

LOBATSE TOWN COUNCIL (GENERAL) BYE-LAWS

(under regulations 34 and 35)

(15th September, 1967)

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S.I. 47, 1967,

PART I
Preliminary (bye-laws 1-2)

1. Citation

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

2. Interpretation

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

"**approved**" means approved by the council or by any duly authorized officer of the council;

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

"**bakery**" means any premises on which is carried on any of the processes of or incidental to baking or the manufacture or storage of bakery products for use by persons other than those residing on the premises;

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

"**business premises**" means any premises which are used or intended to be used as a place of trade or industry;

"**butcher**" means any person who sells or exposes for sale or supplies butcher's meat for human consumption;

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

"**butchers' meat**" means the flesh or offal of any animal intended for human consumption or any products manufactured therefrom, but does not include canned or potted meats, biltong, ham, sausages, bacon, salted and other prepared meats, fish, poultry or venison;

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

"**dwelling**" means any house, room, shed, hut or any other structure or plan whatsoever, any portion whereof is used by any human being for sleeping in or in which any human being dwells;

"**food**" or "**foodstuffs**" means any thing whatsoever (other than drugs or water), in any form, state or stage of preparation, which is ordinarily used or intended to be used for human consumption;

"**food premises**" means any premises which are used or intended to be used as a place for the preparation, manufacture, keeping, storing, depositing, conveying, handling and exposing for sale of food and drink;

"habitable room" means any room used or intended to be used as a sleeping, living or work room;

"latrine" means any building, erection or place adapted or constructed for the use of human beings for the purposes of defecation or urination;

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

"occupier" means, in relation to any lot or premises-

- (a) any person in actual occupation of such lot or premises and having charge or management thereof; or
- (b) in the event of the lot or premises being occupied by anybody other than an employee of the person having charge or management thereof, any person having such charge or management;

"official" means any duly appointed official of the council;

"owner" means, in relation to-

- (a) any animal, in addition to its ordinary meaning, any person having the charge, custody or control of any animal and the occupier of any premises where any animal is kept or permitted to remain;
- (b) any lot or premises, the person in whose name the title to such lot or premises is registered and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such lot or premises.

"poultry" means any fowl, turkey, goose or duck;

"premises" means any building or part thereof, store, shop, tenement or other erection above or below the ground and the land used or occupied in connection therewith;

"slaughter house" includes any abattoir, slaughter pole or place set apart for slaughtering livestock, the meat of which is intended for sale;

"stable" includes a cowshed, stall, pen or sty;

"street" means any street, square, road, lane, footpath, pavement, thoroughfare or public place extending in width from the boundary of any lot or area of land and, includes any work or thing forming part of or connected with such street;

"waste-water" means any discharge of a non-excremental nature from any waste-water fitment, gully trap, grease trap or laundry;

PART II

Health and Sanitation (bye-laws 3-7)

3. Latrine accommodation to be provided

(1) The owner of any premises within the council area shall-

- (a) provide proper and sufficient latrine accommodation for all persons residing or

employed thereon;

(b) provide a minimum of one latrine for every 15 persons.

(2) No person shall defecate or urinate in the council area elsewhere than in a latrine.

(3) The council may, by notice in writing to the owner or occupier of any premises within the council area, prohibit the use of any latrine which by reason of faulty construction or neglect or from any other cause has, in the opinion of the council, become or is likely to become a nuisance or a danger to public health until such nuisance or danger has been abated to the satisfaction of the council.

4. Mosquitoes and pests

Every owner and occupier of any lot or premises within the council area shall, in respect of such lot or premises-

- (a) maintain all water receptacles, such as tanks, cisterns, casks, pails and other contrivances for the storage or retention of water for any period in excess of 24 hours covered so as to prevent the ingress of mosquitoes;
- (b) keep guttering and drainpipes in good repair and condition and shall not allow such guttering and drainpipe to be in such condition as to collect water and prevent it from readily flowing away;
- (c) ensure that no tin, bottle or other refuse, or article capable of holding water is thrown out or allowed to remain on any such lot or premises;
- (d) ensure that every receptacle for the collection of slop water or household refuse is kept adequately covered;
- (e) generally take adequate steps to prevent the breeding of mosquitoes or other pests.

