

months.

## **JWANENG TOWN COUNCIL (GENERAL) BYE-LAWS**

*(under regulations 34 and 35)*

*(31st December, 1981)*

### **PART I** *Preliminary*

#### **BYE-LAW**

1. Citation
2. Interpretation

### **PART II** *Health and Sanitation*

3. Latrines
4. Mosquitoes and other pests
5. Prevention of accumulation of waste, etc.
6. Swimming pools and fish ponds
7. Prevention of overcrowding

### **PART III** *Livestock and Other Animals*

8. Keeping of livestock
9. Troublesome or dangerous animals
10. Bees, pigeons and poultry
11. Powers to seize, detain and dispose of livestock, etc.

### **PART IV** *Naming of Streets and Numbering of Houses*

12. Naming of streets
13. Numbering of houses

### **PART V** *Control of Advertising*

14. Hoardings
15. Bills, etc.

### **PART VI** *Fire Precautions*

16. Prevention of accumulation of inflammable or combustible material
17. Grass, rush or reed fences
18. Storage of inflammable, combustible or explosive substances
19. Burning of grass, refuse or rubbish, etc.
20. Fire-fighting appliances in public buildings
21. Attendance of fire brigade at fires

### **PART VII**

*Food Premises, etc.*

22. General provisions governing construction and use of food premises
23. Provisions governing construction of bakeries
24. Provisions governing construction of butcheries and fishmongers' shops
25. General provisions governing cleanliness of food premises
26. Provisions governing operation of bakeries
27. Provisions governing operation of butcheries and fishmongers' shops
28. Health of persons working on or about food premises
29. Conveyance, handling, storage and sale of foodstuffs
30. Canned food

PART VIII  
*Miscellaneous*

31. Trees
32. Noise and nuisance
33. Public collections
34. Protection of common property
35. Powers of entry, inspection and questioning

S.I. 126, 1981,  
S.I. 74, 1984,  
S.I. 68, 1999.

**PART I**  
***Preliminary (bye-laws 1-2)***

**1. Citation**

These Bye-laws may be cited as the Jwaneng Town Council (General) Bye-laws.

**2. Interpretation**

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

**"approved"**, wherever it appears in a provision, means approved by the council for the purposes of that provision;

**"baker"** means a person who carries on the business of selling, by wholesale or retail, bakery products baked or otherwise made by him;

**"bakery"** means premises on which is carried on the process of or any process incidental to the baking or other making of bakery products or which are used for the storage of bakery products if, in either case, the bakery products are for use by persons other than those residing on premises of which the former premises are part;

**"bakery products"** includes bread, biscuits, rolls, tarts, cakes, pies, confectionery and sweetmeats;

**"butcher"** means a person who sells, exposes for sale or supplies butcher's meat;

**"butcher's meat"** means the flesh or offal of any animal, other than a fish, fowl or deer, intended for human consumption or any product thereof other than canned or potted meat,

biltong, ham, sausages, bacon or salted, smoked or other prepared meat;

**"butchery"** means premises used for the purpose of carrying on the business of a butcher;

**"council"** means the Jwaneng Town Council;

**"dwelling"** means a structure in which a human being habitually dwells or sleeps or is intended habitually to dwell or sleep;

**"food premises"** means premises used or intended to be used for the preparation, manufacturing, keeping, storing, conveying, depositing, handling or exposing for sale of foodstuffs;

**"foodstuffs"** means anything, other than drugs or water, ordinarily used for human consumption;

**"livestock"** means any domestic bovine animal, goat, sheep, swine, horse, donkey or mule;

**"occupier"** means, in relation to any lot or premises, the person, other than the owner thereof, who has habitual immediate control or management of the lot or premises;

**"premises"** means any building or other erection or part thereof, whether above or below the ground, together with its grounds, precincts and appurtenances;

**"public"** includes any class or section of the public;

**"public place"** includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access, either without any condition or upon condition of making a payment, and any building or place which is, for the time being, being used for any public or religious meeting or assembly or as an open court;

**"township"** means the area of jurisdiction of the Jwaneng Town Council;

**"street"** means any street, road, road reserve, lane, mall, footpath, footbridge, passage, pavement, thoroughfare or way together with the immediate vicinity thereof;

**"Town Clerk"** means the Town Clerk of Jwaneng Town Council.

## **PART II**

### ***Health and Sanitation (bye-laws 3-7)***

#### **3. Latrines**

(1) The owner of any premises within the township shall provide proper and sufficient latrine accommodation for all persons residing or employed thereon and any such owner who provides less than one latrine for every eight persons residing or employed on those premises shall be deemed to have contravened this sub-bye-law.

