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PROKLAMASIES

Deur die Premier van die Provinsie van die
Wes-Kaap

No. 37/1996

PROVINSIE WES-KAAP

ORDONNANSIE OP PAAIE, 1976
(ORDONNANSIE 19 VAN 1976)

**WESKUS DISTRIKRAAD: VERKLARING VAN TWEE
ONDERGESKIKTE PAAIE**

Kragtens artikels 3 en 4 van die Ordonnansie op Paaie, 1976 (Ordonnansie 19 van 1976), verklaar ek hierby dat die paaie in die Bylae beskrywe en binne die gebied van die Weskus Distrikraad geleë, openbare paaie is en dat hulle ligging en roetes is soos aangedui deur middel van gebroke blou lyne gemerk A-B en C-D op plan RL.43/4 wat geliasseer is in die kantore van die Adjunk-Direkteur-generaal: Vervoer en Publieke Werke, Alfredstraat 25, Kaapstad, en die Weskus Distrikraad, Moorreesburg, en deel ek hierby sodanige openbare paaie as ondergeskikte paaie in.

Gedateer te Kaapstad op hede die 2de dag van September 1996.

L RAMATLAKANE, MINISTER VAN VERVOER EN PUBLIEKE
WERKE

BYLAE

1. Vanaf Grootpad 21 naby die noordoostelike baken van die eiendom 135/19 tot by Grootpad 85 op die eiendom 129/3: 'n afstand van ongeveer 5,5 km.
2. Vanaf Grootpad 85 op die eiendom 127/15 tot by Afdelingspad 2151 op die eiendom 197/8: 'n afstand van ongeveer 2,7 km.

Deur die Premier van die Provinsie van die
Wes-Kaap

No. 38/1996

PROVINSIE WES-KAAP

ORDONNANSIE OP PAAIE, 1976
(ORDONNANSIE 19 VAN 1976)

**BREËRIVIER DISTRIKRAAD:
SLUITING VAN ONDERGESKIKTE PAD 114**

Kragtens artikel 3 van die Ordonnansie op Paaie, 1976 (Ordonnansie 19 van 1976), verklaar ek hierby dat die bestaande openbare pad in die Bylae beskrywe en binne die gebied van die Breërivier Distrikraad geleë, waarvan die ligging en roete is soos aangedui deur middel van 'n ongebroke blou lyn gemerk A-B op plan RL.43/10 wat geliasseer is in die kantore van die Adjunk-Direkteur-generaal: Vervoer en Publieke Werke, Alfredstraat 25, Kaapstad, en die Breërivier Distrikraad, Worcester, gesluit is.

Gedateer te Kaapstad op hede die 2de dag van September 1996.

L RAMATLAKANE, MINISTER VAN VERVOER EN PUBLIEKE
WERKE

BYLAE

Ondergeskikte Pad 114, vanaf Afdelingspad 1435 op die eiendom 119/8 tot by die suidelike grens van die eiendom Restant 120 Orcairail: 'n afstand van ongeveer 60 m.

PROCLAMATIONS

By the Premier of the Province of the
Western Cape

No. 37/1996

PROVINCE OF THE WESTERN CAPE

ROADS ORDINANCE, 1976
(ORDINANCE 19 OF 1976)

**WEST COAST DISTRICT COUNCIL: DECLARATION OF TWO
MINOR ROADS**

Under sections 3 and 4 of the Roads Ordinance, 1976 (Ordinance 19 of 1976), I hereby declare that the roads described in the Schedule and situated in the West Coast District Council area shall be public roads and that their location and routes shall be as indicated by means of broken blue lines marked A-B and C-D on plan RL.43/4, which plan is filed in the offices of the Deputy-Director-General: Transport and Public Works, 25 Alfred Street, Cape Town, and the West Coast District Council, Moorreesburg, and I hereby classify these public roads as minor roads.

Dated at Cape Town this 2nd day of September 1996.

L RAMATLAKANE, MINISTER OF TRANSPORT AND PUBLIC
WORKS

SCHEDULE

1. From Trunk Road 21 near the northernmost beacon of the property 135/19 to Trunk Road 85 on the property 129/3: a distance of about 5,5 km.
2. From Trunk Road 85 on the property 127/15 to Divisional Road 2151 on the property 197/8: a distance of about 2,7 km.

