

STATUTORY INSTRUMENTS SUPPLEMENT

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

2008 No. 37.

**THE LOCAL GOVERNMENTS (KABWOHE/ITENDERO TOWN
COUNCIL) (MISCELLANEOUS) BYELAWS, 2008**

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STATUTORY INSTRUMENTS

2008 No. 37.

The Local Governments (Kabwohe/Itendero Town Council) (Miscellaneous) Byelaws, 2008.

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

IN EXERCISE of the powers conferred upon Kabwohe/Itendero Town Council by section 39 of the Local Governments Act, these Byelaws are made this 21st day of August 2008.

PART I—PRELIMINARY

1. Title.

These Byelaws may be cited as the Local Governments (Kabwohe/Itendero Town Council) (Miscellaneous) Byelaws, 2008.

2. Application.

These Byelaws apply to the area of jurisdiction of Kabwohe/Itendero Town Council.

3. Interpretation.

In these Byelaws unless the context otherwise requires—

“authorised officer” means a person authorised by the Council to perform duties in relation to these Byelaws;

“authorised place” means any public place authorised by the Council for the purpose of keeping impounded vehicles under these Byelaws;

“bicycle” means any vehicle which has at least two wheels and is propelled by means of pedals and hand cranes, solely by muscular energy of the person riding;

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

“council” means Kabwohe/Itendero Town Council;

- “court” means any court of competent jurisdiction and includes a local council court;
- “financial year” means a period of twelve months ending on the 30th June of each calendar year;
- “hawker or vendor” means any person who whether on his or her own account or as the servant or agent of any person, carries on the business of selling goods by retail or in a container or kiosk outside any Council market;
- “latrine or sanitary services” means flush toilet, ECOSAN toilet or toilet facility that does not allow faecal contamination with soil;
- “market” means a common place where commodities are bought and sold;
- “occupier” means a person in physical occupation of premises regardless of the title under which he or she occupies the premises;
- “park” means any area designated by the council to be used exclusively by taxis, bicycles and motor vehicles;
- “permit” means a permit or licence issued under these Byelaws;
- “premises” means land or building intended for human habitation whether for purpose of residence, commercial or industrial business, entertainment, sports, religious functions, education or any other similar purpose within the council;
- “public service vehicle” means a motor vehicle licenced to carry passengers for hire or reward;
- “road verge” means any area immediately bordering a street, bridge, road, square, court, avenue, lane, access lane thoroughfare, footway, pavement, and open space or beach not being the property of a private owner;
- “taxi” includes motor-car, omin-bus, pickup, lorry, bus, tractor or any vehicle doing business in the council;

“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—RIDING BICYCLES, MOTORCYCLES, VEHICLES, ETC

4. Use of the park.

Every person in the park shall be disciplined, avoid hooliganism and shall observe law and order at all times.

5. Loading of vehicles.

(1) Loading of vehicles shall be done within the park on payment of parking fees.

(2) The fees charged under subbyelaw (1) shall be determined by the council.

6. Driving in a dangerous manner.

A person shall not drive a public service vehicle recklessly or in a manner which is likely to cause injury or affect the normal working of other persons or property.

7. Selling foodstuffs within the park.

Every person selling foodstuff or anything edible within the park shall be dressed in clean white overcoats and shall have his or her containers protectively covered at all times.

8. Abandoned vehicles.

(1) The council or its authorised officer shall remove any vehicle which has been abandoned for more than 48 hours and take it to an authorised place for safe custody.

(2) The owner or driver of the vehicle impounded by the council or an authorised officer shall pay to the council the expenses incurred for impounding and the custody of the vehicle.

9. Riding a bicycle or motor cycle in the market.

A person shall not ride a bicycle or motor cycle in a place gazetted as a market within the council.

10. Registration of bicycles.

(1) A person shall not carry on a business of transporting passengers on a bicycle within the council unless he or she is registered and issued with a permit from the council.

(2) A person registered under these Byelaws shall pay a registration fee prescribed by council from time to time.

(3) The permit shall expire at the end of the financial year of issue.

11. Commercial public transport.

A person operating a business of commercial public transport nature within the area of jurisdiction of the council shall pay a daily or monthly fee prescribed by the council.

12. Washing vehicles.

A person shall not wash a vehicle or motorcycle for the purpose of trade or profit in an area that is not gazetted by the council for the purpose.

13. Parking on a pavement.

A driver of any vehicle or motor cycle shall not park his or her vehicle or motor cycle on a pavement within the area of jurisdiction of the council.

14. Street parking fees.

Vehicles shall not be parked on a street without payment of a fee prescribed by the council.

15. Operators of washing bays.

An operator of a washing bay shall pay to the council a fee prescribed by the council.

