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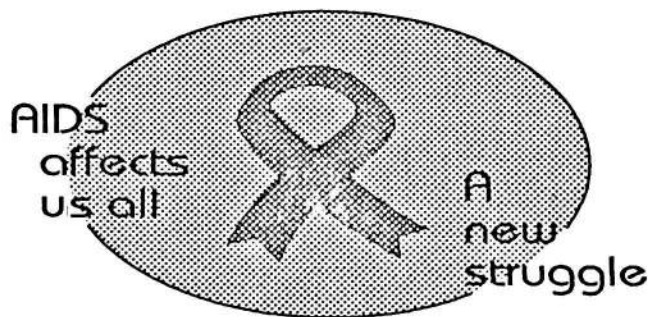
**Ku katsa na Tigazete to
Hlawuleka hinkwato**

No. 1032

Buitengewoon

**Hu tshi katelwa na
Gazethe dza Nyingo**

We all have the power to prevent AIDS



Prevention is the cure

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DEPARTMENT OF HEALTH



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THULAMELA MUNICIPALITY

[ASSENTED TO: 26 MAY 2004]

[COMMENCEMENT DATE: 01 OCTOBER 2004]

STREET VENDING BY – LAWS NO: B1 OF 2004

The Thulamela Municipal Council hereby, in terms of section 13 of the Local Government Municipality structures Act, 2000 (Act No. 32 of 2000) Read with Section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) as amended, publishes the following by-laws which have been approved by the Council:

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CHAPTER 1

1. DEFINITIONS

In these by – laws any word or expression to which a meaning has been assigned in the Business Act, 1991 (Act No. 71 of 1991), shall have such meaning unless the context indicates otherwise.

“Act” means the Business Act, 1991 (Act No. 71 of 1991), as amended;

“Authorised officer” means –

- (a) a traffic officer appointed under section 3 of the Road Traffic Act, 1996 (Act No.93 of 1996); or
- (b) a member of the force as defined in section 1 (1) of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (c) a peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

“business” means any act of selling or supplying of goods, animals or livestock and/or the rendering of any service;

“carry on business” means to display goods for sale by inviting others to come and buy the goods so displayed;

“council” means Thulamela Municipality Council whose members are elected in terms of section 22 of Act 1998 (Act 117 of 1998);

“foodstuff” means any article or substance ordinarily eaten or drunk by man or purporting to be suitable, or manufactured or sold, for human consumption and include

any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance.

“**goods**” means any movable property or commodity displayed on a street by any person for the purpose of carrying on business, and this includes any article, receptacle, vehicle or movable structure;

“**lease**” means a lease agreement as contemplated in section 3 (2) of this by - law;

“**municipal area**” means the area that falls under the jurisdiction of the Council;

“**park**” includes any square or other open or enclosed space to which the general public has right of access;

“**permit**” means official approval obtained from the Thulamela Municipality for the sale of prepared foodstuffs only;

“**public road**” means any road. Street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, side walk, lane vested in the Council and any other place where members of the public has access.

“**premises**” means land or any building or other structure and includes any train, boat, ship, aircraft, caravan, tent, or other vehicle;

“**sell**” includes to offer, advertise, keep, display, transmit, consign, convey or deliver for sale or to exchange, or to dispose of to any person in any manner whether, for a consideration or otherwise, and ‘**sold**’ ‘**selling**’ and ‘**sale**’ have corresponding meanings.

“**sidewalk**” means that portion of verge intended for the exclusive use of pedestrians;

“**stand**” means a stand on a sidewalk or other area set apart and demarcated by the Council as contemplated in section 6A (3) (b) of the Act; a stand could be single marked module or a combination of modules;

“**street vendor**” means a person carrying on business, and includes a person to whom a stand has been leased or allocated in terms of section 3 of this by – law for as long as the person is carrying on the business of a street vendor on such stand;

“**verge**” means a verge as defined in section 1 of the National Road Traffic Act 93 of 1996.

CHAPTER 2

2. PROHIBITATION ON CARRYING ON OF BUSINESS

1. No person shall, in the municipal area of the Council carry on the business of a street vendor-

- (a) in a garden or park;
- (b) on a verge contiguous to
 - (i) a building belonging to or occupied by the State or the Council;
 - (ii) any place of worship, or
 - (iii) a building declared a national monument in terms of the National Monuments Act, 1969 (Act No. 28 of 1969);
- (c) in an area declared by the Council as prohibited area in terms of section 6A (2) of the Act, excluding a kiosk leased by virtue of an agreement as contemplated in section 3 of this by - laws;
- (d) at a place where

- (i) it causes an obstruction, in front of a fire hydrant or an entrance to or exit from a building;
 - (ii) it causes an obstruction to vehicular traffic, or
 - (iii) it substantially obstructs pedestrians in their use of the sidewalk.
 - (e) on the half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects to it.
 - (f) On a verge or pavement contiguous to a building in which business is carried out by any person who sells goods of the same or of a similar nature to goods being sold by the street vendor or hawker concerned without the consent of the person.
2. No person shall in the municipal area carry on the business of a street vendor in prepared foodstuffs unless such street vendor is in possession of a valid permit issued by the Council.



- (c) disposes of any litter or spill any oil, fat and grease in a manhole, stormwater drain or any other place not intended for the disposal thereof;
- (f) sells any animal or livestock without a permit; or
- (g) contravenes any provision of these By – laws or fails to comply herewith or with any other condition imposed in terms of these By – laws, shall be guilty of an offence.

2. a street vendor who fails to

- (a). keep his/her stand including any goods used by him/her in carrying on a business in a good and neat condition.
- (b) take all necessary precautions to prevent spilling any litter including fat, oil and grease onto a public place, or any other place which the public has access; or
- (c) arrange or move his/her goods at the request of an authorised officer or a person whose lawful duties include the rendering of, or is related to the supply of essential public services so as to permit or facilitate the carrying out of such services, shall be guilty of an offence.

3. A street vendor in prepared foodstuffs who fails to comply with the requirements of the permit as contemplated in section 2 (2) shall be guilty of an offence.

CHAPTER 6

6. PENALTIES

A person who fails to comply with the provisions of these By –laws shall be guilty of an offence and shall be liable on conviction to-

- (i) a fine not exceeding R1000.00 or imprisonment for a period not exceeding 6 months or to both such fine and imprisonment;
- (ii) an additional fine not exceeding R10.00 for every day on which the offence continues.