

PART XIII

LAGOS STATE PARKS AND GARDENS AGENCY

Interpretation.

429. In this Part unless the context otherwise requires-

“Commissioner” means the Commissioner for the Environment or any member of the Lagos State Executive Council charged with the responsibility for the Environment;

“Conservation” means sustainable exploitation of natural resources for optimal or maximum yields of the present generations, maintaining its potential to meet the needs and aspirations of future generations including but not limited to monitoring of aesthetic, greening monitoring and balanced ecosystems;

“Felling” means the process of downing individual trees;

“Governor” means the Governor of Lagos State;

“Enforcing Authority” means Lagos State Parks and Gardens Agency;

“Landscaping” includes beautification of land, property by modifying or enhancing the natural scenery which includes planning and planting of gardens and grounds especially so as to produce picturesque and harmonious effect;

“Local Government Areas” includes Local Council Development Areas;

“Pruning” means involving the selective removal of parts of a plant such as branches, buds or roots;

“State” means Lagos State of Nigeria.

Establishment of the Lagos State Parks and Gardens Agency.

430. (1) There is established the Lagos State Parks and Gardens Agency (referred to in this Law as “the Agency”).
- (2) The Agency shall—
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue and be sued in its corporate name; and
 - (c) capable of purchasing, acquiring, holding and disposing of property for the purposes of discharging its functions under this Law.

Powers of the Agency.

431. The Agency shall have power to—

- (a) enter into contract with the prior approval of the Governor, for the development, maintenance and management of State parks, gardens, recreation centres, playing grounds and other open spaces provided by or vested in the Agency under this Part;
- (b) acquire any land in the State, open space, park or garden for the purpose of development under the provisions of this Part and in accordance with the relevant provisions of the Land Use Act and pay adequate compensation;
- (c) enter into a lease agreement on its properties with any person for any purpose it deems fit with the prior approval of the Governor;
- (d) undertake or sponsor the undertaking of such research as may be necessary for the performance of its functions;
- (e) control and manage all open spaces that are beautified or improved through its activities;
- (f) make, draw, accept, discount, endorse and execute promissory notes, bills of exchange or other negotiable instruments subject to the approval of the Governor;
- (g) accept, acquire and hold any security of any kind in any form;
- (h) solicit for and accept donations in cash or kind towards the realization of its objectives;
- (i) surrender, re-transfer or re-convey any security held by the Agency, on exchange for another security or on discharge of the security;
- (j) invest any money standing to its credit in any bank with the approval of the Governor;
- (k) insure its properties against all forms of risk;
- (l) initiate and establish beautification sites within the State;
- (m) create parks and gardens in any part of the State;
- (n) preserve monuments, artefacts, statues, archeologically, natural and historical sites within the State;
- (o) supervise beautification work of various formats in the State;
- (p) monitor compliance with landscaping requirements of the State; and
- (q) create waterfalls/fountains in any part of the State..

Functions of the Agency.

432. The Agency will-

- (a) administer, maintain and manage all designated parks and gardens in the State;
- (b) charge appropriate fees for the use of facilities provided where necessary in the State's parks and gardens;

- (c) carry out the general directives and policies of the State Government in respect of the development, maintenance and management of parks, recreation centres, gardens, playing grounds and open spaces in the State;
- (d) Ensure proper landscaping and beautification of the physical environment of the State and establishment of gardens and Parks for recreations activities;
- (e) grant permits on the payment of the prescribed fees to any club, association or similar body or to any person, for the purpose of holding galas, competitions, tournaments and similar events exclusively in any of the open spaces in the parks or gardens managed by the Agency;
- (f) regulate the hours of use of the open spaces in the State parks and gardens by members of the public;
- (g) provide and maintain adequate security and environmental sanitation facilities for the State parks, gardens, open spaces and recreation centres;
- (h) promote afforestation in all ramifications in the State;
- (i) enumerate and tag all trees within the State inclusive of those in private tenements;
- (k) monitor and supervise trimmings and felling of trees within the State;
- (l) advise on all matters relating to the greening programme of the State;
- (m) provide funds for the maintenance of parks and gardens;
- (n) protect the State from environmental degradation resulting from environmental disasters such as gully and soil erosion, oceanic surge, mining, deforestation, fog, smog; and
- (o) carry out such other assignments and functions as may be directed by the Governor.

