

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

**2013 No. 44.**

**THE LOCAL GOVERNMENTS (WOBULENZI TOWN COUNCIL)  
BYELAWS, 2013**

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

## 2013 No. 44.

### THE LOCAL GOVERNMENTS (WOBULENZI TOWN COUNCIL) BYELAWS, 2013.

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

IN EXERCISE of the powers conferred upon Wobulenzi Town Council by section 39 of the Local Governments Act, these Byelaws are made this 11th day of January, 2007.

#### PART I—PRELIMINARY

##### **1. Title.**

These Byelaws may be cited as the Local Governments (Wobulenzi Town Council) Byelaws, 2013.

##### **2. Application.**

These Byelaws apply to Wobulenzi Town.

##### **3. Interpretation.**

In these Byelaws, unless the context otherwise requires—

“child” means any person below the age of 18 years;

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

“hawker” means a person who, whether on his or her own account or as the servant of another person, sells goods by retail other than in trading premises or in a market established under the Markets Act;

“market vendor” means any person who for gain carries on business in a market established under the Market Act;

“street” includes any bridge, road, square, court, avenue, lane, access lane, foot way, open space, or beach not being the property of the private owner.

## PART II—PUBLIC HEALTH BYELAWS.

### **4. Urinating and defecating outside of a toilet or latrine.**

(1) A person shall not defecate outside of a toilet or latrine or improperly use a toilet or latrine.

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

### **5. Uncovered pits.**

(1) A person digging a pit shall ensure that the pit is appropriately covered.

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

### **6. Burial of corpse with permit.**

(1) A burial, cremation or other disposal of the corpse of any person who has died within the town shall not take place until a permit for that purpose has been obtained from the department responsible for health.

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

### **7. Keep Wobulenzi town clean days.**

(1) All residents of Wobulenzi town shall, every first Wednesday of the month, participate in the leaning cleaning the town at such time determined by the Council.

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

### **8. Painting of buildings.**

Every owner of a building or a person in control of a building shall, every first month of the financial year, paint that building.

**9. Garbage disposal.**

(1) Every person in the town shall dispose off garbage in a place determined by the council but polyethylene bags shall be burnt.

(2) All owners of shops and business premises shall provide portable means of disposing off garbage including portable garbage disposal bins.

**PART III—GAMBLING ACTIVITIES BYELAWS.**

**10. Gambling and other games of chance restricted.**

(1) A person shall not gamble or play any game of chance between 8am and 5pm.

(2) In this byelaw “game of chance” includes a game of cards.

(3) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months.

**PART IV—WASHING PLACE BYELAWS.**

**11. Permit for washing vehicles, motorcycles or bicycles.**

(1) A person shall not operate the business of washing vehicles, motorcycles or bicycles without a permit for that purpose.

(2) A person who wishes to operate a business to wash vehicles, motorcycles or bicycles shall apply to the Council for a permit.

(3) An application for a permit under this byelaw shall contain—

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

(4) An application for a permit shall be in a form determined by the Council and accompanied by the fee set by the Council from time to time.

(5) The form of the permit shall be determined by the Council.

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

(7) A permit may contain such conditions as the Council may deem appropriate.

(8) A person who obtains a permit under this byelaw shall display the permit on a conspicuous part of his or her body at business hours.

(9) A permit issued under this byelaw is not transferable or assignable.

(10) A person who contravenes this bye law commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

#### PART V—VIDEO OPERATORS BUSINESS BYELAW.

### **12. Permit for video operators.**

(1) A person shall not operate the business of a video library, video hall or video shows without a permit from the Council for that purpose.

(2) A person who wishes to operate a business to wash vehicles, motorcycles or bicycles shall apply to the Council for a permit.

(3) An application for a permit under this section shall indicate—

(a) the name and all other particulars of the applicant;

(b) the location where the applicant intends to operate from;

(c) a recommendation from the village council of the area where the applicant resides;

- (d) the name and particulars of at least two referees; and
- (e) any other information as Council may deem fit.

(4) An application for a permit shall be in a form determined by the Council and accompanied by the fee set by the Council from time to time.

(5) The form of the permit shall be determined by the Council.

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

(7) A permit may contain such conditions as the Council may deem appropriate.

(8) A person who obtains a permit under this byelaw shall display the permit on a conspicuous part of his or her body at business hours.

(9) A permit issued under this byelaw is not transferable or assignable.

(10) A person who contravenes this bye law commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

### **13. Children not permitted in video hall.**

(1) An operator of a video hall shall not permit a child to enter to a video hall.

(2) A person who contravenes this bye law commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

### **14. Operating time for video halls.**

(1) A holder of a permit to operate a video hall—



- (a) shall open the video hall to the public on weekdays at 5.00 p.m. and close at 10.00 every day;
- (b) shall open the video hall to the public on weekends at 2.00 p.m. and close at 10.00 p.m.;
- (c) shall not permit a student to enter a video hall during school hours.