(2) The owner of any premises within the township to which the public are habitually entitled or permitted to have access, either without any condition or upon condition of making any payment, for the purpose of recreation, entertainment, refreshment or being accommodated thereon shall provide, for use by the public, adequate separate latrines for

men and women.

(3) The council may, by order in writing served on the owner or occupier of any premises within the township, prohibit the use of any latrine on those premises which in the council's opinion, has become or is likely to become, by reason of faulty construction, neglect or any other cause, a nuisance or danger to public health until the nuisance or danger or the likelihood of becoming such a nuisance or danger has been abated to the council's satisfaction.

(4) Every owner or occupier on whom an order has been served under sub-by-law (3) shall take every reasonable step to ensure that the order is at all times complied with.

(5) No person shall defecate within the township in any place other than a latrine.

(6) Any person who contravenes-

- (a) sub-by-law (1), (2) or (4) shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months; or
- (b) sub-by-law (5) shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

#### **4. Mosquitoes and other pests**

(1) The owner of any lot or premises within the township shall take every reasonable step to ensure, in respect of the lot or premises, that at all times-

- (a) every receptacle for water, such as a tank, cistern, barrel, cask, pail or other contrivance, in which water is to be or has been stored or retained for more than 24 consecutive hours, is covered so as to prevent the ingress of mosquitoes;
- (b) every gutter, drainpipe, conduit, channel, ditch or other means by which water is conducted is free of any obstructions which prevents or hinders or may prevent or hinder the ready flow of water therein;
- (c) every receptacle for the collection of slop water or household refuse is properly and adequately covered;
- (d) every used tin or bottle or other refuse or article capable of holding water is in a properly and adequately covered receptacle for the collection of household refuse; and
- (e) the breeding of mosquitoes and other pests is prevented:

Provided that, where there is an occupier of the lot or premises, this sub-by-law shall be read and construed as if the reference therein to the owner of the lot or premises were a reference to that occupier.

(2) The owner of any premises within the township shall at all times keep every gutter and drainpipe which belongs to the premises in good repair and condition.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **5. Prevention of accumulation of waste, etc.**

(1) No person shall place, pour, throw or leave in any place within the township or permit to remain on any lot or premises within the township any refuse, including garden refuse, excreta, night soil, filth, slops, exhaust water, waste liquid, yard flushing, stable litter, rubbish, dirt or other offensive matter, dead animal, broken crockery, glass or tins so as to encourage rats or other vermin to frequent such place, lot or premises, endanger health, favour the breeding of flies or mosquitoes, cause any nuisance or is likely to interfere with the comfort of the inhabitants or a section of the inhabitants of the township.

(2) Every householder or shopkeeper shall at all times provide for his house or shop a refuse bin with a closely fitting lid.

(3) Where, on or in the immediate vicinity of any lot or premises within the township, any unserviceable vehicle or machinery is exposed to the sight of the public, the council may, by order in writing served on the owner or occupier of that lot or those premises, require him forthwith to remove the vehicle or machinery to an approved place or forthwith to remove the same from the sight of the public and thereafter to keep it at all times so removed.

(4) Every owner or occupier on whom an order has been served under sub-bye-law (3) shall comply with the order.

(5) Where there is, in any place within the township, any apparently abandoned or unclaimed article exposed to the sight of the public, the council may seize and detain that article and thereafter dispose of it in such manner, including sale or destruction, as it shall determine and may, for this purpose, enter any lot or premises without the permission of the owner or occupier thereof.

(6) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **6. Swimming pools and fish ponds**

(1) The council may, by order in writing served on the owner or occupier of any lot or premises within the township on which a swimming pool or fish pond is situated, require him to take such precautions as shall be specified in the order to reduce the danger of death by drowning or to prevent the breeding of mosquitoes in the swimming pool or fish pond.