By the Premier of the Province of the
Western Cape

No. 38/1996

PROVINCE OF THE WESTERN CAPE

ROADS ORDINANCE, 1976
(ORDINANCE 19 OF 1976)

**BREEDE RIVER DISTRICT COUNCIL:
CLOSING OF MINOR ROAD 114**

Under section 3 of the Roads Ordinance, 1976 (Ordinance 19 of 1976), I hereby declare that the existing public road, described in the Schedule and situated within the Breede River District Council area, the location and route of which are as indicated by means of an unbroken blue line marked A-B on plan RL.43/10 which is filed in the offices of the Deputy Director-General: Transport and Public Works, 25 Alfred Street, Cape Town, and the Breede River District Council, Worcester, shall be closed.

Dated at Cape Town this 2nd day of September 1996.

L RAMATLAKANE, MINISTER OF TRANSPORT AND PUBLIC
WORKS

SCHEDULE

Minor Road 114, from Divisional Road 1435 on the property 119/8 to the southern boundary of the property Remainder 120 Orcairail: a distance of about 60 m.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

J. H. A. BEUKES,
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.K. 384/1996

13 September 1996

Die Premier het ingevolge artikel 6A van die Wet op Besighede, 1991 (Wet 71 van 1991), sy goedkeuring aan die volgende verordening geheg:

SIMONSTAD METROPOLITAANSE
OORGANGSUBSTRUKTUUR:VERORDENING VIR DIE TOESIG EN BEHEER OOR DIE
BEDRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR,
VENTER OF SMOUS

Woordomskrywing

1. Tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), geheg is, die betekenis wat aldus toegeken is wanneer dit in hierdie verordening gebruik word, en beteken —

“beampte” —

- (a) 'n verkeersbeampte aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisiewet, 1958 (Wet 7 van 1958); of
- (c) 'n vredesbeampte beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977);

“die Wet” die Wet op Besighede, 1991 (Wet 71 van 1991);

“goedere” enige ware, artikels, houers, voertuie of strukture;

“oorlas” enige gedrag wat 'n stand van sake of toestand meebring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhou, of wat wesenlik met hulle gewone gerief, gemak, rus of vrede inmeng;

“openbare pad” enige pad, straat, deurgang of enige ander plek (hetsy 'n deurgang of nie) wat gewoonlik deur die publiek of 'n deel daarvan gebruik word of waartoe die publiek of enige deel daarvan 'n reg van toegang het, en sluit ook in —

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop; en
- (c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot sodanige pad, straat of deurgang;

“openbare plek” enige plek, park, ontspanningsterrein, sportterrein, sanitêre steeg of oop ruimte wat —

- (a) in verband met enige ondervervdeling of aanleg van grond in erwe, lotte of plote voorsien, gereserveer of afgesonderd is vir gebruik deur die publiek of die eienaars of okkupoeders van sodanige erwe, lotte of plote, ongeag of dit op 'n algemene plan, ondervervdelingsplan of diagram aangetoon word of nie;
- (b) te eniger tyd aan die publiek opgedra is;
- (c) sonder onderbreking deur die publiek gebruik is vir 'n tydperk van minstens dertig jaar wat na die een-en-dertigste dag van Desember 1959 verstryk het, of

PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

J. H. A. BEUKES,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

P.N. 384/1996

13 September 1996

The Premier has, in terms of section 6A of the Businesses Act, 1991 (Act 71 of 1991), approved the following by-law:

SIMON'S TOWN TRANSITIONAL METROPOLITAN
SUBSTRUCTURE:BY-LAW FOR THE SUPERVISION AND CONTROL OF THE
CARRYING ON OF THE BUSINESS OF STREET VENDOR,
PEDLAR OR HAWKER

Definitions

1. Unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Businesses Act, 1991 (Act 71 of 1991), shall, when used in this by-law, have the meaning thus assigned, and —

“Council” means the Council of the Transitional Metropolitan Substructure of Simon's Town and includes any committee or employee of the council exercising powers or performing duties or functions delegated to it or him by the Council;

“goods” means any wares, articles, receptacles, vehicles or structures;

“local authority service” means any system conducted by or on behalf of the Council for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;

“local authority service works” means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

“nuisance” means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet;

