

DECREE LAW NO. 33/2008

Of the 27th of August

HYGIENE AND PUBLIC ORDER

Timorese legislation does not as yet cover Local Power bodies, although many competences typical of these bodies require regulation with the purpose of guaranteeing public order and the correct use of public assets.

The basic rules of coexistence in urban areas are established here by the Government, which also institutes basin fiscal management mechanisms such as the possibility of imposing fines on district administrations and the seizure and loss of assets in an irregular situation.

Thus, under the terms of line c) of number 1 of article 115 of the Constitution of the Republic, the Government decrees the following, to have the standing of a law:

Article 1 Nature

The present Decree Law establishes the administrative policy measures for the Districts in matters of hygiene and public order, fixing statutes for the relations between the Public Administration and citizens.

Article 2 Scope of Application

This Decree Law is applicable to the urban areas of Districts, except in regard to disposition whose scope of application is expressly limited to certain areas or locations within a determined District.

Article 3 Nature of Penalties

Infractions of the present Decree Law constitute misdemeanours punishable by a fine.

Article 4 Competence for fiscal management

1. The District Administrator and, in general, the functionaries of the District Administration, must observe the observance of the precepts of this decree Law.
2. The following are competent for the fiscal management of the dispositions of this decree Law, for issuing the respective notices and for participating:

a) The functionaries of the District Administration responsible for this purpose;

b) The police authorities.

3. Any person is empowered to denounce the entity that practices the facts that constitute the misdemeanours set out in this Decree Law.

Article 5 Prohibitions

1. Freeholders, tenants or any party that holds land bounded by public rights of way are prohibited from:

a) Depositing or channelling polluted water into ditches;

b) Depositing refuse on the sides of rights of way;

c) Blocking drains, gutters or ditches;

d) Directing drainage ditches onto rights of way

e) Placing or depositing, even temporarily, on rights of way or pavements, containers, boxes or other objects that constitute a hazard or inconvenience passers by;

f) Occupying, even temporarily, any part of the boundary rights of way or any land pertaining to them with scaffolding, deposits of materials, temporary constructions, exposition of objects or any other similar use;

g) Interring dead or dying animals in places other than those determined by the Administration;

h) Making sounds or noises that prejudice communication or disturb the peace.

2. The disposition of line d) of the previous number does not impede neighbouring landowners from directing rainwater onto public rights of way, when the natural configuration of the land so imposes.

Article 6 Organisation, hygiene and cleaning of public places

1. Activities that by their nature alter the organisation, hygiene or cleaning of streets, square and other public places are prohibited, specifically:

a) Placing or abandoning any objects, papers or detritus, outside the places appointed for this by the Administration;

b) Leaving or abandoning tins, flasks, bottles, glass and in general objects that may cut, puncture or perforate;

d) Leaving detritus of any type;

d) Cleaning, bleeding or slaughtering animals;

e) Cultivating the land;

f) Scratching, soiling or damaging monuments, building facades, walls or other surfaces;

g) Fixing posters, flyers or notices without prior authorisation from the Administration.

2. In urban areas, it is prohibited to occupy areas in a way or manner that disturbs, prejudices or affects the purposes for which they are intended, specifically:

a) Placing animals, except under the disposition of article 7;

b) Constructing caves or pits;

c) Sowing and reaping any plants or trees or uprooting them;

d) Extracting stone, earth, gravel, sand, mud or clay;

e) Dumping soil or rubble of any nature or origin;

f) Making any type of installation or construction, even of a temporary nature;

g) Carrying out clearances and leaving detritus;

h) Lighting fires, burning plastics and rubber.

3. The exercise of trade may not obstruct public rights of way or footpaths.

4. In addition to the fines set out in the present Decree Law, transgressors are also obliged to remove immediately objects, rubble and materials and, when such is possible, to restore the previous situation, under penalty that the removal or restoration will be carried out by the Administrator at the transgressor's expense.

5. Reusable materials or objects removed by the Administration will be considered lost in its favour.

Article 7
Possession of animals in an urban area

Animals, specifically pigs, cattle or birds, may be kept in an urban area on condition they are suitably confined in a stable, sty, coop or other similar appropriate construction.

Article 8
Prohibitions related to animals

1. It is prohibited to circulate onto the public highway and other public places any animals that are not being tended or driven by people.
2. When any fiscal entity has no knowledge as to the ownership of animals in the situation in the previous number, it will seize them.
3. Seized animals will be considered lost in favour of the Administration.

Article 9
Fines

1. Infractions to the terms of the present Decree Law will constitute a misdemeanour punishable by fines of between five US dollars and five hundred US dollars.
2. When the transgressor is a collective entity, the minimum and maximum limits of the fines will be doubled.
3. Negligence and attempts at such will always be punishable.

Article 10
Determination of the amount of the fine

The amount of the fine will be determined as a function of the seriousness of the misdemeanour, of the guilt and of the economic situation of the agent and the economic benefit gained from committing the misdemeanour.

Article 11
Destination of seized animals and materials

Animals and materials lost in favour of the Administration will be delivered to charitable and social assistance institutions.

Article 12
Payment of fines

Fines imposed by representatives of the Public Administrations will be settled by means of a deposit into an account specified for this purpose, maintained by the Ministry for State Administration and Territorial Planning in a banking establishment.

Article 13
Appeal

After imposition of a fine, an appeal may be made to the Ministry of State Administration and territorial Planning, under the terms regulated by the Ministry.

Article 14
Executive title

The notice issued due to an infractions of the disposition of this diploma constitute executive title, as defined in article 669 of the Civil Process Code, and is subject to judicial control by the Public Ministry.

Article 15
Entry into force

This present Decree Law comes into force on the date of its publication in the Journal of the Republic.

Article 16
Revocations

All legal dispositions or other Ministry for State Administration and Territorial Planning instruments that are contrary to this present Decree law are revoked.

Seen and approved in the Council of Ministers on the 16th of July of 2008.

The Prime Minister

Kay Rala Xanana Gusmão

The Minister for State Administration and Territorial Planning

Arcângelo Leite

Promulgated on 18-8-08

To be published

The President of the Republic

José Ramos-Horta