

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

KGATLENG DISTRICT COUNCIL (MARKET) BYE-LAWS, 2010
(Published on 3rd December, 2010)

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IN EXERCISE of the powers conferred by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the Kgatleng District Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the Kgatleng District Council (Market) Bye-laws, 2010. Citation
2. These Bye-laws shall apply to the villages within the Kgatleng District Council area. Application
3. In these Bye-laws, unless the context otherwise requires — Interpretation
“Council” means the Kgatleng District Council;
“health inspector” means a health inspector employed by the Government or by the Council;
“market” means a market established by the Council;
“market master” means a person appointed by the Council to be market master for the purpose of these Bye-laws;
“stall” includes any building, stand, shelter, table, place or plot within a market set aside for the sale of merchandise or the provision of a service to the public;
“stall holder” means a person by whom a stall is hired under these Bye-laws.

Control
of market
Hiring of
Stalls in
market

4. Every market shall be under the control and supervision of a market master.

5. (1) Any person wishing to hire a stall shall make a written application to the Council for a permit in Form A as set out in Schedule I.

(2) The Council may grant any application made to it under subbye-law (1) unless —

- (a) every stall of the type for which application is made is already hired;
- (b) the applicant is under 16 years of age; or
- (c) the granting of the application would not be in the public interest, in which case it shall reject the application.

(3) Any person whose application has been rejected under subbye-law (2) may appeal, in writing against the decision to the Minister.

(4) Where an application under subbye-law (1) is granted, the market master shall issue a permit in Form B as set out in Schedule I.

(5) The permit under subbye-law (4) shall specify —

- (a) the full name, place of abode and postal address, if any, of the person to whom the permit is issued;
- (b) the nature of the merchandise to be sold or of the service to be provided;
- (c) the period during which the permit shall be in force;
- (d) the number of the stall to be hired; and
- (e) the rental to be paid for the stall.

(6) The rent to be paid for a stall hired shall be as specified in Schedule II.

(7) A market master shall at all times exhibit at his office, in a conspicuous place, where the public may read the same, a copy of the permit issued under Schedule II; and any market master who fails, without reasonable excuse, to comply with this subbye-law commits an offence.

Subletting
of stalls
Prohibited

6. (1) A stall holder who sublets the stall hired to him under these Bye-laws commits an offence.

(2) The Council may cancel the permit of any stall holder who contravenes subbye-law (1), in which case any rent paid for the hire of the stall shall be forfeited to the Council.

Condition of
stalls at end
of hire

7. (1) At the expiration or on the cancellation of a permit issued under bye-law 5, the stall holder shall—

- (a) leave the stall in a clean and tidy condition;
- (b) remove from the stall all property that does not belong to the Council;
- (c) replace in its original position all furniture and other fittings belonging to the Council removed or displayed by any person other than the Council during the period the permit was in force; and
- (d) make good all damage to the stall, its fixtures, furniture, fittings, and fences caused during the period the permit was in force and arising out of the hire of the stall.

(2) The duties imposed by subbye-law (1) (a), (b) and (c) shall be fully carried out before the market closes on the day the permit expires or is cancelled.

(3) If the permit expires or is cancelled on a day on which the market is closed for business, the duties under this bye-law shall be fully carried out before the market closes on the first day it opens for business.

(4) Any person who contravenes subbye-laws (1) and (2), commits an offence.

Cleanliness
of stalls,
etc.

8. (1) A stall holder shall take all reasonable steps to ensure that his stall and all utensils, machinery and equipment used therein and all merchandise sold or displayed for sale are at all times in a clean and hygienic condition, and that each and every person engaged in the business of the stall are at all times while so engaged, in a proper state of cleanliness.

(2) Any stall holder who contravenes subbye-law (1), commits an offence.

(3) Without prejudice to subbye-law (2), the Council may cancel the permit of any stall holder who contravenes the provisions of this bye-law, in which case any rent paid for hire of the stall shall be forfeited to the Council.

(4) Any person whose permit has been cancelled or who has paid rent which has been forfeited to the Council under subbye-law (3) may appeal, in writing, against the cancellation or forfeiture or both, within 14 days after being so informed, to the Minister.

(5) Where the Minister allows an appeal made to him under subbye-law (4), the cancellation or forfeiture or both, as the Minister may direct, shall be void.

9. Any person who erects any building, tent, booth, shelter or any other structure within a market without a written permission of the Council commits an offence.

