
GOVERNMENT NOTICE No. 237 published on 7/06/2002

THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT, 1982
(No. 8 of 1982)

BY - LAWS

Made under section 80

THE SHINYANGA MUNICIPAL COUNCIL (ESTABLISHMENT AND
MAINTENANCE OF WATER SOURCES AND ENVIRONMENTAL SANITATION)
(AMENDMENTS) BY-LAWS, 2001

1. These By-laws may be cited as the Shinyanga Municipal Council
(Establishment and Maintenance of Water Sources and Environment

Citation
GN 36 of
1999

*Shinyanga Municipal Council (Establishment and Maintenance of
Water Sources and Environmental Sanitation (Amendment)*

G.N. No. 237 (contd.)

Sanitation) (Amendments) By-laws 2001, and shall be read as one with the Shinyanga Town Council (Establishment and Maintenance of Water Sources and Environment Sanitation) By-laws 1999 herein after referred to as the Principal By-laws.

Date of Operation 2. These By-laws shall come into operation on the date of publication in the *Government Gazette*.

Amend-
ment of
By-law 3 3. By-law 3 of the principal By-law is amended by deleting the whole By-law and substituting for it the following definitions:

"Council" means the Shinyanga Municipal Council;

"Mtaa" means a part or division of a ward and includes a part or a division of township situated within an area under individuals of an urban authority;

"Source of water" means a source of an improved well;

"Special Register" means a book containing records of registered water user group which are protected under these By-laws;

"Village" means in relation to Village the Village of that Village where water facilities are allocated;

"Village council" means the Village Council of the Village where water facilities are allocated;

"Water facility" means an improved well fitted with a pump;

"Water User Group (WUG)" means a group of individuals or Household at the Village or Mtaa level whose membership is open and are voluntarily united to establish and develop the source of water and maintain environmentat sanitation and it shall be mandatory under these By-laws for every communal source of water established within the jurisdiction of the Council to be registered in the register of the Council. Recognized Public Institution or Social Economic Development Group with Legal Registration can as well establish and develop sources of water and shall be registered by the Council as a water user group in order to attain legal protection under these By-laws.

*Shinyanga Municipal Council (Establishment and Maintenance of
Water Sources and Environmental Sanitation (Amendment)*

G.N. No. 237 (contd.)

4. By-law 6 of the Principal By-laws is amended:

Amend-
ment of
By-law 6

(i) by adding immediately after the word Village Council appearing in the first line of the By-law the word "Mtaa committee"

(ii) by deleting the word "District Council" appearing in the second line of the proviso and substituting for it the words "Municipal Council"

5. By-law 5 of the Principal by-law is hereby amended by deleting the whole section and substituting for it the following new By-law:

Amend-
ment of
By-law 5

Respon-
sibility
and
obligation
of the
members

5.-(1) Members of water user groups shall have responsibility and obligations to protect their assets and water facility from theft or damage.

(2) If the pump or pump equipment components are stolen or damaged, the members of the water user group concerned shall have full responsibility and obligation to replace the stolen or damaged pump equipment/components within three months after theft or damage.

(3) Where members of the water user group whose pump or pump equipment are stolen or damaged, fail to replace within the prescribed period, it shall be lawful for the Municipal Director upon a resolution of the Council in that behalf to issue warrant in the form set out in schedule "B" (to the Court Broker requiring him to distain upon the personal goods and chattels of such members of the water user group to the value of such sum in order to replace a stolen or damaged pump or pump equipment/component.

Provided that such warrant shall not be issued unless the period of three months referred to in sub By-law (2) have expired.

6. By-law 8 of the Principal by-law is hereby amended by deleting the whole section and substituting for it the following By-law:

Amend-
ment of
By-law 8

Creation
of Nuisa-
nce and
Chaos

8. Any person who shall create nuisance or chaos at the source of water by disturbing members of water user group or any person who is entitled to collect water commits an offence.

*Shinyanga Municipal Council (Establishment and Maintenance of
Water Sources and Environmental Sanitation (Amendment)*

G.N. No. 237 (contd.)