(2) A person who contravenes this byelaw commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months.

#### PART VI—PARKING AND LOADING FEES BYELAWS.

### **15. Parking fees.**

(1) A person operating the business of commercial public transport within the town 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, pickup 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 byelaw 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 byelaw 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 byelaw.

### **16. Loading and offloading fees.**

(1) A person operating a commercial public transport vehicle shall load and offload in a designated area which may include a taxi park.

(2) The council shall from time to time issue loading and offloading guidelines to regulate the operations of commercial public transport vehicles.

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

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

**17. 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 town 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 byelaws.

(2) A vehicle, motorcycle or bicycle impounded shall be released upon either full payment of the fee or where the council is satisfied with the fee paid, or 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, motorcycle or bicycle impounded under this byelaw shall refund all the expenses incurred by council in the impounding, storage and taking care of the vehicle, motorcycle or bicycle impounded under this byelaw to the council.

**18. Brokers and guides in taxi parks to be registered.**

(1) A person shall not act as a guide or broker or engage in the act of calling or directing passengers in a taxi park or other designated parking area unless that person has been registered by the council.

(2) A person who contravenes this byelaw commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months.

#### PART VII—SURVEYORS BYELAWS.

##### **19. Surveyors to inform council.**

(1) A surveyor shall not carry out any work in the town without informing the council.

(2) A representative of council shall be present at all times while surveyor is carrying out work in the town.

#### PART VIII—REGULATION OF THE USE OF THE ROADS AND STREETS BYELAWS.

##### **20. Control of streets.**

The preservation, control and management of streets in the council shall be vested in the council.

##### **21. Use of road reserves.**

(1) A person shall not operate any business or trade on a road reserve unless the person has obtained a permit from the council.

(2) The council may in its discretion grant or refuse to grant a permit.

(3) A permit granted under this byelaw shall be for a period and subject to conditions as the council may consider appropriate.

(4) The fee payable for a permit under this law shall be determined by the council.

##### **22. Restriction on use of vehicles, motorcycle or bicycles in non-designated parts of street.**

(1) A person shall not ride a bicycle or cause any vehicle to be propelled along, over, or across the pavement in any street.

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

(3) A person who contravenes this byelaw commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

### **23. Wondering and grazing of livestock on streets.**

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

(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 town, for a period not exceeding twenty four hours.

(3) Where any livestock is impounded under this byelaw, 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 forty eight 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 livestock or animal impounded under this byelaw shall not take back the livestock or animal without first refunding council any expenses incurred by the council.

(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 byelaw, 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 byelaws.

PART IX—CONTROL AND MANAGEMENT OF RECREATION AREAS  
BYELAWS.

**24. Control of recreation areas.**

(1) The control and management of public recreation grounds, parks, camps and open spaces in the town shall be vested in the council.

(2) The council may—

- (a) do all such things as is necessary to provide for the proper layout, equipment, maintenance and control of public, recreation grounds, parks and open spaces for the use of the public;
- (b) grant to any club, association or similar body or to any person, the exclusive use for the purpose of any game or sport or for any fête, gala or similar event for such period and on such terms and conditions as it may from time to time determine;
- (c) impose and collect fees and charges for hiring and use of facilities and equipment provided in any public recreation ground, park, or open space and requiring if necessary money deposit in respect of the hiring and use of any such facilities and equipment; and
- (d) impose and collect any admission charges to any enclosure provided in public recreation ground, park, or open space, or authorize the imposition and collection of such charges by any person who has been granted the exclusive use of any such enclosure.

(3) The council shall not be held responsible for article of any kind belonging to any person using a public recreation ground, park or open space, which may be lost, stolen or damaged.

(4) A person using a public recreation ground, preservation Park or open space shall obey the recreation ground, preservation Park or open space.

(5) A person shall not, in any public recreation ground park or open space—

- (a) willfully obstruct, annoy or interfere with the proper use there by any other person or with any officer or servant of the council in the proper execution of this duty;
- (b) willfully damage, destroy or interfere in any way with any pitch, tree, flower, equipment or any other property of the Council or willfully deposit litter or rubbish except in such receptacles as may be provided there of.

#### PART X—NUMBERING BUILDING BYELAWS

### **25. Council may assign numbers.**

The council may, after consultation with the ministry responsible for lands, assign to any building on any street or road in the town an identification number.

### **26. Exhibition of identification numbers.**

(1) The council may serve upon the owner of any building to which a number has been assigned under these byelaws a written notice calling upon him or her within a time to be specified in the notice to affix on the front door or gate post of such building a plate bearing such an identification numbers in a conspicuous figures of not less than three inches high and half an inch thick.

