

Section Twenty

Tema Metropolitan Assembly (Hotels, Restaurant, drinking bars and Eating Joints or Chop Bars) Bye-Law, 2017

IN exercise of the powers on the Accra Metropolitan Assembly by section 104 of the Local Governance Act, 2016 (Act 936) hereby made this Bye-Law:

Title

1. This Bye-law may be cited as Tema Metropolitan Assembly (Hotels, Restaurants, drinking spot, eating joints or chop bars) Bye-Laws, 2017

License

2. (a) A person shall not designate a place as a hotel, motel, guest house, restaurant, eating joints or chop bar, unless the premises have been approved and licensed by the TMA for that purpose.
(b) A license issued under this Bye-law is subject to such conditions as the TMA 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 is issued.
(d) Every license granted shall be personal to the licensee only and not transferable.

Provision of separate places for eating, cooking and lavatory

3. (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

4. (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

4. 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

5. (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 bye-law 5(a) above, the licensee shall furnish the TMA with a medical report of the licensees' workers issued by the medical officer of TMA 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

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

Obstruction

7. A person shall not obstruct or resist an Officer of health or any other person appointed by the T.M.A and acting in the performance of duties relating to any of the purposes of this Bye-law.

Withdrawal of license

8. (a)The TMA 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 TMA 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 as such after satisfying all the conditions of the TMA 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 TMA before a new license is issued.

Appeal

9. (a) A person dissatisfied with the revocation of a license shall within 7 days from the day of the decision appeal to the M.C.E. for a redress.
(b) The Mayor on receipt of same shall constitute a panel of three comprising the Solicitor of the TMA, the heads of the planning and health departments of the TMA 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

10. A person found guilty of a breach of any of this Bye-law or a license granted hereunder shall be liable on conviction to a fine of not less than 170 penalty units or in default of payment to imprisonment for a term not exceeding six months or both.
11. A place where food is prepared or cooked or liquid refreshment is provided for sale to the public for consumption on the premises shall be deemed to be a restaurant or eating-house for the purpose of this Bye-law.

Interpretation

12. In these Bye-Laws unless the context otherwise requires;
TMA means Tema Metropolitan Assembly, M.C.E. or Mayor means the Metropolitan Chief Executive, Hotel shall include motel and guest house

Application

13. These Bye-laws shall apply within the area of authority of the TMA.

Revocation

Any Sanitation Bye-laws within the area of authority of the Assembly in existence immediately before the coming into force of these Bye-laws are hereby revoked

Made at a meeting of the Accra Metropolitan Assembly....

SIGNED

*Presiding Member
Tema Metropolitan Assembly*

SIGNED

*Metropolitan Co-ordinating Director
and Secretary of TMA*

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

SIGNED

Regional Co-ordinating Director and Secretary to R.C.C.