5. Prevention of accumulation of refuse

No person shall place, pour, throw, leave or permit to remain on any lot or premises any refuse, excreta, night soil, filth, slops, exhaust water, waste liquid yard flushing, stable litter, rubbish, garden refuse, dirt or other offensive matter or any dead animal, broken crockery, glass or tins in such place or in such manner or for such time as to endanger health, or to favour the breeding or harbouring of flies or mosquitoes, or to encourage rats or other vermin to frequent such land or premises, or to cause any nuisance or to be likely to interfere with the comfort of the inhabitants of the council area.

6. Swimming pools and fish ponds

Every person occupying premises on which is situated a swimming pool or fish pond shall take such precautions as may be required by the council to prevent the breeding of mosquitoes in such swimming pool or fish pond and shall ensure that the water contained therein is always fresh and free from unpleasant or insanitary matter.

7. Overcrowding

No room in any dwelling shall be used for human habitation unless there is provided for every person over the age of 14 years 11,33 cubic metres of air space and 3,72 square

metres of floor space, and for every person below the age of 14 years 8,50 cubic metres of air space and 2,79 square metres of floor space.

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

8. Keeping of livestock

(1) No person shall keep or graze any livestock in the council area.

(2) Unless authorised to do so by the Council, no person shall use any stable or site in the council area.

(3) Any person who fails to comply with bye-law 8 commits an offence and is liable—

- (a) in the case of an offence against sub-bye-law (1), to a fine of P200 or, in default of payment thereof, to imprisonment for a term not exceeding six months; and
- (b) in the case of an offence against sub-bye-law (2), to a fine of P100 or, in default of payment thereof to imprisonment for a term not exceeding three months.

9. Troublesome or dangerous animals

No person shall allow any wild, troublesome, ferocious or dangerous monkey, carnivorous wild animal or reptile to be at large off the premises on which such animal is normally kept.

10. Bees, pigeons, and poultry

No person shall keep any bees, pigeons or poultry so as to disturb the comfort of the inhabitants of the council area.

11. Powers of the council

The council may order the seizure and detention of any livestock, poultry, monkey, carnivorous wild animal or reptile found at large within the council area, and if such animal is not claimed within seven days the council may order its sale or destruction.

PART IV ***Streets (bye-laws 12-16)***

12. Naming of streets

(1) The council may name or alter the name of any street.

(2) The council may from time to time, at its own expense, paint upon or affix to any building or erect in any street, the name of such street.

13. Numbering of houses

(1) The council may from time to time allot numbers to each house or building in any street for the purpose of distinguishing such house or building and may alter such numbers from time to time as it may deem necessary.

(2) The owner of any house or building to which a number has been allotted by the

council shall affix or paint the number so allotted in a conspicuous place facing on to the street in which such number has been allotted and shall maintain such number in good order and condition so as to be clearly legible from the other side of the street on to which it faces.

14. Hoardings

(1) No hoardings shall be erected within the council area except with the written consent of the council.

(2) The council shall withhold its consent only if it considers the hoardings to be a distraction to motorists or objectionable in substance, presentation or scale.

15. Bills, posters, placards or advertisements

(1) No bill, poster, placard or advertisement shall be displayed within the council area without the written consent of the council.

(2) The council shall withhold its consent only if it considers the display of the bill, poster, placard or advertisement to be a distraction to motorists, or objectionable in substance, presentation or scale.

(3) The council may stipulate the time within which bills, posters, placards or advertisements shall be removed.

(4) Nothing contained in sub-bye-law (1) shall prevent any person holding a licence to trade in the council area from erecting any bills, posters, placards or advertisements on or within the building to which his licence applies:

Provided that the council does not object to the nature and substance of such bills, posters, placards or advertisement.

