

**LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)**

**PENAMPANG DISTRICT COUNCIL
(MARKETS) BY-LAWS 1978
(G.N.L 47 of 1978)**

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Kota Kinabalu Rural District Council has made the following by-laws:

Title and commencement.

1. These by-laws may be cited as the Penampang District Council (Markets) By-laws 1978 and shall come into operation on the 1st day of October 1978.

Interpretation.

2. In these By-laws —

“fish” includes crabs and shell fish;

“goods” includes food;

“licensee” means the holder of a licence for a stall;

“market” means any of the markets specified in the First Schedule to these By-laws;

“sale” includes expose or offer for sale.

Sale in markets.

3. No goods shall be sold in a market except in accordance with these By-laws.

Hours of business.

4. (1) A market shall be opened for business daily from 5.30 a.m. to 6.00 p.m. unless otherwise directed by the Council.

(2) No sale shall take place in a market or part of a market except when it is open for business.

Certain foodstuffs not to be sold outside markets.

5. No fish, beef, mutton, pork, venison, poultry, live poultry, vegetables and fruits shall be sold by retail other than in a market except in accordance with the written permission of the Council:

Provided that this by-law shall not apply —

- (a) to the sale of fresh fish to fish-curers;
- (b) to any refrigerated food;
- (c) to the sale of the above at premises approved in writing by the Council.

Certain meat not to be sold in markets.

6. No beef, mutton or pork shall be sold in a market unless it is from the carcass of animals slaughtered in slaughterhouses permitted under the Public Health Ordinance 1960 [Ord. 7/60.].

Allocation of stalls.

7. The Council may allocate in market stalls of the following description for the sale of particular goods —

- (a) fish stalls, for the sale of fish;
- (b) meat stalls, for the sale of meat other than pork;

- (c) pork stalls, for the sale of pork;
- (d) poultry stalls (or cages), for the sale of poultry or other birds and eggs;
- (e) vegetable stalls, for the sale of vegetables, fruits and eggs;
- (f) sundry stalls, for the sale of eggs, flowers, cigarettes, tobacco, fruits, ropes, sweets, matches, manufactured rottan goods and such other goods as may be specified on the licence;
- (g) food stalls, for the sale of such cooked food as may be specified on the licence.

Letting of stalls.

8. The Council may let the stalls on payment of a licence fee.

Application for licences.

9. An application for a licence for a stall shall be in writing, and shall specify the goods the applicant proposes to sell, and shall be accompanied by four photographs of the applicant.

Grant of licence.

10. The Council may, in its absolute discretion, grant or refuse a licence, or grant a licence subject to such conditions as it thinks fit.

Health certificate.

11. If the Council so requires, an applicant for a licence or for a renewal thereof shall forward a certificate of health from a Government Medical Officer or a registered medical practitioner.

Duration of licence.

12. Every licensee shall, subject to the provisions of these By-laws, expire on the 31st day of December of the year in which it is granted.

Licence not to be transferred.

13. No licensee shall transfer or otherwise part with the possession of his licence to any unauthorised person.

Stall licence fee.

14. (1) The licence fee to be charged for stalls shall be as set out in the Second Schedule to these By-laws.

(2) Licence fee shall be payable monthly and shall be paid in advance.

(3) If a licence fee is not paid upon the expiry of the first week of the month, in which it is due, the licence shall lapse but may be validated by the Council upon payment of a validation fee of one-tenth of the monthly rent subject to a minimum of one ringgit:

Provided that if the rent is not paid by the end of the month in which it is due, the licence shall be deemed to be cancelled.

Licensee to exhibit all goods on stalls.

15. All goods for sale shall be exhibited on stalls and not otherwise, and shall be so placed as not project beyond the line of the stall.

Sale from stalls.

16. No goods shall be sold from a stall other than that for which it is licensed, and no licensee shall use any stall other than allocated to him.

Licensee not to keep or leave goods on the floor.

17. No licensee shall keep or leave goods or receptacles on the floor of a market except at places approved by the Council.

Employment of assistants.

18. (1) No assistant, whether paid or not, shall be employed in the business of a licensee except with the approval of the Council.

(2) If the Council gives approval, the name, address and a photograph of the assistant shall be affixed on the licence by an officer of the Council.

