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This Bye-law may be cited as the Berekum East Municipal Assembly Bye-law, 2018 and shall apply to the area of administration of the Berekum East Municipal Assembly (hereinafter called “the Assembly”).

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF CEMETERIES) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

2.1 Control of Cemetery

The Assembly shall have the control and management of all Cemeteries within the Municipality.

(a) In respect of cemeteries owned by churches and other religious organizations, the Assembly shall have a standard code of conditions to be followed by all the organizations.

(b) The Health Department shall ensure that all cemeteries under the control of the Assembly are kept neat and tidy at all time.

2.2 Plan of Cemetery

The Assembly shall cause a plan of all cemeteries within its jurisdiction to be prepared by a licensed Surveyor or Survey and Mapping Division, in which the position of all grave spaces and pathways shall be delineated and plotted and this plan shall be kept in the office of the sexton-in-charge of the cemetery.

2.3 Infant/Free

In each cemetery, a part may be set aside for infant burials and a part may likewise be set aside for free burials.

2.4 Grave Space

In every cemetery grave space shall be 2.4 metres by 1.2 metres except that in part of the cemetery reserved for infant burials, each grave shall be 1.5 metres by 0.9 metres.

2.5 Depth of Grave

No grave shall be less than 1.2 metres deep.

2.6 Register of Burial

Each grave space delineated and plotted in the plan for in these Bye-laws shall be numbered and the sexton-in-charge of the said cemetery shall cause a Register of burial to be kept in the form shown in the schedule to these Bye-laws.

2.7 Vaults

No greater number than six grave spaces shall in a cemetery be granted to any one person or family for the construction of a vault.

2.8 Cremation

The sexton-in-charge in conjunction with the Health Department of the Assembly shall make arrangement for the provision of facilities for persons whose religious belief requires the cremation of their bodies.

2.9 Head Stones

The foundation of a head stone or other memorial in the cemetery shall not extend more than 6 metres below the surface of the grave.

2.10 Restrictions

No burial shall be allowed without a permit issued by the Assembly.

- a) It shall be the Prerogative of the Municipal Chief Executive or his accredited representative to issue written authority for burials.
- b) No burial should be done at home or other place without permission from the Health Department of the Assembly.

2.2 Permits

No burial shall be allowed without the written authority of the Municipal Chief Executive, or his representative whose written authority shall specify the reason why free burial is permitted in each case.

2.3 Hours of Burials

No burials shall take place in any cemetery within the jurisdiction of Berekum East Municipal Assembly between the hours of six 0'clock in the evening (6:00pm) and 6:30 in the morning (6:30am).

2.4 Fee

Fees for grave and vaults in a cemetery shall be payable at the rate fixed by resolution of the Assembly.

2.5 Free Burials

The Municipal Chief Executive may exempt any burial from fee payment.

2.6 Nuisance

No person shall commit any nuisance in a cemetery.

2.7 Monitoring and compliance

The Health Department shall visit all cemeteries in the jurisdiction of the Assembly at least once in every week to ascertain the level of compliance of this Bye-Law and report to the Municipal Chief Executive for necessary action(s) to be taken on issues raised during the visit.

2.8 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

2.9 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on Summary Conviction to a fine of not less than one (100) penalty units and not more than two hundred and fifty (250) penalty units or to a term of Imprisonment of not less than six months and not more than twelve months or to both the fine and imprisonment.

2.10 Application

These bye-laws shall apply within the area of authority of the Assembly

SCHEDULE

REGISTER OF BURIAL IN ASSEMBLY CEMETERY:

NUMBER OF PERSON BEING BURIED:

NAME OF PERSON BEING BURIED:

DATE OF BURIAL:

GRAVE SPACE GRANTED:

DATE ON WHICH GRAVE SPACE WAS GRANTED:

NAME OF GRANTEE:

SIGNATURE OF SEXTON:

BEREKUM EAST MUNICIPAL ASSEMBLY (ABATEMENT OF NUISANCE) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

5.1 Abatement Notice

Where the Assembly is satisfied that a nuisance exist, it shall serve a notice (in these Bye-laws referred to as “Abatement notice) on the person by whose act, default or sufferance the nuisance exists, continues, or if, that person cannot be found the owner or occupier of the premises on which the nuisance arises.

a) An abatement notice shall require the person on whom it is served to abate the nuisance and to execute such works and to take such steps within such period as may be specified in the notice.

b) The Assembly shall follow through having regard to the time given to the owner or occupier to abate the nuisance to ensure compliance.

c) Where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or occupier of the premises the Assembly may itself take such steps as may be required to abate the nuisance and to prevent a recurrence thereof.

5.2 Complaint

a) If the person on whom an abatement notice has been served makes default in complying with any of the requirements of the notice or if the nuisance although abated since the service of the notice, is in the opinion of the Assembly likely to re-occur on the same premises, the Assembly shall cause a complaint to be made to a court of competent jurisdiction for summons to be issued requiring the person to appear before such court.

b) Where any person is aggrieved by the existence of any nuisance, after these steps taken above, such person may issue civil summons against the person in respect of the nuisance to a Court of competent jurisdiction requiring the person by whose act, default or sufferance the nuisance arises or continues to appear before such Court.

5.3 Nuisance Order

Where on the hearing of a complaint made on non-compliance with an abatement notice, when it is proven that the nuisance exists, or that although abated it is likely to reoccur on the same premises, the court shall make a Nuisance Order for any of the following purposes.

a) An abatement order requiring the defendants to comply with all or any of the requirement(s) of the Abatement Notice, or otherwise to abate the nuisance within a time specified in the order and to execute any works necessary for that purpose.

b) A Prohibition Order prohibiting a recurrence of the nuisance and requiring the defendant within a time specified in the order to execute any works necessary to prevent a recurrence.

c) A Closing Order, prohibiting the use of the premises for human habitation provided that a closing order shall be made only if the court is satisfied that by reason of the nuisance, the premises are unfit for human habitation.

d) Where on the hearing of a complaint made on non-compliance with an **abatement notice** it is proven that the alleged nuisance existed at the date of making of the complaint, the court may order the defendant to pay the Assembly such reasonable sum as the court determine in respect of the expenses incurred by the Assembly in, and or in connection with the making of the complaint and the proceedings before the Court.

e) When it appears to the Court that the person by whose act, default or sufferance the nuisance arises or the owner or occupier of the premises cannot be found, the nuisance order may be addressed to and executed by the Assembly.

(f) On the hearing of a complaint, the Court may in addition to making a nuisance order impose a fine not exceeding the limit prescribed in these Bye-laws.

(g) Any person who fails to comply with the abatement order shall, unless he proves that he has used all due diligence to carry out the orders, be liable to such fine and such daily penalty for every day on which the offence continues not exceeding the limit prescribed in these Bye-laws.

(h) Any person who knowingly contravenes a prohibition or closing order shall be liable to such daily penalty for every day on which the offence continues not exceeding the limit prescribed in these Bye-laws.

i) Where a nuisance has been created punishable under this bye-law and the offender has not been identified or discovered, the facts of any nuisance or other substance being found in front, side and back of any premises shall be prima facie evidence of its having been placed there by the owner or occupier of the premises

5.4 Proceedings

a) Where a nuisance appears to be wholly or partly caused by the act or default of two or more person, the Assembly may, in its discretion institute proceedings against one or all of them, and one or more of the persons proceeded against may be order to abate the nuisance for as far as it appears to the court to be caused by his or their acts or default, or may prohibit from continuing any acts or default which in the opinion of the court, contribute to the nuisance or may be fined or otherwise punished and the cost may be apportioned as the court may deem fair and reasonable.

b) Where some or any of the persons, by whose acts or defaults a nuisance has been caused, have been proceeded against, they may without prejudice to any other remedy, recover in a summary manner, from the other persons who were not proceeded against, a

proportionate part of the cost of and incidental to the proceedings and the abatement of the nuisance and of any fine or costs ordered to be paid in the proceedings.

5.5 Abatement of Nuisance by the Assembly

a) Where a Nuisance Order has not been complied with, the Assembly may abate the nuisance and do whatever may be necessary in execution of the order.

b) Any expenses reasonably incurred by the Assembly in abating, or preventing the recurrence of a nuisance in respect of which a Nuisance Order has been made may be recovered by it from the persons against whom the order was made.

c) Where the Assembly proceeds to recover such expenses as aforesaid, the court may apportion the expense between persons by whose acts or default the nuisance was caused in such manner as the court may deem fair and reasonable.

6.6 Nuisance Arising

Where a nuisance within the Municipality appears to be wholly or partly caused by some act or default committed or taking place outside the Municipality, the Assembly may initiate proceedings in a Court of law to abate the nuisance provided that the proceeding may only be taken before a court having jurisdiction in the place where the act or default is alleged to be committed.

6.7 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

6.8 Penalty

Any person who fails without reasonable excuse (proof of which shall lie on such person) to comply with any of the requirements of an abatement notice served on him commits an offence and is liable on Summary Conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than ten months and to a further fine of not less than 10 penalty unit for each day on which the offence is continued after written notice of the offence has been served on the offender.

6.9 Interpretation

In these Bye-laws unless the context otherwise requires "Nuisance" include:

- a) Any premises in such a state as to be injurious to health, life and property.
- b) Any animal kept in such a state as to be injurious to public health and safety.
- c) Any accumulation or deposit which is injurious to health, and
- d) Any dust or effluvia caused by any trade, industry and being injurious to the health of inhabitants of the neighbourhood.

6.9 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (NOXIOUS AND OFFENSIVE TRADE) BYE-LAWS, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by section 181 of the Local Governance Act, 2016 (Act 936) hereby make these Bye-Laws:

7.1 A person who without lawful authority or excuse, the proof of which lies on that person,

(a) carries on a business in noxious trade or offensive matter at a place or causes or permits a business in noxious or offensive matter to continue to be collected at any place, or keeps animals at a place,

(i) To impair or endanger the health of the public inhabiting or using the neighborhood of that place, or

(ii) To cause damage to the lands, crops, cattle, or goods of the public, or

(iii) To cause material interruption to the public in their lawful businesses or occupations, or

(iv) To materially affect the value of their respective properties,

(b) Pollutes or fouls the water of a well, tank, spring, reservoir, or place used or intended to be used for the supply of water for human or animal consumption, commits an offence and is liable on summary conviction.

7.2 Arrest of Offenders

A person who commits an offence punishable under section 7.1 may be arrested without a warrant

a) By a Police Officer or a Health Officer or by the Owner or occupier of the property on which or with respect to which the offence is committed or

b) By an employee or person authorized by the occupier or owner and delivered into the custody of a Police Officer who shall within 48 hours put that person before a court.

7.3 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

7.4 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than one year or to both.

7.5 Explanation as to carrying on of noxious trade

For the purposes of this Part,

- (a) “noxious trade” means the carrying out of an offensive or noisy business at a place or causing or permitting offensive or noisy business to continue at a place;

- (b) “business” includes a trade, manufacture, work or occupation carried on for gain or charity, or a continued or frequent repetition of an act or a series of acts of any kind where the prejudice or danger caused by the act or omission extends to persons inhabiting or occupying not less than three houses under separate tenancies or any other place of accommodation.

7.6 Application

These Bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (HOUSE OWNERS AND OCCUPIER(S) BYE-LAW, 2018

In exercise of the powers conferred on the **Berekum East Municipal Assembly** by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

8.1 Responsibility

The occupiers or Owners of premises shall clear and keep free from all dirt, underbrush, underwood, weeds, high grass, rubbish, rags, broken bottles, refuse, rubbish and all offensive matter (filling up all holes with stones, gravel or other like materials) the street or roads at the front, back and side thereof, with the drains, gutters and channels thereon, provided that where there are two lots of land contiguous to any street, road, drain gutter or channel and facing each other, the occupier of each lot shall be responsible for keeping clean only half of the street, road, drain, gutter or channel nearest to their own lot.

8.1.1 It shall be the responsibility of every house owner/occupier to cause to be fixed a four feet electric lights (fluorescent tubes) or security lights on the four outside corners of the premises.

8.2 Construction across Public Way

No house owner/occupier shall construct a gutter, a drain or pipeline across a public way such as a road or street except with the prior approval of the Municipal Assembly.

8.3 Painting

All house owners/occupier shall cause all premises along the principal streets of the Urban Berekum to be painted between every five (5) to ten (10) years.

8.4 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

8.5 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

8.6 Interpretation

In these bye-laws unless the context otherwise requires:

- (1) "*Assembly*" means Berekum or Berekum East Municipal Assembly
- (2) "*Occupier*" means any person who acts as a caretaker of any premises
- (3) "*Around premises*" means the area space immediately outside the main outlay of the premises

8.7 Application

These Bye-laws shall apply within the area of authority of the Assembly

**BEREKUM EAST MUNICIPAL ASSEMBLY (ABATEMENT OF LITTER)
BYE-LAW, 2018**

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made

8.1 Deposit of Litter at Unauthorized Places

No person shall place, throw and leave or cause to be placed, deposited, thrown down and left, otherwise than in a receptacle or place provided by the Assembly for the purpose, or in any street, park, recreation ground or other public or open space to which the public have access, or any ditch, water course, gutter or drain abutting on any street, any glass, chinaware, earthenware, tin, carton, paper, bottles, nails or other sharp substances, orange peel, banana skin or the skin of any fruit or the leaves or refuse, of any vegetable or rubber/polythene or empty sachet water bag or empty drinking water/soft drink container or any offensive, unwholesome or dangerous substance.

8.2 Sweeping of Litter

No person shall:

(a) Sweep or otherwise remove from any shop, house or vehicle into any street, park, recreational ground or other public or open space, water course, gutter or drain abutting on any street, any waste paper, saving or other refuse or litter of any kind.

(b) Throw down and leave or cause or permit to be thrown down and left in any street, park, recreational ground or other public or open space for the purpose of advertising any bill, placard or other substances.

8.3 Conveyance of Filth and Litter

Every person conveying any filth, dust, ashes, refuse or litter or any noxious or offensive matter or litter or liquid in or through any street shall adopt all necessary precautions to prevent it falling into or upon such street or any drain or gutter abutting thereon and shall where necessary for that purpose use a cart or other suitable vehicle or receptacle properly and sufficiently covered.

8.4 Removal of Falling Filth and Litter

If during the conveyance of any filth, dust, ashes, refuse or litter, some fall on the street, pavement or ground, the person undertaking such conveyance shall cause same to be removed and clean the place on which such filth, dust, ashes, or refuse or letter falls.

8.5 Notice by Berekum East Municipal Assembly

Where a person contravenes any of the provision of these Bye-Laws the Assembly may by notice in writing served on such a person or affixed to some conspicuous place near the article complained of, require such person to remove and keep removed the said filth, dust, ashes, refuse or litter within forty-eight hours from the date of the notice.