(5) Any bill, poster, placard or advertisement which has been erected in the council area without the council's consent or to which the council objects may be removed by the council.

16. Trees

No person shall fell or damage any tree or shrub in any street or public place except with the written consent of the council.

PART V

Fire Control Measures (bye-laws 17-22)

17. Accumulation of inflammable or combustible materials

(1) The owner and occupier of any property shall take all reasonable precautions to prevent the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on the property which could cause damage or danger from fire to any person, animal or building or to any adjacent property.

(2) Where, in the opinion of the council, an owner or occupier has allowed the accumulation or deposit of straw, wood, paper or other inflammable or combustible material on his property, the council may, by notice in writing to such owner or occupier, order him to remove such accumulation within a period of not less than three days, which period shall be stipulated in such notice, and it shall thereupon be the duty of the owner or occupier to do

so.

18. Grass fences

If, in the opinion of the council, any fence of grass, rushes or reeds is erected in such a position or is allowed to fall into such a state of disrepair that it gives rise to a danger of fire spreading therefrom to any buildings, the council may, by notice in writing, order the fence to be removed and the owner, or in his absence, the occupier of the premises upon which the fence is situated, shall remove the fence.

19. Storing of inflammable, combustible or explosive substances

(1) Except with the written permission of the council, no person shall store any inflammable, combustible or explosive substance on any property:

Provided that-

- (i) it shall be permissible for any person to store, in a closed-top container or other approved receptacle at his place of residence or at his place of business, not more than a total of 22,73 litres of petrol, paraffin, methylated spirits or other such inflammable substance which is used for household purposes, in addition to the fuel contained in the fuel tank of any motor vehicle;
- (ii) the provisions of this bye-law shall not apply to-
 - (a) liquor which a person may store at his place of residence or at his place of business;
 - (b) petrol, paraffin, methylated spirits, oil or other such inflammable substance which is stored at a garage, service station or petrol filling station.

(2) In granting permission in terms of sub-bye-law (1) the council may impose such conditions as it deems necessary.

20. Burning of grass, refuse or rubbish

(1) No person shall burn or set fire to any grass, refuse, rubbish or other material on any private property unless-

- (a) he is the owner or occupier of the property or has the permission of the owner or occupier thereof;
- (b) he takes all reasonable precautions to avoid any annoyance to owners or occupiers of adjoining properties and to prevent the fire spreading to such adjoining properties; and
- (c) he ensures that no buildings are endangered by the burning of such grass, refuse, rubbish or other material.

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

21. Fire-fighting appliances in public buildings

(1) The owner of any hall, shop, offices or other building to which the public has access

shall, if required by the council, provide such building with portable fire extinguishers at the rate of one extinguisher for every 232,25 square metres or part thereof.

(2) The owner of any such building shall fix any extinguisher which he is required to provide in a conspicuous and easily accessible position and shall maintain the extinguisher in good working order.

22. Attendance of fire brigade at fires

(1) In the event of a fire brigade attending upon any fire the officer in charge of the fire brigade party shall have full control over the property on fire and over such other property as he may consider to be in danger for the purposes of taking such reasonable measures as he may deem necessary to prevent the spread of and to extinguish the fire.

(2) In exercising his powers in terms of sub-bye-law (1), the officer in charge of the fire brigade party-

- (a) shall have the right of entry to any property and may by himself or through any person under his control break into, through, take possession of, or pull down buildings, but shall take all reasonable care to do as little damage as possible;
- (b) shall have the right of access to any hydrant, pipe, cistern, borehole or other water supply and shall be entitled to draw water from such points of supply;
- (c) may himself, or through any person under his control, divert, stop or regulate traffic in the vicinity of the fire; and
- (d) may temporarily close any street, passage, thoroughfare or greenway in the vicinity of the fire.