Amend- ment of By-law 9	<p>7. By-law 9 of the Principal By-laws is hereby amended by deleting the whole by-law and substituting for it the following new by-law:</p> <p>Construction of pit latrine or refuse facility or sources of water</p> <p>9-(1). Any person who shall construct a pit latrine or hole for the reception of night foul, urine, dirty water or rubbish of any description within thirty metres from the source of water shall be guilty of an offence and shall be liable on conviction to a fine of ten thousand shillings and shall be compelled to de-struct or bury the hole or pit latrine constructed.</p> <p>(2) Any Water User Group or Public Institution or Social Economic Group or Individual person who shall construct a Source of water within thirty metres from a constructed pit latrine or hole used for reception of night foul, urine, dirty water or rubbish of any description commits an offence under these By-laws and shall be compelled forthwith to destruct and or bury the well so constructed.</p>
Amend- ment of By-law 10	<p>8. By-law 10 of the Principal By-laws is hereby amended by deleting the whole section and substituting for it the following new section:</p> <p>Wash of clothes, body or grain</p> <p>10. Any person who shall wash clothes of any kind of grain or urinate or allow animals to drink in a domestic water supply source or sources of water commits an offence.</p>
Amend- ment of By-law 11	<p>9. By-law 11 of the Principal By-laws is hereby amended by deleting the section and substituting for it the following new By-laws:</p> <p>Deposit- ing of foul matters</p> <p>11. Any person who shall throw foul matter or thing or deposit or cause to be deposited noxious matter or throw dirty water or allow any foul or thing or dirty water to flow into or upon any water supply sources or source of water commits an offence.</p>
Amend- ment of By-law 12	<p>10. By-law 12 of the Principal By-laws is hereby amended:</p> <p>Deposit- ing of foul matters</p> <p>12-(1) By adding immediately after the word "Ward Executive Officer" appearing in the first line of the by-law the word "Division Secretary".</p>

***Shinyanga Municipal Council (Establishment and Maintenance of
Water Sources and Environmental Sanitation (Amendment)***

G.N. No. 237 (contd.)

(2) By adding immediately after the word "Country" appearing in the sixth line of the section the following words "and shall have powers under these By-laws to take legal action including taking to court anybody or member of the water user group who shall contravene any provision of these By-laws.

11. By-law 13 of the Principal By-laws is hereby amended by deleting the whole section and substituting for it the following new By-law:

Amend-
ment of
By-law
13

Theft
destruction and
penalty.

13. Any person who shall destroy or steal or tamper with a pump or any part of the instrument from the source of water is guilty of an offence and upon conviction shall be liable to a fine exceeding Tshs. 10,000/= or an imprisonment for a term not exceeding five months or to pay back forthwith the destroyed or stole or tempered pump or part of instrument at the current price.

12. By-law 14 of the Principal By-laws is hereby amended by deleting the words "Shs. 5,000/= appearing in the third line of the section and substituting for it the words "Shs. 10,000/=".

Amend-
ment of
By-law
14

SCHEDULE

**SHINYANGA MUNICIPAL COUNCIL
FORM OF SUMMARY WARRANT OF ATTACHMENT AND SALE**

Made under Section 5 (iii)

To the Court Broker

.....
.....
These are to command you to attach and hold the personal goods or chattel of Mr./Mrs./Miss/Ms. of

..... Village as set forth in the schedule hereto, unless the said
.....shall pay the sum of Tshs.

being the contribution to replace a stolen or damaged pump or pump equipment which belongs to Water user group and affix the same to this court house and after making due proclamation to sell by auction the same or so much thereof as shall be the cost of attachment.

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Water Sources and Environmental Sanitation (Amendment)***

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Your are further commanded to return this warrant on or before the
day ofwith an endorsement certifying the manner in which it has
been executed or the reason why it has not been executed.

Given under my hand and the seal of the court this day of
.....

.....
Magistrate

The Common Seal of the Shinyanga Municipal Council was affixed to
these By-laws in pursuance of a meeting of the Council duly convened
and held on 23rd October, 2001 and it was affixed in the presence of:—

J. M. MATONDO
Mayor



N. A. K. MWAUKUKA
Municipal Director

I APPROVE,

Dodoma,
12th February, 2002.

BRIG. GEN. (RTD.) HASSAN NGWILIZI, (MP.),
*Minister of State, President's Office,
Regional Administration and
Local Government*