

Content

Title :	Retail Market Management Regulation <b>Ch</b>
Date :	2007.07.11
Legislative :	1.All of the 35 articles were established and promulgated against order President Hua-Zong I- Yi No. 09600089571 were implemented on July 11, 2007.
Content :	<p><b>Chapter I : General Provisions</b></p> <p><b>Article 1</b> These Regulations are hereby established to reinforce the guidance and management of retail markets, maintain market order, and protect the rights of consumers.</p> <p><b>Article 2</b> The central competent authority referred to herein is the Ministry of Economic Affairs, and competent authorities in counties (cities) shall be the county (city) government, and village (township, city) offices in villages, townships and county-administered cities [hereinafter referred to as the Village (town, city)].</p> <p><b>Article 3</b> The retail markets (hereinafter referred to as the market) referred to herein means a business place centralized for retail sales of vegetables, fruits, fish, meat and other daily used ingredients, and divided by stalls (stores) on land used for markets according to urban planning or Type A, B or C construction sites of non-urban land approved by municipal or county (city) competent authorities.</p> <p><b>Article 4</b> The duties of the competent authorities are divided as follows: 1. Central competent authority:     ( 1 ) Policy planning for market management and guidance.     ( 2 ) Coordination for matters regarding market business supervision and execution among various municipal city and county (city) governments.     ( 3 ) Planning, establishment and maintenance of the national market information system. 2. Municipal, county (city) competent authorities:     ( 1 ) Establishment, management and guidance for markets within the area governed by municipal government or county (city) government.     ( 2 ) Coordination for matters regarding market business supervision and execution among various village (township, city) offices, which offices are governed by county government.     ( 3 ) Planning, establishment and maintenance of a local market information system. 3. Village (township, city) competent authorities: establishment, management and guidance for market within the area governed by village (township, city) offices.</p> <p><b>Article 5</b> Market may be divided into stalls (stores) by categories and segments based on the nature of the products. The municipal or county (city) competent authorities shall determine the method, type, management and other compliance matters for establishment of stalls (stores).</p> <p><b>Article 6</b> The municipal or county (city) competent authorities may establish public markets, as the case may be, and encourage private investment in market establishment.</p>

The preceding public market may be leased or commissioned for private management. Unless provisions are otherwise provided by other laws, the municipal or county (city) competent authorities shall determine the qualification, procedures, rents and other related matters for the leasing or commissioning party. The regulations set forth in articles 22 and 23 shall apply *mutatis mutandis* to lease or private management of a public market. The market shall make overall development. However, construction by segments in phases is available upon approval by the municipal or county (city) competent authority after overall planning.

#### Article 7

The market self-governance organization or market management committee shall purchase public liability insurance for the market place. The minimum insurance amount of the preceding insurance shall be announced by the central competent authority after consulting with a competent insurance authority.

### **Chapter II : Public Market**

#### Article 8

For establishment, modification or expansion of a public market, the local competent authority shall review the following documents. For construction attributable to the municipal or county (city) competent authority, said agency shall review and manage on its own. For construction attributable to the village (township, city) competent authority, the project shall be submitted to the county competent authority for approval:

1. Project plan
2. Financial plan
3. Business plan
4. Stall (store) quantity
5. Categories and segments layout by scope of stall (store) businesses
6. Market layout plan
7. Market location map

#### Article 9

The priority of stall (store) use in a public market is as follows:

1. Those who have concluded market stall (store) contracts with the original competent authority establishing a public market.
2. Those established for special purposes through guidance of municipal, county (city) or village (township, city) competent authorities.
3. Those who have obtained general vendor permits.
4. Those that are publicly recruited by competent authorities of public markets.

It will be deemed as a waiver of qualifications if preceding users fail to execute the contract within fifteen days from the day after receiving the qualification notice.

