

LEGAL NOTICE NO. 142

REPUBLIC OF TRINIDAD AND TOBAGO

THE MUNICIPAL CORPORATIONS ACT, 1990

BYE-LAWS

MADE BY THE CORPORATION UNDER SECTION 196 AND CONFIRMED BY THE
PRESIDENT UNDER SECTION 223 OF THE MUNICIPAL CORPORATIONS ACT

THE MARKET (SAN FERNANDO) BYE-LAWS, 1996

1. These Bye-Laws may be cited as the Market (San Fernando) Bye-Laws, 1996. Citation
2. These Bye-Laws apply to the Central Market, Mucurapo Street, San Fernando, the Marabella Market, Marabella, the Fish Market and any market established in accordance with section 186(1) of the Act. Application
3. In these Bye-Laws—
 - “Act” means the Municipal Corporations Act, 1990; Interpretation
 - “Chief Executive Officer” has the meaning assigned to it in section 38 of the Act;
 - “City Clerk” means the head of the administrative arm of the Corporation;
 - “Corporation” means the San Fernando City Corporation;
 - “Fresh meat” means the fresh meat of any cattle, sheep, goat, pig or turtle and includes imported fresh meat;
 - “licensed premises” means premises in which any person holding a licence from the Council sells, offers or exposes for sale any marketable commodity;
 - “market” means the place designated by the Corporation under section 189 of the Act to be a public market;
 - “Market Administrator” means the officer for the time being appointed by the Local Authority to be in charge of the market;
 - “marketable commodities” include fresh and frozen meat, fish, turtle, ground provisions, vegetables, fruits and all goods, merchandise and drugs sold in shops, drug stores and cafeterias;
 - “Medical Officer” means the Medical Officer of Health;
 - “motor vehicle” includes a motor cycle and pedal cycle;
 - “sell” includes offering and exposing for sale and “sale” shall be construed accordingly;
 - “stall” includes any stand, table, shed or place in the market allotted to a vendor under these bye-laws for the purpose of selling, offering or exposing for sale marketable commodities;

“vendor” means a person who is the holder of a valid and subsisting licence to sell marketable commodities and includes a person who is employed by such other person to sell or assist in selling such marketable commodities.

Opening and closing of market

4. (1) Subject to paragraph (2) the market shall be opened and closed daily as outlined in the Schedule.

(2) The Chief Executive Officer may grant permission to—

- (a) any licensed vendor of fish to use the market after closing hours in order to dispose of any fresh fish brought to the market after closing hours; and
- (b) use the market place on any day when it is usually closed to the public.

Removal of person from market at closing time

5. As soon as practicable at the appropriate closing time, every person who is in the market shall depart therefrom and a person who fails or refuses to depart therefrom when requested so to do by the Market Administrator or by a constable or other duly authorised person may be removed therefrom by the Market Administrator or the constable or the duly authorised person.

Application for licences

6. (1) Every person who is desirous of selling marketable commodities in the market shall apply in writing to the Chief Executive Officer for a licence to sell such commodities.

(2) An application shall—

- (a) be signed by the applicant who shall be at least eighteen years old;
- (b) contain the name, address and the date of birth of the applicant; and
- (c) be accompanied by—
 - (i) a certificate of good character; and
 - (ii) a medical certificate of good health issued by the Medical Officer of the Corporation.

(3) The Chief Executive Officer may, if he is not satisfied that the applicant is eighteen years, require such applicant to produce his birth certificate.

(4) The Chief Executive Officer shall, upon the grant of an application, notify the applicant in writing and upon the payment of the appropriate fee shall issue a licence and a badge to the applicant.

Schedule

(5) The fees payable annually to the Corporation for licences granted under this bye-law are set out in the Schedule.

(6) The charge for a badge shall be such amount as the Council may determine.

(7) Nothing in this bye-law shall render invalid any licence issued to a person who, at the coming into operation of this bye-law, is under the age of eighteen years.

7. (1) No person shall sell, offer or expose for sale any marketable commodity in the market unless he is the holder of a valid and subsisting licence to sell, offer or expose for sale such commodity. Selling without licence

(2) No person shall sell, offer or expose for sale in the market any thing other than a marketable commodity.

(3) A person who contravenes this by-law is guilty of an offence.

