

S T A T U T O R Y I N S T R U M E N T S

2009 No. 13.

THE LOCAL GOVERNMENTS (HOIMA TOWN COUNCIL)
(MISCELLANEOUS) BYELAWS, 2009.

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2009 No. 13.

The Local Governments (Hoima Town Council) (Miscellaneous) Byelaws, 2009.

(Made under section 39 of the Local Governments Act, Cap. 243)

IN EXERCISE of the powers conferred upon Hoima Town Council by section 39 of the Local Governments Act, these Byelaws are made this 6th day of June 2008.

PART I—PRELIMINARY.

1. Title.

These Byelaws may be cited as the Local Governments (Hoima Town Council) (Miscellaneous) Byelaws, 2009.

2. Application.

These Bye-laws shall apply to Hoima Town Council.

3. Interpretation.

In these Byelaws, unless the context otherwise requires—

“Act” means the Local Governments Act;

“animal” means cattle, goats, sheep, pigs, poultry or rabbits.

“business premises” means land or buildings intended for the purpose of commercial or industrial business, entertainment, sports, health, education or any other similar purpose within the council;

“butchery” means a place where meat is sold;

“council” means Hoima Town Council;

“currency point” has the value assigned to it in the Schedule;

“domestic animal” includes cow, sheep, goat, dog, cat, poultry and any other domestic animal;

“financial year” means a period of twelve months ending on the 30th June of each calendar year;

“hawker” means a person whether on his or her account or as the servant or agent of another person, carries on the business of selling goods by retail in a container or kiosk outside a council market;

“local alcohol” means locally brewed alcohol and includes tonto, waragi, masohi, kwete;

“meat” means the carcass of an animal and includes the organs or viscera of that animal;

“other animal” include a donkey, or horse;

“permit” means a permit or licence issued under these Byelaws;

“planned area” means an area designated by the council for residential, industrial or other specified purposes;

“pound” refers to a place where confiscated properties are kept;

“wetland” refers to low lying area with a water body.

PART II—BUILDINGS.

4. Compliance with Byelaws.

Every person who erects a building in the council shall comply with the requirements of these Byelaws and any other law.

5. Notice of erecting or making alterations to building.

(1) A person who intends to erect a building or make any alterations to a building in the council shall submit to the council a notice in writing of his or her intention to do so together with the building plans.

(2) A person who contravenes this byelaw commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding one month or both.

(3) In addition to the fine in sub-byelaw (2), the council may demolish the affected building.

6. Notice to council of stages in construction.

A person whose building plans have been approved by the council shall notify the council in a prescribed form, the construction stages such as excavation, laying of foundation, placement of damp proof course, casting of lintels and ring beams and placing wall plates.

7. Construction of buildings without permit.

A person shall not construct a building within the council unless he or she is issued with a permit by the council.

8. Construction of houses in certain places.

A person shall not construct a house on any site which is used as a deposit of garbage, excremental matter or carcasses.

9. Building on road reserves, etc. prohibited.

A person shall not erect a building on a road reserve, sanitary lane or side lane, wetland or in a fragile eco-system.

10. Depositing materials on road reserve.

(1) A person shall not deposit building materials, excavated soils or any other materials on a road or road reserve open space, wetland without the permission of the council.

(2) A person who contravenes this byelaw shall be ordered to remove the materials from the road or road reserve, open space or wetland.

11. Survey or subdivision of plot.

A person shall not, without the express permission of the council, survey or subdivide a plot within the area of jurisdiction of the council.

12. Erection of signposts, posters, etc

(1) A person shall not erect sky-high sign-posts, posters, or inscriptions on a building without permission in writing from the council.

(2) Noncompliance with this byelaw shall result in confiscation, erasing or destruction of the signpost, poster or inscription.

13. Certificate of suitability of new building.

A person who intends to occupy a building after its completion shall submit to the council a certificate duly signed by an architect or health inspector confirming that the building is fit for habitation.

