

ORDINANCE SUPPLEMENT

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Local Governments (Kampala City Council)
Ordinance 15 *(Markets) Ordinance* **2006**

THE LOCAL GOVERNMENTS (KAMPALA CITY COUNCIL)
(MARKETS) ORDINANCE, 2006.

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SCHEDULE—CURRENCY POINT

**The Local Governments (Kampala City Council) (Markets)
Ordinance, 2006**

*(Under sections 38, 40, 41 and paragraphs 1(j) and 26 of Part 3 of
the Second Schedule of the Local Governments Act, Cap.243)*

**An Ordinance to licence and regulate the establishment,
maintenance and control of markets in the City and for other
connected matters.**

BE IT ORDAINED by the Council of the City of Kampala as
follows:

PART I—PRELIMINARY

1. This Ordinance may be cited as the Local Governments
(Kampala City Council) (Markets) Ordinance, 2006.

Citation

2. This Ordinance applies to markets established within
the jurisdiction of the Council.

Application

3. In this Ordinance, unless the context otherwise
requires—

Inter-
pretation.

“Act” means the Local Governments Act;

“child” means a person below the age of eighteen years;

“Council” means the City Council of Kampala;

“currency point” has the value assigned to it under the
Schedule to this Ordinance;

- “deface” means to spoil the appearance of a market;
- “market” has the same meaning as in the Markets Act;
- “market administrator” means any person appointed by the Council to supervise the whole or part of any market within the City;
- “*matooke*” means a type of green banana commonly cooked and eaten as a meal;
- “pitch” means a portion of the ground or floor of a market allocated to a vendor for the purpose of exposing goods for sale;
- “stall” means a portion of a market upon which any structure has been erected by or with the approval of the Council for the purpose of exposing goods for sale;
- “shop” means a portion of the market erected by or with approval of the Council for the purpose of being used as a store for goods which are being offered for sale.

PART II—GENERAL

Market
licence.

4. A person shall not establish or maintain a market within the jurisdiction of the Council without a market licence issued by the Council in the prescribed form.

(2) Where a person intends to establish and maintain a market, he or she shall apply to the Council and shall indicate in the application—

- (a) his or her name;
- (b) his or her address;
- (c) the location where he or she intends to establish the market;

(d) the nature of business activities he or she intends to make provision for in the market; and

(e) the proposed administrative and management set up he or she intends to put in place for operating the market.

(3) An application for a market licence shall be accompanied by the technical drawings of the market plan.

5. (1) The Council may enter into a contractual arrangement with a person, firm, company or organisation which intends to invest money in the establishment and maintenance of a market.

Contractual arrangements with a person investing in a market.

(2) A contractual arrangement entered into under sub paragraph (1) shall not operate to relieve any person from complying with the provisions of this Ordinance with regard to proper operations of a market.

6. A person shall not operate a lodge or a bar within a market.

Lodge or bar prohibited.

7. (1) A person shall not operate any of the following businesses within a market unless the Council has approved that the market is structured in such a way as to cater for such business activities—

Restricted business.

(a) a medical clinic;

(b) a hair salon;

(c) a metal or carpentry workshop.

(2) Where any of the businesses referred to in sub paragraph (1) has been approved in a market, the market administrator shall provide and maintain adequate facilities within the market for the protection of health and safety of the public from any risk likely to emanate from the premises where the business is operated.

(3) Where a person, with the approval of the Council, is operating a business within the market which otherwise attracts a particular type of licence under the law, he or she shall pay both the market dues and that particular licence notwithstanding that he or she is operating within a market.

Layout and design of market space.

8. (1) A person shall not operate a market in contravention of the plan approved by the Council, which plans shall accommodate the needs of person with disabilities.

(2) The Council shall approve the layout and design of space for different business activities within a market at such times as the Council may deem necessary.

(3) A market administrator who intends to alter the layout and design of space for business activities within the market shall first submit the alteration plan to the Council for approval and the Council may approve the plan subject to such modifications or directions as it may deem necessary.

Opening hours.

9. (1) A market shall be open from Sunday to Saturday between 4.00 a.m. and 11.00p.m..

Designated places for sale of goods.

10. A person shall not sell, offer or expose for sale goods in a market except at a pitch, stall or shop prescribed by the Council for that purpose.

Council to specify use of pitch, stall or shop.

11. The Council shall have the right to decide and specify the type of commodity or commodities that may be kept or exposed for sale in any pitch, stall or shop.

Trades or businesses under Public Health Act.

12. A person shall not carry out in a market, any trade or business which is required to be licensed under the Public Health Act or any rules made under the Act, without first having obtained the necessary licence under that Act or the rules.

13. A person handling fresh food for sale shall not permit any part of the fresh food to come into contact with the ground.

Prevention of contamination of fresh food.

PART III—PROHIBITED PERSONS, GOODS, ACTS, ETC.

14. (1) A person shall not be allowed in a market at anytime when the market is closed, except if authorised by Council.

Unauthorised persons.

(2) A market vendor shall not be allowed to come with a baby in a market except if there is a day care centre in the market.

15. A market vendor suffering from any infectious or contagious disease shall not enter a market.

Persons with disease.

16. A person shall not spit on the market grounds or commit a nuisance in a market.

Spitting etc.

17. Livestock shall not be allowed in a market except in such places as may be designated for that purpose by the Council.

