REPUBLIC OF GHANA

LOCAL GOVERNMENT BULLETIN

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Kwahu West Municipal Assembly (Sanitation) Bye-laws, 2018

1. Disposal of refuse

(1) Where the Kwahu West Municipal Assembly (hereinafter referred to as "the Assembly") has in any town or village set aside a place for the disposal of refuse, no person shall place or cause or permit to be placed any carrion, filth, dirt, refuse or rubbish or any offensive or unwholesome matter on any street, yard enclosure or open space in such town or village except at the place so set aside for that purpose.

(2) Where there has been contravention of sub-paragraph (1) of this Bye-law and the offender has not been identified or discovered, the fact of any carrion or other substance mentioned in the said sub-paragraph being found adjacent to any building shall be prima facile evidence of it having been placed there by the occupier thereof.

2. Duty of occupier to keep premises, free from nuisance

(1) The occupier of any premises (or the owner of the premises, if for the time being unoccupied or if the occupier cannot be found) shall keep such premises on free from all nuisance, and where any premises abut a street the occupier shall keep clean and free from all nuisance so much of such street as shall be contiguous to such premises up to the middle of such street, including any drain, gutter or channel situated on any portion of the street.

3. Notice to be given by Health Inspector

(1) Wherever any health Inspector or Health Officer receives information of, or otherwise has reason to suspect the existence of any nuisance, he shall conduct or cause to be conducted an inspection of the premises where such nuisance is suspected to exist and serve a notice on the person by whose act, default, or sufferance the nuisance has arisen.

(2) Where the nuisance involved any animal or bird, the notice may require the occupier or owner of the premises concerned to remove the animal or bird from the premises.

(3) If a person on whom notice is served defaults in complying with any of the requirements thereof within the time specified in the notice, or within five days if no time is so specified or fails to satisfy the Health Officer or Health Inspector that he has diligently complied with the specified requirements, he shall be processed before a Court of competent jurisdiction or Tribunal.

(4) If such a Court or Tribunal is satisfied that the alleged nuisance exists, and that although it is abated it is likely to recur on the same premises, the Court or Tribunal shall make an order on the person in default requiring him/her to comply with all or any of the requirements of the notice, or otherwise to abate the nuisance specified in the order and both within such time as the Court or Tribunal may deem sufficient or an order prohibiting the recurrence of the nuisance or an order both requiring abatement and prohibition the recurrence thereof.

(5) Any person who fails to comply with an order made under sub-paragraph (3) of this paragraph commits an offence

and shall be liable on conviction to a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding three months.

(6) Subject to sub-paragraph (5) of this paragraph a Health Inspector may enter such premises to which the order relates and abate the nuisance and may recover the expenses incurred as a result thereof as a civil debt from the occupier.

(7) Where the person by whose act or default the nuisance has arisen or the owner or occupier is not known or cannot be found, the necessary work of abating such nuisance may be executed under the authority of a Health Inspector.

4. Health Inspector inspects premises

(1) A Health Inspector or any persons authorized in writing by the Municipal Director of Health may enter and inspect any premises at any time between the hour of six (6) in the morning and six (6) in the evening for the purpose of inspecting it for the existence or continuous existence of any nuisance therein.

(2) If admission to a premises for any of the purposes mentioned in this Bye-law is refused, the Municipal Co-ordinating Director may authorize the aforesaid persons or any of them if necessary, to break into and enter such premises and any such order shall continue in force until the nuisance has been abated, and the work for which the entry was necessary has been completed.

(3) Whoever refuses admission to any Health Inspector or any of the persons aforesaid, and obstructs or hinders him from making any such entry or inspection or abatement of nuisance or disobeys any orders as aforesaid commits an offence and shall be liable on conviction to a fine not exceeding 5 penalty units or to imprisonment for a term not exceeding three months.

5. Health inspector inspect premises

(1) The owner or occupier of any premises shall keep the said premises free from all infectious diseases.