14. Occupation permit.

A person shall not occupy a new building within the council unless he or she procures a written permit of occupation from the council.

15. Undeveloped plots to be kept clean.

A person who owns an undeveloped plot or a semi-developed piece of land within a planned area shall keep the plot or piece of land in a hygienic and sanitary manner to alleviate overgrowth, filth, harbouring of rodents, vermin or any other related danger.

PART III—KEEPING OF ANIMALS WITHIN THE COUNCIL.

16. Keeping or grazing animals.

A person shall not keep or graze an animal other than a domestic animal in the central ward of the council.

17. Impounding of animals.

(1) The council shall impound any animal kept or found grazing in the prohibited areas of the council, and the animal shall be taken to the pound set aside for that purpose.

(2) A person shall not take an animal which has been impounded under this byelaw from the pound except with the permission of the pound keeper and on payment of a fine of two currency points only per day, if it is a cow; one currency point per day if it is a sheep or goat and two currency points per day if it is a pig.

(3) A person who breaks or attempts to break into the pound commits an offence and is liable, on conviction, to a fine not exceeding two currency points and shall in addition be ordered to pay for the damage caused to the pound as a result of the break in or attempted break in.

18. Keeping other animals.

(1) A person who keeps other animals within the prohibited areas shall register the animals with the council.

(2) A person whose dog is found straying commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding one month.

(3) The council shall not register a dog unless its owner produces a valid vaccination certificate signed by a veterinary officer showing that the dog has been inoculated against rabies.

PART IV—HANDLING OF MEAT

19. Slaughter of animals.

(1) An animal shall not, except with the permission of the council, be slaughtered in any place other than a slaughter house.

(2) There shall be a separate slaughter house for pigs.

20. Time for slaughter of animals.

An animal intended for slaughter shall be slaughtered between 7:00 a.m and 10:00 a.m unless otherwise authorised by the health officer of the council.

21. Examination of animals before slaughter.

A veterinary officer authorised by the council shall examine an animal intended for slaughter in a slaughter house to establish whether the animal is free from disease.

22. Inspection of meat by health inspector.

The health inspector or an authorised officer of the council shall inspect all the meat in a slaughter house.

23. Slaughter fees.

(1) The fees to be paid for the slaughter of the animals in the slaughter house shall be determined by the council from time to time.

(2) A person who fails to pay the fees prescribed by the council commits an offence and is liable on conviction to a fine twice the prescribed fee or where the person fails to pay the fine, the council officials may retain the carcass.

24. Business of a butchery.

A person shall not carry on the business of a butchery unless—

- (a) he or she has a health certificate issued by the health inspector;
- (b) the premises have been inspected and approved by the health inspector; and
- (c) he or she has a licence issued by the council.

25. Butchery not to carry on other business.

A licensed butchery shall not carry on any other business without written permission of the council.

26. Passengers not to travel on vehicle carrying meat.

A person shall not transport passengers on a vehicle carrying meat for public consumption.

27. Roasting meat.

A person shall not roast meat or any other food for public consumption unless he or she is issued with a permit by the council.

PART V—SALE OF FOOD.

28. Business of hotel or eating house.

(1) A person shall not carry on the business of a hotel or eating house unless he or she is issued with a certificate of suitability of premises and a trading license by the council.

(2) The council may, from time to time, determine the fees to be paid by a person applying for a certificate of suitability of premises and a trading license.

- (3) The council shall cancel the license issued under sub byelaw (1) if—
 - (a) the owner does not maintain basic hygiene and sanitary standards to the satisfaction of the council;
 - (b) the premises are a source of an outbreak of any disease; or
 - (c) the premises lack appropriate latrine or toilet facilities.

(4) The council may close the premises where the owner fails to pay the trading license fees.

29. Sale of perishable foods.

(1) A person shall not sell perishable foods in any place other than the central market or any other area prescribed by the council.

