

LOCAL GOVERNMENT ORDINANCE 1961
(No. 11 of 1961)

TUARAN DISTRICT COUNCIL
(MARKETS) BY-LAWS 1987
(G.N.L 18 of 1987)

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Tuaran District Council with the approval of the Minister has made the following by-laws:

1. Title and commencement.

These by-laws may be cited as the Tuaran District Council (Markets) By-laws 1987, and shall apply to the whole area under the jurisdiction of the Council and shall be deemed to have come into force on the 1st day of July 1986.

2. Interpretation.

In these By-laws —

"business goods" means goods includes other properties moveable or immoveable used for business;

"fish" includes fresh water fish or salt water fish, crustacean and mollusc, whether live or dead whether prepared or unprepared and whether cured or uncured;

"goods" includes foods and sundry goods, cooking utensils, furnitures, clothings, handicrafts and soft drinks;

"licence" means the Councils licence;

"market" means any place of business specified in the First schedule to these By-laws;

"officer of the Council" means a Council staff duly authorised by the Council;

"sale" means expose and refrigerated or offer for sale;

"stall" means the stalls in a market established pursuant to by-law 7 and shall include any vacant site or lot;

"shop" includes supermarket, mini market, shopping complex, sundry shop and a coffee shop.

3. Hours of business.

- (1) A market shall be opened for business daily from 5.30 a.m. to 7.00 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.
- (3) No person shall operate business in a market or part of a market except in accordance with a licence granted by the Council.

4. Certain foodstuff not to be sold outside market.

No fish, beef, pork, mutton, venison, poultry, vegetables or fruits shall be sold by retail other than in a market except in accordance with the approval and licence granted by the Council.

5. Market licence.

No person or shop proprietor of any shophouses shall operate a business of selling fresh fish, fresh beef, fresh pork, fresh mutton, fresh venison, fresh vegetables, fresh fruits or fresh chicken within the shop premises except in accordance with the approval and licence granted by the Council specified in the First Schedule.

6. Certain meat not to be sold in the market.

No fresh fish, fresh mutton, fresh pork or fresh chicken shall be sold in a market or shop unless it is from the carcass of animal slaughtered in slaughtered houses or specified place permitted by the Council under the Public Health Ordinance 1960.

7. Allocation of stalls.

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

8. Licence fee.

The Council may let the stalls on licence according to the Second Schedule hereto.

9. Application for licence.

An application for a licence shall be in writing or by filling up a prescribed form and the applicant shall specify the type of proposed business together with two most recent passport-sized photographs.

10. Grant of licences.

The Council may, in its absolute discretion, grant or refuse a licence, or grant a licence subject to such conditions as it thinks fit or to withdraw a licence if the applicant fail to comply with the conditions of the approval.

11. Health certificate.

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.

12. Duration of licence.

- (1) Every licence granted under these By-laws shall expire on the 31st day of December of the year it is issued.
- (2) Any person caught operating with the expired licence is deemed to have committed an offence under these By-laws provided that the Council shall have an absolute discretion to validate the licence subject to repayment of arrears of licence and validation fee of five ringgit.

13. Licence not to be transferred.

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

14. Stallage rents.

- (1) The rate of rental to be charged for stalls shall be as set out in the Second Schedule to these By-laws.
- (2) The rate of rental shall be payable monthly and shall be payable in advance.
- (3) If rental is not paid up the expiry of the first week of the months in which it is due the licence shall lapse but may be validated by the Council upon payment of arrears and one ringgit validation fee each month:

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

15. License to exhibit all goods on stall.

All goods shall be sold from a stall and not otherwise and shall be so placed as not to project beyond the line of the stall.

16. Sale from stalls.

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.

17. Licensee not to keep or leave goods on the floor.

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

18. Employment of assistants.

- (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 and address of the assistant shall be affixed on the licence of the

licensee by an officer of the Council.

19. Stall and store to be kept clean.

- (1) Every licensee shall always keep his stall or store in a clean and orderly condition and shall sweep or wash his stall, the floor below his stall and the adjoining passage and drains every day.
- (2) A licensee shall remove his goods whenever required by the Council to enable a market to be thoroughly cleansed.

20. Lock-up shops and storage places.

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

21. Refuse.

- (1) No person shall deposit any refuse or litter in any place in or in the surroundings of market except in bins provided for the purpose.
- (2) No article or things shall be thrown, left or otherwise disposed of in the passage, drain or surrounding of a market.