“officer” means —

- (a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989);
- (b) a member of the Force as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958), or
- (c) a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

“person carrying on the business of street vendor, pedlar or hawker” includes any employee of such person;

“public road” means any road, street, thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or any section thereof has a right of access and includes —

- (a) a verge of any such road, street or thoroughfare;

(d) te eniger tyd deur 'n plaaslike owerheid of ander bevoegde owerheid as sodanig verklaar of gemaak is;

"persoon wat die besigheid van straathandelaar, venter of smous bedryf" ook enige werknemer van sodanige persoon;

"plaaslike owerheidsdiens" enige stelsel wat deur of namens die Raad bestuur word vir die versameling, afvoer, behandeling of wegdoen van vullis, rioolvuil of stormwater, of vir die vervaardiging, opwekking, opvang, opberging, suiwering, verspreiding, geleiding, transmissie, vervoer, voorsiening of verskaffing van water, gas of elektrisiteit;

"plaaslike owerheidsdienswerke" alle werke van watter aard ook al wat nodig of wenslik is vir, of bykomstig of aanvullend is by of gepaard gaan met enige plaaslike owerheidsdiens, en omvat dit enige vaste eiendom, meer, fontein, natuurlike waterloop, masjinerie, werktuig of ander ding van watter aard ook al wat vir of in verband met enige sodanige werke of diens gebruik word;

"Raad" die Raad van die Metropolitaanse Oorgangsubstruktuur van Simonstad en sluit enige komitee of werknemer van die Raad in wat magte uitoefen of pligte of funksies uitvoer wat deur die Raad aan hom gedelegeer is;

"soom" daardie gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie, en

"sypaadjie" daardie gedeelte van 'n soom wat uitsluitlik vir die gebruik van voetgangers bedoel is.

Verbod en beperkings op die bedryf van besigheid

2. Niemand mag die besigheid van straathandelaar, venter of smous bedryf sonder die skriftelike toestemming van die Raad nie —

(a) in 'n tuin of park onder die beheer van die Raad en waartoe die publiek 'n reg van toegang het, tensy sodanige gebied deur die Raad ingevolge artikel 6A(3)(b) van die Wet vir daardie doel gereserveer en afgebaken is;

(b) op 'n soom aangrensend aan —

(i) 'n gebou wat behoort aan of geokkupeer word slegs deur die Staat of die Raad;

(ii) 'n kerk of ander plek van aanbidding, of

(iii) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969), tot nasionale gedenkwaardigheid verklaar is;

(c) in 'n gebied wat ingevolge artikel 6A(2)(a) van die Wet deur die Raad verklaar is tot 'n gebied waar die bedryf van die besigheid van straathandelaar, venter of smous —

(i) verbied is, of

(ii) in stryd met enige beperking wat deur die Raad ingevolge daardie artikel ten opsigte van sodanige gebied opgelê is;

3. Niemand mag die besigheid van straathandelaar, venter of smous bedryf nie —

(a) op 'n plek waar —

(i) dit toegang tot 'n brandkraan versper;

(ii) dit toegang tot enige ingang tot of uitgang uit 'n gebou versper;

(iii) dit voetgangers verhoed om 'n sypaadjie te gebruik, of hulle wesenlik belemmer in die gebruik daarvan;

(iv) dit 'n versperring op 'n ryvlak veroorsaak;

(v) dit toegang tot parkeer- of laai-inhamme of ander geriewe vir voertuigverkeer beperk en dit op enige wyse met enige voertuig wat langs sodanige plek geparkeer is, inmeng;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"public place" means any square, park, recreation ground, sports ground, sanitary lane or open space which has —

(a) in connection with any subdivision or layout of land into erven, lots or plots provided, been reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used without interruption by the public for a period of at least thirty years expiring after the thirty-first day of December 1959, or

(d) at any time been declared or rendered such by a Local Authority or other competent authority;

"sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"the Act" means the Businesses Act, 1991 (Act 71 of 1991), and

"verge" means that portion of the road, street or thoroughfare which is not the roadway.

