

PITAS DISTRICT COUNCIL (HAWKERS) BY-LAWS 2010

In exercise of the powers conferred upon him by section 50(1) of the Local Government Ordinance 1961, the Pitas District Council makes the following by-laws:

Citation

1. These by-laws may be cited as the Pitas District Council (Hawkers) By-laws 2010.

Interpretation

2. In these By-laws –

“Council” means the Pitas District Council;

“goods” includes food and drink;

“hawker” includes any pedlar or other itinerant trader, and also any person who habitually sells goods from a place other than an established market or a place held on a title or a temporary occupation licence under the Land Ordinance [Cap.68];

“hawking” means carrying out the business of a hawker;

“licensee” means any person who holds a licence under these By-laws;

“tamu” means an open air market established and declared by the Council to be a tamu by notice posted on the Notice Board of the Council and at the tamu ground.

Licensing of hawkers operating from stalls, etc.

3. No person shall hawk, sell or expose for sale any goods of any kind or set up or use any stall, table, show board, vehicle or receptacle in any street or part thereof or in any premises or public place without first obtaining a licence issued by the Council.

Application for licence

4. An application for a licence shall be in writing and shall specify the goods the applicant proposes to hawk and shall be accompanied by two passport-sized photographs of the applicant.

Issuance of licence

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

Health certificate

6. 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 registered medical practitioner.

Licence fee

7. The fee for a licence to hawk in any part within the area under the jurisdiction of the Council shall be ten ringgit per month.

Display of licence

8. A licence shall be displayed in close proximity to the goods being hawked.

Licence not to be transferred

9. No licensee shall transfer or otherwise part with the possession of this licence to any person.

Hawker not to remain stationary

10. Unless permitted in writing by the Council, no person shall whilst engaged in the business of hawking, remain stationary except for the purpose of serving a customer or resting for a reasonable period.

No hawking in certain places

11. No person shall hawk within thirty feet of any street corner or within half a kilometre from any tamu.

No hawking during certain hours

12. No person shall hawk between 12.00 a.m. midnight and 6.00 a.m.

Refuse

13. No person engaged in the business of hawking shall deposit any refuse or litter in any public place except in receptacles provided for the purpose.

Requirement of a licensee

14. The holder of a licence issued under these By-laws shall –
- (a) display conspicuously such licence while engaged in hawking;
 - (b) dispose of any rubbish or litter only in receptacles provided or approved by the Council;
 - (c) not use any stall unless such stall has been approved by the Council;
 - (d) if required by the Council, furnish his stall and any receptacle for containing any edible goods or commodities used on any such stall with fly proof covers;
 - (e) use only such utensils as may be approved by the Council;
 - (f) keep his person and clothes and any utensils used in a clean and hygienic condition;
 - (g) if, engaged in hawking edible goods carry a supply of clean water sufficient of enable any utensils used to be kept in a clean and hygienic condition;

- (h) after serving any edible foods to a customer, not sell or attempt to sell any unconsumed portion of such foods to another customer; and
- (i) prepare edible goods in a clean and hygienic manner to the satisfaction of a Health Officer.

Cancellation or suspension of licence

15. The Council may cancel or suspend a licence if the licensee or any assistants or any workers of the licensee –

- (a) is convicted of any offence under these By-laws; or
- (b) if, on the certificate of a Government Medical Officer or a registered medical practitioner, the licensee is suffering from an infectious disease.

Penalty

16. Any person who contravenes any of the provisions of these By-laws commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand ringgit.

Compounding of offences

17. (1) Notwithstanding any provision of these By-laws, any officer of the Council may in his discretion compound any offences under these By-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding five hundred ringgit.

(2) On payment of such sum, an official receipt will be issued and no further proceedings shall be taken against the person in respect of such offence.

Made this 9th April 2010.

SAPDIN BIN IBRAHIM,
Chairman,
Pitas District Council.

I approve the foregoing By-laws.

Dated 9th April 2010.

DATUK HAJI HAJIJI HAJI NOOR,
Minister of Local Government and Housing.

Sabah LawNet