

No. L 33

THE KUCHING MUNICIPAL ORDINANCE
THE KUCHING MUNICIPAL COUNCIL (MARKETS) BY-LAWS, 1961.

(Made under section 100)

Pursuant to section 102 of the Kuching Municipal Ordinance, the Governor has approved the following by-laws made by the Kuching Municipal Council in exercise of the powers conferred upon the Council by section 100 of that Ordinance and in compliance with the provisions of section 101 thereof— Cap. 116.

Citation and commencement.

1. These By-laws may be cited as the Kuching Municipal Council (Markets) By-laws, 1961, and shall come into force on the 1st day of June, 1961.

Interpretation.

2. In these By-laws—

“goods” means merchandise of any description and includes foodstuffs, beverages and tobacco;

“licensee” means the licensee of a stall;

“market” means a market of the Council;

“stall” includes a stance or table in a market;

“stall-holder” means the licensee and includes any person lawfully nominated under paragraph (2) of by-law 5 to take temporary charge of a stall.

Licences.

3. No person shall sell or offer for sale any goods in a market except under and in accordance with the terms and conditions of a licence granted by the Council.

No subletting or transfer.

4. No stall-holder shall sublet his stall, transfer, or otherwise part with the possession of his licence (except to the Council) or use any stall other than that for the time being allocated to him.

Employment of assistant.

5. (1) No stall-holder shall employ, engage or utilise the services of an assistant whether paid or otherwise except with the written permission of the Council.

(2) A licensee may with the written permission of the Council nominate a person to take temporary charge of his stall:

Provided—

(a) that such permission shall only be granted if the Council is satisfied that the licensee cannot personally operate the stall on account of absence from the Municipal Area or illness; and

(b) that no such permission shall be granted for a period in excess of six months.

(3) A photograph of any assistant to whom paragraph (1) applies and of any nominee to whom paragraph (2) applies shall be endorsed by an officer of the Council authorized to that effect and attached to the licence plate to be exhibited on the stall under by-law 20.

6. The rents to be charged for stalls shall be as set out in Rents. the Schedule.

7. No person shall in any way cause any obstruction within a market. Obstructions.

8. (1) No person, other than a stall-holder or the assistant Occupation of a stall-holder authorized under paragraph (1) of by-law 5, shall enter or remain in any part of the market except when such night part of the market is opened for business to the public.

(2) No part of a market shall, except with the approval of the Council, be opened for business to the public between the hours of 7 o'clock in the evening and 4 o'clock in the following morning.

9. No person shall deposit any offensive matter or sub-Offensive stance onto any part of a market or onto the ground surrounding matter. a market.

10. Every stall-holder shall take all proper steps to protect Protection foodstuffs displayed or otherwise intended for sale from flies, against dust and dirt and shall take such precautions as may reasonably flies, dust be prescribed in that behalf by the Medical Officer of Health or and dirt. by any other written law.

11. (1) No person shall keep a dog in or knowingly permit Dogs. a dog to follow him into a market.

(2) Any dog found in a market may be seized and impounded by a duly authorized officer of the Council.

G.N. No.
L. 30/61.

(3) The provisions of by-law 6 of the Kuching Municipal Council (Dog Licences) By-laws, 1961, shall be applied to any dog seized and impounded under this by-law as though it had been seized and impounded under that by-law.

12. No person shall light a fire or cook in any part of a Fires. market except in such places and under such conditions as may be allowed by the Council.

13. (1) No person shall land or ship goods on or from any Goods market steps except such goods as are intended for sale or have brought been sold at that market or an adjacent market. into a market.

(2) All goods brought into a market shall be placed on the stalls, if any, provided for that purpose and no goods shall be sold in a market except from a stall provided for that purpose.

14. No fresh fish shall be landed in a market except in places Fish. set apart for that purpose.

15. No live pigs, sheep, goats or cattle shall be brought Livestock. into any market.

16. No lamps or other lights shall be brought into or used Lights. in any market in addition to the lighting provided by the Council.

Goods on stalls. (17.) Goods shall be brought into a market only in such quantities as can be conveniently placed on the stall for which they are intended without projecting beyond the line of stalls.

