

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

**CHOBE DISTRICT COUNCIL (PHONE SHOPS, KIOSK, DESKTOP)
CONTROL BYE-LAWS, 2008**
(Published on 19th December, 2008)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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SCHEDULE

IN EXERCISE of the powers conferred by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the Chobe District Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the Chobe District Council (Phone Shops, Kiosk, Desktop) Control Bye-Laws, 2008. Citation
2. These Bye-laws shall apply to the whole of the Chobe District Council area as prescribed under the Administrative Districts Act. Application
Cap. 03:02
3. In these Bye-laws, unless the context otherwise requires — Interpretation
“authorised official” means the Council Secretary or any employee of the Council duly authorised as such, in writing, by the Council;
“Council” means the Chobe District Council;
“council area” means the area under the jurisdiction of the Council;
“certificate” means a phone shop, kiosk and desktop certificate issued under bye-law 5;
“desktop public pay phones” means desk placed phones commonly placed at the entrance of shops or any other designated place and are mostly coin operated and measuring at most 0.12 square metres;
“meter pay phones” means phones which have meters that determine the bill of the caller; and “telephone attendant” means the owner of the phone or a person employed to operate any type of phone specified in these Bye-laws.

Application for certificate

4. (1) Any person wishing to carry on the business of a phone shop, kiosk or desktop shall make a written application to the Council, supplying such information as the Council may require and in particular —

- (a) specifying the type of phone; and
 - (b) providing a sketch plan of the location in which such person wishes to trade.
- (2) The application shall be accompanied by —
- (a) a certified copy of the applicant's identity document (Omang); and
 - (b) in case of subletting, a lease agreement.
- (3) The Council may refuse to issue a certificate to any person —
- (a) if the applicant is not a citizen of Botswana;
 - (b) if it is satisfied that the issue of such certificate would be contrary to public interest; or
 - (c) in respect of a particular area or areas, if it is satisfied that the carrying on of the business in such area would conflict with the Town and Country Planning Act and the Tribal Land Act.

Cap. 32:09
Cap. 32:02
Issue of certificate

5. Subject to the provisions of sub-bye-law 4, the Council may, if satisfied that the requirements of these Bye-laws have been complied with, and on payment of a fee of P50.00, issue a phone shop, kiosk or desktop certificate as set out in Form A of the Schedule, subject to such conditions as it considers necessary or expedient having regard to the provisions of these Bye-laws.

Period of certificate

6. (1) A certificate issued under bye-law 5 shall, subject to the provisions of these Bye-laws, be valid for a period of two years and, unless renewed under sub-bye-law (2), shall expire immediately after a period of two years from the date of issue thereof.

(2) A certificate may, upon its expiry, be renewed by application made to the Council in the form set out in Form B of the Schedule, for a further period of two years subject to the payment of a fee of P50.00.

Prohibited forms of phone shop, kiosk or desktop phones

7. (1) No person shall —

- (a) in any area erect, install or operate a phone shop, kiosk or desktop phone in any booth, stall, stand or similar structure unless granted planning permission by the Council to use, in such area;
- (b) refuse, at the request of a police officer or an authorised official to move a phone shop, kiosk or desktop phone and any other object associated with such person's trade, so as to permit the Council to clear any area in which such business is conducted;
- (c) conduct the business of a phone shop, kiosk or desktop in any of the un-designated area unless permission of the Council is sought;
- (d) conduct the business of a phone shop, kiosk or desktop from a residential house; or
- (e) conduct the business of a phone shop, kiosk or desktop in a way that is likely to hinder or obstruct the vision and free movement of motorised and non-motorised traffic.

(2) Where a person conducts the business of a phone shop, kiosk or desktop on unallocated land, such person shall apply to the relevant land authority for the temporary rights to use the land and then apply for a phone shop, kiosk or desktop certificate in accordance with bye-law 4.