Prohibition of and restriction on the carrying on of business

2. No person shall carry on the business of street vendor, pedlar or hawker without the written authority of Council —

(a) in a garden or park under the control of the Council and to which the public has a right of access unless such area has been set apart and demarcated by the Council for this purpose in terms of section 6A(3)(b) of the Act;

(b) on a verge contiguous to —

(i) a building belonging to, or occupied solely by, the State or the Council;

(ii) a church or other place of worship, or

(iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);

(c) in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place where the carrying on of the business of street vendor, pedlar or hawker is —

(i) prohibited, or

(ii) contrary to any restriction imposed by the Council in terms of that section of the Act in respect of such area;

3. No person shall carry on the business of street vendor, pedlar or hawker —

(a) at a place where —

(i) it obstructs access to a fire hydrant;

(ii) it obstructs access to any entrance to or exit from a building;

(iii) it prevents pedestrians from using, or substantially obstructs them in their use of a sidewalk;

(iv) it causes an obstruction on a roadway;

(v) it limits access to parking or loading bays or other facilities for vehicular traffic and it interferes in any way with any vehicle that may be parked alongside such place;

(b) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir woondoelendes gebruik word, indien die eienaar, bewoner of persoon in beheer van die gebou daarteen beswaar maak;

(c) op 'n plek waar —

(i) dit toegang tot straattoegange, buspassasiersbanke of -skuilings, toustanery, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper;

(ii) dit die sigbaarheid van 'n vertoonvenster op 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;

(iii) dit toegang tot 'n voetgangeroorgang versper;

(iv) dit toegang tot enige voertuig versper;

(v) dit enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versper.

Algemeen

4. Niemand wat die besigheid van straathandelaar, venter of smous bedryf, mag te eniger tyd —

(a) op enige wyse toegang tot enige plaaslike owerheidsdiens of plaaslike owerheidsdienswerke versper nie;

(b) op enige openbare pad of openbare plek —

(i) by die plek van sodanige besigheid oornag, of

(ii) enige struktuur (behalwe 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) oprig met die doel om skuiling te verskaf, of

(iii) sodanige besigheid uit 'n motorvoertuig bedryf;

sonder die skriftelike voorafgoedkeuring van die Raad nie;

(c) sodanige besigheid op 'n wyse bedryf nie wat —

(i) 'n oorlas veroorsaak;

(ii) die oppervlak van enige openbare pad of openbare plek of enige ander Raadseiendom beskadig of skend, of

(iii) 'n gevaar vir verkeer veroorsaak;

(d) enige voorwerp op enige wyse aan enige gebou, struktuur, sypaadjie, boom, parkeermeter, lamppaal, elektrisiteitspaal, klip of natuurlike kenmerk, telefoonhokkie, posbus, verkeersteken, bank of enige ander straattoegange in of op 'n openbare pad of openbare plek het nie;

(e) 'n vuur maak op 'n plek of in omstandighede waar dit enige persoon kan beseer of 'n gebou of voertuig of enige straattoegange in subartikel (d) bedoel, kan beskadig nie;

(f) versuim of weier om enige goedere te verskuif of te verwyder nie, nadat hy versoek is om dit te doen deur die verskaffer van 'n telekommunikasiediens wat toegang tot sodanige diens vereis, of onderskeidelik deur 'n gemagtigde of agent van die Raad of 'n beampte wat ingevolge artikel 5 of 6 van hierdie verordening optree.

Sindelikheid van besigheidsplek en beskerming van openbare gesondheid

5. (1) Niemand wat die besigheid van straathandelaar, venter of smous bedryf, mag —

(a) enige vullis, rommel of afvalmateriaal op enige grond of perseel, in enige mangat of stormwaterriool, of op enige openbare pad of openbare plek, behalwe in 'n vullishouer wat deur die Raad goedgekeur is, ophoop, stort, opberg of plaas, of veroorsaak of toelaat dat dit daar opgehoop, gestort, opgeberg of geplaas word nie;

(b) die gebied of terrein wat hy vir die doel van sodanige besigheid okkupeer, in 'n vuil en/of onhygiëniese toestand hou nie;

(b) on that half of a public road contiguous to a building used for residential purposes if the owner, occupier or person in control of the building objects thereto;

(c) at a place where —

(i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse disposal bins or other facilities intended for the use of the general public;

(ii) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;

(iii) it obstructs access to a pedestrian crossing;

(iv) it obstructs access to any vehicle;

(v) it obscures any road traffic sign or any marking, notice or sign displayed in terms of this by-law.

