

**SUBSIDIARY LEGISLATION**

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TANGAZO LA SERIKALI NA. 14 la tarehe 15/01/2010

**SHERIA YA SERIKALI ZA MITAA (MAMLAKA ZA MIJI)**

(SURA 288)

**SHERIA NDOGO**

*(Zimetungwa chini ya kifungu cha 89)*

SHERIA NDOGO ZA (USAFI WA MAZINGIRA) ZA HALMASHAURI YA MANISPAA  
YA MUSOMA ZA MWAKA 2010

1. Sheria Ndogo hizi zitaitwa Sheria ndogo za (Usafi wa Mazingira) za Halmashauri ya Manispaa ya Musoma ya mwaka 2010 na zitaanza kutumika baada ya kuchapishwa kwenye Gazeti la Serikali.

Jina na  
mwanzo  
wa  
kutumika

2. Sheria Ndogo hizi zitatumika katika eneo lote lililopo chini ya Mamlaka ya Halmashauri ya Manispaa ya Musoma.

Matumizi

3. Katika Sheria Ndogo hizi isipokuwa itakapoelezwa vinginevyo:-

Tafsiri

“Afisa Muidhiniwa” maana yake ni Afisa Afya, Afisa Mipango Miji; Daktari wa Manispaa, Afisa Afya Msaidizi, Afisa Mtendaji Kata, Mkuu wa Masoko na Afisa ye yote aliyeidhinishwa na Halmashauri ya Manispaa ya Musoma kusimamia utekelezaji wa Sheria Ndogo hizi;

“Beach” maana yake ni eneo lote la ufukwe wa ziwa ambalo lipo kwa ajili ya matumizi ya Umma;

“Chakula” maana yake ni kitu cho chote kinacholiwa au kunywewa na binadamu isipokuwa madawa hii ni pamoja na:-

(a) kitu cho chote kinachotumika katika matengenezo ya chakula;

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(b) kitu cho chote kinachoongeza ladha ya chakula;

(c) kitu cho chote kinachobadili rangi ya chakula (binzari n.k.).

“Choo cha kuvuta” ina maana ya choo ambacho kimejengwa na kuunganishwa na maji na kuwa na tanki la kusukuma maji kwa ajili ya kuondoa uchafu;

“Eneo lililo wazi” maana yake ni eneo lililo chini ya Halmashauri ya Manispaa ambalo limekatazwa kufanyia shughuli ambayo haihusiani na matumizi yaliyokusudiwa.

“Kero” maana yake ni kitu cho chote ambacho kipo katika hali yo yote au kinatumika, au kimewekwa, kimejengwa au ni kichafu kiasi cha kusababisha:-

(a) hatari kwa viumbe au maisha ya wanadamu;

(b) harufu mbaya na ya kuudhi;

(c) magonjwa kwa binadamu, kuhifadhi mbu, inzi, panya na viumbe wenye madhara.

“Makazi” maana yake ni mtu ye yote anayeishi katika eneo lililo chini ya Mamlaka ya Halmashauri ya Manispaa, mwenye nyumba au mpangaji;

“Mkurugenzi” maana yake ni Mkurugenzi wa Halmashauri ya Manispaa ya Musoma;

“Majani” maana yake ni majani yote marefu, vichaka vyenye urefu wa sentimeta 15 au zaidi vinavyopatikana sehemu yo yote ndani ya Halmashauri ya Manispaa, hii ni pamoja na mazao marefu yanayolimwa kando ya barabara;

“Maji taka” maana yake ni kinyesi, mkojo matapishi, makohozi, maji machafu toka chooni bafuni, kwenye karo, maji ya kunawia kutoka kwenye masinki, maji ya kutoka viwandani na maji ya kuoshea magari;

“Mabomba ya maji machafu” maana yake ni mfereji unaotumika kuchukua maji machafu kutoka majumbani au kwenye mifereji ya maji machafu au ya mvua ni pamoja na bomba lo lote lililo wazi linaloweza kupitisha maji machafu au ya mvua;

“Pavement” maana yake ni sakafu imara ya mawe au matofali ya saruji au matofali ya udongo yaliyochomwa na kujengwa kutoka katika nyumba hadi kwenye fereji au barabara. Sehemu hiyo hutumika kwa waendao kwa miguu au watazamaji wa vitu madukani;

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“Pipa la taka” maana yake ni pipa la takataka kwenye mfuniko au chombo kingine kinachokubalika na Halmashauri ambacho mwenye nyumba ya kuishi au biashara au mpangaji anakitumia kuhifadhi takataka;

“Punck” maana yake ni masalia ya samaki baada ya samaki kutolewa minofu katika viwanda vya samaki;

Takataka” maana yake ni takataka zote ngumu kutoka nyumba za kuishi, nyumba za biashara, viwandani mashuleni, vyuoni, mizoga ya wanyama na ndege na magari mabovu;

“Usafi wa Mazingira” maana yake ni usafi wa mazingira yanayozunguka binadamu kuwa katika hali isiyoweza kuleta madhara kwake na wengine, hii ni pamoja na maji, miti, hewa, ardhi na wanyama pamoja na viumbe visivyo hai kama vile nyumba;

“Vyanzo vya maji” maana yake ni Ziwa Victoria pamoja na mabwawa, visima vya aina zote chemichemi na mito;

“Vyoo vya Umma” maana yake ni choo kilichojengwa na Halmashauri au Wakala wake kwa matumizi ya watu baadaye kuchangia ada.

4. Afisa Mwidhiniwa atakuwa na uwezo wa kuingia katika jengo lo lote ndani ya Halmashauri ili kukagua kama kuna kero yo yote na kumtaka mtu anayehusika na kero hiyo kuiondoa katika muda atakaopewa na Afisa Mwidhiniwa.

Uwezo  
ya Afisa  
muidhi-  
niwa

5.—(1) Ni wajibu wa kila mwenye nyumba au mpangaji kuhakikisha kuwa nyumba yake ina choo imara na kinatumika wakati wote.

Wajibu  
wa  
mwana-  
nchi

(2) Ni wajibu wa kila mwenye nyumba au mwenye kaya ama mpangaji au mfanyabiashara kusafisha eneo lake, na kuwa na chombo au pipa imara la kuhifadhi takataka ambalo litawekwa nje ya nyumba anayoishi au duka lake.

6. Halmashauri itatenga eneo maalum (Dampo) kwa ajili ya kutupa takataka na kutoa huduma ya uzoaji takataka kutoka majumbani, viwandani au sehemu yo yote zilipokusanywa takataka hizo.

Wajibu  
wa  
Halma-  
shauri

7. Halmashauri inaweza kumteua mtu ye yote, kikundi cha watu, kampuni au taasisi kuwa wakala wa kukusanya takataka kwa niaba yake.

Uteuzi  
wa  
wakala

8.—(1) Kutakuwa na vyoo kwenye maeneo ya masoko, biashara,

Vyoo  
sehemu

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za biashara viwandani, sehemu za kazi na vitajengwa choo kimoja kwa kila watu 25 na vitatofautishwa kufuatana na jinsia.

Vyoo vya umma (2) Halmashauri, mtu binafsi, vikundi vya watu au mashirika ya watu binafsi kwa ridhaa ya Halmashauri wataruhusiwa kujenga vyoo vya Umima (Public Toilet) katika maeneo ambayo Halmashauri itaona kuwa kuna haja ya kufanya hivyo.

(3) Vyoo hivyo vitamilikiwa na Halmashauri na vitalipiwa kama itakavyoelekezwa na Halmashauri kwa mkataba wa Mawakala watakaopewa kusimamia vyoo hivyo.

Sifa za vyoo vya V.I.P

9. Kila choo cha VIP kitatimiza masharti yafuatayo:-

- (a) shimo kina kisichopungua mita 3 na upana wa shimo usiopungua mita moja (1);
- (b) kila shimo la choo lazima liwe na bomba la kutolea hewa chafu na wavu kwa kuzuia inzi;
- (c) sakafu itatengenezwa kwa zege ya mchanganyiko wa 1:4:8 unene wake usipungue mm 7.5 na isilibwe kwa saruji kwa mchanganyiko wa 1:2 kwa unene wa mm15 au na kifaa chochote kisichoruhusu maji kunyonywa;
- (d) kuta za mafali usilibwe kwa saruji na sehemu za ndani ziwekwe vigae;
- (e) Paa liwe la kudumu.

Vyoo vya muda

(2) Kutakuwa na vyoo vya muda kwa matumizi ya watu sehemu za ujenzi, sherehe au sehemu yote ambayo itakutanisha Watu kwa muda maalum na vyoo hivyo ni lazima vijengwe kwa idhini na usimamizi wa Halmashauri.

