

ORDINANCE SUPPLEMENT

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Local Governments (Kampala City Council)

Ordinance 5 *(Urban Agriculture) Ordinance*

2006

THE LOCAL GOVERNMENTS (KAMPALA CITY
COUNCIL) (URBAN AGRICULTURE) ORDINANCE, 2006.

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THE LOCAL GOVERNMENTS (KAMPALA CITY COUNCIL) (URBAN AGRICULTURE) ORDINANCE, 2006.

(Under sections 38,40,41 and paragraph 26 of Part 3 of the Second Schedule of the Local Governments Act, Cap 243)

An Ordinance to provide for the licensing, control and regulation of urban agriculture and to provide for other connected matters.

BE IT ORDAINED by the Council of the City of Kampala as follows:

1. (1) This Ordinance may be cited as the Local Governments (Kampala City Council) (Urban Agriculture) Ordinance, 2006.

Citation and commencement.

(2) This Ordinance shall come into force three months from the date of its publication.

2. This Ordinance applies to all areas in the City.

Application.

3. In this Ordinance, unless the context otherwise requires—

Interpretation.

“Act” means the Local Government Act;

“agro-forestry” means the growing of woody perennial trees, shrubs, palms, bamboos or any other woody perennial plants on the same piece of land for agricultural purposes;

“authorised officer” means an officer defined under paragraph 10 of this Ordinance;

“City” means Kampala City;

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“commercial urban farming” means the growing of food crops and rearing of livestock for the purposes of generating or supplementing income of a producer;

“Council” means Kampala City Council;

“currency point” has the meaning assigned to it in the First Schedule to this Ordinance;

“domestic food production” means the growing of food crops and rearing of livestock for purposes of availing food to the producer for home consumption, which food products are either not obtainable or readily available;

“fish farming” means the rearing of fish in a controlled environment;

“high density neighbourhood” means a residential area with more than two households per acre of land;

“horticulture” means the science and art of growing flowers, ornamentals plants, fruits and vegetables;

“licence” means a licence issued under paragraph 6 of this Ordinance;

“permit” means a permit issued under paragraph 4 of this Ordinance;

“producer” means a person engaged in growing of crops or rearing of animals for sale or home consumption;

“urban agriculture” means the practice of growing crops, aromatic plants, herbs, spices and ornamentals and the rearing of fish, poultry and livestock for food, income, environment management and medicine in the City and includes the processing and marketing of such products.

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4. A person shall not engage in urban agriculture without an urban agricultural permit issued by the Council as set out in the form specified in the Second Schedule to this Ordinance.

Urban agricultural permit.

5. (1) An application for an urban agricultural permit shall be made to the Council and shall contain the following—

Application for urban agricultural permit.

- (a) the name of the applicant;
- (b) the address of the applicant;
- (c) the nature of agricultural activity the applicant intends to engage in or is engaged in; and
- (d) the location of the place for the agricultural activity.

(2) The Council may, exempt a person engaged in an urban agricultural activity solely for domestic consumption or use, from applying for a permit referred to in subparagraph (1).

(3) The issuance of a permit shall depend on whether an urban agricultural activity is listed by the Council.

(4) The Council shall not issue a permit in respect of any urban agricultural activity that a person intends to engage in, unless the activity has been listed by the Council as one of the activities that a person may carry out in the City.

(5) The fees payable in respect of the issuance of an urban agricultural permit shall be a nominal fee to be determined by the Council.

6. A person shall not carry out commercial urban agriculture without a valid licence issued by Council as set out in the form specified in the Third Schedule to this Ordinance.

Urban agricultural licence.

7. (1) An application for an urban agricultural licence shall be made to the Council and shall contain the following—

Application for urban agricultural licence.

- (a) the name of the applicant;

- (b) the address of the applicant;
- (c) the nature of agricultural activity the applicant intends to or is engaged in; and
- (d) the location of the place for the agricultural activity.

(2) The fees payable in respect of an urban agriculture licence shall be determined by the Council from time to time and shall depend on, among other things, the type and size of enterprise.

Inspection of premises prior to grant of permit or licence.

8. (1) Upon receipt of an application for an urban agricultural permit or licence under paragraph 5 or 7, the Council shall within thirty days from the date of receipt of the application—

- (a) cause the premises concerned to be inspected by a production officer, who shall make a report of the premises to the Council;
- (b) consider the report in sub-paragraph (a) and any presentations made on the report by the owner or occupier of the premises; and
- (c) grant or refuse to issue an urban agricultural permit or licence to the applicant.

(2) The issuance of an urban agricultural permit or licence may, in addition, be subject to such conditions that the Council may deem fit and any breach of such conditions shall constitute an offence under this Ordinance.

Register of urban agricultural activities.

9. The Council shall maintain a register of all persons issued with permits or licences carrying out urban agriculture in the City.

Authorised officer.

10. The Council shall appoint an authorised officer, who shall be responsible for the administration of this Ordinance and any matter related to agriculture within the Council's area of jurisdiction.