General

4. No person carrying on the business of street vendor, pedlar or hawker shall at any time —

(a) in any way obstruct access to any local authority service or local authority service works;

(b) at any public road or public place —

(i) stay overnight at the place of such business, or

(ii) erect any structure (other than a device which operates in the same manner as, and is shaped like, an umbrella) for the purpose of providing shelter, or

(iii) carry on his business from a motor vehicle;

without the prior written approval of the Council;

(c) carry on such business in a manner which —

(i) creates a nuisance;

(ii) damages or defaces the surface of any public road or public place or any other Council property, or

(iii) creates a traffic hazard;

(d) attach any object by any means to any building, structure, pavement, tree, parking meter, lamp-pole, electricity pole, rock or natural feature, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;

(e) make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in subsection (d);

(f) fail or refuse to move or remove any goods, after having been requested to do so by the supplier of a telecommunication service who requires access to such service, or by an authorised employee or agent of the Council or an officer respectively acting in terms of section 5 or 6 of this by-law.

Cleanliness of place of business and protection of public health

5. (1) No person carrying on the business of street vendor, pedlar or hawker shall —

(a) accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises, in any manhole, stormwater drain or on any public road or public place, other than in a refuse receptacle approved by the Council;

(b) keep the area or site occupied by him for the purpose of such business in an unclean and/or unsanitary condition;

- (c) sy goedere in 'n vuil en/of onhigiëniese toestand hou nie;
- (d) tensy skriftelike goedkeuring vooraf deur die Raad verleen is wat hom van die bepalings van hierdie paragraaf vrystel, versuim om alle rommel, verpakkingsmateriaal, voorraad en toerusting van water aard ook al wat in verband met sodanige besigheid gebruik word, daagliks na afloop van handeldrywe van enige openbare pad of openbare plek te verwyder nie;
- (e) sy besigheid op sodanige wyse bedryf dat dit 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid is nie.

- (2) Sodanige persoon moet op versoek van 'n beampde of behoorlik gemagtigde werknemer van die Raad enigiets in artikel 5(1) na verwys verskuif of verwyder sodat die gebied of terrein skoongemaak kan word.

Verwydering en skut

6. (1) 'n Beampde kan nadat 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om te voldoen aan 'n versoek om sy goedere te verskuif of te verwyder, of sodanige goedere vir 'n tydperk van 12 uur of langer sonder toesig gelaat het, enige goedere verwyder en skut —

- (a) wat hy redelikerwys vermoed vir of in verband met die bedryf van die besigheid van straathandelaar, venter of smous gebruik word of bestem is om gebruik te word of gebruik is, en

- (b) wat hy op 'n plek waar sodanige besigheid ingevolge artikels 2, 3(a) en (b) van hierdie verordening beperk of verbied word, vind, en wat na sy oordeel 'n oortreding van enige artikel daarvan is.

- (2) 'n Beampde wat aldus optree, moet —

- (a) 'n kwitansie vir enige goedere wat aldus verwyder en geskut word, aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf, uitreik, en

- (b) onverwyld sodanige goedere aan die Raad oorhandig.

Afgebakende staanplekke of gebiede

7. Indien die Raad enige staanplek of gebied gereserveer en afgebaken het vir die doel om die besigheid van straathandelaar, venter of smous te bedryf, mag geen persoon op sodanige staanplek of in sodanige gebied handel dryf nie, tensy hy in besit is van bewys dat hy sodanige staanplek of gebied by die Raad gehuur het, of dat dit andersins aan hom toegeken is.

Dra en vertoon van skriftelike goedkeuring

8. Enige persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet enige skriftelike goedkeuring wat die Raad ingevolge artikels 2, 4, 5 of 7 van hierdie verordening aan hom verleen of uitgereik het, op sy persoon dra, en moet op versoek van 'n beampde sodanige goedkeuring toon.

Tekens wat beperkte of verbode gebiede aandui

9. Die Raad mag tekens, merke of ander toestelle wat beperkte of verbode gebiede aandui, vertoon.

Misdrywe en strawwe

10. Enigeen wat —

- (a) enige bepaling van hierdie verordening oortree of versuim om te voldoen aan enige voorwaarde wat daerkonstansie opgedel is;

- (b) enige beampde of enige werknemer van die Raad enige werksaam hand of bytimmer in die verordening van enige funksie ingevolge of konstansie hierdie verordening;

- (c) onwettig volk of onwettigende inligging aan 'n werknemer of 'n werknemer van die Raad;

- (d) onwettig ander inligging, of in die verordening van enige funksie ingevolge of konstansie hierdie verordening.