(2) Every owner or occupier on whom an order has been served under sub-bye-law (1) shall take every reasonable step to ensure that the order is at all times complied with.

(3) The owner of any lot or premises within the township on which a swimming pool or fish pond is situated shall take every reasonable step to ensure that the water contained therein is at all times free from unpleasant or insanitary matter:

Provided that, where there is an occupier of the lot or premises, this sub-bye-law shall be read and construed as if the reference therein to the owner of the lot or premises were a reference to that occupier.

(4) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **7. Prevention of overcrowding**

(1) No room in any dwelling within the township shall be used for human habitation unless there is provided for every person who has attained the age of 14 years at least 19,25 cubic metres of air space and 3,75 square metres of floor space and for every person who has not attained that age at least 14,50 cubic metres of air space and 2,80 square metres of floor space.

(2) No dwelling shall be erected within the township except on a surveyed lot nor shall the aggregate ground floor space of all dwellings on any such lot exceed one third of the area of the lot.

(3) No surveyed lot within the township shall have an area of less than 140 square metres.

(4) Any person who is knowingly a party to the contravention of this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **PART III**

### ***Livestock and Other Animals (bye-laws 8-11)***

## **8. Keeping of livestock**

(1) No person shall, without the written consent of the council, keep or graze any livestock within the township except in a fenced area set aside by the council for that purpose.

(2) The council may, by order in writing served on the owner or occupier of any lot or premises within the township, prohibit the use as such of any stable, cowshed, stall, pen or sty on that lot or those premises the use of which as such is, in the council's opinion, unfit, undesirable or otherwise objectionable by reason of its location, construction, condition or manner of use.

(3) Every owner or occupier on whom an order has been served under sub-bye-law (2) shall take every reasonable step to ensure that the order is at all times complied with.

(4) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

## **9. Troublesome or dangerous animals**

(1) No person shall bring or allow or permit to be brought into the township any wild animal or any troublesome, ferocious or dangerous animal or keep or allow or permit to be kept within the township any such animal.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding

six months.

#### **10. Bees, pigeons and poultry**

(1) No person shall keep or allow or permit to be kept within the township any bees, pigeons or poultry so as to interfere with the comfort of the inhabitants or a section of the inhabitants of the township.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

#### **11. Powers to seize, detain and dispose of livestock, etc.**

(1) The Town Clerk or any other person authorized by him in that behalf may seize and detain any livestock or poultry found at large within the township and, if such livestock or poultry is not claimed by a person entitled to the ownership or possession thereof within seven days immediately after such seizure, the council may order the sale or destruction thereof.

(2) The Town Clerk or any other person authorized by him in that behalf may seize and destroy any wild animal or any troublesome, ferocious or dangerous animal found within the township.

### **PART IV**

#### ***Naming of Streets and Numbering of Houses (bye-laws 12-13)***

#### **12. Naming of streets**

(1) The council may-

- (a) name and from time to time alter the name of any street within the township; and
- (b) subject to sub-bye-law (2) and (3), from time to time, at its own expense, paint upon or fix to any building, wall or other structure adjacent to or erect in any street within the township a sign bearing the name of that street.

(2) Before exercising a power conferred by sub-bye-law (1)(b) to paint upon or fix to any building, wall or other structure a sign bearing the name of a street, the council shall, where it is reasonably practicable to do so, consult the owner thereof.

(3) Where the council exercises a power conferred by sub-bye-law (1)(b) to paint upon or fix to any building, wall or other structure a sign bearing the name of a street without consulting the owner thereof, it shall take every reasonable step to inform the owner thereof that it has done so.

#### **13. Numbering of houses**

(1) The council may allot a number to any house or other building within the township for the purpose of distinguishing that house or other building from other houses and other buildings within the township and may from time to time so allot a fresh number in substitution for the existing number if it considers it necessary or expedient to do so.

