

Section Two

Tema Metropolitan Assembly (Licensing of Service Providers) Bye-laws, 2017

IN the exercise of the powers conferred upon the Tema Metropolitan Assembly by Section 181 of the Local Governance Act, 2016 (Act, 936) these Bye-laws are hereby made:

Title

1. This Bye-law may be cited as Tema Metropolitan Assembly (Licensing of Service Providers) Bye-Laws, 2017

Environmental Sanitation Service Providers to be licensed

2.(a) No person or body shall provide Environmental Sanitation Services within the area of authority of the Assembly without a license issued by the Assembly for the category of service provided.

(b) The categories of service and classification of service providers are as defined in Schedule 1 of these Bye-Laws.

(c) Licensing requirements for providers of Environmental Sanitation Services shall be defined in guidelines issued by the Assembly.

Assembly to issue licenses

3. The Assembly shall license any person or body wishing to provide Environmental Sanitation Services who applies to the Assembly for a license and fulfils to the Assembly's satisfaction the requirements for the license to be issued.

Assembly to keep a register

4. The Assembly shall record the names of all licensed providers of Environmental Sanitation Services in a register kept for that purpose.

Certification of plant and equipment

5. All licensed providers of Environmental Sanitation Services shall cause their vehicles, plant and equipment to be inspected annually for appropriateness and suitability and certified by an authorising officer of the Assembly.

Monitoring of service providers

6. All licensed providers of Environmental Sanitation Services shall at all times allow access to the Assembly's staff or designated agents to their premises, equipment or records relating to the Services licensed.

Responsibility for the Management of Waste

7. (a) The responsibility or its registered agents, franchise or contractors shall be exclusively responsible for environmental sanitation services within the entire area of the Assembly's jurisdiction.

(b) All occupiers or owners of premises with the exception of household premises shall designate a member of their staff to be directly responsible in all matters relating to wastes management to liaise with the Assembly and its licensed service providers.

Offences and Penalty

8. Any person who:
 - (a) engages in the provision of Environmental Sanitation Services without being licensed by the Assembly;
 - (b) being licensed, fails to obtain an inspection certificate from the Assembly for the vehicles, plant and equipment used for providing such Services; or
 - (c) refuses access to the Assembly's staff or designated agents to their premises, equipment or records relating to the Services licensed, commits an offence.

Any person who contravenes any of these Bye-laws commits an offence and shall be liable on conviction by a court to a fine of not less than **120** penalty units or to a term of imprisonment not exceeding **6** months.

Interpretations

9. In these Bye-laws, unless the context otherwise requires:
 - (a) "Environmental Sanitation Services" means the collection, treatment, recycling or disposal of solid, liquid, bio-medical and hazardous wastes, the cleaning of streets, drains, markets, lorry parks, public parks and open spaces and the management of the public baths and toilets.

(b) “Franchise” means any person or body providing environmental sanitation services by agreement with Assembly and collecting agreed fees directly from those receiving the services so provided.

Application

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

Revocation

11. 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 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.