

Ashaiman Municipal Assembly (Hotels, Restaurant, and Eating Joints or Chop Bars) Bye-Law, 2017

In exercise of the powers conferred on the Ashaiman Municipal Assembly by section 181 subsection 1 of the Local Governance Act, 2016 (Act 936) this Bye-law is hereby made.

License

1. (a) A person shall not designate a place as a hotel, motel, guest house, restaurant, eating joints or chop bar, unless the premises has been approved and licensed by the ASHMA for that purpose.
- (b) A license issued under this Bye-law is subject to such conditions as the ASHMA shall impose;
- (c) A license issued shall take effect from the date on which it is granted and shall determine on the 31st day of December in the year in which the license was issued.
- (d) Every license granted shall be personal to the licensee only and not transferable.

Provision of separate places for eating, cooking and lavatory

2. (a) A hotel, motel, guest house, restaurant, eating joint or chop bar premises shall provide the following;
 - (i) A separate room used solely as a public eating room.
 - (ii) A separate kitchen used solely for cooking and for the preparation of food and liquid refreshment for use in the premises aforementioned.
 - (iii) A separate lavatory for male and female.
 - (iv) A separate changing/cloak room for male and female.

Requirement as to public eating room

3 (a) A public eating-room in the premises aforementioned shall have the minimum dimensions of not less than five meters long, four meters wide and four meters high. The minimum requirements so stated may change having regard to the circumstances of the case.

(b)The floor of every public eating-room shall have a minimum of concrete floor and the wall, capable of being washed or painted.

(c) The proprietor of public eating-room shall provide adequate lighting, ventilation and keep the premises clean at all times.

(d) The eating room shall be fly proof.

(e) A kitchen in the aforementioned premises shall have a concrete floor, and in every such kitchen suitable fly-proof storage for foodstuffs, meat, fish and vegetables together with one or more tables for the preparation of food.

(f)The licensee shall further provide adequately covered receptacles for storage and the disposal of refuse and maintain the kitchen to ensure cleanliness of the premises.

Washing of plates and others

3. A licensee shall have a suitable arrangement for the washing of plates and utensils. Where the licensee is not using a dish washer, the licensee shall constantly replace the water used for washing.

Infected Person

4. (a) A licensee shall not permit any person suffering from an infectious or contagious disease to take part in the preparation or serving of food or in connection with the hotel, restaurant, eating-house or chop bar.
(b) To ensure compliance with the above paragraph of this Bye-law, the licensee shall furnish the ASHMA with a medical report of the licensees' workers issued by the medical officer of ASHMA or a certified designated health facility in the city certifying that the person is fit to work in any of the places mentioned therein before the issuance of the license to operate as such.

Nuisance

5. The licensee shall not keep livestock on the premises of operation.

Obstruction

6. A person shall not obstruct or resist an Officer of health or any other person appointed by the ASHMA and acting in the performance of his duties relating to any of the provisions of this Bye-law.

Withdrawal of license

7. (a) The ASHMA in its discretion may withdraw a license issued under this Bye-law if;
 - (i) an alteration is made to any premises licensed hereunder without the permission of the ASHMA or the necessary planning authority;
 - (ii) if the licensee operates contrary to the provisions of this Bye-law;
 - (iii) if the licensee is convicted of any of the offences under this Bye-law;(b) A licensee whose license is revoked shall apply for a fresh license to operate the premises after satisfying all the conditions of the ASHMA in respect of operating premises as a hotel, restaurant, food joint or a chop bar.
(c) A licensee whose license is withdrawn shall pay a penalty fixed by the resolution of the ASHMA before a new license is issued.

Appeal

8. (a) A person dissatisfied with the revocation of a license shall within 7 days from the day of the decision appeal to the Municipal Chief Executive (M.C.E.) for redress.
(b) The M.C.E. on receipt of same shall constitute a panel of three comprising the Solicitor of the ASHMA, the heads of the Planning and Health Departments of the ASHMA who shall hear the appeal and report to the M.C.E. within two weeks with their recommendations.
(c) The M.C.E. on receipt of the recommendations shall accept, reject or modify the committee's recommendations and notify the appellant in writing of the decision taken by the M.C.E. containing the recommendations.

Offence and Penalty

9. A person found guilty of a breach of any of the provisions of this Bye-law or a license granted hereunder shall be liable on conviction to a fine of between 50-100 penalty units or in default of payment, to imprisonment for a term not exceeding three months or to both.
10. A place where food is prepared or cooked or beverages are provided for sale to the public for consumption shall be deemed to be a restaurant or eating-house for the purpose of this Bye-law.

Interpretation

11. In this Bye-Law unless the context otherwise requires;
“ASHMA” means Ashaiman Municipal Assembly,
“M.C.E.” means the Municipal Chief Executive,
“Hotel” shall include motel and guest house.

Title

12. This Bye-law shall be cited as Ashaiman Municipal Assembly (Hotels, Restaurant, and Eating Joints or Chop Bars) Bye-Law, 2017.

Revocation

13. The Bye-law on control of Hotels, Restaurants and Eating-houses or Chop Bars) 1995, is hereby repealed.

Made at a meeting of the Ashaiman Municipal Assembly.....

SIGNED

Presiding Member

Ashaiman Municipal Assembly and Secretary of ASHMA

SIGNED

Municipal Co-ordinating Director

Approved by the Regional Co-ordinating Council, Greater Accra on behalf of the Ministry of Local Government and Rural Development.

Regional Minister

**Regional Co-ordinating
Director**