

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

2009 No. 14.

THE LOCAL GOVERNMENTS (MASAKA MUNICIPAL COUNCIL)
(MISCELLANEOUS) BYE LAWS, 2009

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2009 No. 14.

The Local Governments (Masaka Municipal Council) (Miscellaneous) Bye-laws, 2009.

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

IN EXERCISE of the powers conferred upon Masaka Municipal Council by section 39 of the Local Governments Act, these Bye-laws are made this 10th day of February, 2009.

PART I—PRELIMINARY

1. Title.

These Bye-laws may be cited as the Local Governments (Masaka Municipal Council) (Miscellaneous) Bye-laws, 2009.

2. Application.

These Byelaws apply to the area of jurisdiction of Masaka Municipal Council.

3. Interpretation.

In these Bye-laws, unless the context otherwise requires—

“authorised agent” means a person authorised by the council to perform the duties of the council;

“authorised place” means any public place authorised by the council for the purpose of keeping or maintaining impounded livestock or other domestic animals, vehicles, motorcycles or bicycles under these Bye-laws;

“boda-boda” means the business of public transport with a motorcycle or bicycle;

“bus” means any commercial bus involved in public transport;

“council” means Masaka Municipal Council;

“currency point” has the meaning assigned to it under the Schedule to these Bye-laws;

“designated parking place” means any area designated by the council as a place for the parking of a particular type of motor-vehicle, motor-cycle or bicycle carrying out the business of public transport within the Municipality;

“designated washing place” means an area designated for the business of washing public vehicles, motor-cycles or bicycles;

“green belt” means any area covered with green vegetation and reserved by the council to remain green as either a green belt open sport, or public park within the municipal council;

“hawker” means a person whether on his or her own account or as an agent of another person, operates the business of selling goods by retail by moving from one place to another whether with or without any specific business premises within the Municipality;

“Municipality” means Masaka Municipality;

“park” means any area designated by the council to be used exclusively for the parking of any type of vehicle, motorcycle or bicycle;

“sticker” means a document issued by the council or its authorised agent in acknowledgement of a payment of a fee under these Bye-laws;

“street parking place” means a parking place which forms part of the street within the Municipality and bears the sign “Bus-stage” or “Taxi-stage” or “Parking”;

“taxi” includes a motorcar, mini-bus, pick-up or other vehicle used for commercial transport purposes to carry passengers or luggage; and

“vehicle” includes a machine or implement of any kind drawn or propelled along the road whether by animal, mechanical, electrical or any motive power.

PART II—LIVESTOCK AND OTHER DOMESTIC ANIMALS

4. Permit for domestic animals.

(1) A person who intends to keep any domestic animal other than a cat on his or her premises within the Municipality shall apply to the council for a permit.

(2) An application under this bye-law shall specify the following—

(a) particulars of the premises for keeping the livestock or other domestic animal; and

(b) the number and type of livestock or domestic animal intended to be kept.

(3) The council shall determine and levy a fee for each livestock or other domestic animal permitted to be kept under this bye-law.

(4) A permit granted under this bye-law shall indicate the particulars of the premises, the nature or type of livestock or domestic animal to be kept on the premises and the duration of the permit.

(5) An application for keeping a dog under this bye-law shall be accompanied by sufficient proof that the dog has been inoculated against rabies with a vaccine approved by the Ministry responsible for animals and veterinary medicine.

(6) A person shall not keep a dog or other animal on any premises within the Municipality without a valid permit.

(7) The council reserves the right to grant or rescind an application for keeping any livestock or other domestic animal under this bye-law.

5. Dog to be inoculated against rabies.

A person who keeps a dog within the Municipality shall, have his or her dog periodically and in a timely manner, inoculated against rabies and any such disease.

6. Dog not to be instigated to attack.

(1) A person shall not incite, encourage or otherwise as he or she is able to prevent, permit a dog to attack any person or animal within the Municipality.

(2) A person who owns a dog within the Municipality shall keep his or her dog under confinement between the hours of 6.00 am and 10.00 pm everyday.

7. Establishment of an animal pound.

(1) Livestock or other domestic animal impounded by the council shall be kept in a pound or other authorised place as the council may deem fit.

(2) The control and management of a pound shall be the responsibility of the council.