PART VI

Food Premises (bye-laws 23-31)

23. Construction: general

(1) No person shall erect or occupy any food premises within the council area unless the following provisions have been complied with-

- (a) the premises shall be constructed of brick, concrete or other approved material;
- (b) the internal faces of the walls shall be tiled, or plastered with a cement plaster and the surface brought to a smooth face and painted with three coats of oil paint, washable distemper or other approved decoration to a height of not less than 1,83 metres;
- (c) the floor shall, unless otherwise provided in these Bye-laws, be-
 - (i) of concrete; or
 - (ii) of wood ventilated to prevent dryrot and rendered impervious to rodents;
- (d) the height of the walls from floor to ceiling shall be not less than 3,05 metres;
- (e) the premises shall be provided with a dustproof ceiling;

- (f) every room shall be lighted and ventilated by a window or windows of an area not less than one-tenth of the floor area and capable of being opened to at least one-twentieth of the floor area of such room or alternatively an approved system of forced ventilation or air conditioning shall be provided;
- (g) the premises shall be provided with a supply of clear hot and cold water and washing facilities to enable employees to keep clean and washing up facilities to enable all utensils, storage facilities, linen and protective clothing to be kept clean.

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

24. Construction: bakeries

No person shall erect or occupy any bakery within the council area unless the following provisions have been complied with in addition to the provisions of bye-law 23-

- (a) no portion of any bakery shall be underground, except that with the written consent of the council an underground room may be used as a store provided that no articles other than those specified in such written consent shall be stored therein;
- (b) the floors shall be of smooth, impervious material;
- (c) no door or window opening which communicates with a bakery shall be less than 3,05 metres from any latrine;
- (d) the doors of the bakehouse shall be self-closing and all doors and windows shall be provided with effective fly-screens;
- (e) the opening of the oven furnace shall not be situated in any room or at any place where any foodstuffs are handled and shall be situated at least 1,83 metres from the nearest part of any door or window of the bakery;
- (f) a dressing room shall be provided in which the overalls of the employees can be kept in a clean and sanitary condition and such room shall be separate from any place where utensils or foodstuffs are handled or stored.

25. Construction: butcheries and fishmongers' shops

No person shall erect or occupy any butchery or fishmongers' shop within the council area unless the following provisions have been complied with, in addition to the provisions of bye-law 23-

- (a) no door or window opening in any room wherein butcher's meat or fish is stored, handled or placed for sale shall be so placed as to be less than 3,05 metres from any latrine;
- (b) the floors shall be of cement or concrete at least 7,62 centimetres in thickness and topped with granolithic or other impervious material at least 1,90 centimetres in thickness;
- (c) the doors shall be self-closing and all doors and windows shall be provided with effective fly screens;

- (d) cold rooms, compartments or cupboards shall be provided for the storage of meat or fish and such cold rooms, compartments or cupboards shall be operated constantly at a temperature of not more than 7,2 degrees centigrade.

26. Operation of bakeries

(1) Every person carrying on the trade of a baker in the council area shall-

- (a) cause all inside walls and ceilings of his bakery to be kept in a clean and sanitary condition with three coats of either oil paint, washable distemper or an approved equivalent:

Provided that-

- (i) where oil paint is used it shall be renewed at least once in every five years or as often as required by the council;
 - (ii) where washable distemper is used it shall be renewed at least once in every 12 months;
 - (iii) if any portion of the walls is tiled it shall be sufficient to wash such portion with hot water and soap to ensure adequate cleanliness;
- (b) keep every part of his bakery and all vessels and utensils carts and other vehicles, sacks, baskets and other receptacles used in connection with the preparation, conveyance and storage of bakery products in a clean and wholesome state;
 - (c) ensure that all persons employed in the bakery are clean and dressed in clean overalls while so employed;
 - (d) maintain a supply of soap and clean towels for the use of all persons employed in the bakery;
 - (e) take all practical measures to maintain his premises free from rodents, flies, cockroaches and other insects;
 - (f) provide means of protecting all bakery products, by glazed or fly-screened showcases or cabinets from contamination by dust, dirt or flies, while exposed for sale, or by means of closed or covered containers or vehicles when in the course of conveyance in any public thoroughfare;
 - (g) cause the floor of the bakehouse to be washed daily.

