

## **Section Thirty-two**

### **Tema Metropolitan Assembly (Kiosk-Keepers) Bye-Laws, 2017**

IN exercise of the powers on the Tema Metropolitan Assembly by section 181 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 (Kiosk Keepers) Bye-Laws, 2017.

#### **License**

2. (a) A person shall not construct or keep a kiosk in the Tema Metropolis for the transaction of business without first applying to the Assembly for a license to construct and transact business thereon and written consent of the landlord.  
(b) A license granted under Bye-Law 1(1) is temporary and the TMA reserves the right to order the removal of any kiosk if its location is required for a public use.  
(c) An applicant shall attach to the application for a license to operate a kiosk, three site plans of the area and the location of the kiosk;  
(d)The TMA shall in accordance with its fee fixing mechanism determine fee payable for the issuance of the license;

#### **Display of official numbers**

3. The owner of a kiosk shall display the official number(s) allocated by the TMA on the frontage of the kiosk.

#### **Dimension**

4. No kiosk shall exceed 12 square meters.

#### **Monitoring and Enforcement**

5. (a) A delegated officer or officers of the department of physical planning of the TMA shall ensure that all kiosk constructed in the city complies with the provisions of this Bye-law;  
(b) The owner of a kiosk erected contrary to the provisions herein shall be notified in a writing specifying the breach and given twenty-one days to remedy the breach and failure on the owner's part, the TMA shall remove the kiosk and surcharge the owner with the cost of the removal.

#### **Former Licenses**

6. A license issued in respect of an existing kiosk granted by the TMA shall remain valid until it expires.

#### **Offence and Penalty**

7. (a) Any person who contravenes any provision of these Bye-laws shall be guilty of an offence and shall on conviction be liable to a fine of not less than 100 penalty units or to a term of imprisonment not exceeding three months or both.  
(b) Notwithstanding any court action instituted under Bye-law 1, the TMA may remove any unauthorized kiosk after giving fourteen days' notice to the owner of the kiosk to remove it and surcharge the owner with the cost of removal if the owner fails to do so.

(c) Where the removal of the kiosks is due to expansion of a facility and or construction of a public infrastructure, the TMA shall give six months written notice to the occupants to look for an alternative space.

**Interpretation**

8. In these Bye-laws unless the context otherwise requires TMA means Tema Metropolitan Assembly, public use means use the premises for the benefit of the public, kiosk refers to wooden and metal structures conforming to the specifications given in this bye law.

**Application**

9. These rules and bye-laws shall apply to the markets listed hereunder in the Schedule.

**Offence and penalty**

10. Any person who contravenes any of these Bye-laws shall be guilty of an offence and upon conviction be liable to a fine of not less than **140** penalty units or to a term of imprisonment not exceeding six months.

11. These Bye-laws shall apply within the area of authority of the Assembly.

Made at a meeting of the Tema Metropolitan Assembly held on the.....

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.*