(3) The council shall determine and levy a fee payable by the owner or other responsible person for every livestock or other animal impounded under this bye-law

(4) The fee payable under this bye-law shall be determined on the basis of the duration of the time spent at the pound, the care for the livestock or domestic animal provided by the council at the pound and any other lawful considerations as the council may deem fit.

8. Removal of animal carcass.

(1) A person under whose premises any animal dies shall, within four hours of the death of the animal, or where the animal dies at night, within four hours after day light, remove and bury the carcass of the dead animal.

(2) The council may designate any place within the Municipality for the purpose of burying animal carcasses.

PART III—DESIGNATED PARKING AND WASHING AREAS

9. Authorised parking.

(1) A person shall park a public service vehicle in an area within the Municipality designated for the exclusive parking of that type of vehicle.

(2) All motor-cycles and bicycles operating as public transport shall be parked in an area designated for the exclusive parking of such motor-cycle or bicycles.

(3) For the purposes of these Bye-laws, the council shall designate separate parking areas within the Municipality for the parking of buses, heavy commercial vehicles, light trucks, lorries, mini-buses, pick-ups, cars, motorcycles and bicycles operating as commercial public transport.

10. Council to designate parking areas.

The parking of public service vehicles within the Municipality shall be at such place as determined by the council from time to time.

11. Washing areas.

(1) The council may, from time to time, designate areas within the Municipality for purposes of washing vehicles, motor cycles and bicycles.

(2) A person who wishes to establish or start operating the business of washing vehicles, motor cycles or bicycles shall apply to the council indicating the place he or she desires to operate the business and the council may designate such a place with such conditions as council may deem appropriate.

12. Control of designated parking and washing areas.

The control and management of designated parking and washing areas under these Bye-laws shall be the responsibility of the council or its authorised agents.

13. Appointment of agent.

The council may appoint any person to carry out, on behalf of the council, the functions conferred upon the council by these Bye-laws.

PART IV—PERMITS AND FEES

14. Permit for washing place.

(1) The council shall issue a permit in a form of a sticker to a person operating the business of washing vehicles, motor cycles or bicycles in a designated area.

(2) The council shall determine and levy a fee for the washing of vehicles, motorcycles or bicycles within the Municipality.

(3) A person shall not carry out the business of washing vehicles motor cycles or bicycles without a valid permit.

(4) An application for a permit under this bye-law shall disclose all the particulars of the applicant and the location of his or her intended washing place within the Municipality.

(5) A permit issued under this Bye-law shall be valid for a period of one year and may be renewed.

15. Permit for hawking.

(1) A person shall, not engage in the business of selling any commodities on a street, pavement, arcade, foot-path, or other unlanded or unoccupied public land as a hawker or other trader, within the Municipality without a permit.

(2) A permit issued under this bye-law may be subject to any lawful conditions as council may deem fit.

(3) A person below the age of 18 years shall not be issued with a permit under this bye-law.

(4) The council shall determine and levy a fee for a permit issued under this bye-law

(5) A permit issued under this bye-law shall be valid for one year and may be renewed.

16. Permit to erect a booth.

(1) A person shall not erect or place any stall, booth, burrow, table, or other stand on a street, pavement, foot-way, or other unoccupied public land within the Municipality, without a permit from the council.

(2) A permit issued under this bye-law may be subject to any lawful conditions as council may deem fit.

(3) A person below the age of 18 years shall not be granted a permit under this bye-law.

(4) The council shall determine and levy a fee for a permit issued under this bye-law.

(5) A permit issued under this bye-law shall be valid for a period of one year and may be renewed.

17. Special hire permit.

(1) A person shall not operate the business of a special hire taxi within the Municipality without a permit from the council or its authorised agent.

(2) The council shall determine and levy a fee for a permit issued under this bye-law.

(3) A permit issued under this bye-law shall be valid for a period of one year, and may be renewed.

(4) A person who obtains a permit under this bye-law shall be issued with a badge as may be deemed by the council.

(5) A person issued with a badge under this bye-law shall display the badge in a conspicuous part on his or her body all the time, while carrying out his or her business of special hire, within the Municipality.

18. Boda boda permit.

(1) A person shall not operate the business of a boda-boda without a permit from the council or its authorised agent.

