

LOCAL GOVERNMENT ACT
(Act No. 18 of 2012)

SOUTHERN DISTRICT COUNCIL (MARKETS) BYE-LAWS, 2014
(Published on 31st October, 2014)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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IN EXERCISE of the powers conferred by section 44 and 45 of the Local Government Act, and after consultation with the community living within the council area, and with the approval of the Minister of Local Government and Rural Development, the Southern District Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the Southern District Council (Markets) Citation
Bye-laws, 2014.

2. In these Bye-laws, unless the context otherwise requires — Interpretation

“Council” means the Southern District Council;

“council area” means the area within the jurisdiction of the Council;

“health inspector” means a health inspector employed by the Government or
by the Council;

“market” means a market established by the Council under these Bye-laws;

“market master” means a person appointed by the Council to be a 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 for the provision of a
service to the public; and

“stall holder” means a person by whom a stall is hired under these Bye-laws.

Establishment of markets	<p>3. (1) The Council may establish markets within the council area as it considers necessary.</p> <p>(2) A market shall be under the control and supervision of a market master.</p>
Permit to operate stall in market	<p>4. (1) A person shall not operate any stall in a market within the council area without a permit issued under these Bye-laws.</p> <p>(2) Any person who operates a stall without a permit in terms of sub bye-law (1) commits an offence.</p>
Application for permit to operate stall	<p>5. Any person who wishes to operate a stall in a market, may make an application to the Council, in Form A set out in Schedule 1.</p>
Issue of permit to operate stall	<p>6. (1) The market master may, where the applicant meets all the requirements, issue a permit in Form B set out in Schedule 1.</p> <p>(2) The market master may refuse to issue a permit to an applicant where —</p> <p>(a) there is no available stall for the type which the application is made;</p> <p>(b) the applicant is under 16 years of age; or</p> <p>(c) it would not be in the public interest to issue the permit.</p> <p>(3) A person shall not operate a stall —</p> <p>(a) for purposes not authorised by the permit; or</p> <p>(b) before the current rent has been paid for the operation of the stall.</p>
Cancellation of permit	<p>7. The Council may cancel a permit where —</p> <p>(a) the stall holder uses the permit for purposes not authorised by the permit;</p> <p>(b) the stall holder sublets the stall to another person without permission of the Council;</p> <p>(c) the stall holder fails to keep the stall in a clean and hygienic condition; or</p> <p>(d) the Council reasonably believes that it is in the interest of the public to do so.</p>
Rent payable	<p>8. (1) A stall holder shall pay the monthly rent specified under Schedule 2.</p> <p>(2) Every market master shall at all times display at his or her office, in a conspicuous place, a copy of Schedule 2.</p> <p>(3) A market master who fails, without reasonable excuse, to display Schedule 2 commits an offence.</p> <p>(4) The rental amounts specified in Schedule 2 shall be paid at the beginning of every month at the office of the market master.</p>
Subletting of stalls prohibited	<p>9. (1) A stall holder shall not sublet a stall hired out to him or her under these Bye-laws to any other person.</p> <p>(2) Any stall holder who contravenes sub bye-law (1) commits an offence.</p>
Condition of stalls at end of hire	<p>10. (1) A stall holder shall, on cancellation or at the end of period of hire of a permit issued under bye-law 6 —</p> <p>(a) leave the stall in a clean and sanitary condition;</p> <p>(b) remove from the stall property which does not belong to the Council;</p> <p>(c) replace in its original position furniture and other fittings belonging to the Council that were removed or displayed by any person other than the Council during the rental period; and</p> <p>(d) make good any damage to the stall, its fixtures, furniture, fittings and fences caused during and arising out of hire of the stall.</p> <p>(2) A stall holder shall carry out the duties imposed by —</p> <p>(a) sub bye-laws (1) (a), (b) and (c) before the market closes on the day the permit expires or is cancelled, and where the permit —</p>