16. Contravention of this Part.

A person who contravenes any provision of this Part commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding four months or both.

17. Construction or alteration of buildings.

(1) A person shall not construct or alter a building within Kabwohe-Itendero town council unless the building plan has been approved by the council.

(2) A person who intends to make an alteration to a building plan shall submit the altered plan of the proposed building to the council for approval.

(3) The council shall only approve a building plan which is submitted with a deed plan.

18. Provision of a flush toilet or ECOSAN facility.

Every building plan shall have a provision for a flush toilet or ECOSAN facility in the area of jurisdiction of the council.

19. Occupying a dilapidated building.

A person shall not own or occupy a dilapidated building in any part of the council.

20. Erection of temporary structures.

A person shall not erect a temporary structure within the council without written permission from the council.

21. Occupation permit.

A person shall not occupy a newly constructed building without acquiring an occupation permit from the council.

22. Use of barbed wire or broken glass.

An occupier or owner of a plot shall not use barbed wire or broken glass on walls or fences enclosing the plot without permission granted by the council in writing.

23. Responsibility for maintenance of road or water or any public facility.

It is the responsibility of the local councils, land owner or a person occupying premises adjacent to a road, water source, or any public facility in which it traverses or located to maintain or contribute towards the maintenance of the road or water or any public facility.

24. Contravention of this Part

(1) A person who contravenes any provision of this part commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding four months or both.

(2) In addition to the fine, the council shall declare illegal and demolish the affected building at the expense of the owner or person or body who put up or is occupying the structure.

PART IV—HEALTH AND ENVIRONMENT

25. Occupier of premises to maintain grass and vegetation

An occupier of premises shall keep the grass, bush, shrub or vegetation on the premises or on a road verge in town or trading centre of the council short.

26. Disposing of refuse.

A person shall not dump or dispose of refuse anywhere other than in a place or container dustbin or container set aside by the council for that purpose.

27. Dustbin required of every occupier.

Every occupier of premises shall maintain a privately secured dustbin at his or her premises.

28. Discharging of waste water.

A person shall not discharge wastewater on open ground or into a street except in a soak pit provided within the individual plot.

29. Defecating.

A person shall not defecate or throw faeces or urinate anywhere other than in a latrine privately owned or provided by the council.

30. Latrine or toilet accomodation.

Every owner of premises shall provide sufficient sanitary and latrine accommodation for his or her premises.

31. Renting out premises without a latrine.

An owner or occupier of premises shall not use or rent any premises without proper sanitary latrine accommodation.

32. Pits to be covered.

A pit dug on any plot or premises that is intended to be used as a latrine or for sanitation or otherwise shall be properly covered or protected.

33. Water supplies not to be contaminated.

A person shall not pollute or contaminate any water supply.

34. Cleanliness of environment.

An owner or occupier of premises, factory or land shall keep clean and safe his or her environment free from offensive smells and odours.

35. Payment of user fees to the council.

A person shall not use any public toilet or latrine without payment of user fees charged by the council or any authorised officer.

36. Responsibility of occupier or owner to clean premises.

It is the responsibility of the occupier or owner of premises within the council at all times to collect and dispose of all refuse and litter from the premises or road verge.

37. Burning grass or rubbish.

A person shall not without permission, burn rubbish or grassland or bush in the precincts of the council.

38. Burning of bricks.

A person shall not—

(a) burn bricks;

(b) quarry stones, sand or murrum or building materials, without a permit from the council.

39. Piling stones, timber etc.

A person shall not accumulate or pile stones, timber or other material, which may harbour vermin or may be an inconvenience to the public in the council.

40. Handling food and drinks.

(1) A person shall not handle or sell food or drinks to the public when he or she is not wearing an apron.

(2) Food handlers shall at all times use clean containers free from any kind of contamination.

41. Contravention of this Part.

A person who contravenes any provision of this part commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding four months or both.

PART V—WATER.

42. Tampering with water materials.

A person shall not tamper with any items or materials used for water distribution unless he or she is authorised by the water officer.

43. Interference with water distribution equipment.

(1) Water distribution material is the property of the council.

(2) A person who interferes with water distribution network without authority from the council commits an offence and is liable on conviction to a fine not exceeding one currency point or imprisonment not exceeding two months or both.

(3) A person who denies the council or any authorised officer of the council of the use of the water equipment commits an offence and is liable on conviction to a fine not exceeding two currency points.

44. Failure to pay water bills.

A person who fails to pay his or her water bills is liable to disconnection or other measures open to the council to recover the costs incurred within fourteen days after notice served by the council, unless the consumer notifies the council in writing within that period.

45. Illegal structures on water pipes.

A person shall not construct a permanent or semi permanent structure on top of a water distribution line, and the council is not liable for any damage caused by the illegal structures.