(2) An application for a permit under this bye-law shall indicate—

- (a) the name and all other particulars of the applicant;
- (b) the location where the applicant intends to operate from;
- (c) a copy of a valid driving permit;
- (d) recommendations from the village council of the areas where the applicant resides;
- (e) the name and particulars of at least two referees; and
- (f) any other information as council may deem fit.

(3) The council shall determine and levy a fee for issuing a permit under this bye-law.

(4) A permit issued under this byelaw shall be valid for one year and may be renewed.

(5) A person who obtains a permit under this bye-law shall display the badge on a conspicuous part of his or her body all the time while carrying out the business of boda-boda within the Municipality.

19. Permit for camping.

(1) The council shall designate areas within the Municipality for carrying out camping activities.

(2) A person whether as individual or as a club shall not pitch any tent, park, caravan or camp on any public or Municipality land without a permit from the council or its authorised agent.

(3) The council shall determine and levy a fee for a permit issued under this bye-law.

(4) The council shall exclusively determine and regulate on all the equipment and other basics that is necessary for the business of clubs or persons involved in the business of camping.

20. Parking fees.

(1) A person operating the business of commercial public transport within the Municipality shall pay a daily, monthly or other fee as may be prescribed by the council, from time to time.

(2) A person operating a heavy commercial vehicle, lorry, light truck, pick up or such other vehicle, within the Municipality shall pay a daily and monthly fee as may be prescribed by the council.

(3) A person who pays a monthly parking fee under this bye-law shall be issued with a sticker and shall, on each payment of a daily fee, be issued with a receipt by the council or its authorised agent.

(4) A sticker, or receipt issued under this bye-law shall be sufficient evidence of the payment of the parking fee.

(5) The council may, on application by a person concerned, except certain categories of vehicles of persons or institutions from the requirement of paying parking fees under this bye-law.

21. Loading and offloading fees.

(1) A person operating the business of commercial public transport who loads and off loads within the Municipality shall pay loading or offloading fees as may be prescribed by the council from time to time.

(2) A person who pays loading or offloading fees under this byelaw shall be issued with a receipt by the council or its authorised agents.

22. Vehicles, motor cycles or bicycles may be impounded for failure to pay fees.

(1) The council may impound or cause the impounding of any vehicle, motorcycle or bicycle engaged in public transport within the municipality where the owner of the vehicle, motorcycle or bicycle has after sufficient written notice to him or her detailing all material facts relating to the impounding of his or her vehicle, motorcycle or bicycle, by the person to pay fees and the impending impounding of his or her vehicle motorcycle or bicycle, and giving the person, reasonable time within which do pay, failed or defaulted to pay any fees under these Bye-laws.

(2) A vehicle, motor cycle or bicycle impounded shall be released upon either full payment of the fee or where the council is satisfied with the fee paid, upon any part payment of the fee, as agreed by the council or on court order.

(3) The owner or other person responsible for the vehicle, motor cycle or bicycle impounded under this bye-law shall refund all the expenses incurred by council in the impounding, storage and taking care of the vehicle, motor cycle or bicycle impounded under this bye-law to the council.

PART V—PROHIBITIONS

23. Parking in non designated areas prohibited.

(1) A person shall not park a vehicle, motor cycle or bicycle in a place unless the place is designated for the parking of such a vehicle, motor cycle or bicycle.

(2) Where a person parks a vehicle, motorcycle or bicycle in an area not designated for the parking of that type of vehicle, motor cycle or bicycle, the Council may clamp, tow or impound the vehicle, motorcycle or bicycle.

(3) Where a vehicle, motor cycle or bicycle is clamped, towed and impounded in accordance with these Bye-laws, the owner or operator of the vehicle, motor cycle or bicycle shall refund to the council or the authorised agent, all the expenses incurred in the clamping, towing or impounding of the vehicle, motorcycle or bicycle.

(4) Where a vehicle, motorcycle or bicycle is clamped or towed and impounded under these Bye-laws, the council shall not be responsible for any damage that may have been reasonably occasioned to the vehicle, motorcycle or bicycle in the process of clamping, towing or impounding of the vehicle, motorcycle or bicycle.

(5) Where at the time of clamping, towing or impounding of the vehicle, bicycle or motorcycle under this bye-law, the vehicle, motorcycle or bicycle was carrying any passengers, the operator of the vehicle, motorcycle or bicycle shall enable the passengers to board an alternative vehicle, motorcycle or bicycle without undue delay.