22. Liquor.

No person shall deal in, keep or consume liquor or any form of intoxicating drink in a market.

23. Cooking.

No cooking or burning of rubbish shall be permitted in a market without the written approval of the Council.

24. Animal.

No person shall bring any live bird or animal into a market except poultry being offered for sale.

25. Obstructions.

No person shall in anyway cause any obstruction in the market or in the surrounding of a market.

26. Direction.

All person found in a market or in a surrounding of a market shall comply with such lawful directions as may be given by an officer of the Council for the purpose of preserving cleanliness and order in the market.

27. Sun-blind, etc..

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

28. Water supply.

The water supply in market and in a surrounding of a market is subject to the discretion or an absolute control of the Council.

29. Remaining in the market at night.

No person shall remain in a market at night after 9.00 p.m. except a watchman approved in writing by the Council.

30. Penalties.

- (1) Any person who commits a breach or contravenes any provision of these By-laws shall be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence to a further fine of two hundred ringgit for every day during which the offence is continued.
- (2) In addition to or in substitution for the penalty provided in paragraph (1) of this by-law, any expense incurred by the Council in consequence of any breach or contravention of these By-laws or in execution of any work directed by these By-laws to be executed by any person and not executed by such person whether performed by the Council or by some contractor, together with a surcharge of not more than ten per centum of such expense shall be paid by the person committing the breach or failing to execute such work and may be recovered as if such were a civil debt.

31. Compounding of offences.

- (1) Any officer of the Council duly authorised in writing by the Council may in his discretion from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.
- (2) On payment of such sum of money no proceedings shall be taken against the person in respect of such offence.
- (3) The payment shall be evidence by a receipt issued by the officer so authorised to compound the offence.

32. Power of arrest.

- (1) Any officer of the Council duly authorised by the Council or any police officer may arrest without warrant any person who commits in his presence or whom he reasonably believes to have committed any offence under these By-laws —
 - (a) if the name or address of the person is unknown to him and the person declines to give his name and address; or
 - (b) if there is reason to doubt the accuracy of his name or address.
- (2) A person arrested under this section shall be brought before a Magistrate's Court within twenty-four hours unless his name and address are sooner ascertained.

33. Cancellation of licences.

The Council may cancel or suspend a licence —

- (a) if the licensee or any assistant of the licensee —
 - (i) is convicted of any offence under these By-laws; 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) has been certified by a Government Medical Officer or a registered medical practitioner that he is suffering from a contagious or infectious disease; or
- (b) the licensee refuses to co-operate with the Council as far as health and sanitary requirements of the premises is concerned.

34. Revocation.

The Tuaran District Council (Markets) By-laws 1965 is hereby revoked.

FIRST SCHEDULE
(By-law 2)

The following are the places/buildings being declared by the Council as markets:

- (a) Tuaran general markets and the daily market stalls at the tamu ground.
- (b) Tamparuli general markets and the daily market stalls at the tamu ground.
- (c) Tenghilan general markets and the daily market stalls at the tamu ground and market building.
- (d) Kiulu general market and the daily market stalls at the tamu ground.
- (e) Topokon daily tamu stalls.
- (f) Nabalu daily tamu stalls.

SECOND SCHEDULE
(By-law 8, 14(1))

	<i>Stallage rent</i> <i>RM/per month</i>	<i>Licence fee</i> <i>RM/per year</i>
(a) Fish stall table	10.00	60.00
(b) Pork stall/table	20.00	60.00
(c) Meat stall/table	30.00	60.00
(d) Foodstall	30.00	60.00
(e) Clothing/materials stall	20.00	60.00
(f) Vegetables, tobacco, fruits, cakes, eggs, flowers, rice	10.00	60.00
(g) Poultry stall/cage	20.00	60.00
(h) Sundries, toys, cigarettes, ropes, manufactured goods, rottan, books, cooking utensils and others	20.00	60.00
(i) Soft drinks, sweets, cakes	10.00	60.00

Dated at Tuaran this 6th day of August 1986.

JAHID BIN JAHIM,
Chairman,
Tuaran District Council.

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 28th day of January 1987.

DATUK AHMAD BAHAROM BIN
DATUK HAJI ABU BAKAR TITINGAN,
Minister of Local Government and Housing.