Statutory Instrument…of 2022

Cap 29.15

RUSAPE TOWN COUNCIL (Licensed Premises) By-Laws, 2023

-ARRANGEMENT OF SECTIONS

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 IT is hereby notified that the Minister of Local Government and Public Works has, in terms of section 229 of the Urban Council Act Chapter29:15 (approved the following by-laws made by Rusape Town Council)

*Title*

1. These by-laws shall be cited as the Rusape Town Council Licensing and Licensed Premises By-laws 2023.

*Application*

2 .These by-laws shall apply to the Council area under the jurisdiction of the Rusape Town Council.

*Interpretation of terms*

3. In these by-laws:-

“aerated water” means every kind of non-alcoholic effervescent liquid prepared for human consumption and sold in bottles, siphons, casks or other vessel.

“Aerated water factory” means any premises wherein is carried on the manufacture or preparation of aerated water for the purpose of sale.

 “Authorized person” means the Zimbabwe Republic Police, Municipal Police, or any person employed or delegated by Council to carry out functions prescribed in these by-laws.

“Approved” means approved by council or the medical officer of health, or any person employed or delegated by Council to carry out functions prescribed in these by-laws.

“Baker” means any person who carries on the business of selling, whether by wholesale or retail, bakery products baked or made by him.

“Bakery” means any premises used for the purpose of the business of a baker.

“Bakery products” means and includes bread, biscuits, rolls, tarts, cakes, pies, and pastry, confectionery or sweet meats.

“Bake-house” means that portion of a bakery used for the purpose of baking or for the manufacture of bakery products.

“barbers’ or hairdresser’s” means person who carries on or who assists in carrying on the business of shaving or cutting the hair or styles hair, who carries out manicures, pedicures and facials for human beings for payment or other valuable consideration.

“Lodge or “hotel” means and includes any premises where articles of food or drinks are prepared or cooked or provided for sale and in which rooms or flats are let or offered for hire as accommodation for any person other than the proprietor and family, a hostel, a lodging house, or such like other premises provided for students in tertiary colleges but shall not include;--

1. A club.
2. or charitable institutions.
3. Premise in which accommodation is provided for fewer than five persons

 “Boarding House” A residential property used to let for hire as accommodation for any person other than the proprietor such like residential properties which offer accommodation for tertiary students.

“Butcher” means a person whose business is to sell meat for human consumption.

 “Butcher’s shop” means any premises used for the purpose of the business of a butchery.

 “ meat” means the flesh or offal of any animal as herein- before defined , but shall not include canned meats nor potted meats nor biltong.

 “Chief Health Officer” means a person employed by Council to hold office as head of department for health services and includes a person authorized to act in that capacity.

“Council” means Rusape Town Council.

“Fishmonger” means any person whose business is to sell fish for human consumption;

“Fishmonger’s shop” means any premise used for the purpose of the business of a fishmonger;

“food” means any substance which is, in whole or in part, intended for human consumption or
which is intended for entry into, or to be used in the manufacture of, any such substance;

“Fruit juice” or “cordial” means bottled preparations made from fruit juice or fruit essence.

“Environmental Health Officer” is an officer registered as an Environmental Health Officer by the Health Professions Council of Zimbabwe and carries out meat and food inspections.

 “Environmental Health Technician” means a Technician is an Officer registered as an Environmental Health Technician by the Health Professions Council of Zimbabwe and also carries out sanitary and food inspections.

“Ice factory” means any premises wherein is carried on the manufacture or preparation of ice for the purpose of sale.

“License” means a license granted in terms of Shop Licenses Act Chapter 14:17 or under these by-laws or any other by-law of the Rusape Town Council and shall include a Rusape Town Council registration certificate.

“Licensee” means any person holding the license granted under these by-laws.

“Licensed premises” means premises Licensed in respect of these By-Laws and the Shop Licenses Act Chapter 14:17

 “Medical officer of health” means the officer holding office under the council as medical officer of health or his deputy, and includes any medical practitioner lawfully acting in that capacity as medical officer of health.