8. (1) Subject to paragraph (2), every vendor shall, while engaged in selling any marketable commodity, be dressed in the manner prescribed by the Market Administrator. Uniform and clothing

(2) A person who is engaged in the sale of meat or fish shall be dressed in clean clothes and overalls, adequately shod with shoes or boots and shall display his badge on a conspicuous part of his clothing.

(3) A person who contravenes this bye-law is guilty of an offence.

9. (1) Where the Market Administrator has reasonable grounds for suspecting that a vendor is suffering from an infectious or contagious disease, he shall forthwith report the fact to the Chief Executive Officer. Persons suspected of suffering from infectious or contagious diseases

(2) On the receipt of such report, the Chief Executive Officer shall as soon as practicable thereafter refer the report to the Medical Officer who shall forthwith require the vendor concerned to present himself for a medical diseases examination.

(3) If—

(a) upon a medical examination, the Medical Officer is of the opinion that the vendor is suffering from an infectious or contagious disease; or

(b) the vendor concerned does not present himself for examination as required,

the Chief Executive Officer shall forthwith suspend the licence granted to the vendor until the vendor satisfies the Medical Officer that he is no longer suffering from such disease or, that he has submitted himself for examination and has been found by the Medical Officer to be free from any disease.

10. (1) Application for the hire of stalls in the market shall be in writing signed by the applicant and addressed to the Chief Executive Officer or City Clerk. Terms of occupation of stalls

(2) The allotment of such stalls shall be in writing signed by the Market Administrator or his assistant.

(3) Stalls within the area designated as a market shall be the property of the Corporation.

Schedule

(4) A person to whom a stall is allotted may without making a fresh application, continue to be the occupier thereof, and shall pay the prescribed rent set out in the Schedule for the same from day to day unless he notifies the Market Administrator that he no longer desires to be the occupier thereof, or until the expiration of two clear days' notice given to him in writing by the Chief Executive Officer.

(5) Any stall left unused for a period of one month without notification by the occupier thereof to the Market Administrator or his assistant shall be deemed to be abandoned and the licence held by the occupier cancelled.

General prohibitions

11. (1) A person who—

- (a) hawks, carries about or cries out the price of any article or marketable commodity for sale in the market;
- (b) uses a bell or other instrument for advertising goods in the market;
- (c) without the written authority of the Council, sells any goods by auction in the market;
- (d) damages any stall, furniture, appliance or thing in the market which is the property of the Corporation;
- (e) spits on the floor of the market or throws or drops on the floor or ground of the market any offal, garbage or any other matter;
- (f) except with the permission of the Market Administrator or his assistant uses a stall in the market which he is not duly licensed or authorised to use;
- (g) sells, offers or exposes for sale or deposits for sale any article whatever in the market other than at or upon a stall which at the time of such sale, offer or exposure for sale or of such depositing, is allotted to him by the Market Administrator;
- (h) by any contrivance or device or in any other manner whatever tampers with any scale, balance, beam or weight in the market whether such scale, balance beam or weight is the property of or in the possession of or under the control of such person or not; or
- (i) brings or permits any dog or other animal to follow him into the market or attend or be with him in the market,

is guilty of an offence.

(2) A vendor who—

- (a) chops or cuts any meat or fish on any stall in the market other than on the facility provided for the purpose;

- (b) fails, neglects or refuses to keep clean any stall allotted to him or permits any refuse or garbage to remain in or about such stall;
- (c) fails, neglects or refuses to produce on demand his licence or badge;
- (d) causes or allows any marketable commodity to be deposited or exposed for sale in or upon any stall, so that a portion of the commodity projects beyond or overhangs such stall or is piled up above the height of four and a half feet (or equivalent metric measurement) from the floor or ground level of the market;
- (e) sells or offers for sale any carcass of any animal as the carcass or part of the carcass of any other animal thereof;
- (f) fails, neglects or refuses to cleanse daily scales, weights and other appliances utilized by him or to keep such scales, weights and other appliances free from rust and verdigris to the satisfaction of the Market Administrator, his assistant or a constable;
- (g) fails or neglects to use clean and unused paper for the wrapping of any article sold by him; or
- (h) fails or neglects to extinguish any fire or light in or about the stall occupied by him not later than half an hour before closing time,

is guilty of an offence.

