

## **TITLE 25: (MARKET) BY-LAWS 2017 BY-LAWS**

In exercise of the powers conferred on the Offinso Municipal Assembly by Section 181 of the Local Governance Act 936, the following By-Law are hereby made:

### **1. *Citation***

These By-laws may be cited as the Offinso Municipal Assembly Market By-laws 2017 and shall apply to all towns and villages within the area of authority of the Offinso Municipal Assembly (Hereafter referred to as the “Assembly”).

2. The Assembly shall for the purpose of and subject to these By-laws have the exclusive control and management of all markets in the Municipal.

3. No person shall, without the prior consent and approvals of the Assembly establish or operate a private market.

### **4. *Hours of operation***

All markets shall be open to the public every day of the week that is from Monday to Saturday from 6 o'clock in the morning until 6 o'clock in the evening and if any market shall operate on Sundays it shall be opened from 6 o'clock in the morning until 6 o'clock in the evening.

5. Any person who contravenes paragraph three (3) of these By-laws shall be guilty of an offence and shall on conviction forfeit, and be liable to a fine not less than **one hundred (100) penalty units or** in default of payment to a term of imprisonment not exceeding twenty months or both.

### **6. *Allotment of may Stalls /stores/ Spaces***

(a) Stores and Stalls shall be allotted in such manner as the Assembly from time to time direct.

(b) Subject to the provisions of sub-paragraph (a) of this By-law, applications for the allotment of the Store and Stalls shall be to the Assembly and allotment of available store/stall shall be in order of priority of application thereof and upon payment of the prescribed rent thereof to the Assembly.

(c) In allotting a stall, the O.M.A. shall be guided by the date of application and the date of payment of fees prescribed under the application;

(d) The O.M.A. may refuse allotment of any stall to an applicant previously convicted of an offence under these By-Laws;

(e) For the avoidance of doubt the grant of all stalls shall be made by the O.M.A.

**7. *Rent***

(a) Rent for stalls and stores shall be of an amount fixed by resolution of the Assembly and approved by the Municipal Assembly.

(b) All rents may be paid in advance and where the rent is payable daily, weekly, monthly or quarterly any part of a month or quarter shall count as entire month or quarter;

(c) The period for which rent has been paid shall run from and include the day of allotment and shall expire on the last day of the period for which rent has been paid;

(d) In case of an allotment by the month, the occupier of any stall shall give notice of intention to discontinue the use thereof at least seven days before the expiration of the period in respect of which rent has been paid; otherwise he shall be liable for rent in respect of the succeeding month.

**8. *Payment of Rents for Stalls/Stores***

(a) On payment of rent for a store/stall, a receipt specifying the period in respect of which it is paid shall be issued to the payer and receipt shall be prima facie evidence of the payment of rent for the specified period.

(b) Failure to produce the receipt on demand by a person authorized by the Assembly shall render the occupier of stall/store liable to ejection from the store/stall.

(c) Any person served with a notice of ejection (which shall be in such form as the Assembly may direct) who fails to give up possession of the stall/store in accordance with the terms of the notice shall be guilty of an offence under these By-laws and shall on conviction be liable to a fine not less than **one hundred (100) penalty units** or in default of payment to imprisonment for a term not less than twelve months or both.

**9. *Liability for loss or damage***

(a) The O.M.A. shall not be under any liability for any loss or damage to the property of any occupier of any store in a matter due to fire, theft, burglary or any other cause whatsoever.

(b) An allottee of O.M.A. stall in all the markets shall insure their properties against fire, theft/burglary or other foreseeable contingencies.

**10. *Subletting/ transfers/succession***

(a) An occupier of any store, in a market shall not sublet or share such store, except with the written consent of the O.M.A.;

(b) A license granted by the O.M.A. to any person to use or occupy any store/stall, table or space in any market shall be personal to the licensee only, and the transfer of some or any part thereof or any transaction or dealing therewith such might by operation of law or equity have the effect of transferring same or any part thereof or any therein to any person at any time without due notice to the O.M.A. is prohibited;

(c) The ownership of a stall shall not be assumed or devolved by way of succession. Upon the death of the original allottee, the interest in the stall automatically reverts to the O.M.A.; but where the tenancy had not elapsed, the Assembly may transfer ownership to the next of kin,

