REPUBLIC OF GHANA

LOCAL GOVERNMENT BULLETIN

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Kwahu West Municipal Assembly (Market) Bye-laws, 2018

In exercising of the powers conferred on the Kwahu West Municipal Assembly by section 181 (1) of the Local Governance Act, 2016 (Act 936), these Bye-laws are hereby made:

1. (1) The Kwahu West Municipal Assembly (hereinafter referred to as the 'Assembly') shall for the purpose of and subject to these Bye-laws, have the control and management of all authorized markets within the jurisdiction of the Assembly.

(2) No person or persons of Town/Village Committee shall construct, own, control or operate any market or attempt to collect or seize or impound the proceeds of any market within the area of authority of the Assembly except with the prior consent and written approval of the Assembly.

(3) Any person who contravenes the provisions of paragraph (2) shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding 100 penalty units or in default of payment to imprisonment for a term not exceeding six months or to both.

2. (1) Stalls, spaces and selling site in the markets shall be allotted in such manner as the Assembly may from time to time direct.

(2) Subjects to the provision of sub-paragraph (1) of this Bye-law applications for the allotment of stalls, spaces and selling sites shall be made to the Assembly and allotment of available stalls, spaces and selling sites shall be in order of priority of application thereof and upon payment of the prescribed rent to the Assembly.

(3) The Assembly may refuse allotment of any stall to an applicant previously convicted of an offence under these Bye-laws.

3. Rent for stalls, spaces or selling sites in the markets shall be of an amount fixed by resolution of the Assembly and approved by or on behalf of the Minister for Local Government

4. (1) On payment of rent for stall, space or selling site a receipt specifying the period in respect of which it is paid shall be issued to the payer and the receipt shall be prima facie evidence of the payment of rent for the specified period

(2) Failure to produce the receipt on demand by a person authorized by the Assembly shall render the occupier of a stall, space or selling site liable to ejection from such a place.

(3) Any person served with a notice of ejectment (which shall be in such from as the Assembly may direct) who fails to give up possession of the stall, space or selling site in accordance with the term of the notice shall be guilty of an offence under these Bye-law and shall on summary conviction be liable to a fine not exceeding 11 penalty units or in default of payment to imprisonment for a term not exceeding three months and to a further penalty of 1 penalty unit for any day for which the offence continues after written notice has been given.

5. (1) All rents shall be payable in advance. In cases when rents are paid weekly, monthly or quarterly, occupation shall expire on the last day of the week, month or quarter in which rent has been paid.

(2) Whenever rent is payable weekly, monthly or quarterly any portion of the week month or quarter shall count as a week, month or quarter as the case may be.

(3) Wherever rent of any stall, space or selling site in a market is payable monthly the -occupier shall give notice of his/her intention to discontinue the use these of at least seven days or fourteen days respectively before the last day of the month or quarter in respect of which rent has been paid otherwise he shall be liable for rent for the succeeding month. In the case of weekly allotment the occupier shall give at least three days' notice before the last day of the week for which rent has been paid his/her intention to discontinue the use thereof.

6. (1) No occupier of any stall, space or selling site in a market in respect of which rent is payable shall sublet or sharing such stall, space or selling site except by the Assembly's permission in writing.

(2) No person shall sell in any place at any market other than at the stall, space or selling site allotted to him/her.

7. (1) No person shall sell, offer for sale or exhibit for sale during market hours any article at any place within the jurisdiction of the Assembly save in the market situated there at or in a shop or in accordance with a hawker's license or license to do so issued by the Assembly.

(2) Any license issued under provision or sub-paragraph (1) of this Bye-law shall be in the form of the schedule and fee payable shall be that fixed by resolution of the Assembly and approved or on behalf of the Minister of Local Government.

(3) Any person who sells any article outside the market except with a license issued in accordance with this Bye-law shall be guilty of an offence and shall on conviction be liable to a fine not exceeding 50 penalty units or in default of payment to imprisonment for a term not exceeding two months.

8. (1) Parts of the markets shall be specifically set aside by the Assembly for the sale of the following articles, and the sale of such articles shall be prohibited elsewhere in the markets.

(a) Fresh meat
(b) Fish
(c) Bread
(d) Palm-wine, Pito, Corn-wine or any African beverage.

(2) Any person who sells any of the articles specified in sub-paragraph (1) of this Bye-law any-where except in the part of the market specifically set aside for the sale of it shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding 50 penalty units or in default of payment to imprisonment for a term not exceeding two-months.

9. (1) A part of the market shall be specifically set aside by the Assembly for the use of daily fees as shall have been fixed by resolution of the Assembly and approved, by, or on behalf of the Minister for Local Government.

(2) On payment of the fee a receipt specifying the date in respect of which it is paid, shall be issued to the payer and the receipt shall be prima facie evidence of payment of the fee for the specified date.