(3) A person who, in the market—

- (a) makes use of any violent or obscene language;
- (b) fights or otherwise disturbs the peace;
- (c) acts or behaves in an indecent manner;
- (d) makes any loud noise, plays any musical instrument, radio or other mechanical apparatus;
- (e) consumes, brings, sells or exposes for sale any intoxicating liquor;
- (f) loiters or stands in the market in such a manner as to annoy or obstruct any other person;
- (g) lights a fire or cooks any food except in such part thereof as may be set apart for that purpose by the Council;
- (h) molests, hinders or obstructs the Market Administrator or any clerk or any officer in the performance of his duties; or
- (i) wilfully or improperly soils or defiles any part thereof,

is guilty of an offence.

Scales and weights

12. (1) Every scale used by vendors carrying on retail business in the market shall have two faces and shall be so placed on or over the stall allotted to the vendor that one face of the scale can be clearly seen by the purchaser.

(2) Where a hanging scale is used it shall be suspended at least four inches (or equivalent metric measurement) above the stall allotted to the vendor.

(3) Every scale used in the market shall be duly stamped by an Inspector of Weights and Measures.

(4) A vendor who sells or delivers to a purchaser any marketable commodity which is less in weight, measure or number than which has been paid for by the purchaser is guilty of an offence.

(5) A vendor who has in his possession or under his control any false or unjust weights, weighing machines or scales is guilty of an offence.

(6) Where a dispute arises between a vendor and a purchaser with respect to the weight or measure of any marketable commodity purchased or about to be purchased, the vendor shall on demand by the purchaser cause the marketable commodity concerned to be weighed in the presence of the Market Administrator, his assistant or a constable.

Refusing to comply with directions of Market Administrator

13. (1) All persons selling in the market shall obey the reasonable orders of the Market Administrator or other officer of the market.

(2) Any person who while in the market, neglects or refuses to comply with any directions for the maintenance of order or for carrying any order into effect given by the Market Administrator or other officer of the market, is guilty of an offence.

Corporation not liable for articles left in market

14. The Corporation, its officers or agents shall not be responsible for the safe keeping of articles left in the market.

Selling marketable commodities within one mile radius of the market

15. (1) No person shall sell or offer for sale any marketable commodity within a one mile radius (or equivalent metric measurement) of the market.

(2) A person who contravenes paragraph (1) is guilty of an offence.

Soliciting, etc.

16. (1) No person shall solicit or take any order for goods not in the market for which dues would be paid if the same had been offered for sale in the market.

(2) A person who contravenes paragraph (1) is guilty of an offence.

Posting placards prohibited

17. (1) No person other than an officer or servant of the Corporation shall, without permission of the Corporation, post any bill or placard other than a description of goods on sale in or on any part of the market.

(2) A person who contravenes paragraph (1) is guilty of an offence.

18. (1) Every vendor shall as often as may be necessary during the day— Cleansing of stall by vendor

(a) cause the stall allotted to him and all appurtenances thereto to be properly cleaned; and

(b) cause all refuse from his business to be placed in a receptacle provided by the Corporation for the purpose or in a suitable receptacle provided by him.

(2) A person who contravenes this bye-law is guilty of an offence.

19. (1) No porter or hawker shall operate within the precincts of the market unless he has been granted a licence by the Market Administrator so to do. Porters and hawkers to be licensed

(2) Any porter or hawker who contravenes paragraph (1) is guilty of an offence.

20. (1) No person shall bring the meat of any animal slaughtered outside the limit of the San Fernando City Corporation into the market or any licensed premises, unless the meat is fresh and accompanied by a certificate from the clerk of a municipal or Government abattoir certifying that the animal was slaughtered in the abattoir, or if slaughtered outside of an abattoir, a certificate of a Medical Officer or registered veterinary surgeon, certifying that the animal was examined before being slaughtered. Sale of meat slaughtered outside the Corporation

(2) The certificate in paragraph (1) shall certify that the meat of the slaughtered animal is free from disease and fit for human consumption and shall be produced to the clerk of the market or Market Administrator.

21. Proceedings against any person for breach of any of these laws may be instituted by and in the name of the Corporation. Proceedings in the name of the Corporation

22. Fish, turtle and meat brought to be sold within the market shall be sold only at the stalls enclosed and designated for the sale of fish, turtle or meat. Meat and fish

23. (1) Every person who sells, offers or exposes for sale any marketable commodities in the market shall pay dues set out in the Schedule to the clerk or Market Administrator prior to the removal or sale of any marketable commodities in respect of which the same are payable. Payment of dues Schedule

(2) Every person who sells, offers or exposes for sale any marketable commodities for which the dues are not paid is guilty of an offence.