Establishment of the Governing Board.	433	There is established for the Agency the Lagos State Parks and Gardens Governing Board (referred to in this Part as “the Board”)
Appointment and Composition of the Board.	434.	The Board shall consist of a Chairman and five (5) members from the public who will be appointed by the Governor on the recommendation of the Commissioner, subject to the confirmation of the House of Assembly.
Tenure of Office.	435.	The Chairman and members of the Board shall hold Office for a term of four (4) years renewable for a further term of four (4) years only.
Remuneration and Allowances.	436.	The Chairman and members of the Board will be paid such remuneration and allowances as may be determined and approved by the Governor.

- Cessation of Office of Members of the Board. 437. A member of the Board shall cease to hold office if the member:
- (a) resigns by giving one (1) month notice in writing to the Governor;
 - (b) is unfit or unable to discharge the functions of the office either by reason of infirmity or mental incapacity;
 - (c) has been convicted by a Court of Law for offences involving dishonesty;
 - (d) is an undischarged bankrupt or is in obvious financial distress;
 - (e) is guilty of gross misconduct in relation to the duties of the office.
- Meetings and Proceedings of the Agency. 438. (1) The Chairman shall convene meetings of the Board at least four (4) times in a year and at such other times and places as may be determined for the transaction of the business of the Agency.
- (2) The Chairman shall summon special meetings of the Agency on a request in writing by the Commissioner and if the Chairman fails to convene the meeting, the Commissioner is authorised to do so.
- (3) The Chairman shall preside at every meeting of the Agency but if absent one of the members present will be appointed to preside.
- (4) The Agency will have power to make standing orders regulating its proceedings at meetings.
- Validity of Proceedings 439. The validity of any proceedings of the Board will not be adversely affected by-
- (a) any vacancy in the membership of the Agency;
 - (b) any defect in the appointment of a member; or
 - (c) reason that a person not entitled to do so took part in the proceedings.
- Quorum. 440. The quorum at any meeting will be three (3) members.
- Voting. 441. The Chairman or the member presiding will have a deliberative vote at a meeting and where there is equality of votes, the Chairman or member presiding will have a casting vote.
- Power to Co-opt. 442. Where the Board desires to obtain advice or information from any person on any matter, it may co-opt the person as a member and such person will have the rights and privileges of a member but will not be entitled to vote on any issue or count towards a quorum.
- Disclosure of Interest. 443. Any Member of the Board who has an interest in any contract or transaction entered into or proposed to be considered by the Board, must disclose the nature of such interest at a meeting of the Board and such fact shall be recorded in the minutes and the member will not take part in any deliberation or decision of the Board with respect to the contract or transaction.
- Seal of the Agency. 444. (1) The common seal of the Agency shall be determined by the Board and affixing of the common seal will be authenticated by the signature of the Chairman and the Secretary or some other person(s) authorised by the Board for that purpose.