Maji taka

10. Ni marufuku kwa mtu ye yote kuacha shimo la maji machafu wazi au kumwaga maji, au taka, kutapisha ama kuruhusu kumwaga au kutapisha au kuruhusu kufurika choo, karo, septic tank, soakage pit, ceppool, au kuruhusu kupasuka au kuziba bomba la maji taka toka ndani ya nyumba na kuyatiririsha kwenye barabara, njia, kichaka, eneo la burudani ama sehemu nyingine isiyokusudiwa.

11.—(1) Ni kosa kwa mtu ye yote kumwaga takataka za aina yo yote katika Mtaa, uchochoro ama mahali po pote hadharani au katika eneo lo lote la wazi bila idhini ya Halmashauri.

(2) Kwa mujibu wa kifungu cha (1) Takataka ni pamoja na mifuko ya nailoni (karatasi) magari mbovu (scraps) mabati, vyuma

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vilivyokatwakatwa, mabaki ya chakula, majani ya miti yaliyokatwa, mbolea ya wanyama na kitu chochote kinachoweza kusababisha madhara kwa binadamu au wanyama.

12.—(1) Halmashauri itakuwa na uwezo wa kuzuia upishi, na uuzaji wa vyakula katika mazingira yasiyoridhisha kiafya:

(2) Hakuna mtu ye yote atakayetengeneza au kuuza chakula mahali po pote mtaani, uchochoroni, magengeni au kwenye nyumba ye yote mpaka awe ametiniza masharti na Kanuni za Afya na awe amepata kibali kutoka Halmashauri.

(3) Maduka yote ya kuuza nyama (Butcher) lazima yawe majengo ya kudumu, yawe na maji, magogo ya kukatia nyama, makabati ya vioo, au majokofu ya kuwekea nyama sehemu za mizani, pipa la taka, wavu wa kuzuia inzi, muuzaji awe na vazi jeupe pamoja na Apron yeupe na afuate maelekezo ya Afisa wa Afya wa Halmashauri.

13.—(1) Ni marufuku kwa mtu ye yote kutengeneza au kuparua samaki eneo la ufukwe wa ziwa.

Utengenezaji wa samaki

(2) Baada ya kuparua samaki uchafu na matumbo ya samaki yakusanywe sehemu moja na yatazolewa na Halmashauri au wakala wake na yatapelekwa katika dampo lililoidhinishwa na Halmashauri.

(3) Samaki wote watauzwa kwenye meza maalum zilizotengwa kwaajili ya kuuzia samaki na wauzaji watatakiwa wawe wamevaa apron.

14. Ni marufuku kwa mtu ye yote kuendesha biashara ya upulizaji dawa "Fumigation" au biashara ya kuuwa wadudu au wanyama waharibifu katika nyumba ye yote au mahali po pote bila cheti cha taaluma kinachotambuliwa na Serikali na leseni kutoka Halmashauri.

Upulizaji wa dawa

15. Kila mkazi au mfanya biashara anayemiliki eneo la nyumba atakuwa na wajibu wa kuhakikisha kwamba majani yanayozunguka nyumba yake yanakatwa au kupaliliwa eneo lote hadi barabara ya nyumba, na atakuwa na jukumu la kufanya usafi katika eneo lake mara kwa mara.

Majani kuzunguka maeneo ya makazi

16. Ni kosa kwa mtu ye yote:-

Makosa

- (a) kujenga choo umbali wa mita 30 kutoka kisimani, ziwani, mtoni au chanzo kingine cha maji yanayotumika kwa matumizi ya binadamu;

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- (b) kutoa kinyesi au kusababisha kinyesi, mkojo, maji machafu yenye kinyesi kutoka kwenye choo chake au bafu lake au karo la kuoshea vyombo au nguo au kutoka kwenye bomba lo lote linalochukua maji machafu, na kuyatiririsha kwenye barabara, mitaa au kwenye mifereji ya maji ya mvua au mfereji wo wote ulio wazi;
- (c) kutupa takataka au kusababisha mtu mwingine atupe takataka au kusababisha mrundikano wa takataka mahali po pote palipokataliwa na Halmashauri;
- (d) kutiririsha maji machafu yanayoweza kusababisha kero kwa wakazi wa maeneo husika katika Halmashauri; na
- (e) kuuza chakula nje ya maeneo yaliyotengwa kwa ajili hiyo.

Adhabu

17.—(1) Mtu ye yote atakayevunja au kushindwa kutimiza masharti ya Sheria Ndogo hizi atakuwa ametenda kosa na akipatikana na hatia atatozwa faini isiyozidi shilingi elfu hamsini (50,000/=) au kifungo kisichozidi miezi 6 jela au adhabu zote mbili yaani faini na kifungo.

(2) Mkurugenzi anaweza kumtoza mtu ye yote faini chini ya Sheria Ndogo hizi iwapo mtuhumiwa amekiri kosa kwa kujaza fomu maalum itakayoandaliwa na Halmashauri na kukubali kwa hiari yake kulipa faini anayodaiwa.

Imetiwa saini na muhuri wa Halmashauri ya Manispaa ya Musoma kwenye Sheria Ndogo hizi kufuatana na azimio lililopitishwa kwenye mkutano wa Halmashauri ulioitishwa na kufanyika vilivyo tarehe 09 mwezi Mei, 2008 na imebandikwa mbele ya:

F. M. NTAKABANYULA,  
*Mkurugenzi wa Manispaa  
Musoma*



SWAHIBU M. EBUTURA;  
*Meya wa Manispaa  
Musoma*

NAKUBALI

Dodoma  
1 Novemba, 2009

MIZENGO K. P. PINDA, (MB.),  
*Waziri Mkuu*

*Sheria Ndogo za (Uanzishaji wa Mfuko wa Afya ya Jamii wa Tiba kwa Kadi) za Halmashauri ya Manispaa ya Musoma*

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(SURA YA 288)**

**SHERIA NDOGO**

*Zimetungwa chini ya kifungu cha 89*

SHERIA NDOGO ZA (UANZISHAJI WA MFUKO WA AFYA YA JAMII WA (TIBA KWA KADI) ZA HALMASHAURI YA MANISPAA YA MUSOMA ZA MWAKA 2010.

1. Sheria Ndogo hizi zitaitwa Sheria Ndogo za (Mfuko wa Afya ya Jamii wa Tiba kwa Kadi) za Halmashauri ya Manispaa ya Musoma, 2010 na zitaanza kutumika mara baada ya kutangazwa kwenye gazeti la Serikali.

Jina la mwanzo wa kuanza kutumika

2. Sheria Ndogo hizi zitatumika katika eneo lote la Mamlaka ya Halmashauri ya Manispaa ya Musoma.

Matumizi

3. Katika Sheria Ndogo hizi isipokuwa itakapohitajika vinginevyo:-  
"Ada ya mtumiaji" maana yake ni ada inayotozwa na hospitali, kituo cha afya au zahanati, kwa ajili ya huduma ya afya inayotolewa kwa mtumiaji;  
"Asasi" maana yake ni pamoja na shule, vyuo, vikundi mbalimbali vilivyosajiliwa kwa mujibu wa Sheria au asasi yo yote itakayokuwa imekubaliwa na kuidhinishwa na Bodi;  
"Bodi" maana yake ni Bodi ya Huduma za Afya ya Halmashauri iliyoundwa chini ya Sheria ya Serikali za Mitaa (Mamlaka za Miji) Sura ya 288;  
"Halmashauri" maana yake ni Halmashauri ya Manispaa ya Musoma;  
"Huduma za afya" maana yake ni huduma zote za afya zinazotolewa na hospitali za Serikali na watu binafsi, na zinajumuisha huduma nyingine za afya zilizoanzishwa kwa madhumuni ya kutoa huduma za afya ikiwa ni pamoja na vituo vya afya na Zahanati;  
"Kadi" maana yake ni kadi itakayotolewa na bodi kwa mwanachama;

Tafsiri

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- “Kaya” maana yake ni mama, baba na watoto wenye umri chini ya miaka kumi na nane; au zaidi na awe na mtoto au bila mtoto mwenye umri chini ya miaka kumi na nane; au asasi yo yote;
- “Kituo cha huduma kilichoteuliwa” maana yake ni kituo kinachotoa huduma za afya na ni pamoja na kituo cho chote kilichoanzishwa au kinachoendesha kwa malengo ya kutoa huduma za afya kiwe kinamilikiwa na Halmashauri, Serikali, asasi ya kidini, mtu au watu binafsi ambacho kinahusika na mfuko wa Afya ya Jamii;
- “Mchango au ada ya mwanachama” maana yake ni mchango wa hiari utakaotolewa na wanachama wa Mfuko wa Afya ya Jamii;
- “Mganga Mkuu wa wilaya” maana yake ni daktari ambaye ni msimamizi mkuu wa shughuli za huduma za afya katika Halmashauri;
- “Mwanachama” maana yake ni kaya inayochangia kwenye Mfuko wa Afya ya jamii;
- “Malipo ya huduma” maana yake ni malipo yanayotozwa na kituo cha tiba, kilichoteuliwa kwa watu ambao sio wanachama. wanapopatiwa huduma za afya katika kituo hicho;
- “Mfuko au Mfuko wa Afya ya jamii” maana yake ni mfuko wa afya ya jamii ulioanzishwa chini ya Sheria Ndogo hizi;
- “Wizara” maana yake ni Wizara yenye dhamana na masuala ya afya.