(2) A person who contravenes this byelaw commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months.

PART XI—DANCE HALLS BYELAWS.

**27. Dancehall prohibited except with permit.**

(1) A person shall not operate a dancehall without a valid permit issued by the town clerk.

(2) The town clerk may refuse to issue a dancehall permit if it is of the opinion that—

- (a) the premises in respect of which it is sought are not suitable for the purpose or that no adequate sanitation arrangements for both sexes are provided;
- (b) the issue of such permit would be likely to cause substantial inconvenience to the neighboring residential premises or hospitals;
- (c) the premises to which the permit relates have been previously licensed and have not been maintained at a standard which in the opinion of the town clerk is satisfactory.

(3) The operating time of a dancehall shall be stated in the permit.

(4) A person seeking to operate a disco other than in a gazetted dancehall shall seek and obtain the permission of the town clerk or an officer authorised by the town clerk.

(5) A child shall not be permitted to enter a dancehall.

**28. Permit holder to maintain order in dancehall.**

The holder of a dancehall permit shall be responsible for the maintenance of order in the dancehall.

**29. Liquor not to be consumed in a dancehall.**

The holder of a dancehall permit shall not permit liquor to be supplied, taken or consumed in the dancehall unless the premises have been licensed under the Liquor Act.

### **30. Penalty for contravention of this Part of the byelaw.**

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

## **PART XII—MARKET VENDORS BYELAWS.**

### **31. Market vendors to be registered.**

(1) A person shall not operate as a market vendor without a licence from the council for that purpose.

(2) A person who wishes to operate as a market vendor shall apply to the council for a licence.

(3) An application for a licence under this byelaw shall indicate—

(a) the name and all other particulars of the applicant;

(b) the location where the applicant intends to operate from;

(c) a recommendation from the village council of the area where the applicant resides;

(d) the name and particulars of at least two referees; and

(e) any other information as Council may deem fit.

(4) An application for a licence shall be in a form determined by the Council and accompanied by the fee set by the Council from time to time.

(5) The form of the licence shall be determined by the Council.

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

(7) A licence may contain such conditions as the Council may deem appropriate.

(8) A person who obtains a licence under this byelaw shall display the permit on a conspicuous part of his or her premises.

(9) A licence issued under this byelaw is not transferable or assignable.



(10) A person who contravenes this bye law commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

(11) The applicant shall continue to pay a daily fee prescribed by the council to the agent of the council.

(12) A licence shall remain in force for a period of twelve months from the date of issue.

### **32. Riding of bicycle, motorcycle in the market is prohibited.**

(1) A person shall not ride a bicycle or motorcycle in the market.

(2) A person who contravenes this byelaw commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months.

### **33. Market maintenance fee.**

Every market vendor shall pay a monthly maintenance fee as the market vendor committee and the council shall decide from time to time.

### **34. Gambling in the market is prohibited.**

(1) Gambling or playing of any of chance is prohibited.

(2) A person who contravenes this byelaw commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months.

### **35. Time for departure.**

(1) Every market vendor shall close the business at 9.00 p.m.

(2) A person who contravenes this byelaw commits an offence and shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months.

### **36. The abattoir fee.**

Every operator of butchery under the control of the Council shall pay fees determined by the council.

PART XIII—BAR OPERATORS BYELAWS.

**37. Permit required to operate bar.**

A person shall not operate a business of a bar unless that person obtains a permit from the council.

**38. Application for permit.**

(1) An application for a permit shall be made in a manner prescribed by the council and the application shall be accompanied by the fee prescribed by the council and a written recommendation from the Chairman of the village local Council the applicant resides.

(2) The Council may reject the registration and shall, forthwith notify the applicant of the decision of the Council.

(3) Where an application rejected under sub byelaw (1) the applicant may, within fourteen days after notification of the rejection by the Council, appeal to an appeal's committee set up by the Council for the purpose.

(4) The council shall issue a permit to the applicant, subject to such conditions or directions as it may deem fit.

(5) A permit issued under these bye-laws shall remain in force for a period of twelve months from the date of its issue.

(6) A permit issued under this byelaw is not transferable or assignable.

**39. Obligation of bar operators.**

Every person holding a permit to operate a bar shall not employ children as bar attendants or operate beyond the hours specified in the permit.

**40. Penalty.**

A person who contravenes any of the Provisions of this Part shall be liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

## SCHEDULE

*Byelaw 3*

### Currency point

A currency point is equivalent to twenty thousand shillings.

Passed under the Common Seal of Wobulenzi Town Council, this 11th day of January, 2007.

DDAMULIRA TITO,  
*Chairperson Wobulenzi Town Council.*