46. Water works not open to the public.

Water works, water reservoirs and water distribution lines and materials are not open to the public unless authorised in writing by the water officer.

47. Contravention of this Part.

A person who contravenes any provision of this Part commits an offence and where no penalty is prescribed is liable on conviction to a fine not exceeding two currency points or a term of imprisonment not exceeding four months or both.

48. Leasing land.

A person who holds a piece of land on an annual or leasehold basis from the council and who willfully or knowingly fails to pay rent to the council commits an offence.

49. Sale of foodstuffs, etc.

A person shall not sell foodstuffs, any items of consumable nature, firewood and charcoal anywhere within the area of jurisdiction of the council except in a market established by the council.

50. Illegal trade, advertising, etc.

A person shall not, for the purpose of trade, assemble or advertise or otherwise engage in activities of video viewing, hanging of signposts, sky-lights, posters, billboards on any premises, structure or location within the council without valid permission issued by the council.

51. Night discos.

(1) A person shall not operate a night disco unless he or she is issued with a permit from the council.

(2) Night discos shall not operate after 1.00 a.m.

(3) A person found idle and disorderly within the area of jurisdiction of the council or who engages in an activity that is a nuisance or inconvenience to the public including any activity such as drug taking, inhaling or abuse, commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding four months or both.

52. Noise.

A person shall not make unnecessary noise or use high volume while playing music within the area of jurisdiction of the council.

53. Revenue collector, tenderer or agent to pay the agreed amount.

A revenue collector of the council, tenderer or agent shall pay the council revenue its agreed amount and within the specified time.

54. Permit not to be transferred.

A permit issued under these Byelaws shall not be let, hired, sold or assigned to any person other than a person to whom it is issued.

55. Expiry of permits or licences.

A permit or licence issued under these Byelaws shall expire at the end of the financial year of issue, unless otherwise specified by the issuing officer.

56. Issuance of permits.

The Town Clerk or any authorised officer of the council may subject to the directions from the council, issue any permit or licence for such period and subject to such conditions and restrictions as he or she thinks fit and shall then notify the applicant of the decision of the council.

57. Vegetation

A person shall not plant any species of trees, shrubs or crops that are not approved by the council.

58. Trading in fresh banana stem.

(1) A person shall not trade, sell, buy or carry fresh banana stems to a market within the area of jurisdiction of the council.

(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 four months or both.

59. Provision relation to children.

(1) A school going child shall not loiter in a market or street within the area of jurisdiction of the council.

(2) A school going child found loitering in a market or street shall be driven by authorised agents of the council.

(3) A child under the age of twelve years shall not be employed in any business undertaking or work place.

(4) A child under the age of fourteen years shall not be employed in any business, undertaking or workplace, except for light work carried out under the supervision of an adult, and work which does not affect the child's education.

(5) A person shall not continue to employ any child under the age of fourteen years after being notified in writing by a labour officer that the employment or work is not light work meeting the criteria in subbyelaw (4).

(6) A child shall not be employed in any employment or work which is injurious to his or her health, dangerous or hazardous.

(7) An employer shall not continue to employ a child after being notified in writing by a labour officer that the employment or work is injurious to health, dangerous or otherwise unsuitable for that child.

(8) A child shall not be employed between 7.00 am and 7.00 pm.

(9) A school going child shall attend school at all times.

(10) Where a school going child fails to attend school, the child may be forced to attend school.

60. Renewal of permits.

(1) A person whose permit expires shall apply for renewal of the permit within fourteen days after it expires.

(2) A person who fails, refuses, delays or neglects to renew a permit within fourteen days after its expiration, commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding four months or both.

61. Unaccompanied animals.

(1) An owner of an animal shall not allow it to loiter within the council.

(2) A person who fails to comply with subbyelaw(1) of this byelaw commits an offence, and the council may in addition charge that person an inconvenience fee of one currency point per animal.

62. Offences and penalties.

(1) A person who contravenes any of the provisions of these Byelaws where no penalty has been prescribed in respect of the contravention commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding four months or both.

(2) In addition to any penalty prescribed by these Byelaws, the council—

(a) may order forfeiture or destruction of a prohibited article;

(b) suspend or cancel a permit or licence; and

(c) may recover the expenses it has incurred as a civil debt.

SCHEDULE

CURRENCY POINT

One currency point is equivalent to twenty thousand Uganda shillings.

Cross reference

Local Council Courts Act 2005, Act 13 of 2006

PASSED by Kabwohe/Itendero Town Council this 21st day of August, 2008.

I HEREBY signify my hand this 21st day of August, 2008.

KAHINDI SAM,
Chairperson
Kabwohe/Itendero Town Council.