Erection of buildings, etc. within markets prohibited

10. (1) Any person who begs, gambles, loiters, screams, shouts, sings in a loud or unseemly manner, creates a disturbance or conducts himself in an offensive or objectionable manner within a market commits an offence.

Order in markets

(2) Notwithstanding the provisions of subbye-law (1), the market master may require any person who so behaves in his presence, or whom he believes has recently so behaved, forthwith to leave the market.

(3) The market master may refuse entry to the market to any person whom he suspects to have or to be the carrier of a communicable disease or to be under the influence of drink or drugs or to any person who in his presence, does in the immediate vicinity of the market, any act prescribed by subbye-law (1).

(4) Any person who, on being required forthwith to leave a market under subbye-law (1) refuses to do so or who, having left a market on being required to do so, under subbye-law (2), attempts to enter or enters the market without the permission of the market master commits an offence.

11. Any person who causes or permits any animal to enter or remain within a market, commits an offence:

Animals not allowed in market

Provided that this provision shall not apply to poultry intended for sale within a market by a stall holder.

12. (1) Every market may be opened for business on any day except Sunday, and shall be opened and closed at such times as the Council shall determine, which times shall be within the hours specified in Schedule III.

Business hours

(2) Every market master shall exhibit, in a conspicuous place within and outside the market, where the public may readily read the same, notices clearly stating the times at which the market shall be opened and closed.

(3) Any person who, without the permission of the market master enters or remains within a market when it is closed for business, commits an offence.

13. (1) The market master shall, from time to time, inspect every scale, weight or measure used in a market and shall require the removal forthwith from the market of any such scale, weight or measure which he has reasonable grounds to believe is faulty.

Inspection of scales, weights and measures in market

(2) Any stall holder who refuses to comply with the requirement under subbye-law (1) or, having removed a scale, weight or measure from the market in being required to do so under that subbye-law, brings or attempts to bring the scale, weight or measure back into the market without the permission of the market master, commits an offence.

14. (1) The market master or a health inspector may require a stall holder forthwith to remove from a market any merchandise of a stall holder in the nature of produce which in the opinion of the market master or health inspector is noxious, putrefactive or unfit for human consumption.

Inspection of merchandise in market

(2) Any stall holder who refuses to comply with the requirement under subbye-law (1) or who, having removed merchandise from the market on being required to do so under that subbye-law, brings or attempts to bring the merchandise back into the market without the permission of the market master, commits an offence.

Penalties

15. Any person who commits an offence under these Bye-laws is liable to a fine of P350, or to imprisonment for one month, or to both.

SCHEDULE I

Form A

**Application for permits to hire stall
(Bye-law 5 (I))**

KGATLENG DISTRICT COUNCIL (MARKET) BYE-LAWS

Full name of Applicant.....
(Surname first in BLOCK LETTERS)

Places of abode and postal address (if any).....

Type of stall applied for (Stall, Plot, table or other).....

Period for which you wish to hire stall:

(a) Indefinitely

(b) For*days/weeks/months*

Give particulars of merchandise or service you intend to sell or provide at your stall.....

Date.....

Signature of applicant.

Form B

Permit to hire stall
(Bye-law 5 (4))

KGATLENG DISTRICT COUNCIL (MARKET) BYE-LAWS
NOT TRANSFERABLE

Issued to

Whose place of abode and postal address (if any) are.....

.....

To trade in or to provide the following service

.....

at stall No.....at.....market

Indefinitely, or fromto.....(both

Dates inclusive) at the inclusive rental of P.....per day/week/month

Date.....

.....

Signature of Market Master.

SCHEDULE II

RENTAL FOR STALLS

(Bye-law 5 (6))

Type of stall	Rent		
	Daily	Weekly	Monthly
	P	P	P
1. Brigade Shop	20,00	80,00	150,00
2. Lock up stall	10,00	40,00	75,00
3. Every other stall (other than a plot)	5,00	20,00	35,00
4. Plot	0,50		Per sq.ft/week

SCHEDULE III

HOURS WITHIN WHICH MARKETS ARE TO BE OPENED AND CLOSED
(Bye-law 12 (1))

Opening
0600 hours

Closing
1800 hours

MADE this 18th day of October, 2010.

JIMMY NSALA,
Council Secretary,
Kgatleng District Council.

APPROVED this 17th day of November, 2010.

LEBONAAMANG MOKALAKE,
Minister of Local Government.