8.6 Collecting Refuse of Individual Person, Establishment etc.

Every owner or occupier of any premises other than premises owned by the Ghana Government or an Organ thereof who requires the Assembly to remove domestic or commercial refuse daily shall:

(a) Submit an application in writing to the Assembly containing the address of such premises and other particulars sufficient to enable the premises to be clearly identified at the expense of the applicant at a convenient place on the premises or at such other place as the Assembly may direct a dustbin or other receptacle with a fitting lid and shall be of such dimensions as shall be approved in writing by the Assembly.

a) If it appears to the Assembly that there are no proper means of disposing domestic refuse in any residential areas and the Assembly is satisfied that in the interest of public health it is necessary that proper provision be made for that purpose, the Assembly may by notice in writing require the occupier of any premises in the area to provide such number of sanitary dustbins for the storage of refuse as the Assembly may direct.

b) If the person on whom the notice is served fails to comply with its requirements within such period as may be specified therein, the Assembly may itself provide the dustbins or other receptacles and recover the expenses reasonably incurred in so doing from the person in default.

c) No person, after other than a person employed by the Assembly in connection with the removal and disposal of refuse, shall disturb the material deposited or refuse.

8.7 Prohibition

The occupier of any premises shall not deposit or leave or cause to be deposited placed or left in any dustbin provided for the storage of domestic refuse any liquid or faecal matter.

8.8 Fees

The fee for the removal of domestic refuse which shall be payable in advance shall be determined by resolution of the Assembly.

8.9 Notice

Notice requiring the Assembly to discontinue the removal of domestic refuse shall be given in writing to the Health Department not less than 14 clear days to expire at the end of any calendar month.

8.10 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

8.11 Penalty

A person who contravenes or fails to comply with any provisions of these Bye-Laws commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

8.12 Application

These Bye-laws shall apply within the area of authority of the Assembly.

BEREKUM EAST MUNICIPAL ASSEMBLY (URBAN ENVIRONMENTAL SANITATION) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

9.1 Composition of Urban Environmental Sanitation Bye-Laws

The following Bye-laws form part of the Urban Environmental Sanitation Bye-laws.

- (a) Berekum East Municipal Assembly (**Solid and Liquid Waste Management**) Bye-laws, 2018.
- (b) Berekum East Municipal Assembly (**Control of Pollution**) Bye-laws, 2018
- (c) Berekum East Municipal Assembly (**Drainage for Storm Water and Sullage Conveyance**) BYE-LAW, 2018

9.1 (a) Solid and Liquid Waste Management Bye-laws, 2018.

9.2 Vested Responsibility in Management of Waste

The Assembly has vested interest in the management of all waste and the Assembly or its registered agents or contractors shall be exclusively responsible for the management of both solid and liquid wastes within the entire area of the Assembly's jurisdiction.

9.3 Liquid and Solid Waste to be made Available to the Assembly Contractors for or its Authorized Agents

- a) Every household, industry, office and any other premises shall make its solid and liquid wastes available to the Assembly or its authorized agents.
- b) Solid and liquid wastes thus made available shall remain at all times the property of the Assembly.

9.4 Waste Disposal and Charges

Solid and liquid wastes made available by owners or occupiers of premises shall be collected, treated and disposed of at designated sites only by the Assembly or its authorized agents or contractors

9.4.1 The discharge of all types of waste at an Assembly treatment and/or disposal plant shall attract a charge which may be included in any charge payable for the removal of the waste or charged separately by the Assembly at the plant site or by special arrangements.

9.5 Liaison with the Assembly's Agents or Contractors

All occupiers or owners of premises with the exception of household premises shall designate a member of their staff to be directly responsible in all matters relating to waste management to liaise with the Assembly or its contractors or agents.

9.6 Construction and use of Pan Latrine Banned

The construction or installation of pan (or bucket) latrine is hereby declared banned throughout the area of jurisdiction of the Assembly.

9.7 Approved House-hold Sanitation

Any owner/occupier of any premises shall use a sanitation facility approved for the purpose by the Assembly within the area of jurisdiction of the Assembly.

9.8 Sewer Connection and Payment

Any premises within the area of the Assembly where underground sewage network exists shall be required to have its sanitation facility connected to the network.

9.8.1 Connection to such sewerage networks shall be on application to the Assembly; plumbing contractors approved by the Assembly shall undertake the connection upon payment of fees as approved by the Assembly in its Fee Fixing Resolution.

9.9 Fee to be charged

The Assembly shall impose fees as approved in its Fee Fixing Resolution on an owner or occupier of premises where services are rendered for the disposal of liquid or solid waste.

9.10 Offence

A person commits an offence when that person:

- a) Fails to provide a standard container for solid or liquid waste as prescribed by the Assembly
- b) Receives services from unauthorized person
- c) Uses unauthorized containers
- d) Refuses to allow the Berekum East Municipal Assembly or its authorized agents or contractors to collect solid waste from one's premises.
- e) Indiscriminately dumps solid or liquid waste in open spaces, drains, gutters behind walls or open spaces or any spaces not designated for that purpose.
- f) Burns solid waste in one's compound
- g) Indiscriminately urinates or defecates in any unauthorized place.
- h) Fails to provide an approved toilet or sanitation facility on the premises which they occupy.
- i) Uses a sanitation facility not approved by the Assembly
- j) Connects to the sewerage network without prior approval and payment of the connection fees.
- k) Fails to connect sanitation facility to the sewerage network.
- l) Fails to provide household toilet for occupants of the house.
- m) Uses Pan Latrine.

9.11 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and liable on Summary Conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

In case of an offence under section 9.10 (g) of these Bye-laws where the offender is liable to a sport fine of five penalty units or in default six months imprisonment.

9.12 Definitions and Interpretations

The following definitions shall apply throughout these bye-laws:

- i. Solid Wastes comprise all solid waste material generated by households, institutions, commercial establishments and industries, and discharged from their premises for collection, all litter and clandestine piles of such wastes: street sweeping, drain cleaning, construction/demolition waste, dead animals and other waste materials.
- ii. Hazardous Waste comprise those waste that are toxic, flammable, corrosive, radioactive, explosive or otherwise dangerous as defined by the gasoline (petrol), paint, solvents dry cell and vehicle batteries, pesticides, infectious or medical waste from hospitals and clinics, metallic and/or oily sludge's or solvents and asbestos materials.
- iii. Liquid waste comprise human excreta (night soil and sewage), industrial waste, animals manure, industrial sewage and domestic or commercial wastewaters.

9.1 (b) Control of Pollution) BYE-LAW, 2018

9.13 Disposal of Solid Waste

Where the Assembly has set aside any place for the purpose of waste disposal, no person shall place or cause or permit to be placed any carrion, filth, dirt, refuse or rubbish or any offensive or unwholesome matter, or any street, yard, enclosure or open space in such a are except at approved installation as may be provided for that purpose.

9.14 Littering of Public Places

No person shall place or cause to be placed any refuse, rubbish or any offensive or unwholesome matter at any public place except at approved installations as may be provided for that purpose.

9.15 Removal of Weeds and other Offensive Material

The occupiers of premises shall clear and keep free from all dirt, underbrush, underwood, weeds, high grass, rubbish, rags, broken bottles, refuse, rubbish and all offensive matter (filling up all holes with stones, gravel or other like materials) the street or roads at the front, back and side thereof, with the drains, gutters and channels thereon, provided that where there are two lots of land contiguous to any street, road, drain gutter or channel and facing each other, the occupier of each lot shall be responsible for keeping clean only half of the street, road, drain, gutter or channel nearest to their own lot.

9.16 Recycling of Wastes in Residential Area

The occupier of any premises within a residential area may, with the prior approval of the Assembly, recycle such solid waste generated by him as he may determine such as backyard composting of kitchen waste.

- a) The Assembly may grant such approval if it is satisfied that the recycling will not create a public nuisance or adversely affect the environment.
- b) For the avoidance of doubt, no person shall recycle liquid wastes.

9.17 Offences

It is an offence under these Bye-laws to:

- a) Refuse to give one's name on demand by any Environmental Health Officer in the investigation of any nuisance
- b) Deposit or place or leave or cause or permit to be deposited, placed or left in any dustbin provided for the reception of domestic solid waste any liquid waste.
- c) Cause a nuisance as defined in section 24.1 or contravene or fail to comply with any of the provision of sections 24.2, 24.3, 24.4, and 24.5 of these Bye-laws
- d) Deny entry to any Environmental Health Officer or Government Agent or any person or person authorized in writing by an Health Officer or Government Agent, together with any assistant or assistants bearing an official badge or taken at any time between the hours of 6am and 6pm for the purpose of examining the existence or continuance of any nuisance therein or of abating any nuisance.

9.18 Penalties

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both the fine and imprisonment.

9.19 Interpretation

In these Bye-laws "*Nuisance*" includes;

- a. Any animal so kept as to be a nuisance or injurious to health
- b. Any pool, ditch, gutter, caves-gutter, water course, well, hole, pond, tank, privy, urinal, cesspool, drain or catch pit which is in such condition as to be offensive or injurious to health, or likely to be so.
- c. Any premises in such a state of disrepair as to be a nuisance or dangerous or injurious to health.
- d. Any accumulation or deposit of excreta or urine or articles or things which are or are likely to be injurious to health.
- e. Any growth of weeds, prickly-pear, long grass or wild bush of any sort.
- f. The keeping and harbouring of animals on any premises constructed or situated as to cause, or likely to cause such keeping or harbouring to be injurious or hazardous to health.
- g. Any work, manufacturing, trade or business injurious to the health of neighbours or dangerous to or so conducted as to be dangerous or injurious to health.
- h. Any well, pond or tank, the water of which is tainted with impurities or unwholesome such as to be injurious to the health of the person using it.
- i. Any rat-infested premises or house not in actual occupation.
- j. "*Occupier*" shall, where the building is not in actual occupation include the owner thereof.

9.1 (c) Drainage for Storm Water and Sullage Conveyance) BYE-LAW, 2018

In these Bye-laws, the following interpretations and definitions shall apply:

- a. Storm water is the result of rainfall running along the surface of the ground of drainage channels.

- b. Sullage is wastewater from bathrooms, washing of clothes, kitchen utensils (plates and dishes) and rainwater within the premises; it does not include discharge from septic tanks or any other wastewater contaminated by excreta.
- c. Drainage shall refer to primary, secondary, tertiary and residential drains; it shall include also earth drainage channels from premises in low-income communities without formal drainage constructed by the Assembly.

9.19 Connections and Usage of Drains

All drains shall be for the public good in the maintenance of environmental sanitation, the protection of investments in road infrastructure and sullage and rainwater conveyance for disposal.

- a) All premises shall be connected by the owner or occupier to the nearest available public drain in a manner to be specified by the Assembly such that there is no damage to the facility or impediment to the flow.
- b) The only discharges permissible into the public drain shall be sullage and storm water.

9.20 Maintenance of Drains

The Assembly shall undertake the repair and maintenance of all primary and secondary drains within its area of jurisdiction, while the cost for tertiary or residential drains shall be borne by the occupiers of premises in a manner that the Assembly may approve from time to time.

- a) It shall be the responsibility of the occupier or occupying of premises to ensure that tertiary/residential drains are free from any impediments and clean at all times for the free flow of waste water, unless otherwise determined by the Assembly.

9.21 Drainage Reservations

The drainage reservations shall be as defined in schedule 10 to these Bye-laws.

- a) No development shall be permitted within any drainage reservation, so as to facilitate the efficient and effective maintenance of the drain.

9.22 Offences

A person commits an offence who:

- a) Abuses the drain by making non-permissible discharges into the drain
- b) Disposes solid waste, discharge from septic tanks (septage) and any other material contaminated by excreta in a drain.
- c) Develops any structure or carries on any activity, commercial or otherwise, within the drainage reservation; this includes vegetable gardening.
- d) Connects drains in his premises to a public drain without prior authorization by the Assembly.
- e) Causes blockage of flow in a public drain resulting in stagnation of the flow.

9.23 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

9.24 Penalty

Any person who commits any offence specified under section 206.5 of these Bye-laws is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

9.25 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (PUBLIC MARKETS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

11.1 Control of Markets

The Assembly shall have control and management of the markets in the entire Municipality.

11.2 Hours of Operation

All markets shall be open to the public every day of the week from 6 0'clock in the morning until 6 0'clock in the evening.

11.3 Allotment of Stalls, Spaces and Stores

Stores shall be allotted to allottees for sale of items or articles as the Assembly may direct from time to time.

- a) Subject to sub-section 14.3 of this section all application for the allotment of stalls shall be made to the Assembly.
- b) Allotment of available stalls shall be in order of priority of application and upon payment of prescribed rent to the Berekum East Municipal Assembly.
- c) The Assembly may refuse allotment of any stall to an applicant previously convicted of an offence under these Bye-laws.
- d) For the avoidance of doubt the grant of all stalls shall be made by the Assembly.

11.4 Rent

The rent for a store in the markets shall be specified by a resolution of the Assembly from time to time.

- a) On payment of rent for a stall, a receipt specifying the period in respect of which it is paid shall be issued to the allottees and the receipt shall be prima facie evidence of the payment rent for the specified period.
- b) Failure to produce the receipt on demand to a person authorized by the Assembly shall render the occupier of a stall liable to ejection from the stall or be made to pay a penalty which shall be specified by a resolution of the Assembly from time to time.
- c) All rent may be paid in advance and where the rent is payable monthly or quarterly any part of a month or quarter shall count as entire month or quarter.
- d) The period for which rent has been paid shall run from and include the day of allotment and shall expire on the last day of the period for which rent has been paid.
- e) In case of an allotment for the month, the occupier of any stall shall give notice of intention to discontinue the use thereof at least seven days before the expiration of the period in respect of which rent had been paid; otherwise he shall be liable for rent in respect of the succeeding month.

11.5 Assembly under no Liability for Loss or Damage

The Assembly shall not be under any liability for any loss or damage to the property of any occupier of any store in a manner which is due to fire, theft, burglary or any other cause whatsoever

- a) All occupiers of stores/stalls at the markets shall insure their properties against fire, theft, burglary or other foreseeable contingencies.

11.6 Transfer, Subletting Succession, Death etc.

No occupier of any store, in a market shall sublet or share such store except with the prior written consent of the Assembly.

- a) Every license granted by the Assembly to any person to use or occupy any store/stall, table or space in any market shall be personal to the licensee only, and the transfer of same or any part thereof or any transaction or dealing therewith which might by operation of law or equity have the effect of transferring same or any part thereof or any interest therein to any other person at any time without due consent of the Assembly is prohibited.

- b) Occupancy of a store/stall cannot be assumed or devolved by way of succession. Upon the death of the tenant the interest in which automatically reverts to the Assembly.

- c) Where a tenant dies, the Assembly shall be notified of such death stating the date of death and place of death by the personal representative of the deceased tenant.

- d) Any relative of the deceased person who expresses an interest in the store should apply to the Assembly within three months after notification for a fresh and proper tenancy agreement to be made with the Assembly.

- e) Where the tenant was not in actual occupation before his/her death, the Assembly may transfer the interest in it to the person who was occupying it as a sub-lessee before his death.

11.7 Market Standing Committee Application

There shall be a market standing committee whose membership shall be approved by the Assembly to handle transfer.

- a) All market disputes shall be referred to the market standing committee of the Assembly for determination.

- b) Where a party is dissatisfied with the decision of the standing committee, he may appeal to the Municipal Chief Executive of the Assembly for a review of such decision within three months.