(3) A person who makes a payment other than dues may use the market for one day only.

(4) Where a person is liable for the payment of any dues under these bye-laws and does not pay the same when required to do so by the Chief Executive Officer, the Market Administrator may—

(a) forfeit the stall;

(b) take legal proceedings against the defaulter; or

(c) recover the same by distress and sale of a sufficient part of the goods in respect of which the same is payable or any other goods in the market belonging to the defaulter.

Wholesale
market

24. (1) The Council may set aside such parts of the market which appear to be suitable for use as a wholesale market.

(2) No person shall sell in the wholesale section any marketable commodities in quantities less than those specified.

(3) A person who offers or exposes for sale any marketable commodities in such wholesale section shall pay the dues specified in the Schedule.

Schedule

Sale of food
not fit for
consumption

25. No person shall sell or offer or expose for sale in any market any marketable commodity which is unsound or unfit for human consumption.

Plucking and
gutting
prohibited

26. (1) A person shall not pluck or gut any poultry on or near a public highway of which the Corporation is the Highways Authority or at such places as the Council may from time to time by written notice prescribe unless he has obtained the permission of the Council.

(2) A person who contravenes paragraph (1) is guilty of an offence.

Vehicular
traffic

27. No motor vehicle shall enter the market except for loading or off-loading unless the permission of the Chief Executive Officer is obtained.

Hand barrows

28. (1) Hand barrows are permitted in the market during the following times:

Monday to Saturday 4.00 a.m. to 6.00 a.m. and 2.00 p.m. to 5.30 p.m.

Sunday 4.00 a.m. to 6.00 p.m.

(2) Any person who brings any hand barrow into the market anytime other than the time provided for in paragraph (1), is guilty of an offence.

(3) In order for someone to operate a hand barrow he would first have to obtain a Certificate of Good Character which must be presented to the Municipal City Police Service.

(4) The barrow operator must pay an annual fee of one hundred dollars for a badge to operate in the market.

(5) The barrow operator shall be held accountable for injury to patrons in the market.

29. (1) Licensed shops or premises shall not be kept open after 5.00 p.m. on weekdays or after 10.00 p.m. on Sundays. Licensed shops or premises

(2) Every licensed shop or premises shall during the hours that it is kept open be liable for inspection by the Market Administrator and all tables, stands, blocks and instruments therein used in connection with the sale of meat shall be properly cleaned daily.

30. (1) Any person who assaults, obstructs or resists any Police Officer in the execution of his duty or aids or incites any other person to assault, obstruct, or resist any Police Officer in the execution of his duty is liable on summary conviction to a fine of five hundred dollars. Assaulting a police officer

(2) A constable may arrest without a warrant any person found committing an offence under the above section.

31. (1) No person shall—

(a) assault, resist or obstruct a Market Administrator or other person authorised by the Council to receive any stallages, rents, dues, tolls and charges payable in respect of a public market or any person employed to superintend such market or keep order therein whilst in the execution of his duty; Assaulting or obstructing the Market Administrator and other authorised persons

(b) prevent any Inspector or any assistant of such Inspector from entering any shop or other premises, or from making such inspection as is proper; or

(c) prevent the removal of any marketable commodities which in the opinion of the Inspector are unfit for human consumption.

(2) Any person who contravenes paragraph (1) is guilty of an offence and is liable on conviction to a fine of five hundred dollars.

32. The Council may by resolution regulate the rental and use of stalls, tables or stands and the opening and closing hours of any market under its jurisdiction and in accordance with any relevant section of the Act. Resolution

33. A person shall not store or permit to remain in any market meat or fish, after closing hours or offer or expose for sale such meat or fish on any subsequent day unless it is stored in the cold storage facilities at the fish market upon immediate closing of the market. Storage of meat and fish

Craft not to
be made fast

34. (1) No person shall make fast any float, lighter, boat, canoe or other craft to the fish market or any of the posts thereof, except the boats of fishermen which are being unloaded.

(2) The Market Administrator or his authorised representative may order a person to cast or cut adrift a craft made fast contrary to this bye-law.