(2) The council may confiscate any perishable food sold outside the central market or a prescribed area.

PART VI—LICENSING OF TRADING PREMISES.

30. Application for a licence.

(1) A person who intends to operate a business within the council shall apply in a prescribed form to the council for a trading licence.

(2) The application shall be accompanied by a fee to be determined by the council.

(3) Upon receipt of the application, the council shall determine the fitness of the trading premises before issuing a trading licence.

31. Carrying on business without a licence prohibited.

A person shall not carry on business unless he or she has a licence issued by the council.

32. Breaking into locked premises.

A person who breaks into trading premises closed and locked by the council commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding one month or both.

PART VII—DWELLING HOUSES.

33. Dwelling house to be kept clean.

A person within the area of jurisdiction of the council shall keep his or her dwelling house or premises clean according to the required health standards of the council.

34. Renting out dilapidated buildings prohibited.

The owner of premises shall not rent out unhealthy, dilapidated or leaking premises or premises that lack adequate lighting and ventilation.

35. Facilities in dwelling house.

A dwelling house shall have dry racks, baths, a kitchen, latrine or toilet.

36. Latrines or toilets.

(1) Every dwelling house or premises within the area of jurisdiction of the council shall have a properly kept latrine or toilet which shall be located in an appropriate place.

(2) In commercial premises or institutions where many people reside, there shall be provided separate and adequate latrines for males and females which shall be marked as follows—

(a) “For men only”; and

(b) “For women only”.

(3) The owner of the building whose latrine is in a condition likely to be dangerous to human health shall repair the latrine or construct a new one within fourteen days.

(4) The council shall evict the tenant of a person who contravenes this bye-law; and, in addition to the eviction, the owner of the affected premises shall be ordered to make a refund of the rent for the remaining period to the tenant or tenants.

37. Public latrines or toilets.

(1) The council shall provide public latrines at convenient locations as approved by the council.

(2) A person who uses the latrine or toilet shall pay a fee prescribed by the council.

PART VIII—MISCELLANEOUS

38. Loading and offloading of vehicles.

(1) A person who operates the business of transporting people shall load and off load the people in the bus park or taxi park or any other place designated by the council.

(2) The council shall charge a fee for each vehicle that is offloading heavy goods in the council such as posho, bananas, merchandise etc.

(3) The fee shall be determined by the council from time to time.

(4) A person shall not make unnecessary or excessive noise while loading or offloading a vehicle.

39. Sale of alcohol.

(1) A person shall not sell alcohol without a valid trading license issued by the council.

(2) Alcohol shall be sold between 5.00 p.m to 12.00 midnight in respect of ordinary bars and between 5.00 p.m to 6.00 am in respect of night clubs.

(3) Local alcohol shall not be sold in any place along the main streets of the council.

40. Holding of promotions, shows, rallies, etc in open space.

A person who intends to hold a promotion, show, rally or any other function likely to attract a big crowd in the open space within the area of jurisdiction of the council, shall first obtain permission of the council, and shall also pay a fee that shall be determined by the council.

41. Market vendors not to be accompanied by children.

(1) A person who is involved in the business of selling goods in the market, eating houses and lodges shall not, for the period he or she is selling in the market, eating houses and lodges be accompanied by a child of between one year and six years.

(2) A market vendor shall pay daily market dues determined by the council.

42. Duration of permits.

A permit or license issued by the council under these Byelaws shall, where the duration is not specifically provided in these Byelaws, be issued for one financial year.

43. Licence for manufacturing or dealing in motor vehicles, etc and spare parts.

(1) Notwithstanding any other written law, a person shall not repair a motor vehicle, trailer or engineering plant and bicycle for trade or manufacture.

(2) A person shall not deal in new, secondhand or reconditioned spare parts for a motor vehicle, trailer or engineering plant, bicycle or replicas motor vehicles, trailers or engineering plants and bicycles unless he or she operates in a planned area meant for such purposes and is in possession of a license or a trading licence issued under the Trade (Licensing) Act or the Industrial Licensing Act.