14.8 Right of Re-entry

The Assembly reserves the right to re-enter any stores and re-allocate same to any interested person if;

- (a) The occupier deserts the store for 3 months without notice to the Assembly;
- (b) Occupier fails to pay the rent due for 3 months
- (c) The tenant contravened these bye-laws.

14.9 Sale Restricted to Allotted Store

No person shall sell at any place in any market other than the store allotted to him.

14.10 Appropriation of Part of Market

Parts of the market shall be specially set aside by the Assembly for the sale of specified articles and the sale of such articles shall be prohibited elsewhere in the market.

14.11 Daily Sellers

a) A part of the market shall be specifically set aside by the Assembly for the use by daily sellers who shall pay such daily fees as has been fixed by resolution of the Assembly.

b) A receipt/ticket shall be issued such sellers and the ticker/receipt shall be prima facie evidence of the payment and shall be shown on request by an Officer, agent or a person authorized by the Assembly on demand.

c) To produce the receipt/ticket on demand by a person authorized by the Assembly shall render the daily seller liable for ejection from the market or pay a penalty approved by a resolution of the Assembly.

14.12 Cleaning of Store

a) An occupier of a store, in a market shall be responsible for the cleaning of his store at all times.

b) Before leaving the market at the close of the day every occupier shall thoroughly clean his store and its surroundings and the refuse placed in the dustbin provided for the purpose.

14.13 Prohibition on Exposure

a) No occupier of any store/stall in the market shall expose any article of food for sale from a stall or from a table or other support of a height below one metre from the ground.

b) No article or food which is likely to be used for human consumption in the state in which it is exposed for sale shall be sold without adequate protection from dust, flies other insects or means of contamination.

c) No person suffering from any infectious or contagious disease shall enter or sell in any market.

14.14 Cleanliness

a) Every Occupier(s) of a store shall during his occupation keep the same in a clean state, and shall scrub, sweep or otherwise clear away any dirt and rubbish before leaving the market at the end of the day.

b) All dirt, rubbish and sweepings shall be deposited in covered receptacles provided by the occupier(s) and later deposited at a designated place sited by the Assembly for that purpose.

14.15 Prohibited Articles

No person shall bring or cause to be brought into the market or keep therein any of the following:

- a. Any live animal except birds.
- b. The skin of any animal unless it is dry and properly cured.

14.16 Restraint of sale of Birds, Charcoal and Firewood etc.

a) Fowls, ducks, guinea-fowls and turkeys offered for sale in the market shall be kept in coops or restrained in a humane manner.

b) No person shall sell charcoal or firewood in the area of authority of the Assembly in an unauthorised area unless places designated for such purposes.

14.17 Children

Any person in charge of a child in the market shall be responsible for the good behaviour of such child and shall clean up any litter or any nuisance that such child may cause.

14.18 Butcher Clothing

Butchers and their assistants when engaged in carrying, handling or selling meat, shall wear clean-clothes of style approved by the Environmental Health unit of the Assembly.

Sale or Serving of Unwholesome Food and sale of food under insanitary condition

a) Any person who brings into the market or offers for sale therein any article for human or animal consumption which is unwholesome commits an offence.

b) A person shall not sell, prepare, package, convey, store or display for sale food under insanitary condition to the public

14.19 Medical Examination

Any person engaged in preparing, handling, serving and selling of food or food articles in the markets shall undergo Medical Examination and be certified as medically fit to conduct such business by the Health Department of the Assembly and such certification shall be taken periodically as shall be directed by the same Health Department.

14.20 Prohibition

a) No person shall use the market as sleeping place

b) No person shall ride bicycle or motor-bike in the markets

c) No person shall dispose of human excreta or any other waste in the market

d) No person shall fight or quarrel in the market

e) No person shall serve food directly in printed materials and dye-polythene bags in the market

14.21 Rights to Entry of Markets

It shall be lawful for the Municipal Chief Executive or his representative to enter the market at reasonable times and to inform the Assembly of any non-compliance with these Bye-laws or to enforce same.

14.22 Obedience to Directions of Berekum East Municipal Assembly

Every person using the market shall obey the reasonable direction of the Officers of the Assembly including directions given for the purpose of cleanliness, order and regularity in such markets and of facilitating the conduct of business therein.

14.23 Categorization of Markets

Markets in the Municipality shall be divided into such categories and assigned such facilities as the Assembly may determine.

14.26 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

14.27 Penalty

Any person who contravenes any provision of these Bye-Laws commits an offence and is liable on Summary Conviction to a fine of not less than one hundred penalty units and not more than two hundred fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both the fine and imprisonment.

14.28 Interpretation

These bye-laws unless the context otherwise requires:

“*Assembly*” means Berekum East Municipal Assembly

“*Market*” means public market within Berekum East Municipality

“*Store*” includes selling sites, spaces and places as shall be designated by Assembly to be used for selling and buying purposes.

“*Unwholesome food*” means food or drink in such a condition of putrefaction, exposed, adulteration or any other cause, as to be likely to be injurious to health

14.29 Application

These Bye-laws shall apply to the markets listed hereunder in the schedule.

Schedule

MAJOR MARKETS:	SATELLITE	MARKETS (ESTABLISHED):
1. Central	1. Kato	4. Diasempa
2. Thursday	2. Senase	5. Biadan
	3. Kutre No.2	6. Others

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF POULTRY IN DWELLING HOUSES) BYE-LAWS, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) the following Bye-law is hereby made:

15.1 Limitation of poultry in dwelling houses

- a) Subject to provisions of these Bye-laws, the maximum number of poultry that may be kept in a dwelling house within Assembly's Administration area shall not be more than 20 birds.
- b) Whenever the sanitary conditions of the poultry cause nuisances, the Assembly. shall order its closure.
- c) The Assembly shall notify the owner and give the owner a written notice of three months to look for an alternative location to keep the poultry.

15.2 Inspection and impounding of excess poultry

- a) An officer of the Environmental Health Department of the Assembly duly authorized to impound excess poultry may at any reasonable time during the day enter and inspect any premises where poultry are kept for purposes of ascertaining the total number of poultry.
- b) Where the inspection reveals keeping of birds more than the required number, the officer will issue a notice in writing to the owner or the keeper of the poultry which is in excess of the permitted number within 14 days to keep the number within the required limit.
- c) Where the owner or keeper of the poultry fails to dispose of the excess poultry within the stipulated fourteen days after receipt of a written notice, the authorized officer of the Assembly may impound them.

15.3 Housing of poultry

An owner or keeper of poultry who contravenes sub-section (a) of section 38.2 commits an offence under section 38.5 and the court which records the conviction may in addition order the owner or keeper to dispose of the excess poultry within such time as it deems fit.

15.4 Disposal of droppings

- a) Litter or droppings cleared from deep litter or battery cases or any other structure housing the poultry shall be disposed of in accordance with the sanitation by-laws of the Assembly.;
- b) Any such litter or droppings shall not be disposed of in a manner that constitutes a nuisance to residents in the area.

15.5 Stray poultry

- (a) An owner or keeper of poultry shall not allow his poultry to stray outside the premises owned or occupied by that person.
- (b) An officer of the Environmental Health Department of the Assembly duly authorized may impound any strayed or straying poultry which is found in a public place.

15.5.1 Custody of strayed poultry

An owner or occupier of any premises into which poultry stray, may impound them and shall within 24 hours, surrender them to the Assembly or arrange for the Assembly or its Environmental Health Department to take possession of them.

15.5.2 Redemption of impounded stray poultry

The owner of any impounded stray poultry may redeem them after paying the requisite fee fixed by a resolution of the Assembly.

15.5.3 Failure to pay

Where the expenses of keeping the poultry is not paid by the owner within 11 days after being impounded, the keeper or other person appointed by the Environmental Health Officer of Assembly shall sell them by public auction and pay the proceeds from these to the finance officer of the Assembly after deducting the expenses incurred for keeping the poultry.

The finance officer of the Assembly shall pay the owner of the poultry the amount realized from the sale of the poultry less any expenses incurred by the Assembly for keeping and selling the poultry where the poultry owner demands payment for the poultry sold within twelve months after sale.

15.6 Power of Environmental Health Officer to conduct inspection

A duly authorized Environmental Health Officer of the Assembly may at reasonable time during the day, enter any house in which he has reason to believe that poultry are being kept for the purpose of

- (a) Advising or enforcing any bye-laws relating to sanitation so as to prevent or minimize the spread of livestock diseases particularly those communicable to man
- Or;
- (b) Finding if the conditions under which poultry are being kept to meet the requirement of these Bye-laws.

15.6.1 Discretionary powers of the Assembly.

Notwithstanding the provisions of these Bye-laws the Assembly may, where it is satisfied that sufficient land is available for the purpose, authorize the keeping of poultry in

excess of the limit specified in section 38.1 subject it to such condition relating to sanitation as it may be reasonably necessary in the public interest.

15.7 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

15.8 Penalty

Any person who contravenes any provision of this Bye-law commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

15.9 Interpretation

“Poultry” includes domestic fowls, turkeys, geese, ducks, guinea-fowls and pigeons.

15.10 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF STRAY ANIMALS) BYE-LAWS, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by section 181 of the Local Governance Act, 2016 (Act 936) hereby make these Bye-Laws:

16.1 Impounding of stray animals

- a) If in any town, any animal(s) is/are found at large in any public place without any person in charge thereof, any person authorized by the Berekum East Municipal Assembly may seize and impound the cattle in any common pound, and may detain them until the owner pays to the Berekum East Municipal Assembly a sum equivalent to the expenses of keeping them at rates fix in fee-paying resolution of the Assembly.
- b) The Assembly shall not be liable for any animal(s) that may die after it has been impounded.

16.2 Sale of impounded stray animal

If the said expenses are not paid within four days after impounding, the pound keeper, or other person appointed by Assembly for the purpose, may sell any such animal; but previous to the sale, six days' notice is given or left at the dwelling-house of the owner if that person is known, or, if not, then the notice is conspicuously posted in some usual place for the posting of public notices in the town where the animal were seized; and the proceeds of the sale, after deducting the expenses, is paid to the Berekum East Municipal Assembly.

16.3 Keeping of swine

A person commit an offence when that person rears a swine within a residential area is liable on summary conviction to a fine of not less than hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not more than one month or both.

16.4 Keeping or Rearing of Cattle

A person commit an offence when that person rears a cattle within an unauthorised area and without cattle rearing license is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment not more than three years or both.

16.5 Conditions for License:

- a) A person shall be issued a license by the assembly if he/she has provided a permanent structure (properly fenced) with the capacity to confine the cattle within a "specific authorised area" all the time.
- b) The person should have a valid lease agreement, specifying the total area to be used for the cattle rearing and grazing
- c) The cattle may be released from confinement to another specified location with the notification of the Assembly or a designated authorised person **for** slaughter, Environmental Health or Veterinary, emergencies or any specified activity by the Assembly.

- d) Any cattle found or allowed outside the fenced area will be in contravention of this bye-law and could be treated as stray animals, and as such be impounded or other and could result in a penalty to the owner
- e) All licenses for the purposes of cattle rearing shall attract fees to be determined by the Assembly

16.6 Renewal of License:

- a) All licenses shall expire on the 31st Day of December of the issuing year and shall be subject to renewal
- b) The cattle owner shall be made to pay for all damages caused by the stray cattle
- c) Upon a second offence the person may lose their license to rear or graze cattle

16.7 Prohibition

The rearing and/or the keeping of cattle in any premises or in any part of the Municipality otherwise than for immediate slaughter or in such public place as the Assembly may provide for that purpose, is forbidden and any cattle kept in contravention of these bye-laws may be seized by any person authorized by the Assembly and placed in a pound provided by the Assembly.

16.8 Cattle to be Kept by Permit

Notwithstanding section 5 of these Bye-laws, a person may keep animals within the area of administration of the Assembly for domestic, religious or customary purposes upon the condition that the animals:

- (a) Are kept in a pen which is well maintained and always kept clean; and
- (b) Do not constitute a nuisance by such keeper or noise to neighbour; and
- (c) Are attended to by veterinary Officer or assistants and that owners are to ensure That the sanitary rules specified by the Assembly are maintained.

16.9 Owner of Cattle to Pay Fee

Any Cattle placed in a pound may be detained there until the owner pays to the Assembly fees covering the impounding and the maintenance of the cattle.

16.10 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

16.11 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than one year or to both.

16.12 Elimination Order

In cases where cattle and pigs cannot be arrested and impounded, the Assembly may seek for elimination order from Court.

16.13 Interpretation

In these Bye-laws unless the context otherwise requires-
“Animals include horse, sheep, goats, cattle, donkey and other animals.
Swine means Pig.

16.14 Application

These Bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF DOGS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

17.1 Keeping of Dogs

Any person in whose custody, charge or possession or on whose Premises a dog is found shall, for the purpose of these Bye-laws, be deemed to be keeper of such dog unless the contrary is proved.

17.2 License for Dog Keeping

a) No person shall keep any kind of dog or bitch unless he applies for and obtains a license from the Assembly to do so.

b) The Assembly shall before granting a license satisfy itself that the dog has been duly vaccinated against rabies on the production of a signed certificate issued by the Veterinary Officer to this effect.

c) A badge shall be provided to the keeper by the licensing Officer which badge shall be kept on the dog at all times whilst the license remains in force.

d) A license shall be issued on the payment of such fee as may be determined by resolution of the Assembly.

e) A license issued under these bye-laws shall expire on 31st December of the year in which it is issued.

f) A person who has a dog license in force shall produce it within twenty-four hours on request by an officer of the Assembly on demand that behalf.

17.3 Inoculation of Dogs

A person who keeps a dog shall have it inoculated once every year against rabies at the Veterinary Department and obtain a Certificate to that effect.

17.4 Stray Dogs

A dog in respect of which a license is granted shall be confined in a house by the owner between the hours of 6:30am and 6:30pm and shall not be allowed to be at large within that period.

17.5 Impounding of stray Dogs

- a) If in any town, any Dog(s) is/are found at large in any public place without any person in charge thereof, any person authorized by the Berekum East Municipal Assembly may seize and impound the Dog(s) in any common pound, and may detain them until the owner pays to the Berekum East Municipal Assembly a sum equivalent to the expenses of keeping them at rates fix in fee-paying resolution of the Assembly.
- b) The Assembly shall not be liable for any Dog(s) that may die after it has been impounded.

17.6 Sale of impounded stray Dog(s)

If the said expenses are not paid within four days after impounding, the pound keeper, or other person appointed by Assembly for the purpose, may sell any such Dog(s); but previous to the sale, six days' notice is given or left at the **dwelling-house of the** owner if that person is known, or, if not, then the notice is conspicuously posted in some usual place for the posting of public notices in the town where the animal were seized; and the proceeds of the sale, after deducting the expenses, is paid to the Berekum East Municipal Assembly.

17.7 Arrest of Diseased Dog

An Officer of the Assembly authorized in that behalf may arrest any dog(s) suspected to be mangy, rabid or other disease(s).

- a) In cases where Dogs cannot be arrested and impounded, the Assembly may seek for elimination order from Court.

17.8 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

17.9 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred penalty and fifty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

17.10 Application

These Bye-laws shall apply within the area of authority of the Assembly.