- (c) keep his goods in an unclean and/or insanitary condition;

- (d) unless prior written approval, exempting him from the provisions of this paragraph has been given by the Council, fail to remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business;

- (e) carry on his business in such a manner as to be a danger or threat to public health or public safety.

- (2) Such person shall at the request of an officer or a duly authorised employee of the Council, move or remove anything referred to in section 5(1) above so that the area or site may be cleaned.

Removal and impoundment

6. (1) An officer may, after a person carrying on the business of street vendor, pedlar or hawker has failed or refused to comply with a request to move or remove his goods, or has left such goods unattended for a period of 12 hours or more, remove and impound any goods —

- (a) which he reasonably suspects are being used or intended to be used or have been used in connection with the carrying on of the business of street vendor, pedlar or hawker, and

- (b) which he finds at a place where such business is restricted or prohibited in terms of sections 2, 3(a) and (b) of this by-law and which, in his opinion, constitutes an infringement of any section thereof.

- (2) An officer so acting shall —

- (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and

- (b) forthwith deliver such goods to the Council.

Demarcated stands or areas

7. If the Council has set apart and demarcated any stand or area for the purpose of the carrying on of the business of street vendor, pedlar or hawker, no person may trade on such stand or in such area unless he is in possession of proof that he has hired such stand or area from the Council or that it has otherwise been allocated to him.

Carrying and exhibition of written approval

8. Any person carrying on the business of street vendor, pedlar or hawker shall carry on his person any written approval granted or issued to him by the Council in terms of sections 2, 4, 5 or 7 of this by-law and shall on request by an officer exhibit such approval.

Signs indicating restricted or prohibited areas

9. The Council may display signs, markings or other devices indicating restricted or prohibited areas.

Offences and penalties

10. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;

- (b) threatens, revisits, interferes with or obstructs the officer or any employee of the Council in the performance of his duties or functions in terms of this by-law;

- (c) deliberately obstructs or hinders any officer or employee of the Council in the performance of his duties or functions;

- (d) fails to deliver to the Council any goods so removed and impounded.

boete van hoogstens Eenduisend Rand (R1 000,00) of met gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

Herroeping van regulasies

11. Provinsiale Kennisgewing No. 404/1992 synde Regulasies in verband met Straathandelaars, Venters of Smouse wat op 28 September 1992 in die Ollisiële Koerant van die Kaapprovinsie afgekondig is word hierby herroep in soverre dit op die munisipale gebied van Simonstad van toepassing is.

P.K. 385/1996

13 September 1996

Die Premier het toestemming vir die volgende verordening by die Strand Munisipaliteit verleen.

STRAND MUNISIPALITEIT:

VERORDENING VIR DIE TOESIG EN BEHEER VIR DIE UITVOERING VAN DIE BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS

Woordomskrywing

1. (1) Tensy uit die samehang anders blyk, het 'n woord of 'n uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), geheg is, dieselfde betekenis wat aldus toegewys is, in hierdie verordening, en beteken —

(i) "beampte" —

- (a) 'n verkeersbeampte aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisie Wet, 1958 (Wet 7 van 1958);
- (c) 'n vredesbeampte beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977), of
- (d) 'n Omgewingsgesondheidsbeampte in diens van die raad.

(ii) "die Wet" die Wet op Besighede, 1991 (Wet 71 van 1991);

(iii) "goedere" enige houër, voertuig of beweegbare struktuur;

(iv) "oorlas" enige gedrag wat 'n stand van sake of toestand meebring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhoud of wat wesenlik inmeng met hul gewone gerief, gemak, rus of vrede;

(v) "openbare pad" enige pad, straat, deurgang of enige ander plek (hetsy 'n deurgang of nie) of 'n deel daarvan wat gewoonlik deur die publiek gebruik word of waartoe die publiek 'n reg van toegang het, en ook —

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop, en
- (c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat of deurgang;

(vi) "plaaslike owerheidsdiens" enige stelsel deur of namens 'n plaaslike owerheid bestuur vir die versameling, afvoer, behandeling of wegdoen van vuilnis, rioolvuil of stormwater of vir die vervaardiging, opwekking, opvang, opberging, suiwering, distribusie, geleiding, transmissie, vervoer, voorsiening of verskaffing van water, gas of elektrisiteit;

(vii) "plaaslike owerheidsdienswerke" alle werke van watter aard ook al wat nodig of wenslik is vir of bykomstig is tot of aanvullend is by of gepaard gaan met enige plaaslike

exceeding One Thousand Rand (R1 000,00) or to imprisonment for a period not exceeding three (3) months.