(d) Where an allottee dies, the O.M.A. should be notified of such death stating whether the deceased was occupying it or not;

(e) Any relative of the deceased person who expresses an interest in the store should apply to the O.M.A. within three months after notification for consideration and approval by the O.M.A. and if the application is successful, a fresh tenancy agreement shall be executed between the O.M.A. and the successful applicant;

(f) Where the real tenant was not in occupation before his/her death, the O.M.A. should be obliged in fairness or by way of equity transfer the interest in it to the person who was occupying it as a sub-lessee before his death if such occupation was with the written consent of the O.M.A.;

(g) In any other situation the Assembly reserves the right, or discretion to decide who should occupy it depending on the objective conditions surrounding that situation.

**11. *Transfer of interest person alive***

(a) A sitting tenant can only transfer his/her interest in a stall by submitting a formal application to the Municipal Coordinating Director stating clearly his intention and reason for the transfer;

(b) A market standing Committee comprising the Market Manager, Municipal Coordinating Director or the deputy or a representative of the Municipal Coordinating Director and a member secretary shall handle such applications;

(c) In such situations, fees to be charged should be approved by a resolution of the O.M.A.

(d) Any person who fails to comply with by-laws 10 and 11 is guilty of an offence under this by-law and shall on conviction lose interest in it, and in addition liable to a fine not less than **one hundred (100) penalty units** or in default to a term of imprisonment not less than twelve (12) months or both.

## **12. Desertion**

(a) The O.M.A. reserves the right to re-enter a store(s) and re-allocate same to any interested person if-

- i. The occupier deserts the store for 3 months without notice to the O.M.A. and fails to pay daily tolls.
- ii. Fails to pay the rent due for 3 months;
- iii. The real tenant had sold it to a third party; or has relinquished his/her interest to third party without the written consent of the Assembly.
- iv. The Market manager shall through the daily toll collectors furnish the Chief Executive with the names and store numbers of stores which are not opened and thus fail to pay daily toll.
- v. The OMA shall before re-entry issue notices to the tenant and or paste a copy at the store where the tenant cannot be traced of the OMA's intention to re-enter;

(b) In any other situation the Assembly reserves the right or has got the discretion to decide who should occupy the store/stall depending on the objective conditions surrounding that situation.

## **13. Disputes**

(a) All market disputes should be referred to the market Manager (if any) or Revenue Superintendent, Municipal Co-ordinating Director or Finance and Administration or Sub-Committee for settlement. The Municipal Co-ordinating Director shall be the chairman.

(b) When a party to a dispute is not satisfied with the decision given, he/she shall appeal to the Executive Committee of the Assembly, for a review of the judgment.

**14. Sales restriction**

(a) No person shall sell, offer for sale or exhibit for sale during market hours at any place situated there as his dwelling house or shop except with license to do so issued by the Assembly.

(b) Any license issued under the provision of sub-paragraph (a) of these by-laws shall be in the form of the third schedule and fee therefore shall be fixed by the resolution of the Assembly.

(c) Any person who sells hazards or buys any article or foodstuff outside the market at any place except with license issued in accordance with these by-laws shall be guilty of an offence and shall on conviction be liable to a fine between **100-250 penalty units** payable to Offinso Municipal Assembly or in default of payment to imprisonment for a term not less than twelve (12) months or both.

**15. Appropriation of parts of the market**

(a) Parts of the market 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 market: (i) Fresh meat (ii) Fish (iii) Bread (iv) Palm wine/Pito or any other item decided upon by the Assembly.

(b) Any person who sells any of the articles specified in paragraph (a) of this by-law anywhere except in the part of the market specifically set aside by Authorities is liable to a fine between **100-250 penalty units** payable to Offinso Municipal Assembly or in default of payment to imprisonment for a term not less than twelve months.

**16. Daily sellers/ Exposure of food**

(a) A part of the market shall be specifically set aside by the Assembly for the use of daily sellers who shall pay to the Assembly, such daily fees as have been fixed by resolution of the Assembly.

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

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

(d) Any person served with the notice of ejection from the market (which shall be in such form as the Assembly may direct) who remains in the market shall be guilty of offence and shall on

conviction be liable to a fine between **100-250 penalty units** payable to Offinso Municipal Assembly or in default of payment to imprisonment for a term not less than twelve (12) months.