SCHEDULE

BEREKUM EAST MUNICIPAL ASSEMBLY (BEMA) (CONTROL OF DOGS)

BYE-LAW, 2018 DOG LICENCE

This licence is hereby granted toof

..... for keeping the dog described hereunder in the Berekum East Municipality

for the year ending 31st December, 20.....

Name of Dog:

Description:

Inoculation Certificate No: Date:

Fee Paid: GH¢.....

.....

Municipal Director of Health Service/ Agriculture

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF MILLS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

18.1 Development Permit to be obtained

No person shall operate a mill within the Berekum East Municipal Assembly unless he has first obtained:

(a) A development permit and other statutory documents for the site from the Berekum East Municipal Assembly.

18.2 Licence

No person shall operate a mill without a license from the Assembly.

18.3 Permit Fee and Duration

The permit fee and conditions for operating a mill shall be determined in accordance with the fee fixing resolution of the Assembly.

a) A license granted under these Bye-laws shall lapse on 31st December of the year of issue.

18.4 Condition for Licences

No person shall use a room or structure as a mill if:

(a) It is less than 4.2 metres long 3.6 metres wide and less than 3.5 metres high from floor level, and;

(b) The floor is not made of concrete or other approved impervious materials, and

(c) The openings are not rodent and fly-proof.

(d) Without approved protective clothing and equipment.

(e) There is no adequate lightening and ventilation

18.5 Prohibition

a) No person shall use a mill as living or bed room.

b) No person shall rear animals in the mills

c) A mill shall be opened to the public only between the hours of 6am to 7pm.

d) No proprietor of a mill or a person in-charge thereof shall allow any person suffering from infectious or contagious diseases shall take part in the operation of the mill.

e) Children below 12 years shall not be allowed in the mill

f) No accumulation of refuse, excreta, growth of weeds and waste water shall remain in the mill.

g) The owner of a mill shall take appropriate measures to prevent environmental pollution as stipulated in the Environmental Protection Agency Act.

18.6 Obstruction

No person shall obstruct or resist any Officer or other person appointed by the Assembly who is acting or purporting to act in the performance of any duties relating to any purpose of these bye-laws

18.7 Withdrawal of Licence

The Assembly in its absolute discretion may withdraw any license under this bye-law if any alteration is made to any building licensed thereafter after the license has been granted

18.8 Medical Examination

Every proprietor of a mill or any person engaged in operating a mill shall undergo Medical Examination and be certified as medically fit to conduct such business by the Health Department of the Assembly and such certification shall be taken periodically as shall be directed by the same Health Department.

19.9 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

19.10 Interpretation

In these Bye-laws unless the context otherwise requires:

“*Mill*” means any building or structure with machinery for grinding corn, pepper, tomato, cassava, groundnut or other food stuff.

19.11 Application

These bye-laws shall apply within the area of authority of the Assembly

**BEREKUM EAST MUNICIPAL ASSEMBLY (ABATEMENT OF NOISE)
BYE-LAW, 2018**

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) this Bye-law is hereby made as follows:

20.1 Place for sale of recorded music

A person shall not use a place for the sale of musical records or other recorded music unless the place has been inspected, approved and licensed by the Assembly.

20.2 License

- a) The prospective operator shall apply in writing to the Assembly to inspect the premises designated for the sale of musical records or other recorded music and assess the place before granting a license;
- b) The Assembly shall prescribe conditions for the applicant to fulfill before issuing the license. The conditions include complying with the noise level permitted under the law and putting in place a sound proof structure.
- c) A license issued shall expire on the 31st day of December in the year in which the license was issued.

20.3 Withdrawal of license

The Assembly may withdraw a license issued under these Bye-laws where the owner of the premises-

- a) After the issue of the license makes an unauthorized alteration to any sound-proofed structure.
- b) Is convicted of any offence under these Bye-laws or
- c) Conducts the business to pollute the environment.

20.4 Facilities for listening

Premises issued with a license for the sale of musical records or other recorded music there shall have such gadgets and instruments to eliminate any loud noise to the public.

20.5 Music played for advertisement

- a) A person shall not play or cause the playing of recorded music or recorded advertisement in public for the purpose of advertisement in such manner as to cause disturbance or nuisance to the public. For purposes of this Bye-law, the noise produced shall not exceed the permitted level under the law;
- b) The Assembly shall set up a task force to ensure compliance with this Bye-law with powers to confiscate all materials being used by the person. The task force shall be based at the Municipal Assembly
- c) A person whose materials are confiscated shall within 7 days pay the appropriate penalty and further undertakes in writing that he or she shall not flout Bye-Law 20.5 (a)
- d) If after the written undertaken, the breach continues, the Assembly shall revoke the license granted to the person.

20.6 Music at night club and other places

A proprietor of a night club, restaurant, drinking bar or other place of refreshment shall not play any music at the place so loudly as to cause disturbance or nuisance (i.e. above the permitted noise level under the law) to residents in the area.

(a) Where recorded music is provided in a night club, restaurant, drinking bar, hotel or other place of refreshment or entertainment, the sound effect of the music shall remain and be heard only within the confines of the place.

(b) In the case of open areas, the proprietor shall play music only at the EPA permitted noise levels at the sector.

(c) A person who plays a recorded music or live music at a funeral grounds must not play music above the EPA noise level for the sector required under the law.

(d) The Assembly shall set a task force to monitor operators' compliance with the provisions of these Bye-laws.

20.7 Religious institutions

A church conducting a religious service shall not play any music or allow any music to be played or preach or pray at the service so loudly as to cause disturbances or nuisance to residents in an area.

(a) Where music is played in a religious institution, the sound effect of the music shall remain within the confines of the buildings.

(b) For the purposes of these Bye-laws, religious institutions must acquire sound engineers to enable the sound produced stay within the EPA permitted sound level required under the law for the sector.

(c) A person conducting a religious service where music is to be played or preaching of sermons shall be between 6 am. - 10 pm and the noise level shall be within the EPA permissible noise level for the sector.

(d) Where a religious institution organizes an all-night service it shall have the facilities and gadgets to ensure that the sound effect of the music and any activity remains within the confines of the building and shall be within the EPA noise level for the sector.

(e) Any religious institutions shall not use loud speakers for call to worship and religious preaching between the hours of 10 pm - 5 am and the noise emanating from the activity shall be within the EPA permissible noise level for the sector.

20.8 Excessive noise levels

All noise complaints shall be investigated by a task force set up under these by-laws and where the complaints is found to be true, the appropriate penalty prescribe in these by-laws shall be evoked.

(a) The Health department in conjunction with the task force must first investigate the complaint by conducting independent checks. Where it is established that the noise is above the EPA permissible noise level for the sector, the department will contact the offender with an abatement notice if necessary drawing the attention to the provisions of the Bye-laws and warned to abate the nuisance.

(b) If the offender fails to comply with the notice, that person commits an offence and the sanctions in section 20.18 shall apply

20.9 Public preaching at central business area

To forestall persistent overcrowding and congestions on the streets, pavement and pedestrian walks in the central business areas of the Assembly, public preaching and or playing of religious audio and video cassette with message of Evangelistic in nature for the purposes of propagation of a religion is not permitted at the central business areas of the Urban centres of the Assembly between the hours of 6 am. to 6 pm unless a permit has been duly issued by the Assembly for that purpose and provisions in the EPA permissible noise levels complied.

- (a) For the purposes of the provision in the preceding paragraph, the areas constituting the central business area shall as specified in the schedule of these Bye-laws unless the Assembly in its discretion determines otherwise.

20.10 Noise near Health facilities and other public places

A person shall not within one hundred meters of a hospital, clinic, maternity house or other place used for the reception or treatment of the sick, or any public library place, place of public assembly, offices or public holdings.

- (a) Sound or play upon or blow any musical or noisy instrument;
- (b) Sound or blow the horn of a motor vehicle unnecessarily or
- (c) Make any noise which is a nuisance in any street, open space or other public place.

20.11 Noise near other premises

A person shall not in any street, open space or other public place or in connection with any shop, business premises or other place which adjoins any street, footway, financial institutions, schools, residential areas, pavement, sidewalk or other public place to which the public are admitted, or

- (a) in or upon any other premises operating or causing or permitting or suffering to be operated any wireless, loud speaker, gramophone, amplifier or similar instruments make or cause or permit or suffer to be made any noise which shall be so loud and so continuous or repeated as to cause a nuisance or disturbance to the occupants or inmates of any premises in the neighbourhoods;
- (b) For purposes of the provision in the preceding paragraph the use of mounted loud speakers at vehicle terminals shall strictly comply with the permitted noise level.

20.12 Noisy animals

A person shall not keep within any house, building or other premises any animal which shall be or cause a nuisance to residents of other premises in the neighborhood.

20.13 Noisy hawking

No person shall for the purpose of hawking, selling, distributing or advertising any articles or goods or buying or collecting any other goods or articles that creates noise nuisance to the general public unless prior to the activity, permit has been duly issued by the Assembly for such purpose and provisions in the EPA permissible noise levels for the sector complied

20.14 Permits to be obtained

Any person or body wishing to play music for any reason in public beyond 10:00pm shall apply for a permit authorising such play and whoever does so without a permit commits an offence.

20.15 Community Information Centre

A person shall not operate a community information centre unless the person has obtained a license from the Assembly and complied with the EPA permissible noise level for the sector. Two or more of such facilities in a community shall be 1km apart.

(a) An operator or owner of a community information centre shall be required to comply with the noise provisions of these Bye-laws.

(b) A community information centre shall be used only for the purpose for which the Assembly provided the license.

20.16 Guidelines by the Assembly

The Assembly shall on an annual basis issue guidelines on the management of noise and related matters in the Municipality.

20.17 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

20.18 Penalty

Any person, establishment or institution which contravenes any of the provisions of these Bye-law or any licence granted hereunder commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and at most two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

20.19 Interpretation

In these Bye-Laws “EPA” means Environmental Protection Agency.

“Noise Nuisance” means Noise above the EPA permissible levels for the sector.

20.20 Application

These Bye-laws shall apply within the area of authority of the Assembly

SCHEDULE

BEREKUM EAST MUNICIPAL ASSEMBLY (ABATEMENT OF NOISE) BYE-LAW, 2018 AMBIENT NOISE LEVEL STANDARDS

Description of Area of Noise Reception	Permissible Noise Level	
	In (A)	
	Day (0600-2200)	Night (2200-0600)
Residential areas with low or infrequent Transportation	55	48
Educational (School) and Health (Hospital, Clinic) facilities	55	50
Areas with some commercial or light industry	60	55
Areas with some light Industry, Places of Entertainment or Public Assembly, and Places of Worship located in this Zone	65	60
Predominantly commercial areas	75	65
Light industrial areas	70	60
Predominantly heavy industrial areas	70	70

BEREKUM EAST MUNICIPAL ASSEMBLY (SLAUGHTERHOUSE) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) the following Bye-law is hereby made:

21.1 Slaughtering of Animals Restricted

No person shall slaughter any cattle or other domesticated animal for human consumption at any place in any of the towns within the jurisdiction of the Assembly other than the places appointed for that purpose at the said town by the Assembly.

21.2 Prohibition of Sale of Meat Slaughtered Elsewhere

(a) No person shall sell or offer for sale in any town within the administrative area of the Assembly or within the precincts of such town the flesh of any cattle or domestic animal not killed in a slaughterhouse or other place appointed for the slaughter of animals except where the flesh or meat is imported and cleared through the Customs, Excise and Preventive Service.

(b) In case of emergency, animals may be slaughtered by an order of the Municipal Environmental Health Unit/ Veterinary services at a place other than a public slaughterhouse, provided that in every such case, the carcass and all the organs of the animal so slaughtered are without delay examined by an Environmental Health officer/ Veterinary Officer or a person authorised by the Assembly.

21.3 Time of Slaughter

Animals may be slaughtered between the hours of 5am and 5pm each day.

21.4 Care of Animals Awaiting Slaughter

It shall be the duty of the person in charge of any animal awaiting slaughter to provide it with sufficient water and to protect it from any influence tending unnecessarily to cause it pain or harm.

21.5 Inspection of Animals before Slaughter

Every animal brought to the slaughter house for slaughter should be inspected both before and after slaughter by the Environmental Health officer and Veterinary Officer. All organs and parts of the slaughter carcasses shall after the said inspection be stamped or otherwise marked so as to make each organ or part readily identifiable as meat qualified and passed by the of Environmental Health officer and Veterinary Officer as fit for human consumption.

21.6 Method of Slaughtering

(a) All animals slaughtered shall be killed by cutting the throat after stunning slaughter.

(b) No animal may be slaughtered within the sight of another living animal

(c) No person shall treat the skin of any animal after slaughter by the application of

harmful methods such as burning of vehicle tyres.

(d) Subject to the provisions of the foregoing sub section, a Health Officer or any person employed by the Assembly to exercise control over a slaughterhouse or other place appointed for the slaughter of animals shall have power to direct the manner in which the animal shall be slaughtered so as to prevent any unnecessary cruelty to the animal and may issue such directions which shall be obeyed by any person using a slaughterhouse or such designated places.

21.7 Transport after Slaughter

No vehicle other than a vehicle hygienically equipped and approved by the Health Department of the Assembly for the purpose shall be allowed to transport or convey meat so qualified for sale from the slaughterhouse or other approved place to the meat markets, meat shops, distribution centres, hospitals or other organisations, except with the approval and under a permit issued and signed by the Environmental Health Officer and the Veterinary Officer

21.8 Surrender of Diseased Carcasses, Condemnation and Disposal,

Any carcass or any organ of the slaughtered animal found to be diseased or unfit for consumption shall be surrendered by the owner or person responsible for such carcass or organ to be impounded by the officer-in-charge who will arrange for its proper disposal or destruction and cost for condemnation and disposal to be borne by the owner or the person in-charge.

21.9 Butcher's Licence

(a) No person shall be allowed to slaughter an animal for sale to the public in the Municipality or any other approved slaughterhouse within the jurisdiction of the Assembly unless he is a holder of an appropriate licence duly issued by the Assembly as specified under the Schedule hereto.

(b) All butchers and their apprentices shall be medically examined and issued with certificates once every twelve months as part of the conditions for the grant and renewal of the licence.

21.10 Revocation of Licence

Subject to the approval of the Assembly, any license may be suspended or cancelled and the holder's name removed from the register by the Health Department of the Assembly:

- a. An owner or a registered person has been convicted of an offence under these Bye-laws; or
- b. The Health Department of the Assembly is satisfied that an owner or a registered person has committed an offence against any order or direction in connection with the slaughter of animals or sale of meat; or
- c. The conduct and behaviour of such person is contrary to the intent and purpose of these Bye-Laws.

21.11 Cleaning and Disinfection

(a) The officer-in-charge shall at all times arrange for the proper cleaning and disinfection of the slaughter house and its precincts after the slaughtering and dressing of carcass are completed.

(b) All persons engaged in slaughter, dressing or sale of animals should wear aprons approved by the Health Department of the Assembly

21.12 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

21.13 Penalty

Any person who contravenes any of the provisions of these Bye-laws or of any direction or any of the conditions of any licence issued thereunder commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six and not than twelve months or to both.