Livestock.

18. (1) A person shall not bring a pet to a market.

Pets and weapons.

(2) A person shall not without reasonable cause, enter a market with a stick, knife or any other weapon of any kind.

19. A person shall not within the precincts of a market—

Playing games etc.

(a) play a game;

(b) shout, whistle, sing or play any musical instrument to the annoyance of any other person, unless otherwise authorised by the Council.

Cleanliness. **20.** A person occupying a pitch, stall or shop in a market shall keep that pitch, stall or shop and his or her wares clean and shall dispose of all refuse, garbage, offal and waste, liquid or solid, from his or her pitch, stall or shop in accordance with the requirements of the Council.

Prohibition of slaughter of animals, etc. **21.** A person shall not slaughter, dress or clean any animal, bird or fish in a market except as permitted by the Council, and with facilities approved or provided by the Council for the purpose.

Defacement. **22.** A person shall not deface, foul or misuse in any way, any part of the market.

Drunkness. **23.** A person who is found drunk or who behaves in a disorderly manner in a market, commits an offence.

Motor-vehicles. **24.** A person shall not drive, cause, allow or permit a motor-vehicle other than a motor-vehicle belonging to the Council or the market administrator to enter the market without the permission of the market administrator.

Bicycles. **25.** A person shall not ride, cause, allow or permit a bicycle to be brought inside the market except at such places as may be set aside for storage of bicycles by the Council.

PART IV—SALE OF CERTAIN ARTICLES PROHIBITED.

Prohibited goods. **26.** The following goods shall not be sold in a market—
 (a) hides and skins;
 (b) live animals other than poultry and fish within pitches provided for that purpose;
 (c) fresh meat and offal, except within a meat stall or shop licensed as a butcher’s shop;

- (d) fresh fish, except within a fish stall or shop licensed as such;
- (e) food which has been cooked or otherwise prepared for immediate consumption, except within a licensed eating house;
- (f) cloth and manufactured goods except within pitches, stalls or shops set aside for that purpose; and
- (g) meat and fish which has not been approved for sale by the Council notwithstanding that the place in which it is being sold is licensed.

27. A person shall not sell, offer or expose for sale any foodstuff other than *matooke*, root foods, grain foods, vegetables or fruit at pitches, stalls or shops set aside for only such purposes.

Use of pitch.

28. A person shall not place or exhibit any signboard or notice in a market without permission of the Council.

Signboard.

29. (1) A person to whom a pitch, stall or shop has been allocated within a market shall not without permission of the Council, sublet that pitch, stall or shop.

Subletting.

(2) Subparagraph (1) does not apply to a person who actually owns a pitch, stall or shop in a market and is therefore not a tenant of the Council.

PART V—MISCELLANEOUS PROVISIONS

30. (1) A person selling goods by weight or measure shall be in possession of a weighing scale approved by an authorised Inspector of Weights and Measurers.

Weights and measures.

(2) A person who cheats by disfiguring any apparatus or measurement used for selling goods in a market, commits an offence.

Sale of goods outside market.

31. A person shall not sell, offer or expose for sale by retail at any place other than a market, any dried fish, vegetable, fruit, root, grain food, maize, *matooke*, charcoal or firewood, except in a store in respect of which a trading licence has been issued under the provisions of the Trade Licensing Act or unless such a person is in possession of a hawkers permit.

Powers of market administrator.

32. (1) A market administrator shall have the power to expel from the precincts of a market any person who conducts himself or herself in a manner likely to cause a breach of the peace or the occupier of any pitch, stall or a servant of such occupier who has been convicted of an offence involving theft or fraud and may prevent such a person from occupying any pitch or stall.

(2) A person who continues to occupy any pitch or stall after having been expelled under sub section (1) commits an offence.

(3) Without prejudice to subparagraphs (1) and (2) a person aggrieved by the decision of the market administrator may appeal to the Town Clerk.

Markets fees.

33. (1) A person shall not occupy a pitch or stall for which charges are levied on a daily basis unless he or she pays to the market administrator the fees as prescribed by the Council.

(2) The market administrator shall upon receipt of payment, issue a ticket.

(3) A person shall not deliver or sell goods or commodities on a wholesale basis unless he or she has paid the fees prescribed by the Council.

Market barrier.

34. A market shall be surrounded by a fence, wall or other

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suitable barrier with a proper gate or gates.

Offences
and
penalties.

35. A person who contravenes any provision of this Ordinance commits an offence and is liable on conviction to a fine not exceeding two currency points or for a term of imprisonment not exceeding six months or both.

36. (1) The Markets (Kampala Markets) Bye-Laws are revoked.

Revocation
and savings.

(2) Notwithstanding the revocation under subparagraph (1) any thing done or having effect under the revoked Bye-laws shall have effect as if it had been made or done under this Ordinance.

SCHEDULE

Paragraphs 3 and 35

One currency point is equivalent to twenty thousand Uganda shillings.

PASSED by the City Council of Kampala on 30th day of April, 2004.

I HEREBY signify my hand this 10th day of May, 2005.

Cross References

Local Governments Act, Cap. 243.

Markets Act, Cap. 94.

Markets (Kampala Markets) Byelaws S.I. No. 94-14.

Public Health Act, Cap. 281.

JOHN SSEBAANA KIZITO,
Mayor, Kampala City Council.