

*petition -  
regal by Hon. A. Kame  
on 11/12/22 of committee  
& committee of planning  
& environment.*

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY  
(FIRST SESSION)



[PUBLIC PETITION PURSUANT TO STANDING ORDER 213]

BY DAM ESTATE ASSOCIATION RESIDENCE ON STOPPAGE OF NOISE POLLUTION  
AND LAND GRABBING BY HELICOPTER CHURCH IN LANGATA IN NAIROBI CITY  
COUNTY.

WE UNDERSIGNED Citizens of Kenya who are residents of Dam Estate Association within Nairobi City County.

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County governments in the County Assembly;

THAT WHEREAS, Article 42 of the Constitution further provides that every person has the right to a clean and healthy environment, which includes the right; -

- a) to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and
- b) to have obligations relating to the environment fulfilled under Article 70.

THAT, The Nairobi City County Public Nuisance Act, 2021 provides control of public nuisance and empowers the County to all Lawful necessary and reasonable practicable measures for the maintenance of the County cleanliness and sanitary condition at all times;

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THAT, the Kenya National Land Use Policy 2017 recognizes the need for social development that takes cognizance for provision of basic infrastructure and services;

THAT WHEREAS, Section 5(e) of The National Land Commission Act, 2012 requires the commission to initiate investigations into present or historical land injustices and recommend appropriate redress;

THAT, we Dam Estate Residence write to complain of the noise emanating from the Helicopter Church located in Langata Ward led by Bishop Thomas Wahome. The church conduct all nights *Keshas* and all day Sunday Services with high noise;

NOTING THAT, This establishment has become a public Nuisance in the residential neighbourhood through noise pollution, mostly in form of loud music on a nightly basis and Sunday Services with little to no regard for the inconvenience to and /or discomfort of your petitioners;

THAT, Helicopter Church has grabbed a portion of riparian land that belongs to Dam Estate as well as reclaiming the actual Dam by dumping extracted soil. He has also set up structures on the same portion;

THAT, Dam Estate Association put up a fence to stop his further encroachment but he organised goons who destroyed it on 3<sup>rd</sup> April 2021 and same was reported to the area chief and Langata police station;

THAT WHEREAS, Article 28 of the constitution states that every person has inherent dignity and the right to have that dignity respected and protected;

THAT WHEREAS, petitioners, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body.

HEREFORE, your humble Petitioners PRAY that the County Assembly of Nairobi County intervenes and ensure that; -

- a) Nairobi City County Environment and Natural Resources sector to exercise its oversight role by ensuring the noise pollution emanating from Helicopter Church

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led by the Bishop Wahome and any other such rogue establishment around the affected residents;

- b) The Nairobi City County Government in conjunction with the relevant organs bring down the illegal structure being on the said land and put it to the rightful owners that is Dam Estate Association Residence; and
- c) In the alternative, the Helicopter church be shut down and/or removed from the premises wherein it is currently operating its business which is within a residential area in close proximity to the residents of the petitioners herein and Dam Estate.

And your Petitioners will forever pray.

Presented by;

Hon. Jared Akama, MCA-

*On behalf of;*

- The Residents of Langata



*And by extension;*

- All residents of Nairobi County.

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