21.14 Interpretation

In this Bye-law, unless the context otherwise requires:
“*Assembly*” means the Municipal Health Department of the Assembly.

21.15 Application

These Bye-laws shall apply within the area of authority of the Assembly

SCHEDULE 1

BEREKUM EAST MUNICIPAL ASSEMBLY (SLAUGHTERHOUSE) BYE-LAW, 2018

LICENCE FOR THE SLAUGHTER OF LIVESTOCK

(LICENCE for the Slaughter of Livestock at a place other than the Slaughterhouse or other approve place)

Licence is hereby granted tooffor the slaughtering of livestock at

This licence is valid up to theday of 20....

Fee GH¢.....

Date

.....
Municipal Environmental Health Officer

1. Any nuisance caused by the slaughtering must be abated by the person responsible without delay whether or not notice is given to such person.
2. No flesh of any animal which has not been slaughtered under this licence shall be sold as food for human consumption.

3. The Berekum East Municipal Assembly (Slaughterhouse) Bye-law, 2018 must be complied with.

SCHEDULE 2

BEREKUM EAST MUNICIPAL ASSEMBLY (SLAUGHTERHOUSE) BYE-LAW, 2018

LICENCE FOR BUTCHER

Licence is hereby granted to of
as a butcher for the slaughter of animals in the Slaughterhouse or at any other approved place
within the Berekum East Municipal Assembly area.

This licence is valid up to the day of 20.....

Fee GH¢ Date

.....
Municipal Environmental Health Officer

SCHEDULE 3

**BEREKUM EAST MUNICIPAL ASSEMBLY
(SLAUGHTERHOUSE) BYE-LAW, 2018**

LICENCE FOR BUTCHER'S ASSISTANT

Licence is hereby granted to of
as a butcher's Assistant for the year ending 31st December, 20....

Fee GH¢ Date

.....
Municipal Environmental Health Officer

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF BAKERIES) BYE-LAWS, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) the following Bye-law is hereby made:

22.1 Prohibition

No person shall,

- (a) operate a bakery in a premise without approval by the Environmental health officer and license by the Berekum East Municipal Assembly;
- (b) smoke in a premise use as bakery or;
- (c) use a bakery as a sleeping place or;
- (d) operate a bakery or handle flour use in making a bread without undergoing medical examination and issued with medical certificate or;
- (e) obstruct an officer of the Assembly from inspecting a bakery or license or;
- (f) handle flour in a bakery when suffering from infectious disease; or
- (g) operate a bakery under insanitary conditions.

22.2 Fee

(1)The fees for every license issued under these bye-laws is fixed by a resolution of the Assembly

22.3 Conditions to be complied with

(a) No premises is licensed for the preparation or baking of bread for sale unless there is at least one separate and suitable room for the following purposes-

- (b)The Storage of flour and materials used;
- (c) The mixing and kneading of flour and other materials and the temporary storage of any flour mixture; and
- (d)The storage of finished bread or other products of the bakery.

22.4 Rooms used for the storage of flour etc.

(a) Any room used for the storage of flour and other materials for the baking of bread is protected against rats, flies, cockroaches and other vermin and is properly lighted and ventilated.

(b) Any materials used in baking bread and which is stored in the room is kept from contact with floor and walls of the room

22.5 Premises for storage and display

(a) Any room used for storage, display or sale of bread is provided with sufficient shelves, benches or tables.

(b) Bread stored or offered for sale is protected from contamination by being kept in suitable cupboards or showcase or in wrapping materials approved by an Environmental Health Officer.

22.6 Revocation of license

The Assembly may revoke any license granted under paragraph (1) of these bye-laws if any alteration is made to any licensed premises, without the prior approval of the Assembly and also if the owner or manager of the bakery is convicted for any offence under these Bye-Laws.

22.7 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

22.8 Penalty

Any person who contravenes any provision of this Bye-law commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

22.9 Interpretation

In these Bye-Laws unless the context otherwise requires-

“flour” means wheaten flour and flour containing no-wheaten substances such as cassava or maize;

“Bread” includes loaves, rolls, cakes, pastries and biscuits;

“Infectious disease” means a clinically evident illness resulting from the presence of disease-causing agents liable to spread

22.10 Application

These Bye-Laws shall apply within the area of authority of the Berekum East Municipal Assembly.

BEREKUM EAST MUNICIPAL ASSEMBLY (RESTAURANT, AND EATING PREMISES OR CHOP BARS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

23.1 License

- a) Individuals and organisations shall apply for license from the Assembly before they operate restaurants, eating places or chop-bars.
- b) No place shall be used as a restaurant or eating house unless it has been approved and licensed by the Assembly.
- c) Every license (which in every case shall be subject to such conditions as the Assembly may impose) shall be a yearly license and shall take effect from the date on which it is granted and it shall determine on the last day of the year in which license is issued.
- d) Such licence may be renewed for a period of six months or one year as the Assembly shall determine.
- e) Every license granted shall be personal to the license only and shall not be transferable.

23.2 Provision of Separate Eating Room and Kitchen

In all premises used as a restaurant or eating-house there shall be provided:

- a. A separate room which shall be used solely as a public eating room.
- b. A separate kitchen which shall be used solely for cooking and for the preparation of food and liquid refreshment for use in the restaurant or eating house.
- c. Store Room
- d. Changing Room

23.3 Requirement as to Public Eating Rooms

- a) Any room used as a public eating room in any restaurant shall not be less than five metres long, four metres wide and four metres high.
- b) The floor of every public eating room shall be of concrete or other impervious material and the wall shall be capable of being washed.
- c) In every public eating room adequate lighting and ventilation shall be provided.
- d) No Sleeping/Living room shall open directly into a restaurant
- e) Every restaurant shall be provided with shelves or cupboards for the storage of plates and other utensils and suitable tables and chairs shall also be provided.

23.4 Requirement of Kitchen

Every kitchen in a restaurant or eating premises shall be of an approved type with a concrete floor, and in every such kitchen suitable fly-proof storage for food stuffs shall be provided together with one or more tables for the preparation of food and shall be free of vectors of public health importance.

(a) In every such kitchen there shall be adequately sanitary receptacles for the disposal of refuse which shall be provided and maintained by the licensee.

(b) There shall be provision of valid fire-fighting equipment

(c) There shall be the provision of standard First Aid kits

23.5 Personnel

Employees clothing: Employees engaged in preparing, handling and serving food shall be in clean clothing and of a style approved by the Assembly

23.6 Medical Examination

Every proprietor of a restaurant or any person engaged in preparing, handling and serving of food shall undergo Medical Examination and be certified as medically fit to conduct such business by the Health Department of the Assembly and such certification shall be taken periodically as shall be directed by the same Health Department.

23.7 Washing of Plates, etc.

(a) In connection with every eating house or restaurant suitable arrangements shall be provided by the licensee for the washing of plates and utensils.

(b) Standard Hand washing facilities, liquid soaps and paper tissues shall be provided by the licensee.

(c) Serving of food directly in printed materials and dye-polythene bags is prohibited

23.8 Sanitation

(a) Proper drainage or soak-away shall be provided in the premises of a restaurant or eating house for the disposal of waste water.

(b) Provision of adequate standard urinals and latrine facilities in the premises

(c) Provision of standard refuse bins of capacity not less than 240 litres for the storage of refuse

(d) Every restaurant shall be kept clean at all times and shall void of vectors of Public Health importance.

(e) Animals or fowls likely to be nuisance shall not be kept in the compound of any restaurant or eating house or no insanitary conditions shall be found in and around the premises.

23.9 Infected Person

No proprietor of a restaurant or any person engaged suffering from any infectious or contagious disease shall take part in preparing, handling and serving of food in a restaurant or eating house.

23.10 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

23.11 Withdrawal of Licence

The Assembly in its discretion may withdraw any licence under these Bye-law if any alteration is made to any premises licensed thereunder or if the licensee is convicted under these Bye-laws

23.12 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on Summary Conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

23.13 Interpretation

A restaurant, eating house or chop bar includes any place where food is prepared handled and served or liquid refreshment is provided on the premises on commercial basis.

23.14 Application

These Bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (SALE OF INTOXICATING LIQUOR) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

24.1 License

- a) No person shall distil or sell any intoxicating liquor either as a wholesaler or retailer without a license by Assembly.
- b) Separate license shall be issued for distillation and selling and shall be issued yearly or as may be determined by the Assembly.
- c) Every application for a license shall be made in writing to an officer so designated by the Berekum East Municipal Assembly and shall contain sufficient particulars of the place and type of liquor the applicant intends to sell or distil.
- d) Hotels, restaurants, bars and food joints that sell intoxicating liquor shall apply for a license before selling intoxicating liquor at the premises.
- e) The Assembly shall grant a license after the Health department of the Assembly and the Police have conducted a survey certifying the suitability of the premises for either the distilling or sale of the intoxicating liquor.

24.1.1 Every license:

- a. Shall be subject to the provision in the manufacture and sale of Spirits Act of 1962 and
- b. Shall be a yearly license and shall determine on the last day of the year in which it was issued or as may be determined by the Assembly.

24.2 Medical Examination

Every proprietor of aHotel(s), restaurant(s), bar(s) and food joint(s) or any person engaged in preparing, handling and serving of drinks shall undergo Medical Examination and be certified as medically fit to conduct such business by the Health Department of the Assembly and such certification shall be taken periodically as shall be directed by the same Health Department.

24.3 Washing of Utensils, Plates etc.

- (a) In connection with every Hotel(s), restaurant(s), bar(s) and food joint(s), suitable arrangements shall be provided by the licensee for the washing of plates, utensils and others.
- (b) Standard Hand washing facilities, liquid soaps and paper tissues shall be provided by the licensee.

24.4 Sanitation

- (a) Proper drainage or soak-away shall be provided in the premises of Hotel(s), restaurant(s), bar(s) and food joint(s) for the disposal of waste water.
- (b) Provision of adequate standard urinals and latrine facilities in the premises

(c) Provision of standard refuse bins of capacity not less than 240 litres for the storage of refuse

(d) Every Hotel(s), restaurant(s), bar(s) and food joint(s), shall be kept clean at all times and shall be void of vectors of Public Health importance.

(e) Animals or fowls likely to be nuisance shall not be kept in the compound of any Hotel(s), restaurant(s), bar(s) and food joint(s) or no insanitary conditions shall be found in and around the premises.

24.5 Infected Person

No proprietor of a Hotel(s), restaurant(s), bar(s) and food joint(s) or any person engaged suffering from any infectious or contagious disease shall take part in preparing, handling and serving of drinks in a Hotel(s), restaurant(s), bar(s) and food joint(s),

24.6 Withdrawal of Licence

The Assembly in its discretion may withdraw any licence under these Bye-law if any alteration is made to any premises licensed thereunder or if the licensee is convicted under these Bye-laws

24.7 Fees

The fee payable for such license shall be fixed by resolution of the Assembly.

24.8 Powers

An officer duly authorized by the Assembly may, at all reasonable times take steps to recover the approved fees or to revoke any such license where the proprietor:

- (a) Has refused to pay the approved fee.
- (b) Is acting in a manner repugnant to the Assembly
- (c) Is acting in a way injurious to public interest, or
- (d) Does not use the place for the purpose for which it was originally intended.

24.9 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

24.10 Penalty

Any person who distils or sells liquor without the requisite license or contravenes any provision of these Bye-laws commits an offence and is liable on Summary Conviction to a fine of not less than one hundred and fifty penalty units and not more than two hundred penalty units or to a term of imprisonment of not less than six months and not more than ten months or to both the fine and imprisonment.

24.11 Interpretation

“Liquor” means any distilled alcoholic drink or any liquor produced by boiling/fermenting of food substance (e.g. malt, millet, sugar, palm wine etc.).

24.12 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (HERBALISTS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

26.1 License

No herbalist shall practice within the area of authority of the Assembly unless he first:

- (a) Registers with the Ghana Psychic and Traditional Healing Association; and
- (b) Register with the Assembly's Health Department.
- (c) Obtain license from the Assembly
- (d) Undergo medical examination
- (e) Register with the Food and Drug Authority of Ghana and meet the requirements of other regulating bodies of the Country

26.2 Duration of License

A herbalist license issued under these bye-laws shall be valid for one year from the day of issue to the 31st December of the Issuing year.

26.3 Environmental Health Conditions

A herbalist shall:

- (a) Keep premises and surroundings clean;
- (b) Remove all filth from the premises from time to time and as often as may be necessary to maintain the premises in the state of cleanliness.
- (c) Keep stock under hygienic conditions.
- (d) Take all reasonable precautions in case of (infectious and contagious) disease.
- (e) Keep the premises void of vectors of Public Health importance.

26.4 Inspection of Premises

An Officer duly authorized by the Assembly may enter and inspect the Environmental Health conditions of the premises and may request the herbalist to produce operation license(s) for inspection.

26.5 Revocation of license(s)

Where a herbalist has been convicted on two occasions of an offence involving dishonest or improper conduct as a herbalist, or where repeatedly fails to maintain good Environmental Health conditions in the premises; the Assembly may revoke the license(s).

26.6 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

26.7 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on Summary Conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both the fine and imprisonment and to a further fine of not more than five penalty unit for each day on which the offence is continued.

26.8 Application

These Bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF TREES) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

27.1 Prohibition

a) No person shall cut down any tree in the Berekum East Municipality unless the person first obtains a permit in writing to do so from the Assembly or with the written permit of the Forestry Commission in the case of concessions.

b) A permit granted under these Bye-laws shall expire on the 31st December of the year in which it is granted.

27.2 Trees to be replanted

A person who is granted a permit under this Bye-law to cut a tree (s) shall replant same or similar species within 2 days at the spot or in the vicinity where the tree is cut, the person shall maintain the tree(s) after planting for 3 years under the supervision of the Assembly.

27.3 Fees

The fee payable to the Assembly for the permit shall be an amount fixed from time to time by resolution of the Assembly.

27.4 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

27.5 Penalty

Any person who contravenes any provision of this Bye-Law commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less two years and not more than four years or to both.

27.6 Application

These Bye-laws shall apply within the area of authority of the Assembly.

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL AND PREVENTION OF BUSHFIRES) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

28.1 Establishment of Task Force

- a) Notwithstanding anything contained in any enactment for the time being in force, there is hereby established a Municipal Bushfire Prevention and Control Task Force to prevent and control bush fire outbreaks.
- b) The Task Force shall consist of the following Officers or their representatives
 - i, Municipal Fire Officer
 - ii, Municipal Director of National Commission for Civic Education (NCCE).
 - iii, Municipal National Disaster Management Organisation (NADMO) Director.
 - iv, Municipal Manager of Forest Service Division (FSD).
 - v, Municipal Police Commander.
 - vi, Municipal Information Service Department (SID) Officer.
 - vii, Municipal Ministry of Food and Agriculture (MOFA) Director.
 - viii, Municipal Environmental Health Unit (MEHU) Officer
- c) The Task Forces may Co-opt any person in the performance of its duties.
- d) The Task Forces shall regulate its own duties in conformity with this Bye-Law to ensure a bushfire-free period every year.

28.2 Prohibition of Bushfires

Except as otherwise provided in this Bye-Law, it is unlawful for any person to start bushfire for any purpose whatsoever from the first Friday of every December in every year until the Municipal Assembly lift the ban.