(3) Failure to produce the receipt on demand by a person authorized by the Assembly shall render the daily seller liable to ejection from the market.

(4) Any person served with the notice of ejection from the market (which shall be in such from as the Assembly may direct) who remains in the market shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding 50 penalty units or in default of payment to imprisonment for a term not exceeding two months.

10. No person within the market shall expose any article or food for sale from a stall, or from a table or other support of a minimum height of twenty-four inches (0.60m) from the ground.

11. (1) No person shall expose for sale in any market meat, bread, fish, palm-wine or cooked or prepared food unless same is protected by means of screens in a pattern approved by the Municipal Health Certificate.

(2) No article which is likely to be used for human consumption in the state in which the exposed food for sale shall be sold without adequate protection from dust, flies or insects.

12. (1) No person suffering from any infectious disease shall enter any market to sell and any person suffering from any such disease who enters the market to sell shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding 50 penalty units or in default of payment to imprisonment for a term not exceeding two months.

(2) The Assembly shall have the power to refuse the right of entry into a market to any person of unsound mind or any person who has previously been guilty of such misconduct in or about the market as in the opinion of the Assembly justifies such refusal.

13.(1) Every occupier of a stall, space or selling site in a market shall, during his/her occupation thereof, keep the same in a clean state and shall brush, sweep or otherwise clear away all dirt and rubbish from there at the end of the day's selling.

(2) Every person occupying a stall or using a table or other support for the purpose of expose for sale food thereon shall wash with clean water before leaving at the end of the day's selling at such stall, table or other support. All stains from oil, fat or other articles shall be thoroughly washed away

(3) All dirt, rubbish and sweepings shall be deposited in covered receptacles (to be of a type approved by the Municipal Health superintendent) provided by the Assembly for the purpose.

14. Prohibited articles

(1) No person shall bring or cause to be brought into the market, or have therein any of the following:

(a) Any animal except birds

(b) The skin of any animal unless it be dry and properly cured

(c) The offal of any animal except by permission of a Sanitary officer of the Municipal Assembly who shall act on the advice of the Municipal Health Certificate or a person authorized by such Officer of Health.

(2) The Assembly may, at any time, ban the sale of any articles at the market it deemed necessary to do so.

15. Cooping of, etc.

Fowls, ducks, guinea-fowls and turkeys offered for sale in the market shall be kept in coops or restrained in any other human manner.

16. Children

Any person in charge of a child in the market shall be responsible for the good behavior of such child and shall clean up any litter, or any nuisance that such child may cause.

17. Butcher's clothing

Butchers and their assistants, when engaged in carrying, handling or selling meat, shall wear clean clothing of a style approved by the Sanitary Officer in the Municipality who shall act on the advice of the Municipal Health Superintendent in respect of such style of clothing.

18. Unwholesome food

Any person who brings into the market, or sells or offers for sale therein any meat, fish, bread, palm-wine, cooked or other prepared food which is unwholesome shall be guilty of an offence and shall, on summary conviction be liable to a fine not exceeding 50 penalty units or in default of payment to imprisonment for a term not exceeding three months or to both

19. Market hours

The market shall be opened to the public between the hours of 6:00am and 6:00pm or during such hours as shall be authorized by the Assembly

20. Prohibition of sleeping in market

No person shall use the market as sleeping place, and any person found using the market as a sleeping place shall be guilty of an offence, and no summary conviction, shall be liable to a fine not exceeding 50 penalty units or in default of payment to imprisonment for a term not exceeding three months

21. Rights of entry to market

It shall be lawful for the Municipal Co-ordinating Director or the Municipal Health Superintendent or any person representing them or either of them or any policeman in uniform to enter the market at any time and inform the Assembly of any non-compliance with any matter contained in these Bye-laws.

22. No liability for loss, damage, etc.

The Assembly shall be under no liability for any loss, or damage to the property of an occupier of any stall, space or selling site in a market as a result of fire, theft, burglary or any other cause whatsoever.

23. Obedience to directions of the Assembly

(1) Every person using the market shall obey any reasonable directives of the officers of the Assembly or the police including directives given for the purpose of preserving cleanliness, order and regularity in such market and of facilitating the conduct of business therein.

(2) The Assembly shall suspend for such period as it may in its discretion decide the tenancy of any occupier of a stall, space or selling site who willfully disobeys any of the provision of the Bye-laws herein.

24. Offence

Except otherwise provided in these Bye-laws any person who fails to comply with or contravenes any of the provisions of these Bye-laws shall be liable to a fine not exceeding 20 penalty units or in default of payment to imprisonment for a term not exceeding six months.

25. Application

these Bye-laws shall apply within the area of jurisdiction of the Kwahu West Municipality.