Mfuko wa  
Afya ya  
Jamii

4.-(1) Kutakuwa na Mfuko wa Afya wa Jamii ambao ni mfuko wa hiari wenye lengo la kutoa huduma za afya, ambapo kaya zitakuwa zikilipia huduma na Serikali itatoa mchango wake wa fedha kama jalizio kwa mchango kutoka kwenye kaya.

(2) Matumizi ya fedha yatafanywa na kusimamiwa na Bodi kwa majibu wa Sheria Ndogo hizi.

Madhumuni ya  
Mfuko

5. Madhumuni ya Mfuko yatakuwa ni:

- (a) kutafuta vyanzo vya fedha kutoka katika jamii kwa ajili ya kutoa huduma bora za afya kwa wanachama;
- (b) kutoa huduma za afya zinazopatikana kwa kutumia mipango endelevu; na
- (c) kuboresha huduma za afya katika jamii kwa kugawanya madaraka na kuzipa nguvu jamii katika kufanya maamuzi na kuchangia katika masuala yanayohusu afya zao.



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6. Ili kufanikisha malengo yake makuu, Bodi itakuwa na kazi zifuatazo:-

Kazi za Bodi

- (a) itasimamia masuala na shughuli zote zinazohusu Mfuko wa Afya ya Jamii;
- (b) itafanya kazi kwa kushauriana na Timu ya Uendeshaji ya Huduma za Afya ya Halmashauri na kuhakikisha kuwa huduma ya afya inayotolewa ni bora na ya kitaalamu;
- (c) kukusanya na kusimamia mapato ya Mfuko wa Afya ya Jamii;
- (d) kupendekeza kwa Halmashauri watu wanaostahili kusamehewa kutoa mchango kwenye Mfuko;
- (e) kuweka malengo ya Mfuko;
- (f) kupitia ripoti na taarifa kutoka Kamati ya Afya ya Kata au chanzo kingine cho chote;
- (g) kutatibu makusanyo, matumizi na kudhibiti mapato;
- (h) kupanga mipango ya afya ya mwaka kwa ajili ya kuthibitishwa na Halmashauri;
- (i) kupanua na kuongeza utoaji wa huduma za afya kwa wanachama kulingana na mapato ya mfuko; na
- (j) Bodi katika kutekeleza majukumu yake, itapokea na kutekeleza maagizo ya Halmashauri kwa majibu wa Sheria, kanuni na taratibu.

7. Vyanzo vya mapato ya Mfuko vitatokana na :-

Vyanzo vya mapato

- (a) fedha zote zitakazopokelewa kutokana na michango ya wanachama;
- (b) ruzuku kutoka kwenye Halmashauri, Serikali Kuu, na wahisani mbalimbali toka ndani na nje ya Halmashauri;
- (c) michango ya watu binafsi wanaoishi ndani na nje ya Halmashauri;
- (d) malipo ya fedha ya wasiokuwa wanachama wa Mfuko kwa kupata huduma ya afya;
- (e) ushuru utakotolewa na Halmashauri kutoka vyanzo mbalimbali na kutengwa kwa ajili ya Mfuko; na

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(f) fedha zo zote halali ambazo Mfuko unaweza kupata toka mahali pengine po pote.

Akaunti  
ya mfuko  
wa Bodi  
na watiaji  
saini

8.-(1) Kutakuwepo na akaunti maalumu itakayotumika na Halmashauri ambayo fedha zote zitakazokusanywa kwa ajili ya Mfuko zitahifadhiwa na kutolewa.

(2) Watia saini wa akaunti ya Mfuko watachaguliwa na Bodi na watakuwa ni mmoja kutoka kundi "A" na "B" na kwa namna yo yote hakuna pesa zitakazotolewa kwenye akaunti ya mfuko bila saini ya mmojawapo kutoka kundi "A" na "B".

(3) Watia saini kwenye hundi za Mfuko watakuwa kama ifuatavyo:-

(a) Mwenyekiti wa Bodi na mjumbe mmoja wa Bodi ambao watakuwa Kundi "A";

(b) Katibu wa Bodi na Mweka Hazina wa Halmashauri watakuwa Kundi "B".

(4) Kila baada ya miezi mitatu, Bodi itakuwa inatoa taarifa ya akaunti ya Mfuko kwa Halmashauri.

(5) Akaunti ya Mfuko itakaguliwa na wakaguzi waliochaguliwa kwa mujibu wa kanuni za fedha za Serikali za Mitaa.

Taarifa ya  
fedha

9. Mwezi mmoja baada ya mwaka wa fedha wa Halmashauri, Bodi itatakiwa kuandaa taarifa ya mapato na matumizi ya fedha na kuwasilisha kwa Halmashauri.

Mipango  
na  
matumizi

10.-(1) Miezi miwili kabla ya kuanza kwa mwaka wa fedha wa Halmashauri, Bodi itaandaa mipango na bajeti ya mwaka kwa kuonyesha kiwango kinachotarajiwa kupatikana na mgawanyo wa fedha kwa ajili ya utoaji huduma za afya na maendeleo katika maeneo ya Halmashauri.

(2) Bodi inaweza kuandaa bajeti ya nyongeza kama kutakuwa na haja ya kufanya hivyo na kama mazingira yataruhusu.

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(3) Mipango ya bajeti ya Mfuko itaandaliwa kulingana na utaratibu kama ilivyoainishwa katika vifungu vidogo vya (1) na (2) hapo juu, ambayo ni lazima iwasilishwe kwa Halmashauri kwa ajili ya kuidhinishwa.

Muundo wa wajumbe wa Bodi

11. Bodi itakuwa na wajumbe wafuatao:-

- (a) Wawakilishi wanne wa watumiaji huduma za afya kati yao wawili ni lazima wawe ni wanawake;
- (b) Mwakilishi mmoja kutoka watoa huduma za Afya binafsi bila faida; na
- (c) Mwakilishi mmoja kutoka watoa huduma za Afya kwa faida waliochaguliwa na Halmashauri kutoka vituo vya kutolea huduma za afya binafsi kwa faida waliochaguliwa miongoni mwao;
- (d) Mwenyekiti wa Kamati ya Elimu, Afya na Masuala ya Uchumi;
- (e) Afisa Mipango wa Halmashauri;
- (f) Mganga Mkuu wa Halmashauri ambaye atakuwa Katibu wa Bodi;
- (g) Mwakilishi mmoja kutoka Hospitali na Mwakilishi mmoja kutoka Timu ya Uendeshaji wa Huduma za Afya ya Mkoa.

12. Mjumbe wa Bodi atakuwa na sifa zifuatazo:-

- (a) awe Raia wa Tanzania;
- (b) awe na umri si chini ya miaka ishirini na tano na si zaidi ya miaka sabini;
- (c) awe amehitimu elimu ya sekondari na kuendelea;
- (d) awe na uzoefu na amewahi kuonyesha uwezo wake wa kuongoza katika shughuli za huduma jamii;
- (e) awe na sifa za uongozi; na
- (f) asiwe na wadhifa wa wote wa kisiasa kupitia chama cho chote cha siasa.

Sifa za wajumbe wa Bodi

13.-(1) Mjumbe wa Bodi atakuwa madarakani kwa kipindi cha miaka mitatu kuanzia tarehe aliyochaguliwa na anaweza kuchaguliwa tena kwa kipindi cha miaka mitatu tu.

Muda wa kukaa madarakani

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(2) Endapo nafasi ye yote ya mjumbe wa Bodi itaachwa wazi kwa sababu ya kifo, kujiuzuli, kukiuka maadili ya kazi au ulemavu utakaomfanya ashindwe kushiriki kikamilifu kama mjumbe au kwa sababu nyingine yo yote ile, mjumbe mwingine atachaguliwa kujaza nafasi hiyo iliyoachwa wazi.

(3) Bila ya kuathiri masharti ya kifungu kidogo cha (2), haitaruhusiwa kuchagua mjumbe mwingine iwapo kipindi kilichobaki ni chini ya miezi sita.

Usimamizi  
wa Mfuko

14. Usimamizi na uendeshaji wa Mfuko utakuwa chini ya:-

- (a) Halmashauri ya Wilaya kupitia Bodi ya huduma za Afya ya Halmashauri katika ngazi ya Halmashauri;
- (b) Kamati ya Maendeleo ya Kata kupitia Kamati ya afya ya Kata, katika ngazi ya Kata; na
- (c) Serikali ya Mtaa kupitia Kamati ya Huduma za Jamii katika ngazi ya Mtaa.