Repeal of regulations

11. Provincial Notice No. 404/1992 being Regulations Relating to Street Vendors, Pedlars or Hawkers promulgated in the Official Gazette of the Cape Province on 28 September 1992 is hereby repealed insofar as it applies to the municipal area of Simon's Town.

P.N. 385/1996

13 September 1996

The Premier has approved the following by-law framed by the Strand Municipality.

STRAND MUNICIPALITY:

BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER

Definitions

1. (1) Unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Businesses Act, 1991 (Act 71 of 1991), shall, when used in this by-law, have the meaning thus assigned, and —

(i) "council" means the council of Strand Municipality and includes any committee or employee of the council exercising power or performing duties or functions delegated to it or him by the council;

(ii) "goods" means any receptacles, vehicles or movable structures;

(iii) "local authority service" means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or storm water or for the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;

(iv) "local authority service works" means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

(v) "nuisance" means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet;

(vi) "officer" means —

(a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989);

(b) a member of the Force as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958);

(c) a peace officer contemplated by section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), or

(d) an Environmental Health Officer in service of the council;

(vii) "public road" means any road, street, thoroughfare or any place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public has a right of access and includes —

owerheidsdiens en dit omvat enige onroerende goed, meer, fontein, natuurlike waterloop, masjinerie, werktuig of ander ding van watter aard ook al wat gebruik word vir of in verband met enige sodanige werke of diens;

(viii) "raad" die raad van Strand Munisipaliteit en sluit enige komitee of werknemer van die raad en wat pligte uitoefen of funksies uitvoer wat deur die raad aan hom gedelegeer is, en

(ix) "soom" die gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie.

(2) Vir die toepassing van die bepalings van hierdie verordening sluit 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, enige werknemer van enige sodanige persoon in.

Verbode gebiede

2. Geen persoon mag die besigheid van straathandelaar, venter of smous bedryf nie —

(a) in 'n tuin of park waartoe die publiek 'n reg van toegang het;

(b) op 'n soom aangrensend aan —

(i) 'n gebou wat behoort aan, of geokkupeer word slegs deur die Staat of die raad;

(ii) 'n kerk of ander plek van aanbidding, of

(iii) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969), tot nasionale gedenkwaardigheid verklaar is;

(c) in 'n gebied wat kragtens artikel 6A(2)(a) van die Wet verklaar is tot 'n gebied waarin die bedryf van die besigheid van straathandelaar, venter of smous —

(i) verbied is, of

(ii) in stryd met 'n voorwaarde wat deur die raad ten opsigte van so 'n gebied opgelê is;

(d) op 'n plek waar —

(i) dit 'n versperring veroorsaak voor 'n brandkraan of 'n ingang of uitgang van 'n gebou;

(ii) dit 'n versperring veroorsaak vir voertuigverkeer, of

(iii) dit voetgangers wesenlik belemmer in die gebruik van 'n sypaadjie soos omskryf in artikel 1 van die Padverkeerswet, 1989;

(e) op 'n soom aangrensend aan 'n gebou waarin besigheid bedryf word deur 'n persoon wat goedere verkoop wat van dieselfde of soortgelyke aard is as goedere wat deur die betrokke straathandelaar, venter of smous verkoop word, sonder die toestemming van daardie persoon;

(f) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir residensiele doeleindes gebruik word, indien die eienaar of persoon in beheer of enige bewoner van die gebou daarteen beswaar maak, en

(g) op 'n plek waar —

(i) dit toegang tot straattoegange, buspassasiersbanke of skuilings, toustanery, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper;

(ii) dit die sigbaarheid van 'n vertoonvenster op 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;

(iii) dit toegang tot 'n voetgangeroorgang versper;

(iv) dit toegang tot enige voertuig versper;

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

(viii) "the Act" means the Businesses Act, 1991 (Act 71 of 1991), and

(ix) "verge" means that portion of the road, street or thoroughfare which is not the roadway.