- (2) A document duly executed under the common seal of the Agency shall be admissible in Court and unless the contrary is proved, be deemed to be executed.
- General Manager of the Agency. 445.
- (1) There shall be an officer of the Agency to be known as the General Manager who shall be-
- (a) appointed by the Governor; and
 - (b) the holder of a recognised degree or a professional qualification in the field of horticulture, landscape architecture, town and country planning, tourism or any other related field.
- (2) The General Manager shall be the Chief Executive Officer of the Agency who will be responsible for the-
- (a) general administration and execution of the policies;
 - (b) transaction of its day to day business.
 - (c) making arrangements for meetings of the Agency;
 - (d) preparing the agenda and minutes of such meetings;
 - (e) carrying out the decisions of the Board;
 - (f) arranging payment of fees and allowances due at meetings and all other matters affecting Staff of the Agency; and
 - (g) performing all other duties as may be specifically assigned to him by the Board.
- Staff of the Agency. 446.
- The Agency may, subject to the approval of the Commissioner appoint other category of professional and non-professional staff and agents on such terms and conditions and on such remunerations and allowances as it deems appropriate for the proper performance of its functions under this Part.
- Funds and Resources. 447.
- The Agency will generate its funds and resources from such sums as may be-
- (1) appropriated by the House of Assembly of the State;
 - (2) collected or received by the Agency in the execution of its functions under this Part;
 - (3) received from branding or sponsorship;
 - (4) payable to it from property vested in the Agency; and
 - (5) funds realized from grants and donations.
- Power to Borrow. 448.
- (1) The Agency shall, with the approval of the State Executive Council, borrow such sums as it may deem necessary, by way of mortgage or otherwise, for the performance of its functions under this Part.
- (2) An approval given in subsection (1) of this Section may be general or limited and it shall be subject to the approval of the House of Assembly.

- Designation of the State Parks and Gardens. 449. (1) Any area of outstanding natural beauty, long distance route, open air recreational facility within the State may be designated as a Community Park, Garden or Conservation Area by the Board subject to approval of the Commissioner.
- (2) A Local Government Area, subject to the approval of the Governor, may designate an area within its control as a Community Park or Garden.
- (3) This Part will apply to any area designated in accordance with subsections (1) and (2) of this Section and the Agency will have the power to administer such an area as a State Park or Garden.
- Landscaping perimeter of Tenement. 450. Tenement owners and occupiers shall landscape and beautify the areas of their properties, the neglect, failure and refusal of which shall constitute an offence and liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) or term of imprisonment for six (6) months or non-custodial sentence or such sum as the State shall incur doing same on behalf of the tenement.
- Duty of Tenement or Facility Owners. 451. (1) It is an offence for any occupier or owner of a tenement or facility whether individual or corporate to:
- (a) allow the overgrowing of weeds within and around its premises;
 - (b) fail or refuse to weed and control vegetation within the setback of roads and highways bordering its property;
 - (c) fail or refuse to control any vegetal nuisance in and around drains that surround or abuts its property;
 - (d) engage in sculpture display and artefact activities without the approval of the Agency;
 - (e) access all monument artefacts, statues and natural and historical identity (natural heritage) on land, water and air without the approval of the Agency;
 - (f) use public open spaces, loops, road median, setbacks for any social gathering or any other natural purposes excepts as permitted in writing by the Agency;
 - (g) disturb, misuse, defile landscaped and beautified place(s) or area(s) or on-going landscaped or beautification site.
- (2) Any person convicted of an offence under this Section shall be liable on conviction to a fine of Fifty Thousand Naira (N50,000.00) or a term of imprisonment of six (6) months or both and an additional fine of Two Thousand Naira (N2,000.00) for every day the offence subsists.
- (3) Where the offence is committed by a body corporate, it shall on conviction be liable to a fine not less than Two Hundred and Fifty Thousand Naira (N250,000.00) and not exceeding One Million Naira (N1,000,000.00) and an additional fine of Fifty Thousand Naira (N50,000.00) for every day the offence subsists.

