

# **THE LOCAL GOVERNMENT ACT**

## **SECTIONS 76-THE KATETE DISTRICT COUNCIL (VILLAGE CLEANLINESS) BY-LAWS**

***By-laws made by the Council and confirmed by the  
Prime Minister***

CAP. 281

Statutory  
Instrument

46 of 1994

Act 13 of 1994

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|---|---|
| 1. These By-laws may be cited as the Katete District Council (Village Cleanliness) By-laws.   | Title   |
| 2. In these By-laws, unless the context otherwise requires-   | Interpretation  |
| "area" means the area under the jurisdiction of the Katete District Council;  | Cap. 289  |
| "Council" means Katete District Council;  |   |
| "village" means a community of households established under the Registration and Development of Village Act within the Council Boundaries;  |   |
| "cleanliness" means the maintenance of stipulated health standards for prevention of communicable diseases;   |   |
| "nuisance" means a condition liable to be injurious and dangerous to health as defined under section sixty-seven of the Public Health Act;  | Cap. 295  |
| "domestic dwelling" means any form of building in human use, or intended for human use, whether for purposes of business, residence or amusement;   |   |
| "refuse pit" means a pit dug for disposal of domestic household refuse;   |   |
| "latrine" includes a privy, urinal, pail closet, pit closet, earth closet, chemical closet, water closet;   |   |
| "latrine accommodation" includes a receptacle for human excreta, together with the structure containing and including such receptacle and the fittings and apparatus connected therewith;   |   |
| "occupier" includes any person in actual occupation of land or premises without regard to the title under which he occupies.  |   |
| 3. (1) Every person shall take all lawful, necessary and practicable measures for maintaining his village or area at all times in a clean and sanitary condition and for preventing the occurrence of or for remedying any nuisance or condition liable to be injurious or dangerous to health. | Community to maintain cleanliness and prevent nuisances |
| (2) The occupier of any domestic dwelling shall provide a refuse pit situated at least twenty metres away from the dwelling house for disposal of refuse.   |   |
| 4. (1) Any person who fails to obey an order of the Council to comply with the requirements of By-law 3 within the time specified by the Council, or otherwise to remove the nuisance, shall, unless he satisfies   | Failure to comply with order                            |

the Court that he has used all diligence to carry out such order, be guilty of an offence.

(2) The Council may enter the premises to which any such order relates and remove the nuisance and do whatever may be necessary in the execution of such order and recover, as a civil debt, the expenses incurred from the person against whom the order is made.

**5. (1)** The Council may order the demolition of any domestic dwelling where it is satisfied that such dwelling is so dilapidated or so defectively constructed as to make it unfit for human habitation and may recover from the owner, as a civil debt, the expenses incurred therein. Demolition of dilapidated or defective dwelling

(2) Any person who wilfully fails to comply with any order for demolition, shall be guilty of an offence.

(3) No compensation shall be paid by the Council to the owner or occupier of any such dwelling or other structure which may be damaged in respect of a demolition order.

(4) From the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such dwelling or structure.

**6. (1)** Every dwelling house must be provided with a separate latrine accommodation: Provision of latrine accommodation to dwelling houses

Provided that, notwithstanding anything contained in these By-laws, a separate latrine may not be provided where, in the opinion of the Council, sufficient latrine accommodation is so conveniently situated that it may be safely used in common by the households in that community.

(2) Any person who damages or makes improper use of any public latrine or a latrine provided in connection with any school, church or place of public worship, theatre, markets, clinics, public hall or other public place shall be guilty of the offence.

**7.** Where any owner or occupier who is in receipt of a written notice, shall fail to comply with the requirements of such notice within the period specified in the notice the Council may, after the expiration of the period specified, do the work or direct any person to do the work required to be done, and recover, as a civil debt from the owner or occupier the expenses incurred by it in so doing. The Council to enforce provision of latrine accommodation

**8.** Any person who causes any existing domestic dwelling or public building to be erected or who occupies, or being the owner, permits to be occupied any such domestic building or public building in contravention of the provisions of these By-laws shall be guilty of an offence.

Provisions of accommodation to domestic and public building

**9.** (1) Any person who contravenes any provision of these By-laws, shall be guilty of an offence and shall be liable-

Offences and Penalties

(a) in the case of a first offence to a fine not exceeding ten penalty units or imprisonment for a period of six months, or to both;

(b) in the case of continuing offence, to a fine not exceeding five penalty units for every day during which the offence continues.

(2) In addition to any penalty prescribed by sub-by-law (1), the court may order that any expenses incurred by the Council in consequence of such contravention be paid by the person committing the contravention.

*(As amended by Act No. 13 of 1994)*