- (i) expires on the day on which the market is closed for business, those duties shall be fully carried out before the market closes on the first day it is next open for business; and
 - (ii) is cancelled on a day on which the market is closed for business those duties shall be carried out before the market closes on the first day it is next open for business; and
 - (b) sub bye-law 1 (a) within such period as may be specified by the Council in the notice of cancellation of a permit.
 - (3) Any person who contravenes sub bye-law (1) commits an offence.
- 11.** (1) A stall holder shall take reasonable steps to ensure that the stall, utensils, machinery and equipment used in the stall and merchandise sold or displayed for sale in that stall are at all times in a clean and hygienic condition, and that the stall holder and any other person who uses the stall are at all times while operating the stall, in a proper state of cleanliness.
- (2) Any person who contravenes sub bye-law (1) commits an offence.
- 12.** Any person who erects any building, tent, booth, shelter or other structure within a market without the permission of the Council commits an offence.
- 13.** (1) Any person who begs, gambles, loiters, screams, shouts, sings in a loud or unseemly manner, makes any loud or unseemly noise, creates a disturbance or conducts himself or herself in an offensive or objectionable manner within a market commits an offence and the market master may require any person who so behaves, or whom the market master has reasonable grounds to believe has so behaved, forthwith to leave the market.
- (2) The market master may refuse entry to a market to any person —
- (a) whom he or she suspects to be under the influence of alcohol or drugs; or
 - (b) who in the immediate vicinity of the market does any act specified under sub bye-law (1).
- (3) Any person who, on being required forthwith to leave the market under sub bye-law (1) refuses to do so, or who, having left the market on being required to do so under sub bye-law (1) or having been refused entry to the market under sub bye-law (2), enters or attempts to enter the market without the permission of the market master commits an offence.
- 14.** (1) Any person who causes or permits any animal to enter or remain within a market commits an offence.
- (2) The provisions of sub bye-law (1) shall not apply to poultry intended for sale within a market by a stall holder.
- 15.** (1) A market shall be opened and closed for business on any day between the hours of 6:00am and 8:00pm.
- (2) A market master shall display, in a conspicuous place within and outside the market, notices stating the times at which the market shall be opened and closed for business.
- (3) Any person who, without the permission of the market master enters or remains within the market when it is closed for business commits an offence.
- 16.** (1) A stall holder shall use scales that have been certified by Botswana Bureau of Standards and shall check the calibration on such scales on a regular basis.

Cleanliness of stalls

Erection of structures within markets prohibited

Order in markets

Animals not allowed in markets

Business days and hours of markets

Inspection of scales, weights and measures

(2) The market master shall, from time to time, inspect every scale, weight or measure used in the market and shall require removal from the market of any scale, weight or measure which he or she finds to be faulty or not certified by Botswana Bureau of Standards.

(3) Any stall holder who refuses to comply with a requirement under sub bye-law (2) or who, having removed a scale, weight or measure from the market on being required to do so brings or attempts to bring the scale, weight or measure back into the market commits an offence.

Inspection of
merchandise

17. (1) The market master or a health inspector shall, from time to time, inspect every merchandise used in the market and shall require removal from the market, of any merchandise *in the nature of produce* which in the opinion of the market master or health inspector is noxious, putrefactive or unfit for human consumption.

(2) Any person who contravenes sub bye-law (1) or who, having removed merchandise from the market, on being required to do so under sub bye-law (1) brings or attempts to bring the merchandise back into the market commits an offence.

Appeals

18. Any person aggrieved by any decision of the Council under these Bye-laws may appeal in writing, to the Minister within 14 days of notification of that decision.

Penalties

19. Any person who contravenes any of the provisions of these Bye-laws commits an offence and is liable —

- (a) on first conviction, to a fine not exceeding P50.00 or to imprisonment for a term not exceeding one month, or to both; and
- (b) for a second or subsequent conviction, to a fine not exceeding P100.00 or to imprisonment for a term not exceeding two months, or to both.

SCHEDULE 1

Form A

APPLICATION FOR PERMIT TO OPERATE STALL
(bye-law 5)

Full name of applicant
(Surname first in BLOCK LETTERS)

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

Type of stall applied for (stand, plot, table or other):
.....

Period for which stall is hired:

(a) Indefinitely

(b) For..... days/weeks/months

Particulars of the merchandise or service to be sold or provided at the stall

.....
.....

Number of any other stalls that applicant has in the market

.....

Date

Signature of applicant.....

Form B

PERMIT TO OPERATE STALL
(bye-law 6 (1))

NOT TRANSFERABLE

Issued to:.....

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

.....

To trade in or provide the following service:

.....

.....

At stall No..... at Market

Indefinitely or from to (both
dates inclusive)

at the inclusive rental of P..... per month.

Date

.....

Signature of Market Master.

SCHEDULE 2

RENTAL FOR STALLS PER MONTH
(bye-law 8 (1))

TYPE OF STALL	RENT
Open stall	P40.00
Closed stall	P50.00

MADE this 16th day of October, 2014.

MOMPATI SELEKA,
*Council Secretary,
Southern District Council.*

APPROVED this 20th day of October, 2014.

PETER LETLHOGONOLO SIELE,
*Minister of Local Government
and Rural Development.*