

LOCAL GOVERNMENT ACT
(Cap. 40:01)

NORTH EAST DISTRICT COUNCIL (MARKETS) BYE-LAWS, 2018
(Published on 17th August, 2018)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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SCHEDULES

IN EXERCISE of the powers conferred by section 44 as read with section 45 of the Local Government Act, and after consultation with the community living within the Council area, and with the approval of the Minister of Local Government and Rural Development, the North East District Council hereby makes the following Bye-Laws —

1. These Bye-Laws may be cited as the North East District Council Citation
(Markets) Bye-Laws, 2018.

2. In these Bye-laws, unless the context otherwise requires — Interpretation
“council” means the North East District Council;

“health inspector” means a health inspector employed by the Government or
by the Council;

“licensing officer” means a licensing appointed by the Council for the purpose
of these Bye-Laws

“market” means a public area set aside for the sale and purchase of merchandise
and established under bye-law 3;

“market master” means a person appointed by the Council to be a market
master for the purpose of these Bye-laws;

“stall” includes any structure with prescribed measurements erected within a
building, or a stand, shelter, table, demarcated slot in an open area, or a
plot within a market area, bus rank, or mall used for the provision of a
service to the public; and

“stallholder” means a person by whom a stall is hired under these Bye-laws.

3. (1) The Council may establish and designate areas within the jurisdiction
of the Council as markets.

Establishment
and control of
markets

(2) Every market shall be under the control and supervision of a market master appointed by the Council.

(3) A Person who erects a building, tent, booth, shelter or any other structure within a market area, bus rank or mall area without the written permission of the Council, and otherwise than in conformity with any directions given by the Council, commits an offence.

Hiring of stalls
in markets

4. (1) A person wishing to hire a stall shall make a written application to the Council for a permit in Form A set out in Schedule 1.

(2) The Council shall reject an application made under subbye-law (1) where —

- (a) every stall of the type for which application is made is already hired;
- (b) the applicant is under 16 years of age;
- (c) the applicant is not a citizen; or
- (d) the granting of the application would not be in the public interest.

(3) A person whose application has been rejected under subbye-law (2) may appeal in writing against that decision to the Minister, within 30 days of notification of the decision.

(4) Where an application under subbye-law (1) is granted, the licensing officer shall issue a permit in Form B set out in Schedule 1.

(5) A permit issued under subbye-law (4) shall specify the —

- (a) full name, place of abode and postal address, if any, of the person to whom the permit is issued;
- (b) nature of the merchandise to be sold or the service to be provided;
- (c) period within which the permit shall be in force;
- (d) number of the stall to be hired; and
- (e) rent to be paid for the stall.

(6) The rent to be paid for a stall hired shall be as specified in Schedule 2.

(7) A market master shall at all times exhibit at his or her office, in a conspicuous place where the public may read the same, a copy of Schedule 2.

(8) A stall holder shall pay weekly or monthly rent in advance at the office of the market master, for the hire of a stall under these Bye-laws.

(9) Any person who uses a stall without a permit issued under these Bye-laws, or for a purpose not authorised by the permit, or before the rent has been paid for the hire of the stall, commits an offence.

Order in
markets

5. (1) Any person who begs, gambles, loiters, screams, shouts, sings in a loud or unseemly manner, creates a disturbance, or conducts himself or herself in an offensive or objectionable manner, within a market, commits an offence.

(2) Notwithstanding the provisions of subbye-law (1), the market master may require any person who so behaves in his or her presence, or whom the market master has reasonable grounds to believe has recently so behaved to leave the market immediately.

(3) The market master may refuse entry to a market to any person whom he or she suspects on reasonable grounds to be under the influence of an alcoholic drink or drugs, or to any person who in the presence of the market master does, or in the immediate vicinity of the market, any act under subbye-law (1).

(4) Any person who, on being required to leave a market under subbye-law (2), refuses to do so or who, having left a market on being required to do so under that subbye-law, or having been refused entry to a market under subbye-law (3), enters or attempts to enter the market without the permission of the market master commits an offence.

6. (1) A stall holder shall not sublet the stall hired to him or her under these Bye-laws. Subletting of stalls prohibited

(2) The Council may cancel the permit of any stall holder who contravenes subbye-law (1), in which case any rent paid for the hire of the stall shall be forfeited to the Council.

7. (1) A stall holder shall, on cancellation or at the end of period of hire of a permit issued under bye-law 4 — Condition of stalls at the end of hire

- (a) leave the stall in a clean and tidy condition;
- (b) remove from the stall property that does not belong to the Council;
- (c) replace in its original position furniture and other fittings belonging to the Council removed or displaced by any person other than the Council during the period the permit was in force; and
- (d) make good any damage to the stall, its fixtures, furniture, fittings, and fences caused during the period the permit was in force.

(2) A stall holder shall carry out the duties imposed by subbye-laws 1 (a), (b) and (c) before the market closes on the day the permit expires or is cancelled.

