

Statutory Instrument No. 15 of 1975

TOWNSHIPS PROCLAMATION
(Cap. 120)

TOWN COUNCIL REGULATIONS, 1966
(L.N. 37 of 1966)

GABORONE GENERAL (AMENDMENT) BYE-LAWS, 1975

(Published on the 7th February, 1975)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Amendment of bye-law 2 of L.N. 58/1966
3. Substitution of words in principal Bye-Laws
4. Amendment of bye-law 3
5. Amendment of bye-law 5
6. Insertion of new bye-law 12A
7. Amendment of bye-law 15
8. Amendment of bye-law 32

IN EXERCISE of the powers conferred by regulation 31 read with regulation 32 of the Town Council Regulations, 1966, the Gaborone Town Council, with the approval of the Minister of Local Government and Lands, hereby makes the following Bye-Laws:

1. These Bye-Laws may be cited as the Gaborone General (Amendment) Bye-Laws, 1975.

2. Bye-Law 2 of the Gaborone General Bye-Laws, 1966 (hereinafter referred to as the principal Bye-Laws) is amended by the deletion of definitions of "Township Area" and "Township Authority" therein and the insertion in their proper alphabetical place of the following new definitions:

Amendment
of bye-law 2
of L.N.
39/1966

"Council" means the Gaborone Town Council;

"Council area" means the area under the jurisdiction of the Council;" and

"veterinary surgeon" means a person duly registered as such under the provisions of the Veterinary Surgeons Act, 1971."

35 of 1971

3. The principal Bye-Laws are amended—

Substitution
of words in
principal
bye-laws

(a) by substituting the word "Council" for the words "Township Authority"; and

(b) by substituting the words "Council area" for the words "Township area", wherever they appear.

4. Bye-Law 3 (2) of the principal Bye-Laws is amended by inserting immediately after the word "shall", which appears therein, the words "urinate or".

Amendment
of bye-law 3

5. The principal Bye-Laws are amended by substituting for bye-law 5 the following two new bye-laws—

Amendment
of bye-law 5

5. (1) For the purposes of this bye-law "refuse" means any garbage, excreta, night soil, filth stops, waste water, yard flushing, stable litter, rubbish, garden or kitchen refuse, dirt or crockery or glass, tins, cartons, plastic containers, and includes any derelict machinery or vehicle or part thereof.

"Prevention
of accumula-
tion of refuse

(2) No person shall place, pour, throw or leave on any lot or premises or street or other public place, and no person shall permit to remain on any lot or premises under his control or any street or public place adjacent to such lot or premises within 10 metres of the boundary thereof, any refuse in such place or in such manner or for such time as to endanger health, or to favour the breeding or harbouring of flies, mosquitoes or other insect pests, or to encourage rats or other vermin to frequent such lot, premises or street or other public place, or to become an eyesore or to cause any nuisance, or to be likely to interfere with the comfort of the inhabitants of the Township.

(3) Any person who contravenes the provisions of paragraph (2) shall be guilty of an offence.

(4) Without prejudice to any prosecution for contravention of this bye-law, and notwithstanding any penalty which may be imposed under these Bye-laws for such contravention, an authorized officer may order any person who contravenes the provisions of paragraph (2) to remove or dispose of any refuse which is the subject to the contravention in such manner as he may specify, and, if that person refuses to obey him, the council may forthwith remove or dispose of the refuse at that person's expense and such expense shall be a civil debt due to the Council recoverable in any court of competent jurisdiction.

Refuse recep-
tacles and
removal fees

5A. (1) Every occupier of premises in the Council area shall, within 14 days of the service upon him of a notice in writing requiring him so to do, provide a sufficient number of suitable refuse receptacles, for the reception of refuse upon such premises

(2) Every occupier shall cause such receptacle to be covered at all times save when refuse is being deposited in or discharged therefrom.

(3) Every occupier shall cause all refuse receptacles in use on his premises and covers thereof to be kept as clean as practicable and maintained in good order and condition.

(4) The Council shall perform refuse removal services throughout the entire Council area as often as circumstances warrant and a fee charged will be that as may be determined from time to time."