<p>8. (1) Structures used for the business of a phone shop, kiosk or desktop shall —</p>	<p>Structures used for business</p>
<p>(a) be constructed in a material that is fire resistant and well ventilated to ensure health and safety of the telephone attendant and customers;</p> <p>(b) be in conformity with its surrounding environment so as to ensure that the structure does not become an eye sore or cause injury to the amenity of such surrounding environment; or</p> <p>(c) provide enough shade for the telephone attendant and customers from rain, wind and the sun.</p>	
<p>(2) The Council shall have powers to request for any structure to be renovated or replaced and failure to do so may result in the certificate being revoked.</p>	
<p>(3) The Council shall, where possible, provide a model or sample of preferred telephone structures and may consider other submitted structures if they meet the required standard.</p>	
<p>(4) The structure shall only be used for the phone business applied for and not for any other business or purpose.</p>	
<p>(5) A phone shop may operate on a commercial, industrial or community plot or building and its structures shall be approved for that purpose by the Council.</p>	
<p>9. It shall be the responsibility of the telephone attendant to keep the surroundings of the phone shop, kiosk or desktop business clean by providing a rubbish bin next to such phone shop, kiosk or desktop.</p>	<p>Sanitary conditions</p>
<p>10. (1) A telephone attendant shall display a valid certificate at the premises or location where the business is being conducted.</p>	<p>Display of certificate</p>
<p>(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.</p>	
<p>11. The Council may modify, suspend or revoke a certificate issued under these Bye-laws if —</p>	<p>Modification, suspension or revocation of certificate</p>
<p>(a) the holder purports to hire, cede or transfer in any other way the certificate to another person, without first obtaining permission from the Council;</p>	
<p>(b) the Council reasonably believes that it is in the interest of the public to do so, or that the continuing use of the certificate will constitute a danger to public health or interest; or</p>	
<p>(c) the holder thereof is convicted of an offence under these Bye-laws.</p>	
<p>12. (1) Every holder of a certificate issued under these Bye-laws shall, on demand by a Council officer or a police officer, immediately produce such certificate for inspection, or otherwise shall, produce it at the office of such Council officer or at the station of such police officer, as the case may be, within such specified period of time as will be stipulated by the Council officer or police officer.</p>	<p>Certificate to be produced for inspection</p>
<p>(2) Any person who contravenes the provisions of sub-bye-law (1) shall be guilty of an offence.</p>	
<p>13. Any person aggrieved by the decision of the Council, made under these Bye-laws, may appeal to the Minister within a period of 14 days from the notification of the decision of the Council.</p>	<p>Appeals</p>
<p>14. (1) Any person who is guilty of an offence under these Bye-laws shall be liable, on conviction for a first offence, to a fine not exceeding P500.00 or imprisonment for a term not exceeding two months, or to both, and for a second and subsequent conviction, to a fine not exceeding P1,000 or to imprisonment for a term not exceeding six months, or to both.</p>	<p>Penalties</p>

Revision and adoption of levies

(2) Any person who is convicted of an offence under these Bye-laws may, in addition to any penalty to which he or she is liable —

(a) have his or her certificate cancelled with effect from such date as the court may determine; or

(b) have his or her associated goods impounded or confiscated.

15. The Council reserves the right to review, propose and adopt levies from time to time as it deems fit.

SCHEDULE

FORM A

PHONE SHOP, KIOSK AND DESKTOP CERTIFICATE

(Bye-law 5)

Certificate Number:

Surname:

Other Names:

Identity No.:

Place of Birth:

Sex:

Postal Address:

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Contact Numbers:

Plot No./Ward:

The holder of this certificate is hereby granted permission in accordance with the Chobe District Council (Phone Shops, Kiosk and Desktop) Control Bye-laws to carry on the business of a:

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(a) in the following location:

(b) space measuring:

(c) subject to the following conditions:

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Signature or right thumb print of holder

FOR OFFICIAL USE ONLY

Date on which application was considered:

Date of issue:

Fee paid:

OFFICIAL STAMP

Signature of Council Secretary

FORM B

APPLICATION FOR RENEWAL
(Bye-law 6(2))

Full name of Applicant:

Licence Number:

Identity No.:

Sex:

Physical Address:

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Date:

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Signature or right thumb print of applicant

FOR OFFICIAL USE ONLY

Comments from the Building Control Unit:

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Conditions for renewal:

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Approved or rejected:

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Signature of Council Secretary

MADE this 21 day of October, 2008.

M. THUSO,
*Deputy Council Secretary,
Chobe District Council*

APPROVED this day of , 2008.

M.N. NASHA,
Minister of Local Government.