

Statutory Instrument No. 100 of 1976

TOWNSHIPS ACT
(Cap. 40:02)

TOWN COUNCIL REGULATIONS
(Cap. 40:02 Sub. Leg.)

FRANCISTOWN GENERAL (AMENDMENT) BYE-LAWS, 1976

(Published on 9th July, 1976)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

1. Citation
2. Substitution of bye-law 5 of Cap. 40:02 (Sub. Leg.)
3. Insertion of new bye-law 11A
4. Substitution of bye-law 15
5. Amendment of bye-law 32
6. Amendment of bye-law 37

IN EXERCISE of the powers conferred by regulation 30 as read with regulation 31 of the Town Council Regulations, the Francistown Town Council, with the approval of the Minister of Local Government and Lands, hereby makes the following Bye-Laws —

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| Citation | 1. These Bye-Laws may be cited as the Francistown General (Amendment) Bye-Laws, 1976. |
| Substitution of bye-law 5 of Cap. 40:02 (Sub. Leg.) | 2. Bye-law 5 of the Francistown General Bye-Laws (hereinafter referred to as "the principal Bye-Laws") is amended by substituting in place thereof the new bye-laws following — |
| "Prevention of accumulation of refuse | 5. (1) No person shall place, pour, throw or leave on any lot, premises, street or other public place, and no person shall permit to remain on any lot or premises under his control, or on any street or public place adjacent to such lot or premises within 10 metres of the boundary thereof, any refuse in such a place or in such a manner or for such a 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, street or other public place, or to become unsightly or a nuisance, or to be likely to interfere with the comfort of the inhabitants of the Council area.

(2) The Council may order any person who contravenes the provisions of sub-bye-law (1) to remove or dispose of any refuse which is the subject of the contravention in such a manner as it may specify and, should that person refuse, the Council may remove or dispose of the refuse at that person's expense and that expense shall be a debt recoverable in a court of law. |

Refuse receptacles and removal

5A. (1) Every occupier shall, within 21 days of the service upon him of a notice requiring him so to do, provide the required number of refuse receptacles of a nature approved by the Council.

(2) Every occupier shall keep his refuse receptacles covered at all times save when refuse is being deposited therein or discharged therefrom.

(3) Every occupier shall keep his refuse receptacles and covers thereof reasonably clean and in good order and condition.

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

3. The principal Bye-Laws are amended by inserting, immediately after bye-law 11, the new bye-law following —

Insertion of new bye-law 11A

Disposal of carcasses

11A. (1) Subject to the provisions of sub-bye-law (2), no person shall dispose of a carcass within the Council area except in a place approved by the Council.

(2) A person may bury within a lot under his control the carcass of any dog, cat or other small pet, provided that —

(a) the carcass shall be buried deep enough to prevent the escape of any offensive odour or the digging up of any carcass by scavengers, and prevent any hazard to health;

(b) if death was caused by an infectious disease, the advice of a medical practitioner or veterinary surgeon shall be obtained as to whether or not burial may take place;

(c) if the place where the carcass is buried is marked as a grave, such mark must be shielded from view so as not to offend such other persons' religious or other susceptibilities.

(3) The Council may give such directions as may be necessary to secure compliance with the provisions of sub-bye-law (2).”.

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

Substitution of bye-law 15

Hoardings

15. (1) Subject to the provisions of sub-bye-law (3), this bye-law shall not apply to hoardings which form a temporary part of any building operation or which may be put up as a temporary measure to shield any works in progress or to protect the public from any hazard arising or which may arise from work in progress, or to any hoarding erected on privately-owned premises for the purpose of advertising the said premises for sale.

(2) No hoarding shall be erected within the Council area without the written consent of the Council.

(3) The Council may direct any person erecting or who has erected a hoarding to remove or reposition such hoarding and

may withhold its consent to the erection of a hoarding if it considers that the proposed hoarding —

- (a) will obstruct the view of road users in a manner inconsistent with the smooth flow of traffic, vehicular or otherwise;
- (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 erect hoardings and 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 sub-byelaws (4) and (5) shall be determined from time to time by resolution of the Council and a separate rate may be specified in respect of illuminated hoardings or signs.

(7) The Council may remove a hoarding, at the expense of the person who erected the hoarding, such expense being recoverable as a civil debt in a court of law, if that person —

- (a) erects a hoarding in contravention of this bye-law;
- (b) refuses to remove a hoarding within a reasonable time when required so to do by the Council; or
- (c) fails to pay a fee charged in terms of this bye-law.

Amendment of bye-law 32 **5.** Bye-law 32 of the principal Bye-Laws is amended by inserting, immediately after sub-byelaw (9), the new sub-byelaws following —

“(10) All bakery products shall be covered in plastic or waxed paper before leaving the bakery premises for the purpose of human consumption.

(11) 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.”.

Amendment of bye-law 37 **6.** Bye-law 37 (2) of the principal Bye-Laws is amended by inserting, in their correct numerical order, the numbers following —

“5A, 11A,”.

MADE this 25th day of June, 1976.

G. SIKALESELE,
Town Clerk,
Francistown Town Council

APPROVED this 29th day of June, 1976.

B.G. MAKOBLE,
Permanent Secretary,
Ministry of Local Government and Lands.

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