

## **PUTATAN DISTRICT COUNCIL (MARKETS) BY-LAWS 2010**

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

### **Citation**

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

### **Interpretation**

2. In these By-laws –

“Council” means the Putatan District Council;

“fish” includes crabs, prawns and shell fish;

“goods” includes vegetables, fruits, fish, meat, eggs, poultry, drinks, sundries, articles and substances used as ingredients in the preparation of food or drinks and any food for human consumption, native tobacco, flowers, clothes and handicraft;

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

“market” means any of the markets specified in the First Schedule;

“poultry” means domestic fowls, chicks, ducks, geese, turkeys, guinea fowls, pigeons, ostrich and such other birds approved by the Council;

“public market” means a market owned, leased or maintained by the Council;

“sell” includes to expose or offer for sale.

**Market place**

3. The Council may establish any market within the jurisdiction of the Council as a market place.

**Sale in markets**

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

**Hours of business and prohibition**

5. (1) The markets 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 the market except when it is open for business.

**Sale of fresh fish, meat, live poultry**

6. (1) The sale or offer for sale of fresh fish, beef, mutton, pork, venison, poultry or live poultry is prohibited within the Council area otherwise than in the markets or at places or premises approved by the Council.

(2) No fresh beef, mutton or pork shall be sold or offered for sale in the markets except beef, mutton or pork cut from carcasses of animals slaughtered at any slaughterhouses approved by the Council.

**Certain goods not to be sold outside markets**

7. (1) No fresh fish, beef, mutton, pork, venison, poultry, live poultry, vegetables and fresh fruits shall be sold by retail within a township other than in a market except in accordance with the written approval of the Council:

Provided that this by-law shall not apply –

- (a) to the sale of fresh fish to fish-curers; or
- (b) to any refrigerated food.

(2) Vegetables may not be sold outside the markets except at premises approved by the Council.

**Allocation of stalls**

8. (1) The Council may allocate stalls in a market for sale of goods in the following categories:

<i>Stall</i>	<i>Goods for sale</i>
(a) Vegetables:	vegetables, eggs and other commodities as may be approved by the Council from time to time
(b) Fruits:	fruits, candies and such other commodities as may be approved by the Council from time to time
(c) Sundry:	toys, tin food and cosmetic
(d) Cake:	cakes, bread and other bakery products
(e) Rice:	rice
(f) Newspapers:	newspapers, books and stationery
(g) curry powder:	curry powder and spices
(h) Flower:	flowers and decorative plants
(i) Native tobacco:	native tobacco
(j) Poultry:	poultry
(k) Beef:	beef
(l) Pork:	pork
(m) Roasted pork:	roasted pork

(n)	Clothing:	clothing
(o)	Cooked food:	cooked food and drinks
(p)	Fish:	fish and frozen fish
(q)	Handicraft:	handicraft
(r)	Ingredients in the preparation of food or drinks:	articles and substances used as ingredients in the preparation of food or drinks and any food for human consumption

(2) No goods shall be sold at a stall of a different category unless approved by the Council.

#### **Letting of stalls**

9. (1) The markets may be divided by the Council into stalls which may be let on such conditions and on such fees as the Council may impose for the sale of goods to be specified in the licence.

(2) No lessee of a stall shall sell at such stall any goods other than that for which the stall is let.

(3) The Council at its discretion may refuse to let a stall or to renew any letting thereof.

#### **Application for licence**

10. 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 passport-sized photographs of the applicant.

#### **Issuance of licence**

11. 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**

12. 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.

**Duration of licence**

13. Licence may be issued monthly

**Particulars in licence**

14. Every licence shall –

- (a) specify the name and address of the licensee and the premises;
- (b) state the trade, business or profession and goods and the maximum quantity thereof storable; and
- (c) be subject to such conditions as the Council thinks fit to impose.

**Licence not to be transferred**

15. No licensee shall transfer or otherwise part possession of his licence to any person.

**Stall licence fee**

16. (1) The licence fee to be charged for stall shall be as set out in the Second Schedule.

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

**Licensee to exhibit all goods on stalls**

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

**Employment of assistants**

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

(2) If the Council gives approval, the name, address and passport-sized 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 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.

**Licensee not to keep or leave goods on the floor**

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

**Sale from stalls**

22. 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 that allocated to him.

**Handicraft**

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

**Liquor**

24. No person shall deal in, keep or consume liquor in a market.

**Obstruction**

25. No person shall place or store goods on the pathways or exhibit for sale on the pathways, or over any drain within the markets, and no board, box, basket, or other articles shall be left in, upon, or across any such drain or pathway, which may cause obstruction in the market.

**Directions**

26. 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.

**Sleeping in the market**

27. No person shall lounge or sleep or be allowed to remain in the market after business hours under by-law 5.

**Animals**

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

**Refuse**

29. (1) No person shall deposit any refuse or litter in any place 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.

(3) It shall be the duty of a licensee to remove all rubbish and empty containers daily.

**Fire and cooking**

30. No fire or cooking shall be permitted in a market, except in places provided by the Council, and with the written approval of the Council.

**Weekly cleaning**

31. The Council may require all goods to be removed from the stalls at least once a week and the whole of the market to be thoroughly cleansed to the satisfaction of the officer appointed by the Council to inspect the same.

**Water supply**

32. The water taps and services in a market shall be under the control of the Council.

**Sunshades**

33. No person shall erect any sunshade or any temporary or permanent structure in a market without the written approval of the Council.

**Cancellation or suspension of licence**

34. 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 a contagious or infectious disease.

**Penalty**

34. 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**

36. (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.

FIRST SCHEDULE

(By-law 2)

MARKET

Putatan Township Market shown on Survey Plan No. 8975.

SECOND SCHEDULE

(By-law 16 (1))

STALL LICENCE FEE

The licence fee payable shall be as follows:

<i>Stall</i>	<i>RM</i>
Fish, pork, poultry, sundries and food	5.00 per month
Vegetables	5.00 per month
Other categories	5.00 per month

Made this 15th July 2010.

AG. ABD. GHANI BIN AG. YUSOP,  
*Chairman,*  
*Putatan District Council.*

I approve the foregoing By-laws.

Dated 15th July 2010.

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