(6) A vehicle, motorcycle or bicycle clamped, towed or impounded under this bye-law shall, before being clamped, towed or impounded, be offloaded by the owner or operator of all valuables.

24. Driving in a dangerous manner prohibited.

A person shall not drive a public service vehicle, motorcycle or bicycle in a manner that is likely to cause injury or affect the normal working of other people or property.

25. Delivering passengers in unauthorised place.

A driver or conductor of a public service vehicle, motorcycle or bicycle shall not carry from, or offload a passenger in any place other than the gazetted parking area of vehicles, motorcycles or bicycles.

26. Touting for passengers.

A driver, conductor or other agent of the owner of a vehicle, motorcycle or bicycle involved in public transport shall not tout for passengers with in the Municipality.

27. Parking on pavement or green belt.

A driver of a vehicle, motorcycle or bicycle shall not park his or her vehicle, motor cycle or bicycle on a pavement or green belt within the Municipality.

28. Parking improperly.

A person shall not park a vehicle, motorcycle or bicycle improperly in a parking place in disregard of the manner in which the parking place is marked or demarcated.

29. Sale of agricultural produce and charcoal on streets.

A person shall not sell any agricultural produce, food stuff or charcoal along a street or other place within the Municipality other than in a market or other place designated by the council.

30. Wondering and grazing of live stock on streets.

(1) A person shall not leave livestock to graze or wonder on the streets of the Municipality.

(2) The council may impound or order for the impounding of any livestock or other animal found grazing or wondering on the streets of the Municipality, for a period not exceeding twenty four hours.

(3) Where any livestock is impounded under this bye-law, the owner or other person responsible for the livestock shall immediately be informed of the impounding of the livestock.

(4) When the owner or other person responsible for the livestock or animal does not avail himself or herself to the council within 48 hours from the time of impounding the livestock or other animal, council shall, through the local radio or other media make one or more announcements calling upon the owner or other responsible person to claim the livestock or animal from the pound or other authorised place.

(5) The owner or other person responsible for any stray livestock or animal impounded under this bye-law shall not take back the livestock or animal without first refunding council any expenses incurred by the council in impounding under this bye-law.

(6) Where livestock or animal impounded under this bye-law remains unclaimed for a period of seventy two hours from the time of releasing the announcement made under this bye-law, the council shall, subject to any existing laws, auction the livestock or animal and the proceeds shall be given to the owner of the livestock when established, less the expenses incurred during the impounding, keeping, maintaining, and auctioning together with any fees as may be payable.

(7) Where livestock or other animal impounded under this bye-law falls sick, the council shall use all reasonable means to treat the livestock or other animal and the costs of treatment shall not exonerate the owner or other person responsible for the livestock or animal from the payment of any fees or fine under these Bye-laws.

31. Repairing vehicles, motor cycles or bicycles in unauthorised place.

(1) A person shall not repair a vehicle, motor cycle or bicycle in an area other than in a garage or area approved by the council for such repair.

(2) The council or its agent may remove any vehicle, motor cycle or bicycle being repaired and take it to an authorised place, if that vehicle or motor cycle or bicycle has been repaired in the wad or street or an area not authorised by the council.

32. Washing vehicles, motorcycles or bicycles in unauthorised place.

(1) The council shall approve areas for the washing of vehicles, motor cycles or bicycles.

(2) A person shall not operate the business of washing vehicles, motor cycles, bicycles in any place other than one authorised by the council for the purpose.

33. Splashing water or dirt to person or property.

A person shall not, as a result of his or her reckless driving or riding splash or cause the splashing of storm or other type of water to another person or person's property within the Municipality.

34. Prohibition of nuisance.

(1) A person shall not, as a result of his or her commercial or other activity cause a nuisance in the form of bad or offensive smell, within the Municipality.

(2) A person shall not engage in any business that is likely to cause a nuisance under this bye-law, without prior permission from the council.

35. Holding promotion shows, rallies or discos without a permit prohibited.

A person or a group of persons shall not carry out any promotion, show, rally, disco or other such function that is likely to attract a crowd of people in any open or other space or place within the Municipality without first obtaining permission from the council, or an authorised agent.