(2) Every baker shall mix all dough, batter or paste by means of approved mixing machines and shall not himself or by his servants mix such dough, batter or paste by hand or in any other way than in and by such mixing machines:

Provided that a baker may mix by hand any dough, batter or paste in a quantity not exceeding 4,536 kilograms in weight in a suitable mixing utensil for confectionery purposes.

(3) No bakery shall use or permit to be used soiled paper or soiled material of any description for the purpose of covering or wrapping bakery products.

27. Operation of butcheries and fishmongers' shops

(1) No butcher or fishmonger shall keep or allow to be kept in, or allow to enter into his shop or any premises connected therewith, any live animal or bird:

Provided that poultry intended for slaughter and sale may be kept in such place as may be approved in writing by the council.

(2) Every person carrying on the trade of a butcher or fishmonger in the council area shall-

- (a) keep every part of his shop in good order and repair and in a clean and sanitary condition;
- (b) keep thoroughly clean all knives and other instruments and appurtenances, machinery and vehicles used in cutting or handling or moving butchers' meat or fish;
- (c) provide receptacles of galvanized iron or other non-absorbent material with close-fitting covers for collecting and conveying from his shop all refuse;
- (d) ensure that all persons employed in the shop or delivering butchers' meat or fish are clean and dressed in clean overalls while so employed;
- (e) maintain a supply of soap and clean towels for the use of all persons employed in the shop.

28. Personal cleanliness

(1) Every person employed in any premises where food is handled or offered for sale shall wash his hands with soap and water before commencing work.

(2) No person in any food premises shall expectorate or blow his nose except into a handkerchief or a tissue which he uses as a handkerchief and disposes of in a sanitary fashion.

(3) No person shall smoke in the mixing room, kneading room or baking room of any bakery, or in any place where such smoking is likely to defile foodstuffs deposited or exposed for sale.

29. Health of employees

No employer shall permit any person suffering from any infectious or contagious disease to be employed in or about any food premises and on the occurrence of any such disease amongst any of the persons employed or residing on such premises the employer shall immediately report such occurrence to the council.

30. Conveyance, handling, storage and sale of foodstuffs

(1) No person shall convey or deposit or cause to be conveyed or deposited or exposed for sale any foodstuffs in an unwholesome, unclean or offensive manner or in such a way as to be unnecessarily or improperly exposed to contamination and no person shall stand, sit or recline on any foodstuff which is being conveyed or has been deposited or is exposed for sale.

(2) No person shall load onto or transport in any vehicle any carcass if such vehicle

contains blood, viscera, intestines or offal and no person shall convey any carcass unless it is completely covered with a clean covering.

(3) No person shall sell, expose for sale or deliver any butcher's meat in the council area unless such meat has been obtained from a slaughter-house or place approved in writing by the council.

(4) No person shall slaughter any animal for human consumption in the council area except at such slaughter-house or approved place.

(5) All vehicles used for the conveyance of meat shall be constructed of or lined with an impervious substance and shall be maintained in good repair and provided with covering to protect the meat therein from contamination by dust or flies, and no person shall convey meat in a vehicle which does not comply with this sub-by-law.

(6) All utensils, including trays, bins and other containers, and all knives, forks and other tools used for handling or storing foodstuffs shall be constructed of stainless steel, galvanized sheet iron, plastic or other non-corrosive and non-staining material and no person shall handle or store any foodstuffs with tools or in containers which do not comply with this sub-by-law.

(7) Any person who sells, exposes for sale or delivers fruit, vegetables, bakery products or other foodstuffs shall protect such foodstuffs from dust and flies.

(8) Any person loading or unloading meat shall wear clean protective clothing including overalls and headgear.

(9) No person shall sell, expose for sale or deliver any bakery products in the council area unless such bakery products have been obtained from a bakery approved in writing by the council.