(3) A stall holder whose permit expires or is cancelled on a day on which the market is closed for business, shall carry out duties imposed under this bye-law before the market closes on the first day it opens for business.

(4) Any person who contravenes subbye-law (1) and (2) commits an offence.

8. (1) A stall holder shall take all reasonable steps to ensure that the stall let to him or her, and all utensils, machinery and equipment used therein, and all merchandise sold or displayed for sale therein, are maintained, in a clean and hygienic condition, and that all persons engaged in the business of the stall are, while so engaged, in a proper state of cleanliness. Cleanliness of stalls

(2) Any stall holder who contravenes the provisions of subbye-law commits an offence.

(3) Without prejudice to subbye-law (2), the Council may cancel the permit of any stall holder who contravenes the provisions of this bye-law in which case any rent paid for the hire of the stall shall be forfeited to the Council.

(4) Any person whose permit has been cancelled or who has paid rent which has been forfeited to the Council under subbye-law (3) may appeal in writing against the cancellation or forfeiture or both, within 14 days of being so informed, to the Minister.

(5) Where the Minister allows an appeal made to him or her under subbye-law (4), the cancellation or forfeiture or both, as the Minister may direct, shall be void.

9. Any person who causes or permits any animal to enter, or remain within a market, commits an offence: Prohibition of animals

Provided that the provisions of this bye-law shall not apply to poultry intended for sale by a stall holder within his or her stall.

10. (1) Every market may be opened for business on any day, and shall be opened and closed at such times between 06:00 a.m. and 19:00 p.m. as the Council may determine. Business days and hours

(2) A market master shall exhibit, in a conspicuous place within and outside the market, where the public may read the same, a notice clearly stating the times at which the market shall be opened and closed.

(3) Any person who, without the permission of the market master enters or remains within a market when it is closed for business commits an offence.

Inspection of scales, weights and measures in markets

11. (1) The market master shall, from time to time inspect every scale, weight or measure used in a market and shall require the immediate removal from the market of any such scale, weight or measure which he or she has reasonable grounds to believe is faulty.

(2) Any stall holder who refuses to comply with a requirement under subbye-law (1), or who, having removed a scale, weight or measure from the market on being required to do so, brings or attempts to bring the scale, weight or measure back into the market without the permission of the market master, commits an offence.

Removal of merchandise from markets

12. (1) The market master or a health inspector may require a stall holder to immediately remove from the market any of his or her merchandise which in the opinion of the market master or health inspector is noxious, putrefactive or unfit for human consumption.

(2) Any stall holder who refuses to comply with a request by the market master or a health inspector in accordance with subbye-law (1), or who, having removed merchandise from the market in accordance with such a request, brings or attempts to bring the same merchandise back into the market without the permission of the market master, commits an offence.

Penalties

13. Any person who commits an offence under these Bye-laws is liable —

- (a) for a first offence, to a fine not exceeding P500, or to imprisonment for a term not exceeding one month, or both; and
- (b) for a second or subsequent offence, to a fine not exceeding P2000 or to imprisonment for a term not exceeding three months, or to both.

SCHEDULES

SCHEDULE 1

FORM A

APPLICATION FOR PERMIT TO HIRE STALL
(bye-law 4 (1))

NORTH EAST DISTRICT COUNCIL (MARKETS) BYE-LAWS

(Attach two copies of a passport size photograph)

Full name of applicant.....
(Surname first) IN BLOCK LETTERS

Place of abode and postal address (if any)
.....
.....

Type of stall applied for.....
.....

Period for which you wish to hire stall:
for (days/weeks/months)

Give particulars of the merchandise or service you intend to sell or provide at your stall
.....
.....

Give the number of any other stall you have in the market
.....
.....

.....
Date

.....
Signature of Applicant

FOR OFFICIAL USE ONLY

Date on which application was received by Licensing officer

.....

Proposed date of hearing of application

Date of approval/rejection of application.....

.....

Licensing Officer

FORM B

PERMIT TO HIRE STALL
(bye-law 4 (4))

NORTH EAST DISTRICT COUNCIL (MARKETS) BYE-LAWS

NOT TRANSFERABLE

Issued to:

whose place of abode and postal address (if any) are:
.....

to trade in or to provide the following service(s) or merchandise:
.....
.....
.....

at stall No: **at** **market**

from: **to** **both dates inclusive**

at the inclusive rental of P **per day/week/month**

.....
Date

.....
Licensing Officer

SCHEDULE 2

RENTAL FOR STALLS
(bye-law 4 (6) and (7))

<i>Type of stall</i>	<i>Monthly</i>	<i>Annually</i>
1. Brigade shop	P100.00	P1000.00
2. Lock-up stall	P50.00	P600.00
3. Open stall	P15.00	P180.00
4. Any open space	P10.00	P120.00

MADE this 21st day of May, 2018.

*Council Secretary,
North East District Council.*

APPROVED this 1st day of August, 2018.

PELONOMI VENSON-MOITOI,
*Minister of Local Government and
Rural Development.*