ORDINANCE SUPPLEMENT No. 5

29th December, 2006

ORDINANCE SUPPLEMENT

to The Uganda Gazette No. 74 Volume XCVIX dated 29th December, 2006 Printed by UPPC, Entebbe, by Order of the Government.

Local Governments (Kampala City Council) (Petroleum

Ordinance 13 Filling Stations) Ordinance 2006

THE LOCAL GOVERNMENTS (KAMPALA CITY COUNCIL) (PETROLEUM FILLING STATIONS) ORDINANCE, 2006

ARRANGEMENT OF PARAGRAPHS

Paragraph.

- 1. Citation.
- 2. Application.
- 3. Interpretation.
- 4. Application for permit.
- 5. Prevention of fire.
- 6. Grounds for refusal to grant permit.
- 7. Fees payable on the issue, renewal and transfer of permit.
- 8. Conditions which may be attached to permit.
- 9. Cancellation of permit.
- 10. Notification when use of petroleum filling station discontinued.
- 11. Prevention of fire.
- 12. Offences and penalties.

Local Governments (Kampala City) (Petroleum Ordinance 13 Filling Stations) Ordinance

2006

THE LOCAL GOVERNMENTS (KAMPALA CITY COUNCIL) (PETROLEUM FILLING STATIONS) ORDINANCE, 2006

(Under sections 38,40 and 41 and paragraph 5 of Part 2 and paragraphs 3(h), 26 and 31 of the Part 3 of the Second Schedule of the Local Governments Act, Cap243)

An Ordinance to regulate the establishment and operation of petroleum filling stations in the City and to provide for other related matters.

BE IT ORDAINED by the Council of the City of Kampala as follows:

- 1. This Ordinance may be cited as the Local Governments Citation. (Kampala City Council) (Petroleum Filling Stations) Ordinance, 2006.
- **2.** This Ordinance applies to petroleum filling stations Application. within the jurisdiction of the Council.
- 3. In this Ordinance, unless the context otherwise Interpretation.
 - "Act" means the Local Governments Act;
 - "City" means the Kampala city;
 - "Council" means the City Council of Kampala;
 - "currency point" means the value assigned to it in the First Schedule to this Ordinance.

Application for permit.

- **4.** (1) A person intending to erect or maintain a petroleum filling station shall apply to the Council for a permit and his or her application shall be accompanied by plans in quadruplicate showing—
 - (a) the ground plan, all elevations and sections of the proposed petroleum filling station;
 - (b) the siting of the pumps and tanks;
 - (c) the layout of the means of approach to and the means of egress from the proposed petroleum filling station in relation to the roads in the vicinity; and
 - (d) a block plan showing the buildings existing on the plot on which it is proposed to erect the petroleum filling station and the buildings on adjoining plots.
- (2) Nothing contained in this Ordinance shall be deemed to exempt a person making an application under subparagraph (1) from complying with the requirements of the Public Health Act or any rules made under it relating to building as may be applicable.

Prevention of fire.

5. Upon receipt of an application under paragraph 3, the Council shall if satisfied that the application complies with the requirements under this Ordinance, issue to the applicant a petroleum filing station permit as prescribed by the Council.

Grounds for refusal to grant permit.

- **6.** The Council may refuse to grant a permit under this Ordinance on any of the following grounds—
 - (a) that the amenities of the neighbourhood and of buildings surrounding the plot on which it is proposed to erect the petroleum filling station are impaired;

- (b) that the erection of the proposed petroleum filling station poses a danger to the environment in that location;
- (c) that the erection of the proposed petroleum filling station may greatly increase the risk of fire to buildings on the proposed location;
- (d) that the plans required or any part of the plans, have not been approved by the Council;
- (e) that the erection of the proposed petroleum filling station contravenes the provisions of other existing laws.
- **7.** (1) The Council shall, from time to time, fix the fees payable for a permit under this Ordinance.

Fees payable on the issue, renewal and transfer of permit.

- (2) A permit issued under this Ordinance shall be annual and shall expire at the end of the financial year in respect of which it is issued, unless it is previously cancelled under paragraph 9 of this Ordinance.
- (3) A permit issued under this paragraph shall be renewable for a further period of one year , and upon each renewal the Council shall fix renewal fees as it may deem fit.
- (4) A permit may, with the prior consent and subject to the discretion of the Council, be transferred to a person other than the person to whom it was issued.
- (5) The Council shall fix such fees for transfer of a permit as it may deem fit.
- **8.** The Council may issue a permit subject to such terms, conditions or restrictions as it may determine in relation to the following matters—

Conditions which may be attached to permit.

- (a) the prevention of obstruction to traffic;
- (b) the number of pumps to be installed;
- (c) the prevention of fire;
- (d) proper disposal of petroleum by-products;
- (e) the observance of the law relating to the storage of petroleum; and
- (f) any other activity which in the opinion of the Chief Town Planner is offensive to the public.

Cancellation of permit.

9. The Council may at any time cancel a permit if its holder fails to comply with any provision of this Ordinance or of any term, condition or restriction subject to which the permit was issued.

Notification when use of petroleum filling station discontinued. 10. The holder of a permit shall notify the Council in writing when he or she nolonger intends to use a permit issued in respect of the permit holder's petroleum filling station and he or she shall surrender the permit to the Council within a period not exceeding two months.

Prevention of fire.

11. Every Petrol Station shall provide at least two dry chemical powder extinguishers of six kilograms each for one pump and a bucket of sand with a lid for each pump installed on the premises in respect of which a permit is granted and the extinguisher and sand shall be maintained in a condition suitable for their intended purpose.

Offences and penalties.

12. (1) Any person who contravenes any provision of this Ordinance or commits a breach of or fails to observe any term, condition or restriction attaching to a permit issued under this Ordinance commits an offence and is liable on conviction to a fine not exceeding two currency points or to a term of imprisonment not exceeding two months or to both.

Local Governments (Kampala City) (Petroleum Ordinance 13 Filling Stations) Ordinance

2006

(2) Any person convicted of an offence under subparagraph (1) of this paragraph and continues to commit the offence after conviction shall, in addition to any penalty pay two currency points for each day the offence for which the sentence is passed continues.

Local Governments (Kampala City) (Petroleum Ordinance 13 Filling Stations) Ordinance

2006

SCHEDULE

CURRENCY POINT

Paragraphs 3 and 12

One currency point is equivalent to twenty thousand shillings.

PASSED by the City Council of Kampala on 3rd day of May, 2004.

I HEREBY signify my hand this 10th day of May, 2005.

Cross References

Local Governments Act, Cap. 243 Public Health Act, Cap. 281.

JOHN SSEBAANA KIZITO, Mayor, Kampala City Council.