Receptacles. (18.) No empty barrel, box, basket or other receptacle other than that provided for in paragraph (1) of by-law 21 shall be allowed to remain in any market.

Wholesale trade. (19.) No person shall store goods in any market or receive into any market goods intended for wholesale trade except with the written approval of the Council.

Particulars of licence. (20.) (1) A licence plate as issued by the Council shall be displayed by the stall-holder in a conspicuous position at his stall at all times during which trade is conducted and shall be surrendered at the Municipal Office when lapsed or cancelled.

(2) The licence plate shall state the type of the licence and shall contain a photograph of the licensee, and such other photographs as may be required by paragraph (3) of by-law 5, together with the number of the licence, the name and address of the licensee and the current receipt.

(3) No details contained in any licence plate shall be altered or effaced except by or on the instructions of the Council or by such officer of the Council as may be authorized by it in that behalf.

(4) A fee of five dollars shall be charged for replacing any licence plate which is lost or destroyed.

Stalls to be kept clean. (21.) (1) Every stall-holder shall provide himself with a portable box, basket, or other receptacle of a capacity of not more than three cubic feet for the deposit of all dust, garbage and refuse of any kind which may be produced or which may accumulate in the course of his business; and such receptacle shall be removed, emptied, cleansed and replaced as often as necessary, but never less frequently than once a day.

(2) No stall-holder shall suffer any garbage or refuse to remain or to be on, under or about his stall, except in such receptacle as may be provided under paragraph (1), and every stall-holder shall keep the passages about his stall in a clean condition.

(3) Every stall-holder shall keep his stall and utensils in a clean condition and shall, when so directed by the Medical Officer of Health, remove all goods and other articles from his stall in order that stalls may be cleansed:

Provided that not less than one day's notice shall be given to stall-holders when the removal of all their goods is considered necessary by such officer.

Sunshade, etc. (22.) No person shall erect any sunshade, screen, partition or other temporary or permanent structure in a market without the written approval of the Council.

23. All goods brought into a market shall be sorted or Sorting.
cleaned only in that part of the market set apart by the Council
for that purpose.

24. No stall shall be removed or any alteration or extension Removal of
made thereto. stalls, etc.

25. No person who is suffering from any disease or is in Disease.
contact with any disease which is liable to affect any goods sold
by him, shall trade in a market and the licence of any such person
may be suspended or revoked at any time without notice.

26. (1) Any goods, boxes, packages, or other articles found Impound-
in any market in contravention of by-laws 3, 7, 12, 13, 15, 17, 18, ing.
19 and 23 may be impounded and retained at the Municipal Office
until an impounding fee of twenty dollars has been paid.

(2) Anything impounded under paragraph (1) may, unless
claimed within twenty-four hours by the person lawfully entitled
thereto, be sold and the impounding fee deducted from the pro-
ceeds of such sale or disposed of in such other manner as the
Council may direct and the Council may give special or general
directions for this purpose.

27. In the case of any market or part thereof designated by Producers'
the Council as a producers' market, by-law 8, paragraph (2) of market.
by-law 13 and by-law 14 shall not apply.

28. Any person contravening any provision of by-law 3, 4, Penalty.
5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
or 25 or paragraph (1) of by-law 11 or any condition of a licence
granted under these By-laws shall be guilty of an offence: Penalty,
a fine of one hundred dollars and, in the case of a continuing
offence, a further penalty of ten dollars for every day during
which such offence is continued.

29. Chapter 6 of the Kuching Municipal By-laws is revoked. Revocation.

SCHEDULE

(By-law 6)

MARKET RENTS

Table rents for—

	<i>Per quarter</i>
Coffee	\$100.00
Buffalo meat and beef	100.00
Pork	100.00
Salt fish	100.00
Pickle	100.00
Vegetables (large tables)	100.00
Vegetables (small tables)	50.00

Stance rents for—

Chekor.	50.00
Crab	50.00
Poultry	50.00
Fish	50.00

Fixed stall rents for—

Food and drink	100.00
----------------	--------

	<i>Per mensem</i>
Rent for stance in a producers' market	3.00

Made this 25th day of April, 1961.

ONG KEE HUI,

President,

Kuching Municipal Council.

Approved this 6th day of May, 1961.

A. R. MEIKLE,

Acting Secretary for Local Government.