#### Article 10

To apply for a stall (store) in the public market, fill out an application form and submit it to the competent authority of the public market. Upon approval, the applicant shall enroll for membership in a market self-governance organization within one month from the next day of concluding the contract before running the business. For modification or expansion of the original market applied, the applicant shall enroll for membership in a market self-governance organization within one month from the next day of concluding the contract before running the business. For new market applications, the applicant shall establish a market self-governance organization within fifteen days from the next day of concluding the contract upon approval for use of a stall (store) in the public market and become a member within fifteen days from the next day of founding the market self-governance organization before running the business.

#### Operation

may not be stopped without approval of the competent authority of the public market after running the business.

The applicant set forth in paragraph 1 shall be at least 20 years old or a minor but married and have his/her household registered in said municipal city or county (city). Unless there is approval by the competent authority establishing the public market, there shall be one stall (store) for each household.

The applicant set forth in paragraph 1 shall run the business on his/her own without lease transfer or sublease and shall not assign the stall (store) within two years.

The municipal or county (city) competent authority shall determine the qualification, conditions, application procedures and other compliance matters for the assignee mentioned above.

#### Article 11

The stall (store) in the public market shall be effective for four years.

Upon expiration of the preceding deadline, the original user may apply for continued use in the six months prior to expiration, while the competent authority of the public market shall determine whether

to approve the request for continued use before expiration.

#### Article 12

The user of the stall (store) in the public market shall pay the charge for use and the administration fee

for self-governance on time. The application for continued use will be denied if there is payment owed.

The competent authority of the public market shall determine the items and rates for charge of use.

The

self-governance organization shall establish the calculation method for administration fees and submit the same to the competent authority of the public market for reference.

For failure to pay the charge of use set forth in paragraph 1 by user of the stall (store) in the public market when due, the late payment fee will be calculated by 1% of the overdue amount per two days

overdue from the next due date; only the late payment fee is subject to 15% charge of use payable.

#### Article 13

The user of the stall (store) in the public market shall obtain approval from the competent authority of the public market to suspend business for more than seven days. The suspension of business shall not

exceed fourteen days each time and the accumulated suspension period shall not exceed four months in

one year. During the suspension period, the user shall pay the charge of use and self-governance administration fees pursuant to regulations.

#### Article 14

The user of the stall (store) in the public market shall use original equipment for operation without change in location, specification or type of business. If additional advice or equipment is required, the drawing, as well as an explanation, shall be reported to the competent authority of the public market

for approval in advance.

The user shall demolish preceding advice or equipment unconditionally upon termination of the contract

and restore the location to its original state. For failure to demolish and restore it by the deadline set forth in the notice, the competent authority of the public market may demolish it on behalf and at cost to the user, unless there an agreement is otherwise concluded.

#### Article 15

Where one of the following circumstances occurs with the user of the stall (store) in the public market,

the name of the user can be changed:

1. The user dies, and his/her successors shall recommend one among them to apply for the change within

six months from the day of succession.

2. The user finds it impossible to operate it in person due to physical or mental disability or poor

health

from aging, and his/her spouse and linear relatives living together shall recommend one among them to apply for the change within six months from the day of occurrence.

#### Article 16

The user of the stall (store) in the public market shall comply with the following regulations:

1. Do not obstruct market modifications or remodeling managed by the competent authority.
2. Do not use the stall (store) as collateral for debts.
3. Do not evade, interrupt or reject supervision or surveys regarding market operations made by the competent authority.
4. Accept the management and consultation of the competent authority.
5. Cooperate with overall cleaning or sterilization of the market periodically.
6. Do not behave in a way that is detrimental to hygiene or cleanliness or violates public safety or public order.
7. Business hours shall not exceed the regulations of the self-governance organization.
8. The stand, display shelf and operational facilities in the market shall be established according to the plan.
9. The stall (store) and products shall be arranged in an orderly fashion without crossing the boundary or occupying the walkway.
10. No fire ignition devices are allowed in the stall (store) other than food or beverage stalls (stores).
11. Do not modify the stall (store), in whole or in part, for any other purpose or for residence altogether.
12. Do not set the stall outside the market for operation.
13. Resolutions of self-governance meetings.
14. Other matters stipulated by the competent authorities.