Kamati ya  
Afya ya  
kata

15. Kutakuwa na Kamati ya Afya ya Kata.

Wajumbe  
wa  
Kamati ya  
Afya ya  
Kata

16.-(1) Kamati ya Afya ya Kata itakuwa na wajumbe wafuatao:-

- (a) Diwani anayewakilisha Kata husika;
- (b) Afisa Mtendaji wa Kata;
- (c) Mwalimu Mkuu mmoja kutoka kwenye shule ya msingi ambayo ipo kwenye kata husika;
- (d) Wajumbe wawili wanawakilisha jamii husika ambapo mmoja wao ni lazima awe mwanamke;
- (e) Tabibu Mfawidhi au Tabibu Mfawidhi Msaidizi; wa kituo cha Afya, ambaye atakuwa Katibu wa Kamati;
- (f) Mjumbe mmoja atakayeteuliwa na Kamati ya Maendeleo ya Kata kutokana na watu waliopendekezwa na Serikali za Mitaa zilizomo ndani ya eneo la Kata; na

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(g) Mjumbe mmoja atakayeteuliwa na Kamati ya Maendeleo ya Kata kutoka kwenye vyama vya kijamii kutoka kwenye Kata.

(2) Mwenyekiti wa Kamati ya Afya ya Kata atachaguliwa kutoka miongoni mwa wajumbe.

(3) Endapo Kamati ya Afya ya Kata itashindwa kutekeleza kazi zake, Halmashauri itatoa onyo au kuivunja na kufnya utaratibu wa uchaguzi wa wajumbe wengine katika muda usiozidi miezi mitatu.

17.-(1) Kamati ya Afya ya Kata itakuwa na majukumu yafuatayo:-

- (a) kuwahamasisha na kuandaa jamii kujiunga na Mfuko wa Afya ya Jamii;
- (b) kuandaa orodha na kuratibu ya wajumbe wa Mfuko wa Jamii;
- (c) kusimamia ukusanyaji wa michango ya Mfuko;
- (d) kuratibu viwango vya uchangiaji kwenye huduma za afya;
- (e) kupitia utendaji wa Mfuko wa Afya ya Jamii na kutoa mapendekezo ya ufumbuzi;
- (f) kuanzisha na kuratibu mipango ya Afya ya Jamii na;
- (g) kuendesha mikutano ya wajumbe wa Mfuko wa Afya ya Jamii.

Kazi na Majukumu ya Kamati ya Afya ya Kata

(2) Kamati ya Afya ya Kata, itakaa kila baada ya miezi mitatu, na Katibu atatoa notisi ya maandishi wiki moja kabla ya siku ya Kikao.

18. Fedha zitakazokusanywa na Mfuko zitatumika kwa madhumuni yafuatayo:-

- (a) masuala yanayohusiana na afya yaliyotajwa katika mpango wa afya na kuidhinishwa na Wizara; na
- (b) suala au shughuli yote muhimu ya afya kama itakavyoonekana inafaa na kama itaidhinishwa na Bodi.

Matumizi ya fedha za Mfuko

19.-(1) Kila mwanachama wa Mfuko na wategemezi wake, atapewa Kadi baada ya kulipa mchango wake wa mwaka, ambao utapendekezwa

Utoaji wa Kadi kwa wanachama

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na Kamati ya Afya ya Kata na kupelekwa kwa Halmashauri kwa ajili ya kuidhinisha baada ya kupitia kwenye Bodi.

Haki za mwanachama na Utoaji wa Huduma za afya

20. Kila mwanachama na wategemezi wake watakuwa na haki zifuatazo:-

- (a) kupata huduma ya afya aliyolipia anapougua ndani ya eneo la Halmashauri husika au katika kituo cha Afya kwenye Halmashauri nyingine ambayo itaingia makubaliano maalum na Halmashauri husika;
- (b) kupata huduma ya afya kwa baba, mama na watoto wao wenye umri chini ya maka kumi na nane;
- (c) kutoa mapendekezo kuhusu huduma za afya kupitia kituo chake cha tiba ambayo yatafanyiwa kazi na Bodi; na
- (d) kushirikishwa kikamilifu katika uandaaji na utekelezaji wa mpango wa upatikanaji wa huduma za afya. katika eneo la Halmashauri.

Kiwango cha mchango au ada ya mwanachama

- 21.-(1) (a) Mtu ye yote atakayetaka kuwa mwanachama wa mfuko wa afya ya jamii atapaswa kutoa kiasi cha shilingi elfu kumi (10.000/=) kila mwaka;
- (b) Mchango huo utalipwa na kila mtu anayetaka kuwa mwanachama wa mfuko mwanzoni mwa mwaka au kila mwaka wa fedha unapoanza au kama Bodi itakavyoelekeza;
  - (c) Mtu ye yote ana hiari ya kulipa mchango wake wa uanachama kwa zaidi ya mwaka mmoja.

(2) Bila kuathiri kifungu cha 21 (c) hapo juu mtu ye yote anayelipa mchango wa uanachama kwa zaidi ya mwaka mmoja, pale inapotokea mabadiliko ya kiwango cha mchango atawajibika kulipa tofauti ya kiwango kilichozidi kile cha awali.

Muda wa uanachama

22. (a) Mtu ye yote atabaki kuwa mwanachama wa mfuko wa afya ya jamii wa tiba kwa kadi kila atakapolipa ada yake ya mwaka;
- (b) Kila mwaka unapoisha uanachama wa mtu utafikia mwisho hadi pale atakapotimiza masharti ya kifungu (a) hapo juu.

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23.-(1) Mtu ye yote ambaye hatakuwa mwanachama wa mfuko huo atalipa mchango au malipo ya papo kwa papo kila atakapoenda kupata matibabu kama ifuatavyo:-

Malipo ya papo kwa papo

- (a) shilingi 1,500/= katika Zahanati;
- (b) shilingi 2,000/= katika kituo cha Afya.

24. Msamaha kwa wasioweza kulipia gharama za matibabu utatolewa na kulipiwa na Halmashauri baada ya kuzingatia utaratibu ufuatao:-

Utaratibu wa misamaha

- (a) Serikali ya mtaa au vijiji katika vikao vyao itawatambua na kuwajadili na kupeleka kwenye kamati ya afya orodha ya majina ya watu wanaostahili kupewa msamaha kwa kutoa sababu zilizingatiwa.
- (b) Kamati husika ya afya itawajadili wale wasioweza kulipia gharama na kuthibitisha orodha yao na kuiwasilisha kwa Bodi;
- (c) Bodi ya afya itajadili na kuidhinisha msamaha kwa kadri itakavyoona inafaa na kisha kuandaa mapendekezo ya gharama zao na kuiwasilisha kwenye Halmashauri kwa ajili ya kutengewa bajeti na kuidhinishwa na Baraza la Halmashauri.

25. Mtu ye yote ambaye:-

Makosa

- (a) atakwenda kinyume na masharti ya Sheria hizi Ndogo; au
- (b) atafanya kitendo cho chote ambacho kitazuia Bodi kufanya kazi zake kwa ufanisi; au
- (c) atatumia vibaya mali na rasilimali za Mfuko na kusababisha kutofikia malengo ya Bodi; au
- (d) atatumia vibaya madaraka aliyonayo kumzuia Afisa wa Bodi kutekeleza majukumu yake kwa mujibu wa Sheria hii;
- (e) atashindwa kwa uzembe kutekeleza wajibu wake kwa mujibu wa Sheria Ndogo hizi.

G. N. 173  
ya tarhe  
27/06/  
2003

Atakuwa ametenda kosa na akipatikana na hatia atatozwa faini isiyozidi shilingi elfu hamsini (50,000/=) au kwenda jela kwa kipindi kisichozidi miezi kumi na mbili au adhabu zote mbili kwa pamoja yaani faini na kifungo.

*Sheria Ndogo za (Uanzishaji wa Mfuko wa Afya ya Jamii wa Tiba kwa Kadi) za Halmashauri ya Manispaa ya Musoma*

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G. N. 173  
ya tarehe  
27/06/  
2003

Kamati ya afya ya zahanati na kamati zilizoundwa chini ya Hati Rasmi ya uanzishwaji wa Bodi itafanya kazi kwa kuzingatia Sheria Ndogo hizi.

Imetiwa Saini na Muhuri wa Halmashauri ya Manispaa ya Musoma kwenye Sheria Ndogo hizi kufuatana na azimio lililopitishwa kwenye mkutano wa Halmashauri ulioitishwa na kufanyika vilivyo tarehe 09 mwezi 05 mwaka 2008 na imebandikwa mbele ya-

F. M. NTAKABANYULA,  
*Mkurugenzi wa Manispaa  
Musoma*



SWAHIBU M. EBUTURA,  
*Meya wa Manispaa  
Musoma*

NAKUBALI

Dodoma,  
1 Novemba, 2009

MHE. MIZENGO K. P. PINDA (MB.),  
*Waziri Mkuu*



Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Musoma

Tangazo la Serikali NA. 16 la tarehe 15/01/2010

SHERIA YA FEDHA ZA SERIKALI ZA MITAA  
SURA YA 290

SHERIA NDOGO

*Zimetungwa chini ya vifungu 6(1) and 16(1)*

SHERIA NDOGO ZA (USHURU WA MASOKO) ZA HALMASHAURI YA  
MANISPAA YA MUSOMA ZA MWAKA 2010

1. Sheria Ndogo hizi zitajulikana kama Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Musoma za mwaka 2010 na zitaanza kutumika baada ya kutangazwa kwenye Gazeti la Serikali.