36. Use of public convenience without paying a user fee.

A person shall pay a user fee as may be prescribed by the council from time to time, for the use of any public convenience facility within the Municipality.

37. Prohibition from placing an object that obstructs passage.

A person shall not, without the consent of the council, place or cause to be placed, on any street, arcade, foot-way or other passage, within the Municipality any object that constitutes an obstruction to any users.

38. Throwing or discharging missile onto a street or other public place prohibited.

A person shall not throw or discharge any stone or other missile onto any street or other public place, within the Municipality.

39. Defacing or removing a street name prohibited.

A person shall not, without lawful authority from the council, deface, injure or remove any street name or number from any wall, railing or such other place as designated by the council within the Municipality.

40. Putting up frivolous or abusive notice prohibited.

A person shall not erect or affix any notice, bill or other notification or a frivolous, vexation, contemptuous, abusive notice along a public road, wall, or other public place within the Municipality.

41. Extinguishing or destroying light prohibited.

A person shall not, without lawful authorisation from the council, extinguish or destroy any street or other light or damage any street lamp or lamp-post, within the Municipality.

42. Uprooting or breaking a tree or a plant prohibited.

A person shall not, without the consent of the council uproot, cut or damage any tree, plant or shrub growing on any street or area within the Municipality.

43. Domestic dog to wear badge always.

A person who keeps a domestic dog within the Municipality shall ensure that his or her dog wears a dog badge issued or approved by the council, all the time.

44. Permitting dangerous or sick dog to move at large.

A person who owns a dangerous, ferocious or dog that suffers from any contagious or infectious disease or any bitch-in-season, shall not permit his or her dog to be at large within the Municipality.

45. Prohibition from making a hole or excavation on a road surface.

A person shall not make a hole or excavation on any road-surface of a street or public place without the consent of the council or an authorised agent.

46. Slaughtering livestock or other animal in unauthorised place.

A person shall not slaughter any livestock or other animal in any unauthorised place within the Municipality.

47. Prohibition from obstructing water system.

A person shall not, without permission from the council obstruct any stream, tank, water reservoir, or other water system within the Municipality.

48. Prohibition from fencing land or plot with barbed wire without permission.

A person shall not erect barbed wire fence abutting on any street or public place within the Municipality, without written permission from the council, or an authorised agent.

49. Prohibition from stocking plenty of wood without permission.

A person shall not stock more wood than is necessary for his or her domestic consumption any where within the Municipality, without permission from the council or an authorised agent.

50. Prohibition from tampering with fire alarm system.

A person shall not, without lawful authority from the council or any authorised agent, or other just cause, tamper with, or otherwise make use of any fire.

PART VI—MISCELLANEOUS

51. Proof of ownership of a vehicle, motor cycle or bicycle.

A person claiming to be the owner of a vehicle, motorcycle or bicycle impounded or clamped, in accordance with these Bye-laws, shall prove to the satisfaction of the council or its authorised agent that he or she is the owner of that vehicle, motor-cycle or bicycle.

52. Proof of ownership of livestock or other animal.

A person claiming to be the owner of any livestock or other animal impounded under these Bye-laws, shall prove to the satisfaction of the council or an authorised agent that he or she is the owner or responsible person over the livestock or other animal.

53. General offences.

(1) A person who contravenes any provisions of these Bye-laws, 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 provided under this bye-law, any expenses incurred by the council or its authorised agent as a result of a breach of any provision of these Bye-laws shall be paid by the person convicted and the expenses may be recovered summarily from the person as a civil debt.

(3) A person operating the business of public transport by the use of a motorcycle or bicycle within the Municipality who—

- (a) parks his or her motor-cycle or bicycle in a place other than one designated for the parking of motor-cycles or bicycles;
- (b) parks his or her motor-cycle or bicycle in disregard of the demarcation at the parking place;
- (c) defaults or fails to pay the monthly or other fee under these Bye laws;

commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding one month or both.

SCHEDULE

CURRENCY POINT

One currency point is equivalent to twenty thousand Uganda shillings.

PASSED by Masaka Municipal Council this 2nd day of November, 2007.

I HEREBY signify my hand and seal this 10th day of February, 2009.

JOHN TEBYASA MATOVU,
Chairperson Masaka Municipal Council.