(2) Where a number has been allotted to a house or other building under sub-bye-law (1), the owner thereof shall forthwith paint upon or fix to the premises the number so allotted in a conspicuous place facing the street on which the house or other building stands and the number shall be and shall at all times be maintained by the owner in such a condition as to be clearly legible from the opposite side of that street.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

## **PART V**

### **Control of Advertising (bye-laws 14-15)**

#### **14. Hoardings**

(1) No person shall, without the written consent of the council, erect within the township any hoarding for the purpose of carrying advertisements.

(2) The council shall consider every application for its consent to the erection of a hoarding for the purpose of carrying advertisements and may grant any such application unless it is of the opinion that the hoarding in question would be likely to distract motorists or would otherwise be objectionable by reason of its size.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

#### **15. Bills, etc.**

(1) No person shall, without the written consent of the council, publicly display within the township any bill, poster, placard or advertisement.

(2) The council shall consider every application for its consent to the public display of any bill, poster, placard or advertisement and may grant any such application unless it is of the opinion that the bill, poster, placard or advertisement in question would be likely to distract motorists or is or would be otherwise objectionable by reason of its contents, size or the proposed manner of its presentation.

(3) Where the council grants its consent under this bye-law, it may, at the same time, require the person to whom the consent is given to cease publicly to display the bill, poster, placard or advertisement in question by such date as it shall specify and any person of whom such a requirement is made shall comply therewith.

(4) Notwithstanding sub-bye-law (1), any person who holds a licence to trade within the township may publicly display any bill, poster, placard, or advertisement on or inside the premises to which the licence relates:

Provided that the council may, by order in writing served on any such person, prohibit the continued public display by him of any bill, poster, placard or advertisement which, in the council's opinion, is distracting or likely to distract motorists or is otherwise objectionable by

reason of its contents, size or the manner of its presentation.

(5) Every person on whom an order has been served under sub-bye-law (4) shall immediately comply therewith.

(6) The council may remove and destroy any bill, poster, placard or advertisement which is publicly displayed within the township in contravention of this bye-law.

(7) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

## **PART VI**

### ***Fire Precautions (bye-laws 16-21)***

#### **16. Prevention of accumulation of inflammable or combustible material**

(1) The owner of any lot or premises within the township shall take every reasonable step to prevent the accumulation or deposit, on the lot or premises, of straw, wood, paper or other inflammable or combustible material:

Provided that, where there is an occupier of the lot or premises, this sub-bye-law shall be read and construed as if the reference therein to the owner of the lot or premises were a reference to that occupier.

(2) The council may, by order in writing served on the owner or occupier of any lot or premises within the township, require him to remove, within such time as shall be specified in the notice, any straw, wood, paper or other inflammable or combustible material which may have accumulated or been deposited on the lot or premises.

(3) Every owner or occupier on whom an order has been served under sub-bye-law (2) shall comply therewith.

(4) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

#### **17. Grass, rush or reed fences**

(1) The council may, by order in writing served on the owner or occupier of any lot or premises within the township, require him forthwith to remove any fence of grass, rushes or reeds on the lot or premises which, in the council's opinion, is so located or in such a state of disrepair as to give rise to the risk of fire spreading therefrom to a building.

(2) Every owner or occupier on whom an order has been served under sub-bye-law (1) shall comply therewith.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

## **18. Storage of inflammable combustible or explosive substances**

(1) No person shall, without the written permission of the council, store any inflammable combustible or explosive substance on any property within the township:

Provided that this sub-bye-law shall not apply-

- (i) to the storage, at a place of business or residence, in a closed-up container or other approved receptacle, of not more than 25 litres in aggregate of petrol, oil, paraffin and methylated spirits (in addition to the fuel contained in the fuel tank of any motor vehicle);
- (ii) to the storage, at a place of business or residence, of liquor; or
- (iii) to the storage, at a garage, service station or petrol filling station, of petrol, oil, paraffin and methylated spirits and of such other inflammable substances as are normally stored at such a place.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **19. Burning of grass, refuse or rubbish, etc.**

(1) No person shall burn or set fire to any grass, refuse, rubbish or other material on any lot or premises within the township unless-

- (a) he is the owner or occupier of the lot or premises or has the permission of such owner or occupier to do so;
- (b) he takes every reasonable precaution to avoid annoyance to persons living or working nearby and to prevent the fire spreading to adjoining lots or premises; and
- (c) he ensures that no buildings are endangered by the burning.