44. Defecating or urinating in open space, etc.

(1) A person shall not defecate or urinate in an open space or near the river or other water supply except in a latrine or toilet.

(2) A person who contravenes sub-byelaw (1) of this byelaw commits an offence and is liable, on conviction, to a fine not exceeding two currency points or imprisonment not exceeding one month or both.

45. Hawking without a permit is prohibited.

(1) A person shall not carry on the business of hawking within the area of jurisdiction of the council unless he or she has been issued with a permit.

(2) A person who contravenes this subbyelaw commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding one month or both.

46. Restriction on setting up of capital development

A person shall not set up capital development within council boundaries without an Environmental Impact Assessment issued by National Environmental Management Authority.

47. Restriction of speed.

A person shall not drive or ride a motor vehicle or motorcycle within the area of jurisdiction of the council beyond a speed of 30 KMPH. (kilometres per hour).

48. Attendance of council meetings.

Every resident of council shall, if invited by the authority, attend council meetings.

49. Obligation of occupier or owner of premises.

(1) The owner or occupier of a premise shall take necessary measures—

- (a) to destroy mosquito breeding grounds;
- (b) to collect and remove empty tins, cans, bottles or other receptacles in which mosquitoes may breed;
- (c) to cut down and remove any grass, bamboo stumps, ferns, overgrowth or other vegetation in which mosquitoes are likely to breed or be harboured;
- (d) to fill with concrete or treat holes or hollows in trees which are likely to hold water.

(2) A person who, without reasonable excuse, contravenes sub byelaw(1), commits an offence and is liable, on conviction, to a fine not exceeding two currency points or imprisonment not exceeding one month or both.

50. Performance of work by council and recovery of costs.

(1) Where the owner of a plot of land or premises fails to comply with the directions given by council under byelaws 15 and 49, the council may enter on the premises with such assistants as council may require to inspect the premises.

(2) The cost shall be recovered from the owner or occupier by the council.

(3) Where the expenses incurred under sub-byelaw (2) are not paid within two weeks after demand by the council from the occupier or owner of plot or premises, as the case may be, the council may take appropriate legal action to recover the amount.

51. Participation in tree planting activities.

A resident of the council shall participate in tree-planting activities within the area of jurisdiction of the council.

52. Disposing of refuse.

(1) A person shall not dump or dispose refuse into the refuse skips set aside by the council.

(2) A person shall not burn refuse at collection centres or deposit hot charcoal in the skips.

53. Prohibition of passing through the fence of Booma ground, etc.

A person shall not break into the fence enclosing Booma play ground and other fenced areas unless he or she passes through the permitted entrance and exit.

54. Forming illegal stages prohibited.

A person shall not form a vehicle, motorcycle or bicycle stage in a non-designated place without permission of the council.

55. Possession of standard dust bin at trading premises.

A shop owner shall possess a standard dust bin at his or her trading premises.

56. Participation in cleaning the town.

(1) A resident within the council shall participate in cleaning the town on every saturday of every quarter of the year.

(2) A person shall not open business in town during the cleaning exercise.

57. Offences and penalties.

(1) A person who contravens any provision of these Byelaws commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding one month or both.

(2) In addition to the penalty in sub byelaw (1), the court, may impose penalties laid down in the Local Government's Act namely—

- (a) forfeiture and destruction of the prohibited article;
- (b) suspension or cancellation of a permit or license; and
- (c) recovery of expenses incurred as a result of the breach.

SCHEDULE

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

PASSED by Hoima Town Council this 6th day of June, 2008.

I HEREBY signify my hand this 6th day of June, 2008.

ATUGONZA FRANCIS,
Chairperson Hoima Town Council.

Cross references

Industrial Licensing Act, Cap. 91

Trade (Licensing) Act, Cap. 101