#### Article 17

For a market stall (store) recalled upon termination or cancellation of contract in accordance with article 23, 29 or 31, the competent authority of the public market may accept the application for use of the stall (store) in accordance with paragraph 1 of article 9.

#### Article 18

The competent authority of the public market may have administrative personnel handle the following market management works:

1. Supervision of public safety in the market.
2. Supervision of public order in the market.
3. Supervision of environmental hygiene in the market.
4. Supervision of public facilities maintenance in the market.
5. Collection for charges of stall (store) use.
6. Report and handle the violation of stall (store) users of these regulations.
7. Report illegal vendors in or around the market.

When handling matters set forth in paragraphs 1 to 4 above, the administrative personnel may ask for the help of police, fire, environmental protection and health related agencies. The agencies being requested shall not reject the request without just reason.

#### Article 19

The users of the stalls (stores) in the public market shall establish a self-governance organization and implement the following matters under supervision of the competent authority and administrators of the public market:

1. Maintain public safety in the market.
2. Maintain public order in the market.
3. Manage environmental hygiene in the market.
4. Maintain public facilities in the market.
5. Report and handle the violation of stall (store) users of these regulations.
6. Report illegal vendors in or around the market.

7. Other matters stipulated by competent authorities.

The sources of the budget for a self-governance organization to implement the preceding market management tasks are as follows:

1. The self-governance administration fee paid by stall (store) users.
2. Subsidy or donations received.
3. Other service incomes.

The sources of budget for self-governance organizations to implement the preceding market management tasks are as follows:

The self-governance organization is a capable entity that shall be responsible for and report to a membership meeting.

The municipal or county (city) competent authority shall determine the establishment, implementation items, articles of the organization, meeting procedures, establishment time and other matters as required.

#### Article 20

With concurrence of three fourths of stall (store) users, the public market may be alternatively operated as a single operation entity upon approval by the municipal or county (city) competent authority of the business plan submitted. The municipal or county (city) competent authority may subsidize equipment as required for improved operation, while the subsidy regulations shall be determined by the municipal or county (city) competent authority.

The competent authority of the original public market may guide stall (store) users who fail to participate in the preceding joint operational stall (store) for transfer or alternative allocation of a vacant stall (store) in another market.

#### Article 21

In the case that the actual stalls (stores) used are less than one third of the total stalls (stores), the competent authority of the public market may stop use of the entire market or an entire floor of the public market, or allocate the original stall (store) users to vacant stalls (stores) in another market.

#### Article 22

The competent authority of the public market may stop use of the entire market or an entire floor of the public market, or allocate the original stall (store) users to vacant stalls (stores) in another market if it is required by policy, urban-rural reformation or where there is no longer a commercial function available.

#### Article 23

In the case that the stall (store) users of the public market fail to make corrections by the deadline set forth in a written notice where one of the following circumstances occurs, the use of the stall (store) will be abolished, the contract will be terminated, and the stall (store) will be recalled:

1. Assign, transfer or sublease the stall (store) without permission.
2. Fail to apply for change of user within the deadline specified in the provisions of article 15.
3. The charge of use and self-governance administration fees have been overdue for two months.
4. Fail to start the business in one month from the day after concluding the contract.
5. The accumulated suspension of the business upon approval exceeds four months within one year.
6. Suspend the business without approval and the accumulated suspension period exceeds one month within one year.
7. Fail to resume business by the expiration of the suspension period.
8. Fail to enroll for membership of a self-governance organization within one month from obtaining the stall (store) permit.
9. Running stall outside the market.

### **Chapter III : Private Market**

#### **Article 24**

For establishment, modification or expansion of a private market, an application along with the following documents shall be submitted to the municipal or county (city) competent authority where the

market is situated for approval. Those who do not obtain approval shall not run the business:

1. Business plan
2. Stall (store) quantity
3. Categories and segments layout by scope of stall (store) businesses
4. Market layout plan
5. Market location map
6. The approval letter for public facilities investment and construction encouraged by the municipal city or county (city).