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11. A person shall not, without prior permission from the Council, engage in commercial urban agriculture in any of the following areas—

Agriculture prohibited in certain areas.

- (a) a road reserve within the meaning of the Roads Act;
- (b) a wetland as defined by the National Environment Act;
- (c) a greenbelt gazetted by the Council;
- (d) a park gazetted by the Council;
- (e) an abandoned landfill as gazetted by the Council or any other area designated by the Council as a toxic area;
- (f) an area less than ten feet away from an open drainage channel gazetted by the Council; or
- (g) any other area that Council may specify.

12. (1) A person shall not use untreated human waste as manure for agricultural purposes.

Human waste not to be used as manure.

(2) The Council shall prescribe the methods for the treatment of human waste as manure for agricultural purposes.

(3) A person who contravenes this paragraph commits an offence.

13. An owner of an industry, petrol station, workshop, vehicle operator or any other person engaged in a similar activity shall not discharge his or her gaseous emissions, toxic waste products or other effluents into the air or water courses in a manner that is likely to pollute urban agricultural activities.

Disposal of toxic emissions and wastes.

Disposal of
sewage.

14. A person shall not dispose of sump oil or waste products from engineering works in an open drainage channel, stream, swamp water, pool or garden of crops.

Use of
chemicals.

15. (1) A person using a pesticide, herbicide or fungicide in any agricultural activity shall ensure that the pesticide, herbicide or fungicide is applied in a manner that will not result in polluting the environment.

(2) A person shall not apply any pesticide, herbicide, fungicide or any chemical onto any agricultural produce contrary to the manufacturers' approved method of application or in a manner likely to injure the health of any person or endanger the environment.

Irrigation
pools.

16. (1) Any person who digs or in any way creates a pool, channel or trough for irrigation purposes shall ensure that the water is protected from becoming a breeding ground for mosquitoes or a source of any water borne disease.

(2) A person who contravenes subsection (1) commits an offence.

Small scale
agro-
processing.

17. A person shall not process any food or beverage for sale to the public unless—

- (a) the place where the food or beverage is processed is raised at least one metre above the ground;
- (b) the place where the food or beverage is processed is at least ten metres away from any toilet facility or open drainage system; and
- (c) the utensils in which the food or beverages are processed are properly covered to prevent the food or beverage from contamination.

Display of
cooked or
processed
foods and
beverages
for sale.

18. (1) A person shall not display any cooked or processed food or beverage for sale unless authorised by the Council.

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(2) A person shall not display any cooked or processed food or beverage for sale unless the cooked or processed food or beverage is placed on a rack or surface raised at least one metre above the ground and placed in utensils properly covered to prevent the food or beverage from contamination.

19. (1) Any person who, knowingly makes any false statement, for the purpose of—

Making false statements.

(a) procuring an urban agricultural permit under this Ordinance; or

(b) procuring, whether for himself or herself or any other person, the entry of any agricultural activity in a register of urban agricultural permits or licences,

commits an offence.

20. (1) Where in the opinion of the Council, the existence of an agricultural activity is detrimental to public health or to the environment, the Council may order the agricultural activity to be closed and forbid the sale of any produce or product of that agricultural activity for a period to be specified in the order.

Closure.

(2) Any person who carries on an agricultural activity or sells any agricultural produce or product contrary to subparagraph (1) of this paragraph commits an offence.

21. Any person who contravenes any provision of this Ordinance commits an offence and is liable on conviction, to a fine not exceeding two currency points or to a term of imprisonment not exceeding six months or both, or an equivalent term of community service.

Offences and penalties.

22. Where a person is convicted of an offence under this Ordinance the court may, in addition to or in substitution for any other penalty provided for such an offence, revoke or suspend any service permit for such time as it deems fit.

Revocation and suspension of service permit.

SCHEDULES.

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FIRST SCHEDULE
Paragraphs 3 and 21

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

The Republic of Uganda

URBAN AGRICULTURAL PERMIT

(The Local Governments (Kampala City Council) (Urban Agriculture) Ordinance, 2006)

Permit No.

Name of Permit holder

Name of listed activity

Premises situated at are hereby licensed to be used for an urban agricultural activity.

This Permit expires on the day of, 20....

Dated at Kampala this day of, 20.....

.....

Town Clerk.

The Republic of Uganda

URBAN AGRICULTURAL LICENCE
(The Local Governments (Kampala City Council) (Urban Agriculture) Ordinance, 2006)

Licence No.

Name of Licensee

Premises situated at are hereby licensed to be used for a commercial urban agricultural activity.

This licence expires on the day of 20.....

Dated at Kampala this day of20.....

.....

Town Clerk.

PASSED by the City Council of Kampala on 3rd day of May, 2004.

I HEREBY signify my hand this 10th day of May, 2005.

Cross References

- Local Governments Act, Cap. 243
- National Environment Act, Cap. 153
- Roads Act, Cap. 385

JOHN SSEBAANA KIZITO,
Mayor, Kampala City Council.