(2) No person, other than an employee of the council in the performance of his functions as such, shall burn or set fire to any grass, refuse, rubbish or other material in any street or public open space.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

## **20. Fire-fighting appliances in public buildings**

(1) The council may, by order in writing served on the owner of any hall, shop, offices or other building within the township to which the public has access, require him forthwith to provide the building with portable fire extinguishers at the rate of one extinguisher for every 240 square metres or part thereof of floor space within the building.

(2) Every owner on whom an order has been served under sub-bye-law (1) shall comply therewith and shall ensure that every extinguisher he provides is fixed in a conspicuous and easily accessible position and is at all times maintained in good working order.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **21. Attendance of fire brigade at fires**

(1) In the event of a fire brigade attending upon any fire within the township, the officer in charge of the fire brigade party shall have full charge and control of the property on fire and over such other property as he considers to be in danger and may take all such reasonable measures as he considers necessary or expedient to prevent the spread of and to extinguish the fire and, without prejudice to the generality of the foregoing, may, either personally or through a person under his control-

- (a) enter upon any property and break into, through, take possession of or pull down any building:

Provided that he shall take all reasonable care to do as little damage as is reasonably practicable in the circumstances;

- (b) approach any hydrant, pipe, cistern, borehole or other water supply and draw water therefrom;
- (c) divert, stop or otherwise regulate traffic in the vicinity of the fire; and
- (d) temporarily close any street in the vicinity of the fire.

(2) No person shall hinder or obstruct the officer in charge of a fire brigade party or any person under his control in the exercise of a power conferred on him by this bye-law.

(3) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both.

## **PART VII**

### ***Food Premises, etc. (bye-laws 22-30)***

## **22. General provisions governing construction and use of food premises**

(1) No person shall erect or occupy any food premises within the township unless-

- (a) the premises are constructed of brick or concrete or other approved material;
- (b) the internal faces of the walls are, unless otherwise provided by these Bye-laws, tiled or plastered with a cement plaster, of which the surface has been brought to a smooth face and painted with three coats of oil paint or washable distemper or other approved material, to a height of not less than two metres;
- (c) the floors are, unless otherwise provided by these Bye-laws, of concrete or of wood ventilated to prevent dry rot and rendered impervious to rodents;
- (d) the height of the walls from floor to ceiling is not less than three metres;
- (e) the premises have a dust-proof ceiling and a sound roof;
- (f) every room is lighted and ventilated by a window or windows of an area not less than one-tenth of the room's floor area and capable of being opened to at least

one-twentieth of that area or is provided with an approved system of forced ventilation or air conditioning;

- (g) the premises have a supply of clear hot and cold water, adequate washing facilities to enable employees to keep clean and adequate washing-up facilities to enable all utensils, storage facilities, linen and protective clothing to be kept clean;
- (h) all reasonable precautions are taken to prevent the ingress or harbouring of rodents; and
- (i) if grain is or is to be stored therein, there are sufficient supports for the grain at least 25 centimetres above the floor, installed in such a manner as to make it readily possible to sweep underneath the supports.

(2) No food premises shall be used for sleeping accommodation and no part of such premises shall communicate by door, window or other means with any sleeping or living room.

(3) Any person who contravenes or is knowingly a party to a contravention of this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

### **23. Provisions governing construction of bakeries**

(1) Without prejudice to bye-law 22, no person shall erect or occupy any bakery within the township unless-

- (a) no part of the bakery is underground:

Provided that an underground room may, with the written consent of the council, be used as a store if no articles other than those specified in such consent are stored therein;

- (b) the floors are of a smooth, impervious material;
- (c) no door or window opening is less than three metres from any latrine;
- (d) the doors of the bakehouse are self-closing and all doors and windows have effective fly-screens;
- (e) the opening of the oven furnace is not situated in any room or at any place where foodstuffs are or are to be handled and is situated at least 2,5 metres from the nearest part of any door or window of the bakery; and
- (f) the bakery has a dressing room in which the overalls of the employees may be kept in a clean and sanitary condition and such room is separate from any place where utensils or foodstuffs are or are to be stored or handled.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