(e) No person within the market shall expose any article for sale save from street or from a table or other support of a minimum height of 500 millimeters from the ground level.

**18. Screening of meat/ food product etc.**

No person shall expose for sale in any market any meat, bread, fish, palm- wine or pito, cooked or prepared food unless the same is protected by means of screens of a pattern approved by the Municipal Environmental Health Officer Concerned.

**19. Infectious disease**

No person suffering from any infectious or contagious disease shall enter market to sell. Any person suffering from any such disease who sells at the market shall be guilty of an offence and shall on conviction be liable to a fine not less than **one hundred (100) penalty units** or default of payment to imprisonment for a term not less than twelve (12) months.

**20. Cleanliness**

(a) Every occupier of a stall/store shall during his/her occupation thereof keep the same in a clean state and brush dirt and rubbish there and around its immediate surroundings allocated by the market manager before leaving at the end of the day's selling.

(b) Every person occupying a stall or using a table or other support for the purpose of exposing for sale thereon shall wash with clean water before leaving at the end of the day's selling in such stalls/stores, on the table or other support.

(c) All dirt rubbish shall be deposited in a covered respectable (to be of a type approved by (Environmental Health Officer concern) provided by the Assembly for the purpose.

(d) It is the responsibility of the market managers to set up a task force to ensure compliance with the provision of this By-law for all markets controlled by the O.M.A.

**21. Prohibited Articles**

No person shall bring or cause to be brought into the market, or have thereon any of the following:

- (a) Any live animal except birds, sheep and goats.
- (b) The skin of any animal unless it is dry and properly cured.
- (c) The offal of any animal except by permission of an Environmental Health Officer of the Assembly who shall act on the advice of the Municipal Health Officer concerned or a person authorized by such Officer of Health.
- (d) Fowls, ducks, guinea fowls and turkeys offered for sale in the market shall be kept in coop or restrained in any other humane manner.

**22. *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.

**23. *Butchers Clothing***

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

(b) A butcher who flouts the directive on the clothing shall receive a warning in the first instance. If the breach continues, the O.M.A. shall fine the butcher **forty (40) penalty units**;

(c) If the breach continues after the payment of a fine, the O.M.A. in conjunction with the butcher's association shall suspend the said butcher from operating in any market controlled by the O.M.A. for a period of one month after which the person shall be readmitted after signing a bond that he shall comply with the By-law regarding dressing at the time of conveying meat.

**24. *Right of entry***

It shall be lawful for the Municipal Chief Executive or his representative to enter the market at reasonable times and to inform the O.M.A. of any non-compliance with these By-laws or to enforce same.

**25. *Unwholesome***

A person who brings into the market or sell or offer for sale therein any article for human consumption which is unwholesome shall be guilty of an offence.

**26. Prohibition**

- (a) Except security officers in charge of the markets, no person shall use the market as a sleeping place.
- (b) A person shall not light fire in any part of the market or keep or sell any explosives or highly flammable substances in the market place.
- (c) No person shall use any part of the market stall or kiosk as a sleeping place, and any person found using the market as a sleeping place. The Assembly shall reserve the right to eject such offender.
- (d) No person or persons or Unit Committee or Area/Town councils, shall construct, own, or control any market within the area of authority of the Assembly except with the prior approval of the Assembly.
- (e) Every person using the market shall obey reasonable directive of the officers of the Assembly including directions given for the purpose of preserving cleanliness, order, and regularity in such market and of facilitating the conduct of business therein.

**27. Penalties**

Any person who fails to comply with or contravenes any of the provisions of these by-laws 17, 19, 20, 21, and 24 shall be guilty of an offence and on conviction by a District Court be liable to a fine between **100-250 penalty units** payable to Offinso Municipal Assembly or in default of payment to imprisonment for a term not less than twelve (12) months or both.

**28. Interpretation**

These By-laws unless the context otherwise requires-

“**OMA**” means Offinso Municipal Assembly

“**Market**” means public markets within Offinso Municipal

“**Stores**” includes selling sites, stalls, spaces and places as shall be designed by the OMA to be used for selling and buying purposes.

**29. Revocation**

Any By-law on **Market** in existence within the area of authority of the Assembly before the coming into force of these By-laws is hereby revoked.