

SPECIAL ISSUE

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**THE NAIROBI CITY COUNTY URBAN AGRICULTURE
PROMOTION AND REGULATION ACT, 2015**

No. 4 of 2015

Date of Assent: 12th August, 2015

Date of Commencement: 27th August, 2015

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**THE NAIROBI CITY COUNTY URBAN
AGRICULTURE PROMOTION AND
REGULATION ACT, 2015**

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 Nairobi City County Assembly, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Nairobi City County Short title
Urban Agriculture Promotion and Regulation Act, 2015.

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

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

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"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—

Objectives 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.

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7. A person may engage in agriculture within the county subject to this Act, the relevant legislation and any other laws relating to Planning, Environment, Nuisance and Public Health.

Approval for
agricultural
activities.

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, co-ordinate and promote Crop and Livestock Production, Fislung, 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;

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

9. (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

10. (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 with the approval of the County Assembly;
- (b) four other members who shall be persons knowledgeable and experienced in matters of urban planning, agriculture, public health and economics respectively appointed by Governor on the recommendation of the Executive Committee Member with the approval of the County Assembly;
- (c) the Chief Officer responsible for Agriculture who shall be the Secretary to the Board.

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11. 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

12. The provisions of relevant legislation shall apply to the County promotion, regulation and management of Agriculture in the County.

Application of National Legislation.

13. 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.

14. 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.

15. (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.