### **24. Provisions governing construction of butcheries and fishmongers' shops**

(1) Without prejudice to bye-law 22, no person shall erect or occupy any butchery or

fishmonger's shop within the township unless-

- (a) no door or window opening in any room in which a butcher's meat or fish is or is to be stored, handled or placed for sale is less than four metres from any latrine;
- (b) the floors are of cement or concrete at least eight centimetres thick and topped with granolithic or other impervious material at least two centimetres thick;
- (c) the doors are self-closing and all doors and windows have effective fly-screens;
- (d) the butchery or fishmonger's shop has cold rooms, compartments or cupboards for the storage of meat or fish which are operated constantly at a temperature of not more than 7,2 degrees centigrade; and
- (e) the internal faces of the walls are tiled to a height of not less than two metres.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **25. General provisions governing cleanliness of food premises**

(1) Every person carrying on business on food premises within the township shall-

- (a) keep every part of the premises at all times in good order and repair and in a clean and sanitary condition;
- (b) take all practicable measures to keep the premises at all times free from rodents and from flies, cockroaches and other insects; and
- (c) maintain a supply of soap and clean towels for the use of all persons employed on the premises.

(2) No person carrying on business on food premises within the township shall keep or permit to be kept on or allow to enter the premises any live animal including any live bird.

(3) Every person employed on any food premises within the township shall wash his hands with soap and water immediately before commencing work, immediately after visiting the latrine and when and as often as his hands become soiled.

(4) No person shall, on any food premises within the township-

- (a) expectorate;
- (b) blow his nose except into a handkerchief or a tissue which he uses as an handkerchief and thereafter disposes of in a sanitary fashion; or
- (c) smoke in any place where smoking is likely to defile foodstuffs deposited there or exposed for sale.

(5) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **26. Provisions governing operation of bakeries**

- (1) Every person carrying on the trade of a baker within the township shall-
- (a) keep the internal faces of the walls (except for any parts thereof which are tiled) and ceilings of his bakery at all times painted with three coats of oil paint or washable distemper or other approved material;
  - (b) where the internal faces of the walls and ceilings of his bakery-
    - (i) are painted with oil paint, renew the paint at least once in every five years; or
    - (ii) are painted with washable distemper, renew the distemper at least once in every 12 months;
  - (c) keep every vessel, utensil, cart or other vehicle, sack or basket or other receptacle used in connection with the preparation, conveyance or storage of bakery products at all times in a clean and sanitary condition;
  - (d) take every reasonable step to ensure that all persons employed in his bakery or to deliver bread therefrom are at all times while so employed clean and dressed in clean overalls;
  - (e) at all times provide sufficient glazed or fly-screened showcases or cabinets to protect all bakery products exposed for sale from contamination by dust, dirt or flies;
  - (f) cause the floor of the bakehouse to be thoroughly washed at least once every day;
  - (g) ensure that all dough, butter or paste is at all times mixed in and by approved mixing machines:
    - Provided that dough, batter or paste may, for confectionery purposes alone, be mixed by hand in a quantity not exceeding five kilograms in a suitable mixing utensil; and
  - (h) ensure that no soiled paper or other material of any kind is at any time used for the purpose of covering or wrapping any bakery product.

(2) Without prejudice to sub-by-law (1)(b)(i), where the internal faces of the walls and ceilings of a bakery within the township are painted with oil paint, the council may, by order in writing served on the person carrying on the trade of baker in respect of those premises, require that person forthwith to renew the paint.

(3) Every person on whom an order has been served under by-law (2) shall comply therewith.

(4) No person shall smoke in the mixing or kneading room or bakehouse of any bakery within the township.

(5) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **27. Provisions governing operation of butcheries and fishmongers' shops**

- (1) Every person carrying on the trade of a butcher or fishmonger within the township

shall-

- (a) keep every knife or other instrument, machine, appurtenance or vehicle used in connection with the cutting, handling or conveyance of butcher's meat or fish at all times in a clean and sanitary condition;
- (b) at all times provide sufficient receptacles of galvanized iron or other non-absorbent material with close fitting covers for collecting and conveying from his butchery or shop all refuse; and
- (c) take every reasonable step to ensure that all persons employed in his butchery or shop or to deliver butcher's meat or fish therefrom are at all times while so employed clean and dressed in clean overalls.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **28. Health of persons working on or about food premises**

(1) Before commencing work on or about any food premises within the township, every person shall be medically examined by an approved medical practitioner.