Jina na  
mwanzo  
wa  
kutumika

2. Sheria Ndogo hizi zitatumika katika eneo lote la Halmashauri ya Manispaa ya Musoma.

Matumizi

3. Katika Sheria hizi ndogo isipokuwa pale itakapoelezwa vinginevyo:-

Tafsiri

“Afisa Afya” maana yake ni Afisa Afya aliyeajiriwa na Halmashauri ya Manispaa ya Musoma kwa mujibu wa Sheria Ndogo hizi;

“Halmashauri” maana yake ni Halmashauri ya Manispaa ya Musoma;

“Mkurugenzi” maana yake ni Mkurugenzi wa Manispaa pamoja na Afisa yote wa Umma atakayeteuliwa kutekeleza majukumu ya Mkurugenzi;

“Mkuu wa soko” maana yake ni Mtumishi yote atakayechaguliwa na Halmashauri kusimamia shughuli zote za soko, inajumlisha na wasaidizi wake;

“mpangaji wa pango” maana yake ni mpangaji mwaminifu wa kipindi husika wa meza, chumba ni pamoja na mtu aliyeajiriwa na yeye katika meza au chumba hicho;

“mazao” ina maana inajumlisha majani, matunda, nyama, samaki, mbogamboga, na mazao yote yanayotokana na kilimo;

“nyama” maana yake ni nyama ya ng’ombe, mbuzi, kondoo, nguruwe,

*Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Musoma*  
*Tangazo la Serikali Na. 16 (linaendelea)*

ikiwa ni pamoja na figo, maini, ulimi vya wanyama hao lakini sio utumbo;  
“Pango” maana yake ni jengo, chumba, meza sehemu ya wazi ndani ya eneo la soko inyotumika kwa ajili ya kuuzia bidhaa au mazao.

“soko” maana yake ni sehemu yo yote ya kuuzia bidhaa iliyoanzishwa kihalali na Halmashauri itakayoongozwa na Sheria Ndogo hizi;

“samaki” maana yake ni samaki wabichi au wakavu, pamoja na dagaa;

“utumbo” maana yake ni utumbo mwembamba wa wanyama aina ya ngombe, mbuzi, kondoo na nguruwe;

4.–(1) Halmashauri itagawa Soko au stendi kwa nyumba au meza ambavyo vitalipiwa ushuru kwa viwango vilivyoonyeshwa kwenye jedwali la Sheria Ndogo hizi.

(2) Mtu ye yote aliyelipa ushuru atapewa stakabadhi ya malipo yo yote ambayo yatatozwa na mkuu wa Soko au Afisa ye yote aliyedhinishwa na Halmashauri.

(3) Mpangaji atawajibika kulipa kodi ya pango ya kila mwezi mwanzoni mwa mwezi au kabla ya mwezi wa upangaji kuanza, kama kodi inalipwa kwa mwaka mzima mpangaji anatakiwa kulipa kodi mwezi wa kwanza wa mwaka.

(4) Mpangaji atakayechelewa kulipa kodi ya pango kwa mujibu wa Sheria hizi Ndogo atatakiwa kulipa kodi pamoja na faini ifuatavyo:-

(a) ambaye atachelewa mwezi mmoja atalipa kodi ya pango na faini ya asilimia 75;

(b) zaidi ya miezi miwili mfululizo atalipa kodi ya pango na faini ya asilimia 150 ya kodi ya pango.

(5) Mtu ye yote hatahesabika kwamba ni mpangaji wa meza au chumba cha Halmashauri isipokuwa baada ya kuwa amefunga mkataba kati yake na Halmashauri na kulipa kodi ya pango na kupewa stakabadhi halali kama itakavyokuwa imeelekezwa na Halmashauri.

(6) Ni marufuku kwa mtu ye yote kubadilisha au kupangisha sehemu yo yote ya kibanda au kibanda chote bila kibali cha Halmashauri.

Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Musoma  
*Tangazo la Serikali Na. 16 (linaendelea)*

5. Ni marufuku kwa mtu ye yote kuuza au kununua mazao nje ya maeneo yaliyotengwa kama masoko ndani ya Halmashauri.

6.-(1) Nyama na utumbo vitauzwa kwenye vibanda maalum vilivyotengwa kama bucha.

Uuzaji wa  
nyama  
na utumbo

(2) Ni wajibu wa muuzaji kuhakikisha kwamba utumbo umeoshwa machinjioni kabla haujafika sokoni.

(3) Kila mfanyabiashara ya kuuza nyama aliyeruhusiwa atatakiwa kuwa na vitu vifuatavyo katika bucha yake kwa ajili ya kumwezesha kuuza nyama na kutunza hali ya usafi navyo ni:-

(a) mzani uliochunguzwa na wataalam wa vipimo;

(b) apron nyeupe itakayofungwa kutoka shingoni hadi kwenye magoti kwa watu wote wanaotoa huduma ndani ya bucha, apron hizi ziwepo za kutosha ili kubadilisha wakati nyingine zimefuliwa.

(4) Ni marufuku kwa mtu ye yote kuingiza nyama sokoni kabla ya kukaguliwa na afisa wa afya au mkaguzi wa nyama aliyeruhusiwa na Halmashauri.

7.-(1) Ni marufuku kwa mtu ye yote kuingiza samaki sokoni kabla ya kukaguliwa na Afisa wa Afya au Afisa Maliasili (uvuvi);

Uuzaji wa  
samaki

(2) Samaki watasambazwa ndani ya meza za samaki zilizoandaliwa kwa ajili ya kuuza samaki, na itatakiwa wawe wananyunyiziwa maji;

(3) Ni marufuku kwa mtu ye yote kukausha samaki ndani ya soko.

8.-(1) Matunda na mboga zitachambuliwa kabla ya kuingia sokoni;

Uuzaji wa  
mboga na  
matunda

(2) Ni wajibu wa kila mmiliki wa meza na chumba kuwa na chombo cha kuhifadhia takataka na kuhakikisha kuwa analipa ada ya usafi wa mazingira kama itakavyopangwa na Halmashauri.

9.-(1) Uandaaji wa chakula utaruhusiwa katika vibanda vilivyopangwa

Uuzaji na  
upikaji wa  
chakula

Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Musoma  
Tangazo la Serikali Na. 16 (linaendelea)

9.-(1) Uandaaji wa chakula utaruhusiwa katika vibanda vilivyopangwa kwa ajili hiyo tu.

(2) Mkuu wa soko anaweza kuzuia uuzaji wa chakula cho chote ikiwa ana sababu ya kuamini kwamba chakula hicho hakifai kwa matumizi ya mwanadamu na baada ya kukizuia atatoa taarifa kwa Afisa Afya;

(3) Bidhaa zote za unga zitauzwa katika vyombo safi na vilivyofunikwa vizuri au katika mifuko safi;

(4) Isipokuwa kuku watakaokuwa wameletwa kwa ajili ya kuuzwa. Mifugo yo yote haitaruhusiwa kuingia sokoni.

Uuzaji wa pombe

10. Ni marufuku kwa mtu ye yote kuuza au kunywa kilcvi cho chote ndani ya soko isipokuwa kwa kibali maalum cha maandishi kitakachotoka kwa Halmashauri.

Wajibu wa wamiiki

11. Kila mmiliki wa kibanda au meza atatakiwa kukiacha kibanda kikiwa safi kila siku baada ya kufunga soko.

Moto

12. Ni marufuku kuwasha moto ndani ya soko isipokuwa kwa rufusa ya Halmashauri.

Mkuu wa soko

13.-(1) Halmashauri itamteua mkuu wa soko lo lote ndani ya eneo la Halmashauri.

(2) Watumiaji wote wa soko watapaswa kuheshimu maelekezo yatakayotolewa na Mkuu wa soko.

14. Mazao yaliyoletwa sokoni yanaweza kuuzwa kwa njia ya mnada na Halmashauri itamteua dalali atakayeuzwa kwa wazi mazao hayo.

15. Magari yote yatakayotumika kusafirisha bidhaa na mazao sokoni yatapakua kwa haraka mazao hayo ndani ya soko au kando ya soko, na gari litakalokuwa linapakuwa mazao ndani ya yadi ya soko litaendelea kuwepo mahali hapo mpaka litakapomaliza kupakia au kupakua na Mkuu wa soko atasimamia mwingiliano wa gari na watu ndani ya soko ili kuepusha msongamano ndani ya soko.

Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Musoma  
*Tangazo la Serikali Na. 16 (linaendelea)*

16. Mtu ye yote ambaye:—

Makosa

(a) atamwingilia au kumzuia au kusababisha bughudha kwa mtu mwingine au kumwekea kizuizi au kutumia lugha mbaya;

(b) atasababisha uhalifu wa makusudi wa sakafu, au matumizi mabaya ya sehemu ye yote ya jengo la soko au stoo au kuharibu au kuondoa notisi yo yote ndani ya soko;

(c) atabandika au kuweka, au kusababisha kuweka matangazo au kipeperushi cho chote ndani au sehemu yo yote ya soko bila ruhusa ya Mkurugenzi au mtu ye yote aliyehusishwa kwa niaba ya Halmashauri;

(d) atasababisha chukizo;

(e) ataombaomba, kufanya uzururaji au kucheza kamari; na

(f) atatupa takataka ovyo ndani ya sakafu ya Soko au kukanyaga maganda ya matunda na mabaki ya mboga.

17. Mtu ye yote atakayekwenda kinyume na kifungu cho chote na Sheria Ndogo hizi atakuwa ametenda kosa na akipatikana na hatia atatozwa faini isiyozidi shilingi elfu hamsini (50,000) au kifungu cha miezi sita au vyote kwa pamoja.

Adhabu

Sheria Ndogo za soko za mwaka 1988 iliyotangazwa katika Gazeti la Serikali Na.380 la tarehe 09/12/1988 imefutwa.

GN.380  
of 1988

*Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Musoma*  
*Tangazo la Serikali Na. 16 (linaendelea)*

JEDWALI LA KWANZA

(Chini ya Kifungu cha 4 (1))

<i>Na.</i>	<i>Aina ya pango</i>	<i>Malipo Kwa Sq.</i>	<i>Mahali Pango Lililopo</i>	<i>Kodi Kwa Mwezi</i>
1.	Vyumba vya maduka (vya zamani)	Tsh. 1,330/= @Sq. Meta	Soko kuu	Tsh. 1,330/= kwa kila Sq. mita 1 za eneo
2.	Vyumba vya maduka (Walivyochangia wafanyabiashara)	0 – 10M <sup>2</sup> 11 – 19M <sup>2</sup>	Soko kuu Soko kuu	15,200.00 22,800.00
3.	Vyumba vya zamani	Tsh.900/= @ Sq Meta 1	Nyasho mpango mmoja	Tsh. 900/=kwa kila sq. mita 1 za eneo
4.	Vyumba vya maduka (walivyojenga wafanya biashara)	0 – 10M <sup>2</sup> 11 – 19M <sup>2</sup>	Nyasho Sokoni Nyasho Sokoni	Tsh. 12,000.00 Tsh. 18,000.00
5.	Meza za nafaka		Soko kuu	Tsh. 6,000.00
6.	Meza za matunda na mboga		Soko kuu	Tsh. 4,000.00
7.	Meza za Samaki wabichi Meza za Samaki wakavu		Soko kuu Soko kuu	Tsh. 4,000.00 Tsh. 6,000.00
8.	Meza za Nafaka		Nyasho Sokoni	Tsh. 4,000.00
9.	Meza za Mboga na matunda		Nyasho Sokoni	Tsh. 2,000.00
10.	Meza za Samaki wabichi		Nyasho sokoni	Tsh. 3,000.00
11.	Meza za matunda		Nyasho mlango mmoja	Tsh. 12,000.00

*Sheria Ndogo za (Ushuru wa Masoko) za Halmashauri ya Manispaa ya Musoma*  
*Tangazo la Serikali Na. 16 (linaendelea)*

Imetiwa saini na muhuri wa Halmashauri ya Manispaa ya Musoma  
baada ya kupitishwa na mkutano wa Baraza la Manispaa wa tarehe  
09 mwezi Mei, 2008 na wafuatao:–



SWAHIBU MOHAMED EBUTURA,  
*Meya,*  
*Halmashauri ya Manispaa*  
*Musoma*

FREDRICK MSAFIRI NTAKABANYULA,  
*Mkurugenzi wa Manispaa,*  
*Halmashauri ya Manispaa*  
*Musoma*

NAKUBALI,

Dodoma,  
27 Julai, 2009

MHE. MIZENGO K. P. PINDA (MB.),  
*Waziri Mkuu*

GOVERNMENT NOTICE No. 16 published on 15/01/2010

THE LOCAL GOVERNMENT FINANCE ACT  
(CAP. 290)

**BY LAWS**

*Made under sections 6(1) and 16(1)*

THE MUSOMA MUNICIPAL COUNCIL (SERVICE LEVY) BY-LAWS, 2010

1. These By-laws may be cited as The Musoma Municipal Council (Service Levy) By-laws, 2010. Citation
2. These By-laws shall apply throughout the area of the jurisdiction of the Musoma Municipal Council and shall come into force on the date of its publication in the Government *Gazette*. Applica-  
tion
3. In these By-laws, unless the context otherwise requires:- Interpreta-  
tion
- “Act” means the Local Government Finance Act;
  - “accounting period” in relation to any person, means the period for which such person makes up the accounts of his business;
  - “assessment” means any assessment of additional assessment of the levy made under this By-laws;
  - “Authority” means the Musoma Municipal Council;
  - “Authorised Officer” means any employee of the authority duly authorised to administer these By-laws;
  - “business” means any form of trade, profession or vocation but does not include employment;
  - “Director” means the Director of the Musoma Municipal Council or any other person acting on his behalf;
  - “business enterprise” means any corporate entity engaged in the economic activities consisting of industrial or agricultural production, distribution of goods or rendering of services and or commerce and includes importation of goods or services for sale;
  - “final return of turnover” means any return of turnover to be furnished by an enterprise or agency after the end of the accounting period under By-law 7 of these By-laws together with any document or particulars required to be furnished under these By-laws;
  - “levy” means the levy chargeable under By-laws 4 of these By-laws;
  - “levy payer” means the resident business entity liable to pay the levy under these By-laws;



*Musoma Municipal Council (Service Levy)*

G.N. No. 16 (contd.)

“provisional return of turnover” means interim return of turnover required to be submitted during the accounting period of any business enterprise or agency under By-law 5 of these By-laws;

“resident business entity” means any corporate entity which ordinarily carries on business within the area of jurisdiction of the authority;

“returns” means reports, records or accounts or any information or particulars regarding the quantity and gross financial values of goods or services produced, distributed rendered and or for commercial.

PART II

ADMINISTRATION OF LEVY

Charge of  
levy

4. There shall be levied and collected from every resident business enterprises or agency in each year of income a levy equal to zero point three per centum (0.3%) of the turnover in respect of all activities including manufacturing, processing, agricultural production, distribution of goods, rendering of services, commerce, importation of goods or services within the area of jurisdiction of the Authority.

Return of  
informa-  
tion or  
particular  
of a  
business  
enter-  
prise or  
agency

5.—(1) For the purpose of ascertaining turnover, the Director may by notice in writing require a levy payer to furnish him with returns containing full particulars of his business activities including units and monetary values of goods or services produced, rendered, imported, distributed or sold for commercial purposes and financial statements within a reasonable time, not being less than thirty days from the date of such notice.

(2) The Director may by notice in writing require any person in possession of any information or particulars in respect to any business enterprises or agency liable to pay the levy under these By-laws to furnish him with such information or particulars within reasonable time not being less than thirty days from the date of services of such notice.

6. The Director may direct any authorised officer to enter into the premises of a levy payer for the purpose of making inquiries and examination of business records, books of accounts, financial statements and any other particulars as he/she may deem fit and just to conduct investigations for the purposes of ascertaining the true liability of any levy payer.

Submis-  
sion

7. The Director may by notice in writing require any levy payer to submit business records, books of accounts, financial statements and any other particulars, as he may deem necessary with the view to obtaining information for the assessment or collection of the levy.

Atten-  
dance

8. For the purposes of obtaining information under By-law 7 or under the proceeding By-laws, the Director may require any person to attend before him or an authorised officer at such time and place he may appoint.

9. Every levy payer shall be required to furnish a provision return and pay the levy due and payable by the business enterprise or agency at the time specified as follows:—

Time to  
pay  
provi-  
sional  
levy

- (a) in the case of importers, within the time specified by the Commissioner of Customs but not later than the time of payment of customs and excise duties;
- (b) in the case of manufactures or processors within the time specified by Commissioner of Sales Tax of VAT but not later than the time of payment of sales taxes or excise duties or VAT;
- (c) in any other case in four equal instalments with the first one is starting within three months from the beginning of the accounting period.

10.—(1) For the purpose of assessment, collection and recovery of provisional levy, the Director may appoint the Commissioner of Sales Tax or VAT, the Commissioner of Income Tax to assess, collect and pay the levy to the Authority within the prescribed period under By-law 10 and shall be as follows:—

Appoint-  
ment of  
levy  
collector

- (a) in the case for the Commissioner for Customs the rate of the levy shall be point three per centum (0.3%) of the CIF value of the goods plus all import and excise duties;
- (b) in the case for the Commissioner of Sales Tax or VAT the rate of the levy shall be at point three per centum (0.3%) of the exfactory price of the goods plus sales tax and excise duty;
- (c) in the case of the Commissioner for Income Tax the rate shall be point three per centum (0.3%) of the turnover.

