the contract, to uses consistent with urban agriculture, and a contract entered into pursuant to this section shall include, but is not limited to the following—

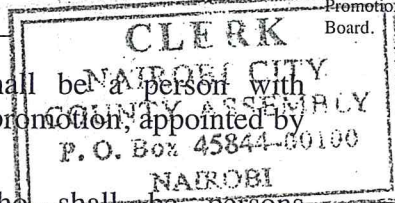
- (a) the term of the contract;
- (b) a requirement that the entire property subject to the contract shall be dedicated toward commercial or non-commercial agricultural use;
- (c) a prohibition against any dwellings on the property during the pendency of the contract;
- (d) prohibition on the use of pesticide or fertilizers.

PART III—NAIROBI CITY COUNTY URBAN AGRICULTURE PROMOTION ADVISORY BOARD

11. (1) There is established the Nairobi City County Urban Agriculture Promotion Advisory Board.

Establishment and membership of the Urban Agriculture Promotion Advisory Board.

- (2) The Board shall consist of—
 - (a) a chairperson to who shall be a person with experience in agricultural promotion, appointed by the Governor;
 - (b) four other members who shall be persons knowledgeable and experienced in matters of urban planning, livestock development, public



health and economics respectively appointed by Governor on the recommendation of the executive committee member;

(c) the chief officer responsible for agriculture who shall be the secretary to the Board.

12. The Board shall advise the executive committee member generally on the promotion of agricultural activities in the county on programs and goals for urban agriculture, livestock, and fisheries development in the county.

Functions of the Board.

PART IV—MISCELLANEOUS PROVISIONS

13. The provisions of relevant legislation shall apply to the county promotion, regulation and management of agriculture in the county.

Application of national legislation.

14. The powers and responsibilities of the county government as set out in the relevant legislation and this Act shall be exercised by the executive committee member.

Powers of county government to be exercised by the executive committee member.

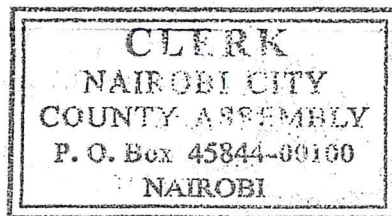
15. The county government shall designate such officers to be inspectors for the purposes of the relevant legislation and this Act and for the performance of the relevant functions under the relevant legislation.

County government to designate inspectors, etc.

16. (1) The county executive committee member may make regulations for the better carrying out of the provisions of this Act.

Regulations, etc.

(2) The county executive member shall ensure, by way of regulations, administrative arrangements, programmes and policies, the achievement of the objects of the Act as set out in section 4.



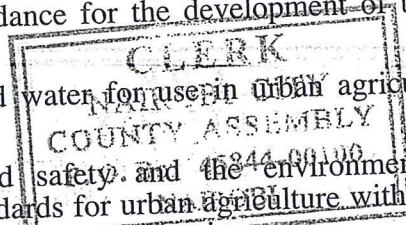
MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to encourage urban agriculture as an activity conducive to food security and well-being of the population, creation of work and economic opportunities and for environmental sustainability of the county.

Agriculture and animal husbandry are county government functions as per the fourth schedule to the Constitution (2010). This is in line with the responsibilities of the state as set out in the Bill of Rights, Article 43(1) (c) of the Constitution on freedom from hunger, and to have adequate food of acceptable quality. The defunct city council, operating under the then Local Government Act, suppressed agricultural activities with the city on the premise that agricultural activities were a nuisance in the city. The trend world over is that urban agriculture is gaining momentum and the county government should not lose the moment to expand the people's economic activities and efforts to feed themselves, thereby contributing to the nation's food supply. Research shows that urban livestock keeping, fish rearing and growing of fresh foods are beneficial to public health (especially child health) and wellbeing. It also shows that small urban backyard farms are efficient in recycling nutrients and contribute to ecological sustainability as does urban agriculture in general through greening, flood control and combating the urban heat island effect.

The Bill seeks to among other things—

- (a) Contribute to food and nutrition security through the support to and development of agriculture in the county by empowering the people and institutions economically by allowing and facilitating agricultural activities;
- (b) Establishment of the county agriculture development fund;
- (c) Promote increased access to agricultural extension and assisting in developing people's capacities in food production, value-addition and employment creation;
- (d) Promotion, support and guidance for the development of urban agriculture
- (e) Regulate access to land and water for use in urban agriculture within the county;
- (f) Protect public health, food safety and the environment by defining environmental standards for urban agriculture within the county; this includes the safe re-use of organic wastes
- (g) Institutionalise administrative procedures to get access to agricultural resources;
- (h) Institutionalise procedure to monitor positive and negative effects of urban agriculture with regard to social, economic and



environmental conditions and allocate responsibilities on the respective county institutions in that regard;

- (i) Establish procedure to oversee law enforcement on issues regarding urban agriculture.

The Bill requires the integration of agricultural activities in the physical planning in the county as well as the involvement of the other relevant departments of the county government in the promotion and regulation of agriculture.

In recognition of the multifaceted nature of food production and safety, the Bill proposes the establishment of an advisory board to advise the executive committee member for agriculture on the promotion of and regulation of urban agriculture in the county.

The Bill also proposes the inspectors and extension officers under the supervision of the executive committee member shall manage the promotion and regulation of urban agriculture in the county.

PART I provides for preliminary matters including the definition of terms used in the Bill. The objects of the proposed Bill are also set out.

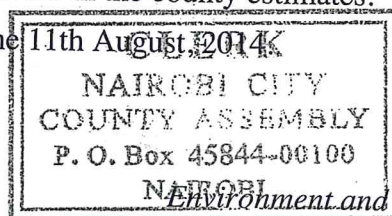
PART II provides for the promotion of agriculture within the county and in this regard under clause 4. It also mandates the county executive committee member to ensure measures are taken to promote sustainable urban agriculture in the county. It also prescribes the various ways in which urban agriculture may be carried out.

PART III provides for the establishment of the Nairobi City County Urban Agriculture Promotion Advisory Board. This Board shall be responsible for advising the county executive committee member generally in the promotion and regulation of agriculture in the county.

PART IV makes provision for miscellaneous matters including the application of the relevant national legislation. It also empowers the executive committee member to make regulations which should include the furtherance of the objectives of the Act as set out in clause 4.

The enactment of the Bill into law shall entail expenditure of public funds to be provided for in the county estimates.

Dated the 11th August 2014



BENSON AMUTAVI,
*Chairperson, Agriculture,
Environment and Natural Resources Committee.*