Exemptions

- a) This bye-law allows for communities, organizations, projects, etc. with the capacity to do control burns to apply for exemptions during the ban period.
- b) Where exemptions have been granted, the volunteers within that area should be granted the authority to carryout, assist and supervise control burning during the ban period.

28.3 Prohibition of carrying Matches, Lighter etc. to the bush

It is unlawful for any person to be found either heading towards any bush or farm carrying fire or any possible object that is, matches, lighter or whatsoever that can be used in starting fire.

28.4 Prohibition for Possession of Cigarette, Tobacco, Smoking pipes, etc. in the bush

No person is permitted to be in possession of cigarette, tobacco, smoking or pipe or otherwise or smoking in the bush during the period mentioned in paragraph 2.

28.5 Power to Search Suspicious Characters

Fire Volunteer Squads or Bushfire officials are empowered by virtue of paragraph 4 and 5 of this Bye-Law to search any suspicious character going to farm.

28.6 Prohibition of Fire Arbitration

No Fire Volunteer Squads, Chief/ Odikro, Assembly/Unit Committee member is permitted to arbitrate on any suspected bushfire case.

28.7 Control of Fire

a) It is unlawful for any person or groups of persons to take any action, which may results in the uncontrolled burning of any bush during the prohibited period as contained in section 2 of this Bye-Law.

b) For the purpose of sub-section (1) of this section, the following activities, which are likely to cause bushfires, are banned:

- i, Distilling of Akpetsehie (local Gin) in the bush.
- ii, Tapping of Palm-wine or Raphia-wine with fire.
- iii, Charcoal burning in the bush.
- iv, Cooking of food on the farm.
- v, Burning of cocoa husks on the farm.
- vi, Burning of refuse or anything that may cause any possible bushfire.

28.8 Ban on Hunting

- 1) Hunting for animals in any form is banned during the prohibition period as contained in section 28.2 of this Bye-Law.
- 2) For the purpose of sub-section (1) of this section it shall be unlawful to surround any animal(s) by fire for the purpose of hunting.
- 3) No person shall at any time go to search for carcass or otherwise of any game by fire during or after, subject to sub-section (2).
- 4) Subject to sub-section (1) of this section, no person is authorized to trade, use or deal in bush meat
- 5) Fire Volunteer Squads, Bushfire Control and Prevention Officials or otherwise may on suspicion be empowered under sub-section(4) of this section to search from house to house and if possible eating and drinking premises by any method applicable for prohibitive use, trade or otherwise in bush meat.

28.9 Protection of Water Bodies

- a) No person is permitted to weed along the catchment area or banks of any stream, river or watershed for the purpose of farming.
- b) For the purpose of sub-section 1 of section 8 of this Bye-Law, any human activity closer to catchment area of banks of a stream, river and lake or otherwise shall maintain 500 metres stretch of land from the water body.
- c) The scooping of water during the dry season from stream, river and lake or otherwise with intent of fishing in any forms or otherwise is illegal.
- d) The use of pumping machine(s) and pipes to scoop water from streams, rivers, lakes or otherwise with the intent of doing dry season farming or otherwise is illegal.

28.10 Penalty

a) Any person who contravenes or fails to comply with any of this Bye-Law commits an offence and is liable on conviction to a fine not less than One Hundred Penalty Units or more than Two Hundred and Fifty Penalty Units or to Imprisonment not less than two years and not exceeding four years or to both.

b) Where a person is convicted of an offence under sub-section (1) of this section, the court may in addition to any penalty that it may impose other on the offender to make good the value of any property including any crops or trees damaged or destroyed by the fire caused by him/her.

28.11 Failure to Report and Respond to Bushfire Outbreaks

Any person who:

- a. Fails to report a person known to him to have started or caused a Bushfire, to a person or anybody specified in sub-section (i-vi) of section (b).
- b. Being aware of the occurrence of a bushfire, without good cause fails to report the occurrence to:
 - i. A member of town, area or unit Fire Volunteer Squad.
 - ii. A member of the Bushfire Control Sub-committee.
 - iii. A member of Municipal Bushfire Task Force.
 - iv. A Police Officer.
 - v. A Traditional Authority.
 - vi. An Assembly/Unit Committee member.
- c. Being aware of the occurrence of a bushfire, without good cause, fail to respond in the area of the bushfire commits an offence.
- d. It shall be an offence for any person to wilfully obstruct or interferes with Municipal Bushfire Task Force or any person authorized by the performances of any functions under this Bye-Law.

28.12 Penalty

Any person found guilty under sub-section (a) of this section is liable on the conviction to a fine not less than One Hundred Penalty Units or more than Two Hundred and Fifty Penalty Units or imprisonment not less than six month and not exceeding twelve months or to both.

28.13 Application

These Bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (BILLBOARDS AND SIGNBOARDS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

29.1 License

a) No person shall erect, site or hang a Billboard or signboard within the area of authority of the Assembly unless that person first obtains a license from the Assembly.

b) The license shall be valid as from the date of issue until the 31st day of December of the year in which it was granted, but in the case of a banner or Signboard for an occasion the licence shall expire after the period specified.

c) The license shall be granted upon the payment of a fee to be fixed by Resolution of the Assembly.

29.2 Dilapidated Billboards and Signboards

a) Billboards and Signboards that have become dilapidated or expired with time shall either be removed or replaced by their owners.

b) Where owners of dilapidated or expired bill or signboard take no steps to either remove or replace same the Assembly may on its own order its removal and thereafter recover the cost of such removal from the defaulting owner.

29.3 Directional

a) The Assembly reserves the right to determine the area or junction that is suitable for the erection of one or more reflector or directional signboards.

b) In order to avoid a cluster of directional signboards in an area the Assembly may order the affected persons to provide one general directional signboard to accommodate the lot.

c) The Assembly shall remove individual or company boards if the message contained thereon has expired or has become obliterated or it has fallen into a state of disrepair with parts falling to pieces.

29.4 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

29.5 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on Summary Conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

29.6 Application

These Bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF HAWKERS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

30.1 Hawkers to obtain License

a) No person shall operate as a hawker unless that person obtains upon application a license from the Assembly.

b) The license shall be in such form as the Assembly shall determine and shall be issued subject to such conditions as the Assembly may deem fit including the following;

(i) A hawker shall not sell, offer or exhibit goods other than those in respect of which license has been granted and which are specified in writing therein.

(ii) A hawker shall not erect any stall or any other structure in any public place for the purpose of his trade or any business without the written consent of the Assembly.

(iii) A hawker shall not obstruct or impede the free movement of vehicular or pedestrian traffic.

30.2 Application to Contain Particulars

Every application for a license shall be made in writing and shall contain particulars of the goods which the applicant wishes to sell.

30.3 Duration and Fees for Licenses

a) A license issued under these bye-laws shall expire on the 31st December, of the year in which it is issued

b) A license shall be issued on the payment of such fees as may be fixed by resolution of the Assembly.

30.4 Hawkers not to sell in Public Place

No hawker shall sell or offer for sale anything in the places specified in the schedule to these Bye-laws.

30.5 Hawkers to Produce Licence on Demand

a) Every hawker shall produce for inspection a license granted under these Bye-laws upon demand made on him/her by a person authorized by Assembly.

b) Any person who fails or refuses to produce the licenses commits an offence.

30.6 Responsibility to Maintain the Place Clean

An occupier of a space or selling site shall be responsible for maintaining the cleanliness of the space or selling site and he/she shall at the close of each day thoroughly clean his/her place or selling site and sweep all rubbish from the space of selling and its surroundings and place the rubbish in the dustbins provided for the purpose and thorough wash away all stains and marks whether of fats, oil, grease or any other kind.

30.7 Food for sale to be raised from the ground

No occupier of any space or selling site shall offer for sale any raw or prepared food or any other articles of food unless that food(s) are placed on a table or support raised one metre from the ground.

30.8 Food sale to be protected from Dust and Flies

No food which is likely to be used for human consumption, shall be exposed to dust or flies and shall be disposed of in such manner as well not satisfy the sanitation rules imposed by the Assembly's Health Department.

30.9 Medical Examination

Every hawker or any person engaged in preparing, handling and serving of food under this bye-law shall undergo Medical Examination and be certified as medically fit to conduct such business by the Health Department of the Assembly and such certification shall be taken periodically as shall be directed by the same Health Department.

30.10 Prohibition

- a) A person of unsound mind or any leper or a person suffering from any contagious or infectious disease shall be prohibited entry into a street market.
- b) No occupier of any space or selling site shall bring to any street, any box, basket or other containers and he shall desist at all times from placing wares in the pathways or avenues of the market.

30.11 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

30.12 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is be liable on Summary Conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

30.13 Interpretation

In these Bye-laws unless the context otherwise requires: "*a hawker*" means any person who sells or offers or exposes for sale, goods of any description in a place other than a recognized market or in his dwelling house or shop and includes an assistant employed by such person.

30.14 Application

These Bye-laws shall apply within the area of authority of the Assembly

SCHEDULE

The schedule in this Bye-law includes:

- 1) Pavements of Principal Streets in the Municipality.
- 2) Frontage of stores.
- 3) Pedestrian – walks
- 4) Such areas as the Assembly from time to time so determine
- 5) Median of the Principal Street in the Municipality.

**BEREKUM EAST MUNICIPAL ASSEMBLY (PUSH TRUCKS AND TRICYCLES)
BYE-LAW, 2018**

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

31.1 License to Push Trucks

a) The owner of any vehicle having wheels propelled or not by mechanical means in use for the carriage of goods and person(s) in the Municipality shall obtain a license for such vehicle.

b) Every license issued under these Bye-laws shall expire on the 31st December, of the year in which it was issued.

31.2 Fees

There shall be paid for any such license a fee fixed by Resolution of the Berekum East Municipal Assembly.

31.3 Exhibition of Number Plate

Every vehicle for which a license is issued shall have affixed thereto the number plate assigned to it by the Assembly.

31.4 Condition of Respect

No license shall be granted under section 16.1 of these Bye-laws if the vehicle in the opinion of the Assembly or any other person authorized by the Assembly in that behalf is in such a condition as to endanger person or property.

31.5 Prohibition

No person below the age of 18 shall push or ride any vehicle which is subject to these Bye-laws,

31.6 Rules of the Roads

The user of any such vehicle which is subject to these Bye-laws shall observe the normal rules of road traffic movement and shall keep close to the right hand side of the road.

31.7 Limitation of Operation

No vehicle licensed under these Bye-laws shall operate between the hours of 5:30pm and 5:30am.

31.8 Permit for use of Tricycles

No person shall operate or use a tricycle within the Berekum East Municipality without first;

- (a) Obtaining a registration number from the Driver and Vehicle Licensing Authority
- (b) Obtaining an insurance policy cover for the tricycle
- (c) Obtaining a permit from the Assembly

e) The registration number of a tricycle shall be embossed on the tricycle.

f) It shall not be lawful for a tricycle to carry more than four passengers.

31.9 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

31.10 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on Summary Conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

31.11 Interpretation

In these Bye-laws unless the context otherwise requires:

“*Push Truck*” means any vehicle with wheels not propelled by mechanical means and use for carriage of goods.

“*Tricycle*” means any vehicle with three wheels and what is commonly referred to as “Motorking” and “pragya”.

31.12 Application

These Bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (KIOSK-KEEPERS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

32.1 Application

- a) No person shall construct or keep a kiosk in the Berekum East Municipality for the transaction of any business without first applying to the Assembly for a permit to do so.
- b) Permits granted under these Bye-laws are temporary and the Assembly reserves the right to order the removal of the kiosk if its location is considered unsuitable.
- c) Where such application is deposited with the Assembly, there shall be attached thereto consent letter from the landlord of the area where the kiosk is to be kept and also a passport size photo of the applicant
- d) When a permit is granted there shall be payable to the Assembly such fee as may be fixed by resolution of the Assembly

32.2 Display of Official Numbers

All kiosks shall display the official numbers allocated to them in conspicuous place on the kiosk.

32.3 Size of Kiosk

No kiosk shall exceed 150 sq. ft.

32.4 Former Permits

All permits in respect of the keeping of kiosk granted by the Assembly shall remain valid for a period of one year.

32.5 Obstruction

No person shall obstruct or resist any Officer or other person appointed by the Assembly who is acting or purporting to act in the performance of any duties relating to any purpose of these bye-laws

32.6 (a) Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

32.6(b) Notwithstanding any court action instituted under sub-section 32.1(b) of this section the Assembly may remove any unauthorized kiosk upon giving two weeks notice to the owner of the kiosk.

32.7 Interpretation

In these Bye-laws unless the context otherwise requires:

“*Kiosk*” includes wooden structures, metal containers or any other structure use for that purpose.

32.8 Application

These Bye-laws shall apply within the area of authority of the Assembly.

**BEREKUM EAST MUNICIPAL ASSEMBLY (CHILD RIGHT AND PROTECTION)
BYE-LAW, 2018**

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) these Bye-laws are hereby made:

33.1 It shall not be lawful for a child to move about in the Berekum East Municipality between the hours of 7:00pm and 5:30am.

33.2 The Assembly shall put in place a Taskforce which shall be responsible for protection of the rights of the child.

33.3 A child who is found moving about in the Berekum East Municipality between the hours of 7:00pm and 5:30am shall be arrested by the Taskforce put in place under section 33.2 and be taken to the Berekum Children's home where the child shall remain until the child's parents are identified.

33.4 A child arrested under section 33.3 of these Bye-laws whose parents are identified shall be handed over to the parents after the parents have paid the cost of upkeep of the child for the period the child was at the Children's home at a rate determined by a fee fixing resolution of the Assembly.

33.5 Offences

A person commits an offence if that person:

- a. Violates child rights and protection rules as enshrined in the National law on children
- b. Entrusts a child as a guide to any beggar who engages in begging
- c. Engages in conduct that inhibits the total development of a child
- d. Engages a child in exploitative labour which shall also include engaging a child to drive a tricycle.

33.6 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

33.7 Penalty

Any person who commits any offence specified under section 27.3 of these Bye-laws is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both the fine and imprisonment.

33.8 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (BUILDING ERECTION, ALTERATION OR EXTENSION) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936), the Berekum East Municipal Assembly hereby adopts the National Building Regulations, 1996 (L. I. 1630) to regulate the Erection, Alteration or Extension of buildings in areas within the jurisdiction of the Berekum East Municipal Assembly:

34.1 Application

All the provision of the National Building Regulations shall apply mutatis mutandis within the jurisdiction of the Berekum East Municipal Assembly.

Notwithstanding section 34.1 of this Bye-law the following will also be applied by the Assembly.

34.2 Mandate and Responsibilities

a) The Assembly shall mandate the building Inspectorate unit of the Works Department to be responsible for the regulation of all physical development.

b) The unit will also oversee and inspect daily work on buildings, erections and installations.

34.3 Permit to Commence Development and Building

a) A person(s) shall not commence a development or building unless prior to the commencement the person has obtained a permit from the Assembly.

b) A person(s) who commences a development of building without a permit from the Assembly commits an offence.

c) The Assembly may enter into an unauthorised development or building and cause it to be demolished.