- Landscaping and Beautification of Premises. 452. (1) As from the commencement of this Law, every owner of premises or facility shall regularly-
- (a) paint the building, premises or facility along or abutting the major highways and roads within the State; and
 - (b) properly maintain all landscaped areas of its property or premises;
- (2) Every company or corporate organizations and business out-lets carrying on business along the major highways and roads shall landscape and beautify all road set-backs and median abutting or bordering its property and shall regularly and properly keep and maintain same.
- Tree Planting Anniversary. 453. (1) The 14th day of July of every year shall be declared a Tree Planting Day in the State.
- (2) A minimum of at least one (1) meter height and three (3) to eight (8) meters distance shall be observed in every planting exercise in the State.
- (3) Where a tree is felled, by any individual or corporate body such individual or corporation shall be under an obligation to replace it with five trees .
- (4) A major programme shall be organized annually by the Agency in every Local Government Area where life plants will be given out to every participant to nurture at home and plant in the Gardens, and it shall include medicinal plants, orchids and ferns.
- Mode of Service of Documents and Court Processes. 454. Service of Court processes and other documents required or authorised to be served on the Agency under the provisions of this Part or any other Part may, unless there is express provision to the contrary, be served by delivering same to the General Manager or the Secretary of the Agency, or by sending it by registered post addressed to the General Manager of the Agency at the principal office of the Agency.
- Offences and Penalties 455. (1) A contravention or failure to comply with any of the matters provided under this Part shall constitute an offence.
- (2) Any person or Organisation -
- (a) found felling or trimming trees in the State without obtaining the required permit from the Agency shall replace the tree with five trees seedlings
 - (b) walking on lawns and gardens instead of designated walkways;
 - (c) spitting, urinating or defecating in any area of the parks, gardens or open spaces;
 - (d) loitering or soliciting for illegal purposes, smoking, distributing controlled substances or engaging in disorderly conduct;
 - (e) littering, polluting or dumping litter or refuse in any park or garden;
 - (f) failing to control animals or allowing animal defecation;

- (g) engaging in unhygienic use of fountains, pools or water in the parks, gardens and open spaces;
- (h) vehicular accidents damaging the parks and gardens; and
- (i) violating other rules made in accordance with this Part of the Law commits an offence and is liable on conviction to a fine of not less than Fifty Thousand Naira (N50,000.00) or to one (1) month imprisonment, or both.

Accounts and Audit. 456. The Agency shall-

- (a) keep proper accounts and records of its transactions in such form as the State Auditor-General may direct in conformity with standard accounting practices; and
- (b) prepare at the end of each financial year, statements of the accounts which shall be audited annually by the Auditor appointed by the Auditor-General of the State.

Annual Estimates. 457. The Agency shall-

- (a) in accordance with the State Administrative Guidelines, prepare and submit through the Commissioner to the Executive Council not later than 31st December in each year, a report of its activities and operations with a certified copy of the audited accounts of the Agency and the Auditor's report on same.
- (b) prepare and submit to the Commissioner for the Governor's approval, its annual estimates of revenue and expenditure for the period commencing from 1st day of January and ending on 31st December of the year, not later than three (3) months to the expiration of the current year.

Regulation on Horticulturist/Roadside Garden Practitioner.

458. (1) As from the commencement of this Law, it is an offence for anyone, group or corporate organizations to engage in flora Road activities within the State without the permit of the Agency.
- (2) Where any person contravenes subsection (1) of this Section, the Agency shall close down such garden or outfit.

Power to make Regulations.

459. The Commissioner may make regulations for carrying into effect the purposes of this Part subject to Regulation Approval Law.

PAYMENT SCHEDULE FOR PENALTY

S/N	DESCRIPTION	PENALTY INDIVIDUAL	CORPORATE	ADMINISTRATIVE CHARGES INDIVIDUAL	CORPORATE
1	Felling of a Tree	N30,000.00	N50,000.00	N5,000.00	N10,000.00
2	Trimming or Pruning of Trees	N20,000.00	N30,000.00	N5,000.00	N10,000.00
3	Poisoning, Ring Barking Tagging	N20,000.00	N30,000.00	N5,000.00	N10,000.00
4	Roaming Animals	N10,000.00	N40,000.00	N5,000.00	N10,000.00
5	Urinating and/or Defecating in any Area in the Parks, Gardens or Open Spaces.	N5,000.00			
6	Illegal Digging.	N50,000+ Cost of Restoration of Digging	N100,000.00+ Cost of Restoration of Digging	N25,000.00	
7	Engaging in Hygienic use of Fountains, Pools or Water in the Parks, Gardens and Opening Spaces	N10,000.00			