6. The principal Bye-Laws are amended by inserting immediately after bye-law 12, a new bye-law as follows—

Insertion of
new bye-law
12A

"Disposal of
carcasses of
dead animals

12A. (1) Subject to the provisions of paragraph (2), no person shall dispose of the carcass of any dead animal within the Council area except in a place approved by the Council.

(2) The provisions of paragraph (1) shall not apply to the burial by a person within a lot under his control, of the carcass of any dog, cat, or other small pet animal:

Provided that —

- (i) the carcass shall be buried deeply enough to prevent the escape of any offensive odour or the digging up of the carcass by scavenging animals, and prevent any hazard to health;
- (ii) in the event of the death of the animal being caused by an infectious disease, the burial shall not take place except with the consent of a medical practitioner or veterinary surgeon;
- (iii) if the place where the carcass is buried is marked as a grave, this must be done, or shielded from view, so as not to be offensive to the religious or other susceptibilities of the neighbours,

and if these conditions are not complied with, the Council may give such directions as may be necessary to secure compliance, or may order that the carcass be dug up and disposed of in some other place or manner, and failure to comply with such directions or order shall be punishable on conviction by a fine not exceeding R100 or in default of payment by imprisonment for a term not exceeding 3 months.”.

7. The principal Bye-Laws are amended by substituting for bye-law 15 the following new bye-law — Amendment of bye-law 15

“Hoardings 15. (1) This bye-law shall not apply to hoardings which form a temporary part of any building operation or which can be put up as a temporary measure to shield any works in progress or to protect the public from any hazard arising from work in progress nor to any hoarding erected on privately-owned premises for the purpose of advertising the said premises for sale:

Provided that the Council may direct the person erecting such hoarding to remove it or reposition it for the reason set out in paragraph 3 (a) of this bye-law.

(2) No hoarding shall be erected within the Council area except with the written consent of the Council.

(3) The Council may withhold its consent to the erection of a hoarding if it considers that the proposed hoarding —

- (a) will be a distraction or visual obstruction to traffic, or will in any way interfere with the free movement of traffic, including pedestrians;
- (b) is objectionable in substance, presentation or scale;
- (c) will spoil the appearance of any improved or developed area set aside for industrial development, or any beauty-spot, park or recreational area; or
- (d) will be offensive to any occupier of residential premises adjacent to or looking upon the site of the proposed hoarding.

(4) The Council may charge fees for permission to erect and maintain hoardings on any street or other public place within the Council area.

(5) The Council may itself erect hoardings and may permit the use thereof and of any walls or other suitable fixtures being the property of the Council by any person to display any bill, poster, placard or advertisement and may charge fees for such use.

(6) The fees mentioned in paragraphs (4) and (5) shall be determined from time to time by resolution of Council and a separate rate may be specified in respect of illuminated hoardings or signs.

(7) Failure to pay any fee charged under this bye-law shall be an offence.

(8) If any person ---

(a) erects a hoarding in contravention of this bye-law; or

(b) refuses to remove a hoarding within a reasonable time when required so to do by the Council; or

(c) fails to pay any fee chargeable under this bye-law, the Council may, without prejudice to any prosecution for an offence against these bye-laws, remove the hoarding which is the subject of the contravention at the expense of that person, and such expense shall be a civil debt due to the Council recoverable in any court of competent jurisdiction."

Amendment
of bye-law 32

8. Bye-Law 32 of the principal Bye-Laws is amended by ---

(a) inserting immediately after the words "for sale" where they appear in paragraph (1) a new sentence as follows ---

"All bakery products shall be covered in plastic or waxed paper before leaving the bakery premises for any purpose"; and

(b) inserting immediately after paragraph (9) the following new paragraph ---

"(10) All foodstuffs shall be completely wrapped and no person who sells any foodstuffs shall deliver the same wrapped in a newspaper or in any soiled or previously used wrapping paper."

MADE this 2nd day of January, 1975.

I.H.S. MOTHOPENG,
Town Clerk,
Gaborone Town Council.

APPROVED this 3rd day of January, 1975.

G. SIKALESELE,
Acting Permanent Secretary,
Ministry of Local Government and Lands.

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