34.4 Property Description

The Assembly shall ensure that every property within the Municipality, have amongst others-

- a) A house number plate
- b) Property address
- c) Street name

34.5 Notices on State of a Property/Business

Any owner of a building shall give at least one month notice to the Assembly/where-

- a. The property has collapsed
- b. The property is undergoing major repairs and or renovation.
- c. Where a business has stopped operation for more than one financial/calendar year, the owner of a business shall give at least one month notice to the Assembly.

34.6 Power of Entry

A qualified Building Inspector from the Building, Inspection Unit of the Works Department of the Assembly shall:

- a. Have the right to enter into premises of a development site anytime convenient without hindrance to request for the building permit and inspect the building or work being carried out or on-going.
- b. Have the right to write on the structure(s) with paint to stop the work and ask them to produce their permit if not present at site during the visit.
- c. Have the right to seize the tools and equipment of persons who fail to comply with the final warnings of the building inspector.
- d. Not be responsible for any damage caused to artisans' tools and equipment when seized.
- e. Stop all authorised development contrary to the Land Use and Spatial Planning Act 2016, (Act 925) Section 113, Sub Section 1.

34.7 Seizure of Tool/Equipment/Items

- a) Artisans whose tools/equipment or items that are seized shall be retrieved within 5 working days.
- b) Persons who breach Section 34.3 (b) of this Bye-law shall have their equipment forfeited to the Assembly.
- c) Retrieval of tools and or equipment shall attract the penalty fee as enshrined in the fee fixing of the Assembly plans administrative cost.

34.8 Temporary Structures

- a) Temporary structures shall be locked by the Assembly Building Inspectors if owners fail to comply with the directive of the Officer.
- b) Notwithstanding section 34.8 (a) above or any other provision, no person shall construct a temporary structure along any of the major roads within the Municipality.

34.9 Obstruction

A person(s) who prevents an officer from performing his authorised duties commits an offence and shall be arrested and punished under these by-laws.

34.10 Penalty

Any person who contravenes any of the provisions of this Bye-law commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

34.11 Interpretation

In these bye-laws, unless the context otherwise requires –
 “Building” means –

(a) A permanent or temporary structure with a roof;

(b) A part of a building;

“Building permit” means a license that authorizes work to be carried out for which authority is required in pursuance of a provision of these bye-laws;

34.12 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (BUSINESS OPERATING PERMIT) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) the following Bye-law is hereby made:

35.1 Permit

No person shall carry on any business within the area of authority of the Assembly without first obtaining a business operating permit duly granted by the Assembly.

35.2 Fee

There shall be charged a fee for every permit granted under this Bye-law as specified in the Fee Fixing Resolution of the Assembly for any particular year.

35.3 Expiration

Such permit granted under this Bye-law shall expire on the 31st day of December each year.

35.4 Display

A business permit granted under this Bye-law is not transferable and shall be displayed in a conspicuous part of the premises on which this business is operated.

35.5 Liability to Pay Property Rate

An owner of a rateable permanent or temporary immovable property who is required to pay a property rate under any existing law shall in addition be required to apply for business operating permit under this Bye-law for the operation of any business activity carried out on the premises.

35.6 Powers of Entry

(a) Subject to the provisions of this Bye-law, any officer or person duly authorised by the Assembly may during the business hour enter into or upon any building, premises or land within the area of authority of the Assembly.

(b) No person shall obstruct or interfere with any officer or person duly authorised by the Assembly in the performance of any duties assigned to him under this Bye-law

35.7 Withdrawal of permit and closure of business

(a) The Assembly may withdraw or revoke any permit granted under the Bye-law if any changes are effected in the business for which the permit was granted without a written authorisation of the Assembly or if the person granted the permit contravenes any provision of this Bye-law.

(b) The Assembly may close down any business or suspend its activities until the appropriate fee is paid for the granting of a permit for the operation of business.

35.8 Winding-Up

(a) Where for any reason a company or a person winds up its business entirely or suspends its operation, the Assembly shall be notified in writing immediately, about such a closure or suspension of business activities.

(b) Any company or person that fails to comply with the forgoing sub section shall continue to be liable for the payment of appropriate fee for the permit.

35.9 Failure to pay

A person who fails to pay the required fees at the required time shall be liable to prosecution for the recovery of the outstanding fees plus interest at the current bank rate with effect from the day of default up to and including the day of the final payment of the fees, notwithstanding any criminal prosecution that might be instituted against such an offender.

35.10 Obstruction

A person(s) who prevents an officer from performing his authorised duties commits an offence and shall be arrested and punished under these by-laws.

35.11 Penalty

Any person who contravenes any provision of these Bye-laws commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

35.12 Interpretation

“*Business*” includes occupation, profession or trade; “*premises*” includes part of the premises.

35.13 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (CONTROL OF RATES COLLECTION AND RATE COLLECTORS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) the following Bye-law is hereby made:

36.1 Authority Levy

- (a) No person or group of persons other than the Assembly shall have the power to make a levy or any given rate within the area of authority of the Assembly.
- (b) The Assembly shall have power to levy a special rate as in its opinion, may be deemed necessary so to do.
- (c) A general or special rate payable to the Assembly shall be of such amount as maybe fixed by a resolution of the Assembly.

36.2 Delegation of Authority

- (a) The Assembly may, in writing authorise any suitable person to collect revenue in respect of any specified rate.
- (b) Without prejudice to Section (a) hereof, the Assembly may by notice in writing appoint any group of persons specified in the notice to be its agent for the collection of any rate so specified subject to conditions as the Assembly shall endorse on the notice.
- (c) No person other than an authorised rate collector or agent of the Assembly shall collect rates levied by the Assembly.
- (d) It shall be the duty of every rate collector or agent-
 - i. To furnish the Assembly in writing with nominal roll of the rateable person or items in the area in respect of which they have been authorised.
 - ii. To collect and receive from such person liable for the payment of rates in the area, the payable by each of such persons;
 - iii. To report the Assembly, the name of any person who has failed to pay the amount due from him.

36.3 Rateable Person

A general rate or any special rate imposed shall be payable by all person of or above the age of eighteen years who reside within the area of authority of the Assembly or by owners of moveable or immovable property in the area.

36.4 Exemptions from and Remission of Rates

- (a) Notwithstanding the provisions of the foregoing Section, the following categories of persons shall exempted from the payment of the special rate-
 - i. Any person who is for the time-being in attendance at an educational institution who do not receive any remuneration or income during that period other than an allowance, loan or other grant provided for the purposes of such attendance, or
 - ii. Any person who is more than seventy (70) years old
- (b) The Assembly may reduce or remit payment of any rate on account of the poverty or old age of any person who is more than seventy years old.
- (c) The following tenements are exempted from assessments and rating:

- i. All premises appropriated exclusively for the purpose of public worship and registered with Assembly.
- ii. Cemeteries and burial grounds registered by the Assembly;
- iii. Charitable or public educational institution registered with the Assembly
- iv. Premises used as public hospital and clinics; and
- v. Premises owned by diplomatic missions as may be approved by the Minister of Foreign Affairs.

36.5 Duty of Rateable Persons

(a) It shall be the duty of every person liable for the payment of any rate to pay the amount hereof to a rate collector or other persons or persons duly appointed or authorised by the Assembly to collect and receive such rate at the time and place specified by the Assembly when publication of notice in respect of such rate is made

(b) Notwithstanding Section (a) above, any rate collector or any person authorised by the Assembly may at all reasonable times enter any premises for the performance of his duties.

36.6 Property Rate

(a) Without prejudice to the provision in section 36.1 of this Bye-law, a property rate of an amount fixed by a resolution of the Assembly shall be payable by owners of buildings situated within the area of authority of the Assembly on the assessed value of each building.

(b) A property rate on un-assessed property proceedings shall be paid to the Assembly by the owners of the building.

36.7 Proceedings

(c) If the amount of rate due in respect of any premises is not paid within the period of sixteen (16) days upon becoming due, the Assembly shall cause to be affixed on a conspicuous part of the premises a notice to the effect that if the amount of the rate payable in respect of the premises and any cost incurred in the process, is not paid within seven (7) days from the date of the notice, civil proceedings will be taken for the sale of the premises for the purposes of defraying the amount.

36.8 Forum

(d) Such proceedings to enforce the payment of a rate payable may be taken by the Assembly before any court and if the court is satisfied that the amount of the rate due in respect of the premises has not been paid it shall order the premises to be sold to defray the amount of the rate due.

36.9 Auction Sale

(e) Any premises ordered to be sold to defray the amount of the rate due shall be offered for sale under the direction of the person authorised by the court.

36.10 Prospective Buyers of Properties

Every prospective buyer of a property within the Municipality shall obtain from the Assembly a property rate payment clearance prior to the sale.

36.11 Employer to Deduct Rate

(a) Every employer, after the publication of notice of payment of rates has been made by the Assembly, shall deduct any such general or special rate imposed by the Assembly from the remuneration of any employee employed by him who resides in the area of authority of the Assembly.

(b) In this Section, "employer" includes a commission agent and any other person in consideration for a commission or allowance.

(c) All such sums deducted under this Section shall be held by the employer on behalf of the Assembly and shall be paid to the Assembly within thirty days after the deduction is made.

(d) An employer who, after deducting from the remuneration of an employee any general or special rate, fails to pay the amount to the Assembly within the time stipulated in Section above commits an offence.

(e) The employer shall be indemnified in respect of any such acts undertaken by him in pursuance of the foregoing provisions.

36.12 Receipt for Payments

(a) On payment of any rate levied by the Assembly a receipt specifying the period in respect of which it is paid shall be issued to the payer and such receipt shall be prima facie evidence of the payment of rates for the specified period.

(b) The holder of any receipt for a rate paid shall produce same at any time on demand for inspection by a rate collector or any other authorised servant, agent or officer of the Assembly.

36.13 Obstruction

Any person who abuse or wilfully obstructs any rate collector or any other person appointed by the Assembly who is acting or purporting to act in the performance of any duties relating to any of the provisions of this Bye-law commits an offence.

36.14 Offences

(a) A person commits an offence who-

- i. Without a lawful excuse, the proof of which shall be on him, refuses or neglects to pay any basic, special or general rate payable by him under this Bye-law on the date due;
- ii. Makes a false statement with regard to his liability to pay rates;
- iii. Without lawful excuse proof of which shall lie on him, incites another person to refuse to pay rates payable by such other person under this Bye-law or who assists another person to make false statement(s) with regard to his liability to pay rates.
- iv. Without authority from the Assembly or by a body under the Assembly authorised by the Assembly to so act, collects or attempts to collect any rate;
- v. Impersonates such persons authorised by the Assembly or by a body under the Assembly authorised by the Assembly to so act, and collects or attempts to collect any rate.

- (b) A rate collector or agent commits an offence, where that person-
- i. Fails to deposit with the Assembly any sum of money collected as a rate by that person
 - ii. Knowingly demands from any person an amount in excess of the duly assessed rate;
 - iii. Renders false returns, whether orally or in writing; or
 - iv. Wilfully fails to carry out any duty imposed upon that person as a rate collector or an agent under this Bye-law.
- (c) Any penalty imposed on an offender for an offence under this Bye-law shall be without prejudice to any other action the Assembly may decide to take in the case of such defaulting rate collector or agent.
- (d) Where the Assembly may have to take steps to recover any amount owed it, the defaulter shall be charged with the cost of the recovery.

36.15 Penalty

Any person who contravenes any provision of these Bye-law commits an offence and shall be liable on summary conviction to a fine not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

36.16 Interpretation

In this Bye-law, unless where the context otherwise requires-“*general rate*” means a rate made and levied over the area of authority of the Assembly for the general purpose of the whole Municipality. “*Special rate*” means a rate made and levied over a specified area in the Municipality for the purpose of a specified project approved by the Assembly.

36.17 Application

These bye-laws shall apply within the area of authority of the Assembly

**BEREKUM EAST MUNICIPAL ASSEMBLY (ENTERTAINMENT LICENSED)
BYE-LAW, 2018**

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) the following Bye-law is hereby made:

37.1 License

- (a) No person shall organise any form of entertainment within the administrative area of the Assembly without first obtaining license for that purpose
- (b) Notwithstanding section (a) above, no license shall be required for-
 - i. Entertainment wholly devoted to charity; and
 - ii. Entertainment for which no fees are charged.
- (c) A license issued for section (a) above shall-
 - i. Not be transferable; and
 - ii. Be valid only for the day or year in which it is issued.
- (d) For the purpose of this provision, entertainment also includes
 - i. Sales promotions
 - ii. Float
 - iii. Commercial mobile vans, and
 - iv. Carnivals
 - v. Video shows
 - vi. Concerts, musical or theatrical performances
 - vii. Cinemas
 - viii. Fairs
 - ix. Circus
 - x. Discotheques
 - xi. Clubs

37.2 Activities for which License may be obtained

- (a) The Assembly shall issue a license for-
 - i. Concerts, Theatrical performances, video shows, cinema, fairs, circuses, dances, discotheques and other entertainments to which money is paid or reward given; and
 - ii. Billiards, horse racing, boxing, soccer and lawn tennis unless these activities are being devoted to charity.
- (b) The Assembly shall determine the fees to be paid under section (a) above by a Resolution of the Assembly and may grant exemption from the payment of such Fee as it may consider appropriate.

37.3 Hours of Operation

A license issued under this Bye-laws shall permit any activity for which the license was issued to take place between 2 pm and 12 midnight on the specified day unless otherwise directed.

37.4 The Assembly shall issue a permit for any activity beyond the stipulated hours under section (37.3) above, except that such a permit shall be at least twice the cost of the ordinary permit.

37.5 No Admittance to Children

(a) No promoter of entertainment shows or activities shall admit any child below the age of 18 years unaccompanied by an adult relative.

(b) Promoters of entertainment shows or activities shall indicate in a conspicuous place whether such show or activity is restrictive to adults only.

(c) Where admittance to an entertainment activity is restricted to adults only, no child below the age 18 years shall be admitted to such entertainment activity.

(d) Where admittance is made to the general public without restrictions, it shall not be an offence for children under 18 years of age accompanied by adult relative to be admitted notwithstanding Section 32.5(a).

(e) Notwithstanding the provision in Section 32.5(d) above, no promoter of an Entertainment show or activity shall allow a child below the age of 18 years to remain on the premises after 9:30pm.

37.6 Right of Entry

(a) An officer of the Assembly duly authorised shall have the right of entry to any premises of entertainment at any reasonable time for purposes of inspection.

(b) No person shall obstruct or prevent any officer so acting hereunder.

37.7 Power to Revoke License

The Assembly may revoke an entertainment license and the holder be convicted of an offence contrary to any provisions of this Bye-law.

37.8 Obstruction

A person(s) who prevents an officer from performing his authorised duties commits an offence and shall be arrested and punished under these by-laws.

37.9 Penalty

A person who contravenes any provision of these Bye-law commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

37.10 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (OPERATION OF VIDEO, GAMING AND BETTING CENTRES) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) the following Bye-laws are hereby made:

38.1 Licence to Operate

(a) No person shall operate a video, gaming and betting centres or cinema house within the area of authority of the Assembly unless that person first obtains a licence to do so from the Assembly.