Operating a
crane

35. (1) No person shall use the crane or keep the crane-handle that operates the crane, unless the consent of the Market Administrator or his authorised representative is obtained, a fee of twenty dollars is paid and a deposit of sixty dollars is made.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable to pay a penalty of thirty dollars for every day he unlawfully keeps the crane or crane-handle.

Penalties

36. A person who is guilty of an offence under these bye-laws is liable on conviction to a fine of five hundred dollars and in the case of a continuing offence to a further fine of fifty dollars for each day that such offence is continued after conviction thereof.

Repeal

37. All previous bye-laws relating to the market and the sale of marketable commodities in the San Fernando City Corporation and made by the Council are hereby repealed.

SCHEDULE

OPENING AND CLOSING HOURS AT MARKETS AND MARKET FEES/DUES

1. CENTRAL MARKET

Monday to Saturday 5.30 a.m. to 4.30 p.m.

Sunday 5.00 a.m. to 8.45 a.m. (Public holidays as directed by the Council)

2. MARABELLA MARKET

Monday to Thursday 6.00 a.m. to 6.00 p.m.

Friday 4.00 a.m. to 8.00 p.m.

Saturday 4.00 a.m. to 8.00 p.m.

Sunday 4.00 a.m. to 1.00 p.m. (Public holidays as directed by the Council)

3. FISH MARKET

Retail Section

Monday to Saturday 5.00 a.m. to 1.00 p.m.

Wholesale Section

Monday to Saturday 3.00 a.m. to 7.30 p.m.

(Public holidays as directed by the Council)

MARABELLA MARKET

RENTAL OF STALLS

	<i>Type</i>			<i>Rental</i>
Vegetable	\$30.00 per month
Pork	\$60.00 per month
Beef	\$60.00 per month
Fish	\$3.00 plus VAT per day

Meat and Fish Vendors Licence—

\$5.00 for 6 months or half year (Council to exercise discretion)

CENTRAL MARKET

MEAT DUES

	<i>Type</i>			<i>Rental</i>
Oxen	\$15.00
Calves	\$15.00
Pig	\$10.00
Sheep	\$10.00
Goat	\$10.00

Meat Vendors Licence—

\$5.00 for 6 months or half year (Council to exercise discretion)

RENTAL OF STALLS—GROUND FLOOR

	<i>Type</i>			<i>Rental</i>
Stalls (Monthly)	\$45.00 per month
Concrete Vegetable	\$45.00 per month
Wooden	\$30.00 per month
Pork/Pig	\$60.00 per month
Tripe	\$1.15 per day

RENTAL OF STALLS—UPPER FLOOR

	<i>Type</i>			<i>Rental</i>
Concrete Vegetable	\$30.00 per month
Wooden Vegetable	\$30.00 per month
Fish	\$3.00 per day plus VAT

RENTAL OF STALLS—SECOND UPPER FLOOR

<i>Type</i>	<i>Rental</i>
Wooden Vegetable	\$30.00 per month
Fowl Coops	\$50.00 per month
Wooden Stalls within Wholesale Section	\$2.00 per day

FISH MARKET
FISH DUES

Good Fish	8¢ per lb or equivalent kg.
Offal	50¢ per lb or equivalent kg.

RENTAL OF STALLS

<i>Type</i>	<i>Rental</i>
Retail	\$3.00 per day plus VAT
Wholesale	\$3.00 per day plus VAT

COLD STORAGE RATES (GOOD FISH)

First 100 pounds	10¢ per lb or equivalent kg.
Second 500 pounds	80¢ per lb or equivalent kg.
500 pounds and over	60¢ per lb or equivalent kg.
Offal	50¢ per lb or equivalent kg.
Rental of Crane	\$20.00 plus VAT (one way)
Fish Cleaners Fee	\$3.00 per day plus VAT

Licenses

Pedlars/Hucksters/Hawkers and Porters \$120.00 yearly (Council may exercise discretion)

Adopted by the San Fernando City Corporation at its monthly Statutory Meeting held on the 26th day of August, 1993.

Made by the Council of the San Fernando City Corporation, this 18th day of July, 1996.

G. FERREIRA
Mayor,
San Fernando City Corporation

Confirmed by the President on the 31st day of December, 1996.

C. SOOKRAM
Secretary to Cabinet