“Person(s)” means any individual, sole trader, partnership, company, cooperative, body, organization or institution offering service or trade either for cash or reward and non-governmental organizations and other quasi-government organizations and includes parastatals law firms, architects, plumbers/drain layers, brick layers, carpenters, draughtsman, brick/block molder, mechanics, panel beaters and spray painters, welders, millers, surgeons/doctors, gas operators, private hospitals, clinics, private schools, pharmacies, laboratories, hair dressing salons, barbers, fishmongers, car wash, banks, accounting firms, insurance company/agencies, funeral paler, all workers unions, employment Councils, real estate agency, transport, electronic money transfer, internet cafes, electrician, photocopying and typing, depots, manufacturing, restaurant, electronic repairs, filling station, garages, kiosks, tailoring and knitting, computer and phone accessories, florist, nurseries, colleges, money lenders, universities, crèches, boarding houses, lodges, car dealers and car breakers, commodity broking, security firms, and any other related trades and businesses.

“Registration certificate” means a registration certificate granted under these by-laws.

“Tea room” or “café” or “restaurant” means premises in which non-alcoholic beverages, bakery products are consumed on the premises, or in which the cooking and sale of foodstuffs is done on the premises.

*Application, renewal, cancellation or withdrawal of Licenses and registration certificates*

4 (i) No person(s) shall carry on or conduct any trade or business or offer services without License or registration certificate issued in accordance with these by-laws.

 (ii) Any person who carries on or conducts any trade or business shall obtain from Council a License or registration certificate upon payment of the prescribed fees provided the applicant and his premises have satisfied any conditions as may be laid down by the Council.

 (iii) A License/Registration certificate shall not be transferrable from the holders thereof to any

 other person(s).

(iv) A registration certificate can be transferrable from the premises from which it was granted to another upon payment of transfer fee as per Council budget and with the consent of the Council.

 (v)A License/registration certificate shall be valid for any period not exceeding one calendar year and shall expire on the 31st December in the year for which it was issued.

 (vi)The license/registration certificate shall be placed in a conspicuous place within the trade premises and shall be made available on demand by an authorized person.

(vii) The renewal of a license/registration certificate shall be made to the Council on the form prescribed by the Council on or after the 1st of October in each year.

 (viii) Council may cancel or withdraw a license/registration certificate if the holder of same is guilty of any contravention of the provisions of these by-laws.

(ix) Any person who operates without a license or registration certificate shall be guilty of an offence and liable to a penalty as per Council budget.

*Premises to comply with By-Laws*

5. (i) No person shall occupy a new building unless and until the owner has applied for a certificate of occupation.

(ii) No person shall operate a business on a premises which is not compliant with the Model Building By-laws, the provisions of the Public Health Act, ZERA Act regulations and the EMA Act

(iii) Any person who contravenes subsection (i) and (ii) shall be guilty of an offence and shall be liable to a penalty as per Council budget and Council shall notify the business operator to suspend business operations until the premises is compliant.

*Inspection of premises and general requirements for trade premises*

1. (i) An authorized Officer of Council shall at all reasonable times when business operations are in progress enter and inspect any premise to which these by-laws apply, and examine any materials and any process carried out therein, and

(ii) Any person who directly or indirectly willfully hinders, obstructs, resists or refuses information or gives false or misleading information to any official in the course of such inspection (2) shall be guilty of an offence and liable to a penalty as per Council budget.

*Classes Of Goods*

 7 (i) Business can apply for the following classes of goods and trades:

1. CLASS 1 – All goods relating to the trade or business of a fishmonger.
2. CLASS 2 – All goods relating to the trade of a butcher and fishmonger.
3. CLASS 3 – Dairy produce and eggs.
4. CLASS 4 – (i) Frozen prepackaged meat and fish or

 (ii) Smoked, salted or dried meat and fish or

 (iii) Poultry, bacon, ham, sliced cooked meats, sausages and polonies

 (not contained in a tin)

1. CLASS 5 – Foodstuffs sold for consumption off the premises on which they are sold without further preparation.
2. CLASS 6 – All food stuffs not specified in classes 1, 2, 3, 4 and 5
3. CLASS 7 – All goods other than food stuffs
4. CLASS 8 – Aerated waters, beverages, fruit drinks, tobacco, smokers requisites, matches,

 bread biscuits, cakes, poultry, milk, ice- cream, sugar, sweets, chocolates,

potato chips and other packaged none-perishable foodstuffs, fruit and vegetables, newspapers, periodicals, boots and postcards only.