(b) Such licence shall be valid from the date of issue and shall expire on the 31st December of the year in which it was issued.

(c) The fee payable to the Assembly for the issuance of such licence in accordance with this Bye-law shall be fixed as by a resolution of the Assembly.

38.2 Hours of Operation

No person shall operate a video, gaming and betting centre(s) house between the hours of 6:00am and 8:00pm.

38.3 No Admittance for Children

Notwithstanding Section 33.2 above, no operator of a video, gaming and betting centre(s) shall admit any child under the age of 18 years to enter or remain on the premises.

38.4 Inspection of Premises for operation

No place within the area of authority of the Assembly shall be used as a video, gaming and betting centre(s) for commercial purposes unless such premises have been inspected and approved by an officer of the Assembly authorised to do so.

38.5 Sound Control

No proprietor of a video, gaming and betting centre(s) shall allow the volume of the sound or soundtrack of the operations of any appliances used to be so loud as to cause annoyance, disturbance or nuisance to residents in the area.

38.6 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

38.7 Penalty

Any person who contravenes any provision of this Bye-law commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

38.8 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (USE OF PUBLIC ROADS) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) the following Bye-laws are hereby made:

39.1 Unauthorised Parking

No driver of a heavy-duty vehicle shall park his vehicle on any road or at any place within the Municipality except in areas specified and declared by the Assembly to be parking areas for such vehicles.

39.2 Washing Prohibited

(a) No driver or person in-charge of a car, van, bus, truck or any other vehicle shall wash or clean such vehicle on any public road/space and within the Municipality.

(b) Washing of vehicles shall be undertaken in such fuel stations, garages and washing bays as are equipped and licensed for the purpose.

39.3 Obstruction

No person shall in any way or manner prevent or obstruct the use of a public road by any member of the public except as herein contained or as the Assembly shall expressly direct.

39.4 Litter bins in Vehicles

No person shall drive a commercial vehicle other than a taxi within the Municipality without having on board an approved litter bin.

39.5 Littering from Moving Vehicle

There shall be no littering from moving vehicles on public roads and in the event of such littering, the person in charge of the vehicle shall be held responsible unless the contrary is proved by him.

39.6 Covering of Trucks

All trucks and other vehicles used for the conveyance of refuse, sand, stones, quarry dust, sawdust, wood waste or other such material within the Municipality shall be appropriately covered to prevent such material flying off such vehicles.

39.7 Repair of Vehicles

No person shall repair a broken down vehicle on a public carriage way or walkway and any such vehicle must be towed away to a garage for the purpose.

39.8 Stopping and Parking

No person in charge of a vehicle shall stop or park the vehicle at any place other than the authorised parking bays or lay-bys sited along public roads.

39.9 Painting of Houses / Stores / Temporary Structures

All houses, Stores and temporary structures situated along public roads or streets shall be painted at least once every five years unless otherwise directed by the Assembly.

39.10 Offences

A person commits an offence, when that person-

- a. mounts a billboard, signboard, road sign or any other signage without first obtaining the appropriate permit;
- b. tampers with the road corridor with the aim of reducing the speed of vehicular traffic without prior approval;
- c. blocks a public road without permit;
- d. tips or dumps construction materials, firewood
- e. sells on or obstructs a walkway or road shoulder;
- f. tampers with mounted road signs without prior approval;
- g. damages or causes or permits his vehicle to damage any road, road furniture or facilities;
- h. stops or parks a vehicle at a public place other than authorised lay-by or parks;
- i. parks or abandons a broken down vehicle on any public road; or
- j. contravenes any of the provisions of these Bye-law;

39.11 Obstruction

A person(s) who prevents an officer from performing his authorised duties commits an offence and shall be arrested and punished under these by-laws.

39.12 Penalty

(a) Whoever contravenes any of these provisions of these Bye-laws shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not less than twelve months or to both.

(b) There shall be a further fund of 25 penalty units for each day on which the offence is continued after written notice of the conviction has been served on the case of a Continuing offence.

(c) Alternative to penalty

(b) above there shall be a minimum spot fine of to be exacted where necessary by authorised officers of the Assembly and for which an appropriate receipt shall be issued

39.13 Interpretation

In these Bye-law, unless the context otherwise requires, “*heavy duty truck*” includes trucks, articulated trucks, tipper trucks, tankers, cargo trucks or haulage trucks.

39.14 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (OPERATION OF DAY CARE CENTRE) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) and Section 117 of the Children's Act 1998 (Act 560), this Bye-laws are hereby made as follows:

40.1 Application to Operate a Day Care Centre

A person shall not operate a day care centre in the Municipality unless that person has a permit to operate from the Assembly.

40.2 The application shall include:

- a. The name and contact of the operators of the centre
- b. The company registration particulars of the centre
- c. The Particulars of premises to be used as the centre including the physical address
- d. Copies of the fire certificate, health certificate and building permits
- e. Names and qualification of staff at the centre
- f. Proposed ratio of child to Care Giver
- g. Disaster management plan
- h. Two sureties one of who must be an active or retired health care practitioner and the other an active or retired educationist

40.3 Inspection of Premise for Day Care Centre before Grant of Permit

a) The Assembly shall inspect a premise designated as a day care centre before approving the use of the premise as a day care centre.

b) The Assembly shall provide at least 24 hours notice to the applicants before the use of a proposed premise.

c) Notwithstanding section 35.2 of these Bye-law, the Assembly shall inspect the premise of a proposed day care centre within 3 months from the date of the application.

40.4 Conditions for the Grant of a Permit

A person shall not be granted a permit to operate a day care centre unless

- a. The premise has undergone and obtained all building and safety permits including fire and health safety permits.
- b. The premise is safe, secure and suitable for their purpose, and adequate space is provide
- c. There are sufficient play areas for activities and scope for free movement.

- d. Babies have an uncluttered, hygiene and soft floor space on which to roll, crawl and move freely.
- e. The rooms used in the premises are for the sole use of the childcare facility during the hours of operation.
- f. Premises are clean and arrangements to maintain hygiene conditions are in place
- g. The premise is well lit with adequate natural lighting, supplemented by artificial lighting. The premises are adequately ventilated.
- h. Reasonable arrangements are in place to ensure that the premises are free from insects and other pests.
- i. The physical environment is, insofar as is reasonably practicable, suitable for children with disability.
- j. Children with special need are cared for by staff who have the necessary information and skills to care for them appropriately
- k. Children are provided with suitable sleeping facilities away from the general play areas.

40.5 Grant of Permit

- a) A permit shall be granted for a period of one year and shall be renewable at least three months to the expiration of the existing permit.
- b) Prior to the grant of the permit, the applicant shall pay the prescribed permit fee which shall be determined by the Assembly on a yearly basis.
- c) An operator of a day-care centre shall display at a conspicuous place the permit granted for the operation by the Assembly

40.6 Inspection of Premise for Day-care Centre after grant of Permit

- a) The Assembly shall inspect the premises, Permits, books, accounts and any other records of a day-care centre at least once every six months.
- b) The Assembly shall provide at least 24 hours notice to an operator of a day-care centre before proceeding to inspect the premise.
- c) Notwithstanding Section 40.6(b), the department may periodically, visit and or inspect a day-care centre without notice.
- d) The report of the inspection shall be submitted to the social services sub-committee of Assembly.

e) An operator of a premise may request for a copy of the inspection report.

f) Where the report of the inspection reveals lapses in the operation of the day-care centre including unhealthy environment and management of the centre, the Assembly shall require the operator to remedy the lapses within 3 months from the date of notice.

g) Where the operator does not remedy the lapses within the stipulated time, the Assembly shall give notice of a withdrawal of permit.

h) A permit shall finally be withdrawn a month after notice of withdrawal has been given.

i) Where a permit has been withdrawn, the operator may re-apply for a new permit.

j) The application shall be treated as fresh one by the Assembly.

40.7 Existing Operators

a) A person who owns or operates a day care centre before the commencement of this Bye-law and who intends to operate the day-care centre shall apply to the Assembly within six months of the commencement of these Bye-laws.

b) The Assembly shall close down all existing Day Care Centres that do not have permits after the expiration of six months period provided above.

40.8 Obstruction

A person(s) who prevents an officer from performing his authorised duties commits an offence and shall be arrested and punished under these by-laws.

40.9 Penalty

Any person who contravenes any of the provisions of these Bye-laws commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than one year and not more than three years or to both.

40.10 Interpretation

In this Bye-law, unless the context otherwise requires-

“*Day Care Centre*” means an early childhood development establishment where children below compulsory school going age are received and looked after for a day or a substantial part of the day with or without a fee;

40.11 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (OPERATION OF NON-GOVERNMENTAL ORGANISATION) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) this Bye-law is hereby made as follows:

41.1 Application to Operate a Non-Governmental Organisations

A person shall not operate a Non-Governmental Organisation (NGO) in the Municipality unless the person has a permit to operate from the Municipal Assembly.

An application for a permit to operate an NGO shall be submitted to the Municipal Assembly.

The application shall include:-

- a. The name and contact of the operators of the organisation
- b. The company registration particulars of the organisation
- c. The particulars of premises to be used as the organisation including the physical address
- d. Copies of the fire certificate health certificate and building permits
- e. Names and qualification of staff at the organisation
- f. Disaster management plan
- g. Two sureties one of whom must be an active or retired security officer and the other an active or retired educationist

41.2 Inspection of Premise for non-Governmental Organisations before grant of Permit

a) The Assembly shall inspect a premise designated as an NGO before approving the use of the premise as an NGO.

b) The Assembly shall provide at least 24 hours' notice to the applicants before the commencement of a proposed premise.

c) Despite Section 36.2 above, the Assembly shall inspect the premise of a proposed NGO within 3 months from the date of the application.

41.3 Conditions for the Grant of a Permit

A person shall not be granted a permit to operate an NGO unless:

- a. The designated premise for the NGO has undergone and obtained all building and safety, permit including fire and health safety permits.

- b. The premise is safe, secure and suitable for their purpose.
- c. The facility is accessible to children and person with disabilities, and
- d. Any other conditions as the Assembly may from time to time specify
- e. The NGO registers with the Assembly.
- f. The Assembly provides a written recommendation to the proprietor upon payment of Fee specified in the Fee Fixing Resolution of the Assembly.

41.4 Grant of Permit

- a) A permit shall be granted for a period of one year and shall be renewable at least three months to the expiration of the existing permit.
- b) Prior to the grant of the permit, the applicant shall pay the prescribed permit fee which shall be determined by the Assembly on a year basis.
- c) An operator of an NGO shall display at a conspicuous place the permit granted for the operation by the Assembly.

41.5 Inspection of Premise for Non-Governmental Organisations after Grant of Permit

- a) The Assembly shall inspect the premises, books, accounts and any other records of an NGO at least once every six months.
- b) The Assembly shall provide at least 24 hours notice to an operator(s) of an NGO before proceeding to inspect the premise.
- c) The report of the inspection shall be submitted to the social services sub-committee of the Assembly
- d) An operator of a premise may request for a copy of the inspection report.
- e) Where the report of the inspection reveals lapses in the operation of the NGO including unhealthy environment and mismanagement of the organisation, the Assembly shall require the operator to remedy the lapses within 3 months from the date of notice.
- f) Where the operator(s) does not remedy the lapses within the stipulated time, the Assembly shall give notice of a withdrawal of permit.
- g) A permit shall finally be withdrawn a month after notice of withdrawal has been issued.

h) Where a permit has been withdrawn, the operator may re-apply for a new permit as if the application was a fresh one.

41.6 Existing Operators

a) A person(s) who owns or operates an NGO before the commencement of this Bye-law and who intends to operate the NGO shall apply to the Assembly within six months of the commencement of this Bye-law.

b) The Assembly shall close down all existing NGOs that do not have permits after the expiration of six months period provided above.

41.7 Renewal of Registration with the Assembly

All registrations with the Assembly are renewed annually.

41.8 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

41.9 Penalty

Any person who contravenes any of the provisions of these Bye-laws commits an offence and shall be liable on summary conviction to a fine of not less than one Hundred and fifty penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than one year and not more than three years or to both.

41.10 Application

These bye-laws shall apply within the area of authority of the Assembly

BEREKUM EAST MUNICIPAL ASSEMBLY (COMMUNAL LABOUR) BYE-LAW, 2018

In exercise of the powers conferred on the Berekum East Municipal Assembly by Section 181 of the Local Governance Act, 2016 (Act 936) this Bye-law is hereby made as follows:

42.1 Organization of Communal Labour

The Berekum Municipal Assembly may organize or authorize a person to organize communal labour within the area of authority.

42.2 Notice of Communal Labour

- (a) The Berekum East Municipal Assembly or a person authorizes to organize communal labour shall give seven days' notice to residents of the town or electoral area before the date set for the communal labour.
- (b) The notices shall take the form using a van with mounted speakers, gong gong, information centers making the announcement between the hours 6:00 O'clock in the morning and 8:00 O'clock in the evening of an impending communal labour.
- (c) Despite subsection (1) The Assembly or a person authorizes may give shorter notice.
- (d) The notice shall include-
 - (i) The date, time and the place or location where the communal labour is to be organized
 - (ii) The nature of the communal labour to be undertaken.

42.3 Qualification

- (a) A person of eighteen to sixty years resident in a town or electoral area shall take part in any communal labour organized under Bye-law.
- (b) The Berekum East Municipal Assembly or a person authorizes to organize a communal labour may exempt a person from taking part in a communal labour if it is satisfied that the person
 - (i) Is sick
 - (ii) Is required to appear before a Court to give evidence or is to help the police in any investigation;
 - (iii) Is attending the funeral of a relative.

Prohibition

A person who,

- (a) Knowingly and wilfully refuses to attend communal labour;
- (b) Instigate people not to attend communal labour;
- (c) Disrupt communal labour

42.5 Obstruction

No person shall obstruct or resist any officer or any other person appointed by the Assembly who is acting in the performance of duties under these Bye-laws.

42.6 Penalty

Any person who contravenes any of the provisions of these Bye-laws commits an offence and shall be liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment not less than six months and not more than twelve months or to both.

42.7 Application

These bye-laws shall apply within the area of authority of the Assembly.

Citation

These Bye-laws shall be cited as; Berekum East Municipal Assembly Bye-laws, 2018

Made at a meeting of the Berekum East Municipal Assembly held on the 26th September, 2019

APPLICATION

Area of jurisdiction of Berekum East Municipal Assembly and Application

The Berekum East Municipal Assembly, hereinafter referred to as the Assembly is the authority established by Act 2016 (936) for the area defined by the specified schedule of that Act whose jurisdiction is defined further in LI 2299 of 2017

These Bye-laws shall be effective in the area of jurisdiction of Berekum East Municipal Assembly and remain in force according to the powers of the Assembly and its functions for which they are applicable.

Procedures

These Bye-laws have been enacted in accordance with the established procedures in Act 936 and have been ratified by the Assembly and gazetted in the Local Government Bulletin

No.dated.....

SIGNED:
HON. JOSEPH BAFFOUR AWUAH

Presiding Member
Berekum East Municipal Assembly

SIGNED:
ISAAC BROWN ANKOMAH

Municipal Co-ordinating Director
Secretary to Berekum East Municipal Ass.