(2) Where a Health inspector considers that the cleaning and disinfecting of any premises or part thereof of any articles therein will prevent or check the outbreak or spread of infectious disease, he shall give notice to the occupier or owner of such premises requiring him to clean and disinfect such house or part of article thereof.

(3) If the person to whom notice is given fails to comply therewith he shall be liable to a fine of two (2) penalty points, for every day during which he continues to default and the Health Officer may cause such house or part thereof and articles to be cleaned and disinfected and shall recover the expenses from the occupier or owner in default.

6. Letting of infected houses

(1) Whoever knowingly lets, either for hire or otherwise, any house, from or part of a house in which any person has been suffering from any dangerous infectious disorder without having such house, room or part of the house and all articles therein properly disinfected to the satisfaction of the Health Officer, commits an offence and shall be liable on conviction to a fine not exceeding 50 penalty units or imprisonment for a term not exceeding six months.

(2) For the purpose of this section, the keeper of any boarding house or hotel shall be deemed to let for hire part of the house to any person admitted as a guest into such boarding house or hotel.

7. Use of cemetery

(1) Where the Assembly has at any town or village set aside a place for use as cemetery or where a cemetery has otherwise been lawfully provided at any town or village no person shall bury or cause to be buried at or in the neighborhood of such town or village body of any deceased person except at such cemetery.

(2) All burials of deceased persons shall take place at any day between the hours of six (6) in the morning and six (6) in the evening. Burial of any deceased person after 6:00pm shall constitute an infringement to this sub-paragraph and on conviction shall be liable to a fine not exceeding five (5) penalty points or imprisonment not exceeding three (3) months.

8. Unlawful defecation at public/open places

(1) It shall be unlawful for any person to defecate or empty his bowels at any restricted or prohibited area, or any public place or open space or in any place being an apartment or adjoining dwelling house, except places dedicated as restrooms or toilets or washroom.

(2) No occupier of any premises shall by act, default or sufferance allow the existence of a nuisance in such premises

(3) Anyone who contravenes paragraphs (1&2) herein commits an offence and on conviction shall be liable to a fine not exceeding fifty (50) penalty points or imprisonment not exceeding three (3) months.

9. Offence

Except as otherwise provided in these Bye-laws any person who fails to comply with or contravenes any of the provision of these Bye-laws shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding 50 penalty units and in default of payment to imprisonment to a term not exceeding three months and shall on any subsequent conviction for the same offence after the first conviction, be liable to a fine not exceeding 60 penalty units in default of payment to a term of imprisonment not exceeding three (3) months.

10. Interpretation

In these Bye-laws, unless the context otherwise requires"
"Health Inspector "includes a Health Superintendent and any person appointed as a Health of the Assembly. "Nuisance "means anything which is either injurious to health or comfort and convenience of life of members of the public and includes:

(a) Any street, house or premises in such state as to be, or likely to be injurious to health

(b) Any pool, ditch, gutter, water cause, Latrine, pond, urinal, cesspool, drain or refuse bin in such a state as to be, or likely to be, offensive or injurious and dangerous to health.

(c) The keeping or harboring of any animal or bird in any premises in such a manner or in any premises so constructed, or so situated as to cause or likely to cause, such nuisance or injury to health.

(d) Any growth of weed, prickly, pear, long grass or wild bush of any sort.

(e) Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates.

(f) Any work, manufacture, trade or business injurious to the health of the neighbours or which is so conducted as to be dangerous or injurious to health.

(g) Any accumulation or deposit of rubbish, rage, excreta, urine, broken bottles or of articles of things, which are or likely to be injurious to health.

(h) Any well, pond or tank, the water of which is tainted with impurities or otherwise unwholesome as to be injurious to the health of the person using it. "Owner" includes the occupier.

11. these Bye-laws shall apply within the area of authority of the Kwahu West Municipal Assembly.