31. Canned food

No person shall sell, prepare, keep, transmit or expose for sale any meat, fish, fruit, vegetable, jam, condensed milk or any other article of food which is packed in a hermetically sealed tin or other airtight receptacle if such tin or receptacle is-

- (a) blown so that there is unnatural bulging of the flat or concave side or ends of the container or so that gas escapes on puncturing;
- (b) extensively rusted;
- (c) damaged so that it leaks or otherwise becomes unsealed or shows evidence of having been punctured and having had the puncture re-sealed.

PART VII

Miscellaneous (bye-laws 32-36)

32. Noise and nuisance

(1) No person shall—

- (a) operate or cause or permit to be operated any wireless, loud-speaker, gramophone, amplifier or similar instrument to the annoyance of the occupants or inmates of any

premises in the neighbourhood;

- (b) operate any wireless, musical instrument, loudspeaker or other similar device for the purpose of advertising on or adjacent to any street without the prior consent of the council;
- (c) continue to make any loud or unseemly noise or disturbance either by shouting, screaming or yelling or by blowing upon any horn or other instrument or by beating upon any drum or other instrument so as to annoy, disturb or interfere with the rest, peace or tranquillity of the inhabitants, after having been requested to desist by any member of the police or by any other person so annoyed, disturbed or inconvenienced;
- (d) continue to ring any bell or sound any horn or blow any whistle or use any noisy instrument or shout in any market square, street, park or public place for the purpose of attracting customers, or hawk, sell or distribute any article or thing whatsoever to the annoyance, disturbance or inconvenience of any person who uses such market square, street, park or public place after having been requested to desist by any member of the police or the person so annoyed, disturbed or inconvenienced;
- (e) between the hours of 5 p.m. and 7.30 a.m. carry on any business, trade or industry involving the use of machinery which by reason of the noise created by it is offensive or constitutes a nuisance or which disturbs the comfort or peace of the inhabitants of the council area nor shall any person use any such machinery on Sundays or such public holidays as are recognized in the relevant business, trade or industry.

(2) Any person who fails to comply with the provisions of bye-law 32 commits an offence and is liable on first conviction to a fine of P150 or, in default of payment thereof, to imprisonment for a term not exceeding four months, and for any subsequent conviction to a fine of P200 or, in default of payment thereof, to imprisonment for a term not exceeding six months.

33. Collection for charity

(1) No collection of moneys or attempt to collect money shall take place within the council area without the prior written consent of the council.

(2) The council may in granting its consent to the collections of money impose such conditions as it deems fit.

34. Protection of common property

(1) No person shall cause any damage to any property to which the inhabitants of the council area have a common right.

(2) Anyone convicted of such an offence may, in addition to any penalty imposed under bye-law 36, be ordered to pay compensation for such damage.

35. Control of air guns and catapults

(1) No person shall carry or discharge any air rifle, air pistol or catapult in any street or

public place.

(2) No person shall discharge any air rifle or catapult, otherwise than in a street or public place, in a manner whereby the projectile so discharged would, or would be likely to, travel into any street or public place.

36. Offences and penalties

(1) Any person who obstructs or hinders the council in the exercise of its duties under the provisions of these Bye-laws or who fails to comply with any of the provisions of bye-law 3(2), 10, 14, 15, 17, 18, 20 or 34 shall be guilty of an offence and shall be liable on first conviction to a fine not exceeding P10 or, in default of payment thereof, to imprisonment for a term not exceeding 14 days, and on a second or subsequent conviction to a fine not exceeding P50, or, in default of payment thereof, to imprisonment for a term not exceeding two months.

(2) Any person who fails to comply with any of the provisions of bye-law 4, 5, 6, 9, 16, 19, 21, 26, 27, 28, 29, 30, 31 or 35 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P100, or, in default of payment thereof, to imprisonment for a term not exceeding three months.

(3) Any person who fails to comply with any of the provisions of bye-law 3(1), 7, 23, 24 or 25 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P200, or, in default of payment thereof, to imprisonment for a term not exceeding six months.