(2) No person shall knowingly permit another person suffering from an infectious or contagious disease to work on or about any food premises within the township.

(3) Where a person working on or about food premises within the township or resident on premises of which such food premises form part contracts an infectious or contagious disease, the person having immediate control or management of the food premises shall, as soon as he becomes aware of the occurrence of the disease report the same to the Town Clerk.

(4) The Town Clerk, the council's health inspector or any other member, officer or employee of the council authorized by it in that behalf may, at any reasonable time, enter any food premises within the township and require any person he finds working on or about those premises to submit to a medical examination by an approved medical practitioner.

(5) A person of whom a requirement has been made under sub-bye-law (4) shall forthwith take the necessary steps to comply with that requirement and the person having immediate control or management of the food premises in question shall take every reasonable step to facilitate such compliance.

(6) At the conclusion of a medical examination to which a person has been required to submit under sub-bye-law (4), the medical practitioner in question shall submit a written report thereon to the Town Clerk.

(7) Every medical examination for which provision is made by this bye-law shall be at the expense of the employer or prospective employer, as the case may be, of the person examined.

(8) Any person who contravenes or is knowingly a party to a contravention of this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **29. Conveyance, handling, storage and sale of foodstuffs**

- (1) No person shall, within the township-
- (a) convey, deposit or expose for sale any foodstuffs in an unwholesome, unclean or offensive manner or in such a way as to expose the foodstuff unnecessarily or improperly to contamination;
  - (b) stand, sit or recline on any foodstuff which is being conveyed, has been deposited or is exposed for sale;
  - (c) load on or convey in any vehicle any carcass if the vehicle contains any blood, viscera, intestines or offal;
  - (d) convey any carcass unless it is at all times while being so conveyed completely covered with a clean covering;
  - (e) sell, expose for sale or deliver any butcher's meat unless it has been obtained from an approved slaughter-house or other approved place;
  - (f) slaughter any animal for human consumption except at an approved slaughter-house or other approved place;
  - (g) convey in any vehicle any butcher's meat unless the vehicle is constructed of or lined with an impervious substance, is in a state of good repair and has a covering which protects the meat conveyed therein from contamination by dust and flies;
  - (h) personally load or unload butcher's meat unless at all times while doing so he wears clean protective clothing including overalls and headgear;
  - (i) store any foodstuff in a container, including a tray or bin, or handle any foodstuff with a utensil unless the container or utensil is of stainless steel, galvanized sheet iron, plastic or other non-corrosive and non-staining material;
  - (j) sell, expose for sale or deliver any fruit, vegetables, bakery products or other foodstuffs unless such foodstuffs are at all times protected from contamination by dust and flies; or
  - (k) sell, expose for sale or deliver any bakery products unless the products originate from an approved bakery.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **30. Canned food**

(1) No person shall, within the township, prepare, sell, expose for sale, keep, deliver, convey or transmit any foodstuff packed-

- (a) in an hermetically sealed tin or other airtight container if the tin or other container-
  - (i) is blown so that there is an irregular bulging of any surface or gas escapes on puncturing;

- (ii) is extensively rusted; or
  - (iii) shows evidence of having at some time become unsealed, whether through puncturing or other damage, and of having been subsequently re-sealed; or
- (b) in an unsealed tin or other non-airtight container intended or likely to be mistaken for an hermetically sealed tin or other air-tight container.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

## **PART VIII**

### ***Miscellaneous (bye-laws 31-35)***

#### **31. Trees**

(1) No person, other than an employee of the council in the performance of his functions as such, shall, without the written permission of the council, fell or damage any tree or shrub in any street or public open space within the township.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