(2) For the purpose of assessing and collection of final levy, the Director may appoint the Commissioner of Income Tax to assess and collect final levy thereon within the due date as specified under By-law 11 of these By-laws.

(3) Any levy payer who fails to remit the levy due from him shall be deemed to be the levy payer and become liable as if it were a debt due from him to the Authority and all collection and recovery measure shall apply to him.

(4) Without prejudice to paragraph 11 of By-law 11 the Director may appoint any resident business enterprise or agency to be the levy collector, and it shall be the duty of such resident business entity to:—

- (a) furnish any information or return required under these By-laws;
- (b) make a provisional or final assessment of the levy and make payment thereon within the due dates in one or four instalments as provided for in By-law 10(c) or paragraph (1) of By-law 13.

*Musoma Municipal Council (Service Levy)*

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*G.N. No. 16 (contd.)*

Duties of  
a levy  
collector

11. Every levy collector or any person, body, corporate appointed to be a levy collector shall prepare such return and within such time as may be specified by the Authority and shall:-

- (a) submit the return to the Director or to an authorised officer; and
- (b) deposit with the authority the levy collector within the specified period.

Submission of  
Final  
Return

12.-(1) Every levy payer or collector shall furnish a final return to the Authority within four months from the end of the accounting period to which the levy relates showing the total turnover and pay the levy there in one instalment.

(2) Where a levy payer or collector has submitted the return to the Authorised Officer, the authorized officer may:-

- (a) accept the return and assess the levy basis thereof; or
- (b) if he has reasonable cause to believe that such return is not true and correct, determine, according to the best of his judgement, the amount of turnover of such levy payer and assess him accordingly.

(3) Where a levy payer has not delivered a return for any year of income whether or not he has been required by the Director to do so and the authorised officer considers that such levy payer is liable to the levy for that year of income, he may according to the turnover of the levy payer, but the assessment shall not affect any liability otherwise incurred by such a levy payer under these By-laws in consequence of his failure to deliver such returns.

(4) The levy assessed under this By-laws shall be due and payable within thirty days from the date the assessment notice was served.

Penalty

13.-(1) Any person who in relation to any year of income fails to furnish a return required by the By-laws within the specified period shall be surcharged with an additional levy equal to one point five per centum a month or five thousand shillings which ever is greater of the levy payable by him.

(2) Any person who in relation to any year of income omits from his return or makes any incorrect statement in relations to any matter affecting his liability to the levy shall, where, that omission or statement was due to any fraud or gross neglect, be charged with additional levy equal to fifty per centum of the difference between the levy and the return so submitted and the amount of the levy as determined.

14.—(1) Where the levy remains unpaid after the date specified in these By-laws, surcharge of one point five per centum (1.5%) amount or part thereof shall accrue and become payable together with the principal sum.

Compound surcharge on unpaid levy

(2) The surcharge levy able under these By-laws shall be deemed to be the levy due and payable and all collection and recovery measures shall apply to it as if it were the levy payable by the levy payer.

15.—(1) If after time fixed for the payment of any rate any person fails to pay any rate due by him, it shall be competent for the council to cause a printed or written demand to be made upon such person to pay the amount stated who shall have had such demand delivered to him personally or left at his ordinary place of residence or place of business of offices and if he shall make default, it shall be competent for the local authority to apply to a competent magistrate having jurisdiction within the local authority for a summary warrant in the form contained in the schedule to these By-laws to recover the amount due from the person liable to pay the same, which warrant such magistrate shall grant on production of a list of the names and addresses of the persons so in default and the amount due by them with a certificate by the Director of the authority that they have been severally required to make payment of the said sum by notice as aforesaid and do not exceed the sum of rates fixed under these By-laws and every such warrant shall contain every authority and shall be executed in all respects as through it were both a warrant of attachment and a warrant of sale issued out by such court.

Summary warrant of attachment

(2) Notwithstanding the provisions of By-laws 15(1) the Council shall recover any debt due under the Civil Procedure Code and shall accrue an interest at the prevailing bank rate.

PART III

OFFENCES AND PENALTIES

16. Any person who without reasonable excuse:—

- (a) fails to furnish a full and true return in accordance with these By-laws;
- (b) fails to furnish, return, document, information, or any particulars required to be furnished to the Authority within the time prescribed as required by these By-laws;
- (c) fails to keep records, books or accounts in accordance with the requirements of these By-laws;
- (d) fails to produce any record or document for the examination in accordance with the requirements of any notice served on him under these By-laws; or

Failure to comply with notice etc.

*Musoma Municipal Council (Service Levy)*

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G.N. No. 16 (contd.)

- (e) not being an authorised auditor or an authorised certified professional accountant or final return; commits an offence and is liable on conviction to a fine of not exceeding three hundred thousand shillings or imprisonment for twelve months or to both such fine and imprisonment.

Making  
incorrect  
or  
fraudulent  
returns

17. Any person who without reasonable cause:

- (a) make false return by omitting or understating therein, any turnover which should have been stated therein;
- (b) makes incorrect statement in relation to his liability;
- (c) gives incorrect information in relation to any matter or things affecting the liability to levy of himself or any other person;
- (d) gives false information in relation to any matter or thing affecting his liability to the levy; or that of any other person;
- (e) prepares, maintain, or authorises the preparation or maintenance of any false books of accounts or other records, or falsifies or authorises the falsification of, such books of accounts or records or;
- (f) make use of any fraud, or authorise the use of any fraud commits an offence and is liable on conviction to a fine not exceeding TShs. 300,000/= (Three hundred thousand shillings) or imprisonment for twelve months or to both such fine and imprisonment.

Obstruction of  
Officer

18. Any person who in any way obstructs or attempt to obstruct an officer of the Authority in the performance of his duties or in the exercise of his powers under these By-laws commits an offence and is liable on conviction to a fine not more than three hundred thousand shillings or imprisonment for twelve months or to both such fine and imprisonment.

Power of  
the  
Director  
to Compound  
offences

19. If any person commits an offence under these By-laws the Director may, compound such offence and order the person to pay that sum of money, as he thinks fit provided that amounts shall not be below fifteen thousand shillings for each such offences.

SCHEDULE

Made under By-laws 16

FORM OF SUMMARY WARRANT ATTACHMENT AND SALE

To the Court Broker

This is to command you to attach the movable property of .....

As set forth in the schedule hereto, unless the sum of TShs. ....

being the rates due and owing by the said .....

together with interest at the rate of one per centum for each month or part of a month

from the ..... day of ..... and the costs of this attachment.

And after giving fourteen days notice by fixing the same to this Court House and after

making due proclamation, to sell by auction the same or so much thereof as shall realise

the sum of TShs. .... together with such interest and the

costs of attachment as aforesaid.

You are further commanded to return on or before the ..... day of .....

With an endorsement certifying the manner in which it has been executed or the reason why it has not been executed.

Given under my hand and the seal of the court, this ..... day of .....

Magistrate

The Common Seal of the Musoma Municipal Council was affixed hereto in pursuance of a resolution passed at a meeting of the said fact Council duly convened and held ..... day of ..... and was affixed in the presence of :-

FREDRICK M. NTAKABANYULA,  
Municipal Director  
Musoma

SWAHIBU M. EBUTURA,  
Honorable Mayor  
Musoma Municipal Council



I APPROVE,

Dodoma,  
1<sup>st</sup> November, 2009

HON. MIZENGO KAYANZA PETER PINDA (MP),  
Prime Minister

*Musoma Municipal Council (Compulsory Street & Frontage Maintenance, Removal and Disposal of Obstructions)*

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GOVERNMENT NOTICE No. 17 published on 15/01/2010

THE LOCAL GOVERNMENT (URBAN AUTHORITIES, ACT  
(CAP. 288)

**BY-LAWS**

*Made under section 89*

THE MUSOMA MUNICIPAL COUNCIL (COMPULSORY STREET & FRONTAGE MAINTENANCE, REMOVAL AND DISPOSAL OF OBSTRUCTIONS) BY-LAWS, 2010

- |  |                                   |
|--|-----------------------------------|
| 1. These By-laws may be cited as Musoma Municipal Council (Compulsory Street & Frontage Maintenance, Removal and Disposal of Obstructions) By-laws, 2010 and shall come into operation on the date of its publication on the <i>Government Gazette</i> .   | Citation and date of commencement |
| 2. These By-laws shall apply throughout the area of the jurisdiction of the Musoma Municipal Council.  | Application                       |
| 3. In these By-laws, unless the context otherwise requires:-<br>"Authorised Officer" means any person or persons authorized to act for the Council for the purpose of these By-laws;<br>"Council" means the Musoma Municipal Council;<br>"Director" means the Municipal Director and includes any other person who acts on his behalf;<br>"frontage" means the front part of the building or the forepart of the premises;<br>"foot path" includes any cause way or path at the side of the street constructed or set a part for the use or accomodate of foot passengers and includes the verges of any carriage way;<br>"litter and rubbish" includes any kind of refuse, broken nails or glass or bottles, stones hay, straw tins or other containers deed animals, orange peel, banana skin manure; waste or dirty water;<br>"obstruction" means any objection obstructing any road, street thoroughfare or open space and shall include motor vehicle, trailer, tractors and fuel tank, wooden metal kiosk, metal container and carts;<br>"owner" shall include tenants or subtenants;<br>"street" includes any highway road sanitary lane thoroughfare footpath or public place to which the public have access, water course, or ditch abutting on any highway road, land reserved for a street and includes a bridge over which a road was passes. | Interpretation                    |

*Musoma Municipal Council (Compulsory Street & Frontage Maintenance, Removal and Disposal of Obstructions)*

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G.N. No. 17 (contd.)

