

LEGAL NOTICE NO. 147

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 (DIEGO MARTIN) BYE-LAWS, 1996

1. These Bye-Laws may be cited as the Market (Diego Martin) Bye-Laws, 1996. Citation

2. In these Bye-Laws—

Interpretation

“Act” means the Municipal Corporations Act, 1990;

“Chief Executive Officer” has the meaning assigned to it in section 38 of the Act;

“Corporation” means the Diego Martin Regional 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

3. (1) Subject to paragraph (2) the market shall be opened at 6.00 a.m. and shall be closed at 3.00 p.m. daily, except on Sundays and public holidays when it shall be opened at 6.00 a.m. and closed at 12.00 noon.

(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

4. 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

5. (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.

6. (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.

7. (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.

8. (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.

9. (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. 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

10. (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

11. (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

12. (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

13. 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

14. (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.

15. (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.

16. (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. ^{Posting placards prohibited}

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

17. (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.

18. (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.

19. (1) No person shall bring the meat of any animal slaughtered outside the limit of the Diego Martin Regional 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.

20. 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}

21. 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}

22. (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 ^{Payment of dues Schedule}

sale of any marketable commodities in respect of which the same are payable.

(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

23. (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

24. 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

25. (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

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

Penalties

27. 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

28. All previous bye-laws relating to the market and the sale of marketable commodities in the Diego Martin Regional Corporation and made by the Council are hereby repealed.

SCHEDULE

A. FEES FOR LICENCES

Licences to sell fresh meat and fish	\$25.00 per annum.
Licences to sell other marketable commodities ...	\$20.00 per annum.

B. RENTAL OF STALLS

	<i>Stall Type</i>	<i>Minimum Rental</i>	<i>Maximum Rental</i>
Vegetable/Provision	...	\$25.00 per month	\$45.00 per month or \$1.50 per day
Dry Goods	\$40.00 per month	\$60.00 per month or \$2.00 per day
Small Shop	\$40.00 per month	\$80.00 per month
Fish	\$40.00 per month	\$60.00 per month
Beef	\$40.00 per month	\$60.00 per month
Pig/Pork	\$40.00 per month	\$60.00 per month
Sheep/Goat	\$40.00 per month	\$60.00 per month
Compound Ground Space	...	\$12.00 per month	\$30.00 per month
Poultry	\$60.00 per month	\$100.00 per month
Itinerant Fish Vendor	...	\$5.00 per day	

C. CHARGE FOR THE USE OF ELECTRICITY \$25.00 per month.

N.B. Council may charge/fix fee at the minimum, maximum or a figure between these two rates, according to the circumstances within its confines.

Made by the Council of the Diego Martin Regional Corporation, this 25th day of July, 1996.

M. SMITH
Chairman,
Diego Martin Regional Corporation

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

C. SOOKRAM
Secretary to Cabinet