#### **Article 25**

The owner of a private market and stall (store) users shall jointly recommend representatives to organize an administration committee and implement the following matters under supervision of competent authorities:

1. Maintain public safety in the market.
2. Maintain public order in the market.
3. Manage environmental hygiene in the market.
4. Maintain public facilities of the market.
5. Report and handle the violation of stall (store) users of these regulations.
6. Report illegal vendors in or around the market.
7. Other matters stipulated by competent authorities.

The stall (store) users shall enroll for membership in market management before running their business.

The management committee is a capable entity that shall be responsible for and report to the membership meeting.

The municipal or county (city) competent authority shall determine the establishment, implementation items, articles of organization, meeting procedures, establishment time and other matters as required.

#### **Article 26**

The regulations set forth in paragraphs 3 to 11 of article 16 shall apply mutatis mutandis to matters that

need to be complied with by all stall (store) users in the private market.

### **Chapter IV: Penalties**

#### **Article 27**

People violating article 24 by running market business without permission shall be subject to immediate

closure or debarment and the person in charge or the land or building owner shall be liable for a fine of

NT\$10,000 to NT\$50,000. For continuous operation after disciplinary action, the person in charge or the

land or building owner shall be liable for a fine of NT\$50,000 to NT\$250,000; a repeated disciplinary

action and penalty shall be imposed each time until closure of the business.

#### **Article 28**

For failure to purchase public liability insurance, renew the insurance as due, or withdraw the insurance

without just reason which violates paragraph 1 of article 7, the market self-governance organization or

management committee shall be liable for a fine of NT\$10,000 to NT\$50,000 and subject to

purchasing insurance by a deadline. For failure to purchase insurance by the deadline, a repeated disciplinary action and penalty shall be imposed each time until the insurance is purchased.

#### **Article 29**

The stall (store) user in the public market violating one of paragraphs 1 to 6 of article 16 shall be subject to the punishment imposed by the industry competent authority, as well as required to make

corrections by a deadline pursuant to the order of the competent authority of the public market. For failure to make corrections by the deadline, the punishment of closing the business for three to seven days shall be enforced. The contract will be terminated and the stall (store) will be recalled if the user has been punished with closure of business three times in a year.

#### Article 30

The stall (store) user in the public market violating one of paragraphs 7 to 13 of article 16 shall be subject to make corrections by a deadline pursuant to the order of the competent authority of the public market. For failure to make corrections by the deadline, the punishment of closing the business for one to three days shall be applied. A repeated disciplinary action and penalty shall be imposed each time until the correction is made.

#### Article 31

The competent authority of the public market shall consider the stall (store) user who violates paragraph 1 of article 19 as failing to establish self-governance organization by a deadline. The contract will be terminated and the stall (store) will be recalled if the self-governance organization is not established by the deadline.

#### Article 32

The stall (store) user in the private market who evades, obstructs or denies to organize a management committee, thus violating paragraph 1 of article 25, will be subject to immediate closure or debarment.

For continuous operation after disciplinary action, a fine of NT\$1,000 to NT\$5,000 shall be applied and correction is required; a repeated disciplinary action and penalty of NT\$2,000 to NT\$10,000 shall be imposed each time until the correction is made.

#### Article 33

The stall (store) user in the private market violating one of paragraphs 3 to 11 of article 16 shall be subject to the punishment imposed by the industry competent authority and have to make corrections by a deadline pursuant to the order of the competent authority of the public market. For failure to make corrections by the deadline, the punishment of closing the business for three to seven days shall be enforced. A repeated disciplinary action and penalty shall be imposed each time until the correction is made.

### **Chapter V: Supplementary Provisions**

#### Article 34

The municipal or county (city) competent authority shall submit the layout of stalls (stores) or businesses by categories and segments within one month from start up of business in the established, newly built, modified or expanded market to the central competent authority for record.

#### Article 35

The Statute shall be effective on the date of implementation.