Maintain frontage and foot bridge

4. It shall be compulsory to every person who owns a promise within the area of jurisdiction of the council adjoins any street and within opens towards or upon any street, public passage or upon any land required for improvement of a street or road to construct and maintaining frontage or a footbridge.

5. Any person who has the duty to construct and maintain frontage and footbridge shall do so by making an application to the Municipal Director for permission to carry out the work and shall lodge the Municipal Director a plan in duplicate on which shall specify the intended position, the dimensions and the material proposed to be used in constructing or altering the said frontage or foot bridge. The same procedure shall be used by any other person who intends to alter or reconstruction the same.

6. Where the access from a road or street to any premises has been so constructed as to be likely to cause obstruction, or allows flow of water in any drain or road side ditch, the Municipal Director may serve upon the owner of plot or premises a notice in writing requiring him to provide a culvert or pipe of such material a dimensions and in such manner and position as may be specified in such notice and within such period as may be prescribed in such notice.

Posting bills and advertising maintenance devices

7.-(1) No person shall place or post or cause to placed or posted any bill, sign notice or advertisement in view of any street or through fine or upon any bridge, tree fence; pole post or other structure or crection situated along any street, within the permission of the Director and in accordance with the terms and condition attached to such permission.

(2) No person place or suspend any board containing any advertisement relating to any trade or business over and across any street.

(3) The Council many remove without notice and dispose of at its discretion any hoarding sign board, advertising device or similar structure or any bill, sign notice or advertisement place or posted upon any bridge tree, fence, pole, post; or other structure in view of any street. No liability shall accrue to the Council in respect of the exercise of the powers, conferred upon the council under these By-laws.

Non compliance with notice

8.-(1) Any person who fails to comply with the requirement of any Notice served under these By-laws, within the time specified in such notice shall be guilt of an offence.

(2) Where the council has served a notice upon any person requiring the demolition, removal, construction, alteration or repair of any structure the Council may at the same or another notice notify such person that if such requirements are not complied with, the Council will itself enter



*Musoma Municipal Council (Compulsory Street & Frontage Maintenance  
Removal and Disposal of Obstructions)*

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G.N. No. 17 (contd.)

upon the premises and carry out such demolition removal construction alteration or repair, and in addition to any other proceedings that may be taken, the Council may cut in accordance with the term and conditions of such notice and may recover all costs and expenses incurred by them from the persons who has failed to comply with such requirements.

9. No person shall open or unpack any case crate furniture; goods material or merchandise, in or upon any street; food path public place or thoroughfare.

Parking or unpacking cause on the street

10. No person shall expose for sale or for the purpose of advertisement any article whatsoever on or over hanging in any foot path or pavement unless he shall obtain the written permission of the Council under the hand of the Director and in accordance with the terms and conditions of such permission.

Goods and over hanging in foot paths of pavement

11. No person shall deposit or cause to deposit on any unfenced vacant land, street road, passage, or open space any building material unless he first obtain the written permission of the Council under the hand of the Municipal Director or the Authorized person and in accordance with the terms and conditions of such permission.

Building materials not to be placed in any street

12.—(1) No person shall construct any fence along side any street, foot path thorough fare or public open space of barbed wire or other material likely to cause injury or damage to any person or to be a source of any nuisance or injury to the property of any other person.

Fencing

(2) Any person who is in possession of any fence along side any street, foot path thoroughfare or public place, which fence is insecure or dangerous shall on notice in writing from the Director or Authorized Officer, reconstruct and maintain the same in proper manner.

13 Any permit given to any person subject to these By-laws shall only sustain for 3 months from the date of issuance but such permit can be prolonged for another period which shall not exceed 2 other months.

Expiry of permit

14.—(1) The Council may at any time with or without notice and in any manner may remove or cause to be removed from any street or public place or in any unfenced vacant land any obstruction and take it to any place as may seen expedient to the Council.

Power to remove obstruction

(2) Where the Council removes any obstruction under the provisions of these By-laws shall make such arrangements as reasonably necessary for the safe custody of the obstructions.

(3) The Council shall not be liable for loss or damage that may occur while any reliable or obstruction removed under the provision of these By-laws is in custody of the Council unless such loss or damage is due to the foully or negligence of the council.

*Musoma Municipal Council (Compulsory Street & Frontage Maintenance,  
Removal and Disposal of Obstructions)*

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G.N. No. 17 (contd.)

Expenses  
to be  
recovered  
from the  
owner

15. Where the Council removes any obstruction from any road, street thoroughfare or open space, such expenses may be recover from the owner of the obstruction as it may have incurred in effective of such removal and storage.

16. Where an obstruction has been removed, the Council shall not dispose off the obstruction otherwise than to the owner or his dully authorized agent unless either:-

- (a) the owner or his dully authorized agent shall have been served with notice informing him of the removal of the obstruction and giving him not less than seven days within which he may re-claim the obstruction on payment of any expenses incurred by Council;
- (b) the Council shall have display for not less than fourteen days notice in the ordinary manner of notice serving within the Municipality requiring the owner or his agent to redeem the obstruction with a specified period of the date of the first publication of the notice.

17.-(1) Any obstruction in respect of which notice has been served or displayed in accordance with the provisions of sub-paragraphs (a) and (b) above and which has not been claimed within the appropriate period maybe sold by the Council by public auction and the proceeds of sale after the expenses of sale have been deducted there from may be applied to defray any expenses incurred by the Council in connection with the removal and storage of the obstruction.

(2) Any surplus remaining from the proceeds of sale of an obstruction shall be paid to the owner of the obstruction or his duly authorized agent on application being made thereof within six months of the date of sale or otherwise shall be paid into general Revenue of council.

Removal  
of  
vehicles,  
trailers,  
tractors,  
tanks,  
contain-  
ers,  
causing  
obstruc-  
tion

18. The Director or his authorized officer, or Police Officer may require the owner, driver of any vehicle or tractor, container or any obstruction to remove the obstruction and any other such requirements and instructions as the order may specify.

Offences

19. No person shall:-

- (a) willfully obstruct; or cause any obstruction in or do cause to be done any injury or damage to any road, street, foot path or other public;

*Musoma Municipal Council (Compulsory Street & Frontage Maintenance,  
Removal and Disposal of Obstructions)*

G.N. No. 17 (contd.)

- (b) willfully or negligently damage any road, bridge wall, and building fence or erection maintainable by the council or its agent or any tree, shrub or vegetation of any kind upon any street foot path or other public places;
- (c) break, injure, remove or displace any tool fretless, bars, stores material barriers, lamps or other articles, whatsoever belonging to the Council on any street, roads, footpath, thoroughfare or open space in the use of the Authority;
- (d) pull down, damage or destroy any lamp post erected on the street or remove the bulb or any filling there from or extinguish the light thereof;
- (e) break up the surface of any road without having previously obtained the written consent of the Council under the hand of Director or Authorized person;
- (f) fill up or cause obstruction in any ditch any drain under the control of the Council, Set up or erect any structure, including any machine container pump, post or other object of such nature capable of causing any obstruction in any street or any land reserved thereof, otherwise than in pursuance of any statutory authority any such structure has been set up or erected without permission.

20. Any person who contravenes or fails to comply with any of the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

Penalty

The Common Seal of the Musoma Municipal Council was affixed to this instrument in pursuance of a resolution of the Council passed at the meeting of the meeting of the Council duly convened and held on 5<sup>th</sup> May, 2008 and the same was so affixed in the presence of:-

FREDRICK M. NTAKABANYULA,  
*Municipal Director*  
*Musoma Municipal Council*

SWAHIBU M. EBUTURA,  
*Mayor*  
*Musoma Municipal Council*



I APPROVE,

Dodoma,  
1<sup>st</sup> November, 2009

HON. MIZENGO KAYANZA PETER PINDA (MP.),  
*Prime Minister*