1. CLASS 9 – Aerated waters, fruit drinks, manufacture tobacco, cigars, cigarillos,

 Cigarettes, matches, bread, ice-cream, sweets and potato chips.

(ii) No person shall carry on any trade or business other than in goods or services he/she is licensed to.

(iii) Any person who contravenes subsection (2) shall be guilty of an offence and liable to a penalty as per Council budget.

*Notices and Orders*

1. Notices, orders and other such documents under these by-laws requiring authentication by the Council shall be sufficiently authenticated if signed by any duly authorized person of the Council.

 *Protection of food*

1. (i) Meat or fish for human consumption shall be transported to or by butcher or fishmonger on a covered vehicle lined with an impervious material free from open joints. Such vehicle shall not be used for the conveyance of any commodity other than meat or fish and shall be maintained in good repair and a clean state at all times.

(ii) Every vehicle or receptacle used for the purpose of hawking or peddling food shall be so constructed as to protect any food carried therein from contamination, and shall at all times be kept and maintained in a clean, wholesome and sanitary condition.

(iii) Every shop or room in which articles of food are prepared, manufactured, sold, exposed or offered for sale, or stored, shall comply with the requirements of the Council’s Building By-Laws, Public health Act and Food and Food Standards Act (Chapter 15:04) , in addition with the following requirements:-

(iv) All articles of food shall be stored, handled, sold, delivered and distributed under wholesome conditions such as will not expose them to contamination by infection, dust, mud or flies.

(v) Every vessel, shop, room, receptacle, container, paper or any other material and vehicle used for wrapping ,covering storage ,sale, preparation, manufacturing, delivery or distribution of food shall be kept and maintained at all times in a thoroughly clean, wholesome and sanitary condition.

(vi) All food intended for human consumption shall be protected from contamination by flies or dust until delivered to the consumer.

(vii) All confectionery and cooked meat shall be handled by the use of some approved apparatus or instrument.

(viii) Every person who handles food for human consumption shall when so doing wear a clean uniform, and shall be clean as to his/her hands and body.

(ix) All premises wherein food is prepared handled or sold for human consumption shall, as far as may be practicable, be maintained free of flies, cockroaches, rodents and other vermin.

(x) No person unless he shall be exempted by the Medical Officer of Health from the operation of these by-law, shall be occupied or employed or be or remain on any premises licensed or registered under these by-laws, or any premises in which food is prepared or handled or stored if-

1. he/she himself/herself is suffering from any infectious or contagious disease; or
2. he/she is a contact of any person suffering from any infectious or contagious disease; or
3. if the Medical Officer of Health has grounds for suspecting that any person employed in any trade or business concerned with the preparation or handling of food or drink for human consumption is a carrier of any communicable disease he may give notice in writing to the responsible manager of the trade or business concerned certifying that, for the purposes of preventing the spread of the disease, he/she considers it necessary to make a clinical examination of such suspected person, and the responsible manager and all other persons concerned shall give to the medical officer of health all reasonable assistance in the matter.

(ii) If, from the result of such an examination, or from bacteriological or protozoological examination of material obtained at any such any examination, or any other evidence which he/she may deem sufficient for the purpose, the Medical Officer of Health is of opinion that the specified person is a carrier of communicable disease, the Medical Officer of Health may give a notice in writing to that effect to the responsible manager and to the suspected person with a view to preventing further spread. During such a period to be specified in such a notice, the employment of the person to whom the notice relates in the conduct of the trade of business or in any other trade or business concerned with the preparation or handling of food or drink.

(iii) It shall be the duty of the person to whom any such notice is addressed to comply with the requirements of this notice.

(iv) No compensation shall be payable by the Council to any person prohibited by such notice from employment.

(xi) Any person who contravenes subsection (1, 2, 3, 4, 5, 6, 7, 9 and 10) (2) shall be guilty of an offence and liable to a penalty as per Council budget and Council shall inform the business operator to suspend business operations until the premises is compliant.