Stalls to be kept clean.

19. (1) Every licensee shall always keep his stall in a clean and orderly condition, and shall wash his stall, the floor below his stall and the adjoining passage and drains every day within half an hour after a market is closed for business.

(2) A licensee shall remove his goods whenever required by the Council to enable a market to be thoroughly cleaned.

Lock-up shops and storage places.

20. The Council may provide lock-up shops and storage places in a market which may be let or used upon such conditions as the Council may determine.

Refuse.

21. (1) No person shall deposit any refuse or litter in any places in or in the surroundings of a market except in bins or chutes provided for the purpose.

(2) No article or thing shall be thrown, left or otherwise disposed of in the passage, drains or surroundings of a market.

Handicraft.

22. No person shall carry on any handicraft in a market without the written permission of the Council.

Liquor.

23. No person shall keep or consume liquor in a market.

Fires and cookings.

24. No fire or cooking shall be permitted in a market, except in places provided by the Council, without the written approval of the Council.

Obstruction.

25. No person shall in any way cause any obstruction in the market.

Animals.

26. No person may bring any live animal into a market, other than poultry for which a licence has been issued under these By-laws.

Directions.

27. All persons using a market shall comply with such directions as may be given by an officer of the Council for the purpose of preserving cleanliness and order in the market.

Sun-blind, etc..

28. No person shall erect any sun-blind or any temporary or permanent structure in a market without the written approval of the Council.

Water supply.

29. The water supply in a market is subject to the absolute control of the Council.

Sleeping in the market.

30. No person shall lounge or sleep in a market at any time and no person shall remain in a market at night except a watchman approved in writing by the Council.

Penalty.

31. Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable to a fine of five hundred ringgit or two weeks imprisonment in default of payment.

Cancellation of licence.

32. The Council may cancel or suspend a licence if the licensee or any assistant of the licensee —

- (i) is convicted of any offence under these By-law; or
- (ii) is convicted of any offence under any written law relating to public health or the use of false weights or measures in respect of goods to which the licence relates; or
- (iii) on the certificate of a Government Medical Officer or a registered medical practitioner, is suffering from a contagious or infectious disease.

Repeal.

33. Part I of the Kota Kinabalu Town Board (General) By-laws 1956 [G.N.S. 29/56.] made applicable to the Kota Kinabalu Rural District Council under G.N. No. S 69 of 1958 is hereby repealed.

FIRST SCHEDULE

MARKETS

(By-law 2)

The following markets shall be deemed to be markets in the Penampang District Council area:

- (a) the market building and areas situated at Donggongon and denominated as market areas on Plan No. 8976 deposited with the Director of Lands and Surveys;
- (b) the market building and areas situated at Kasigui and denominated as market areas on Plan No. 8977 deposited with the Director of Lands and Surveys;
- (c) the market building and areas situated at Putatan and denominated as market areas on Plan No. 8975 deposited with the Director of Lands and Surveys.

(Paragraphs (d), (e) and (f) deleted by G.N.L 54 of 1979).

SECOND SCHEDULE

STALL LICENCE FEES

(By-law 14)

In the markets referred to in paragraphs (a) to (c) of the First Schedule.

	RM <i>per month</i>
Fish, meat and pork	30.00
Vegetables, sundries other than food hawkers	10.00
Poultry	10.00

Provided that poultry stall, if available, may be let to casual lessees at a rental of fifty sen per day.

Lock up shops will be decided by the Council from time to time.

Cold storage space will be decided by the Council from time to time.

Storage space ten sen per cubic foot per month.

	RM <i>per month</i>
Food stalls	30.00
Fruit stalls	10.00

Provided that all food sellers in premises referred to in paragraph (a) to (c) of the First Schedule may be charged for additional rent for the use of:

(a) ELECTRICITY:

	RM <i>per month</i>
Day shift	30.00
Night shift	15.00
Use of additional electricity per power point	5.00

(b) WATER:

All food stalls	18.00
-----------------------	-------

Dated at Penampang this 13th day of June 1978.

FREDERICK TAN,
Chairman,
Kota Kinabalu Rural District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 29th day of August 1978.

JOSEPH PAIRIN KITINGAN,
Minister of Local Government and Housing.

Sabah LawNet