#### **32. Noise and nuisance**

(1) No person shall, within the township-

- (a) operate or cause or permit to be operated any wireless, record player, loudspeaker, amplifier or similar device to the annoyance of the occupants or inmates of any premises in the neighbourhood;
- (b) without the written permission of the council, operate any wireless, record player, loudspeaker, amplifier or similar device or play any musical instrument for the purpose of advertising in or adjacent to any street;
- (c) continue to make any loud or unseemly noise or disturbance by shouting, screaming, yelling, blowing upon any horn or other instrument or beating upon any drum or other instrument so as to annoy or disturb or interfere with the rest, peace or tranquillity of the inhabitants or a section of the inhabitants of the neighbourhood, after having been requested to desist from so doing by a police officer or by an inhabitant of the neighbourhood so annoyed or whose rest, peace or tranquillity has been so disturbed or interfered with;
- (d) in any street or other public place-
  - (i) continue to ring any bell, sound any horn, blow any whistle, use any noisy instrument or shout; or
  - (ii) continue to hawk, sell or distribute any article or thing whatsoever,  
to the annoyance, disturbance or inconvenience of any person using the street or other public place, after having been requested to desist from so doing by a police

officer or by any person so annoyed, disturbed or inconvenienced; or

- (e) for the purpose of carrying on any business, trade or industry, use, between 5 p.m. and 7.30 a.m. or on any Sunday or on any public holiday recognized in the business, trade or industry in question, any machinery creating a noise which is offensive, constitutes a nuisance or disturbs the comfort or peace of the inhabitants or a section of the inhabitants of the township.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

### **33. Public collections**

(1) No person shall, without the written permission of the council, in any street or other public place or from premises to premises within the township, collect or solicit money for the benefit of any charitable or other purpose.

(2) In giving its permission for the purposes of this bye-law, the council may attach thereto such conditions as it thinks desirable.

(3) Any person who contravenes this bye-law or any condition attached by the council to its permission given for the purposes of this bye-law or is knowingly a party to such a contravention shall be guilty of an offence and liable to a fine not exceeding P200 or in default of payment to imprisonment for a term not exceeding six months.

### **34. Protection of common property**

(1) No person shall cause any damage to any property within the township to which the inhabitants thereof have a common right.

(2) Any person who contravenes this bye-law shall be guilty of an offence and liable to a fine not exceeding P50 or in default of payment to imprisonment for a term not exceeding 21 days or in the case of a second or subsequent offence to a fine not exceeding P100 or in default of payment to imprisonment for a term not exceeding three months.

(3) Where a person is convicted of an offence under this bye-law, the court so convicting him may, in addition to or in substitution for any punishment, order him to pay compensation for the damage caused, which compensation shall be paid to the council and used by it to rectify the damage.

(4) For the purpose of determining the amount of compensation to be awarded under this bye-law or the liability of the convicted person therefor, the court may refer to the proceedings and evidence at the trial or hear further evidence upon affidavit or verbal or the amount of compensation may be awarded by the court in accordance with an agreement reached between the convicted person and the council.

(5) Where a court has made an order under this bye-law for the payment of compensation, the order shall have the effect of a civil judgment of that court against the convicted person in favour of the council.

### **35. Powers of entry, inspection and questioning**

(1) The Town Clerk, the council's health inspector or any other member, officer or employee of the council authorized by it in that behalf may, at any reasonable time enter any lot or premises within the township on which he has reasonable cause to suspect that a contravention of these Bye-laws has been, is being or is about to be committed and may, for the purpose of ascertaining the true state of affairs in that respect, inspect the lot or premises and require any person he finds thereon immediately to submit to questioning.

(2) A person of whom a requirement has been made under sub-bye-law (1) shall comply with that requirement and answer truthfully and to the best of his knowledge every question put to him by the person who made the requirement for the purpose of ascertaining whether or not a contravention of these Bye-laws has been, is being or is about to be committed on the lot or premises in question:

Provided that no such person shall be obliged to answer any question which might tend to incriminate him or render him liable to any forfeiture or penalty.

(3) Any person who contravenes this bye-law or hinders or obstructs the Town Clerk, the council's health inspector or any other member, officer or employee of the council in the exercise of a power conferred on him by this bye-law shall be guilty of an offence and liable to a fine not exceeding P200 or to imprisonment for a term not exceeding six months, or to both.