(2) For the purposes of the provisions of this by-law a person carrying on the business of street vendor, pedlar or hawker shall include any employee of any such person.

Prohibited areas

2. No person shall carry on the business of street vendor, pedlar or hawker —

(a) in a garden or park to which the public has a right of access;

(b) on a verge contiguous to —

(i) a building belonging to, or occupied solely by, the State or the council;

(ii) a church or other place of worship, or

(iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);

(c) in an area declared under section 6A(2)(a) of the Act as a place where the carrying on of the business of street vendor, pedlar or hawker is —

(i) prohibited, or

(ii) restricted in contravention of a condition imposed by the council in respect of such an area;

(d) at a place where —

(i) it causes an obstruction in front of a fire hydrant or any 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 a sidewalk as defined in section 1 of the Road Traffic Act, 1989;

(e) on a verge contiguous to a building in which business is being carried on by any person who sells goods the same nature as or of a similar nature to goods being sold by the street vendor, pedlar or hawker concerned, without the consent of that person;

(f) on that 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 thereto, and

(g) at a place where —

(i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse disposal bins or other facilities intended for the use of the general public;

(ii) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;

(iii) it obstructs access to a pedestrian crossing;

(iv) it obstructs access to any vehicle;

- (v) dit enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versperk, of
- (vi) dit op enige wyse met enige voertuig wat langs sodanige plek geparkeer is, inmeng.

Algemeen

3. Geen persoon wat die besigheid van straathandelaar, venter of smous bedryf, mag —
- (a) op enige wyse die vrye toegang tot enige plaaslike owerheidsdiens of plaaslike owerheidsdienswerke, belemmer nie;
 - (b) indien sodanige besigheid op 'n openbare pad of openbare plek bedryf word —
 - (i) by die plek van sodanige besigheid oornag, of
 - (ii) enige struktuur (uitgesonderd 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) met die doel om skuiling te verskaf oprig, sonder die voorafverkreë skriftelike goedkeuring van die raad nie;
 - (c) sodanige besigheid op so 'n wyse bedryf dat dit —
 - (i) 'n oorlas veroorsaak nie;
 - (ii) die oppervlak van enige openbare pad of openbare plek of enige ander eiendom van 'n raad beskadig of skend nie, of
 - (iii) 'n gevaar vir die verkeer veroorsaak nie;
 - (d) uitgesonderd 'n vullishouer wat deur die raad goedgekeur is, enige vullis, rommel of afvalmateriaal op enige grond of perseel of op enige openbare pad of openbare plek ophoop, stort, opgaar, plaas of toelaat dat dit daar opgehoop, gestort, opgegaar of geplaas word, en
 - (e) versuim of weier nie om enige goedere, houer, voertuig of beweegbare struktuur te verwyder of te verskuif nadat hy daartoe versoek is deur 'n beampite of 'n werknemer, behoorlik daartoe gemagtig, van die raad, wat ingevolge die bepalings van artikel 5(1) hiervan handel.

Sindelikheid van plek van besigheid en beskerming van openbare gesondheid

4. Elke persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet —
- (a) tensy skriftelike goedkeuring deur die raad vooraf verleen is wat hom van die bepalings van hierdie artikel vrystel, alle rommel, verpakkingsmateriaal, voorraad en toerusting van watter aard ook al wat in verband met sodanige besigheid gebruik word, daagliks na afloop van die bedryf van besigheid van enige openbare pad of openbare plek verwyder;
 - (b) sy besigheid op so 'n wyse bedryf dat dit nie 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid inhou nie;
 - (c) op versoek van 'n beampite of 'n werknemer, behoorlik daartoe gemagtig, van die raad, enigiets verskuif of verwyder sodat die plek van besigheid skoongemaak kan word, en
 - (d) sy besigheid op so 'n wyse bedryf dat dit te alle tye in 'n skoon en netjiese toestand is.

Verwydering en skut

5. (1) 'n Beampite kan enige goedere verwyder en skut —
- (a) nadat hy die straathandelaar, venter of smous daartoe versoek het en wat l y redelikerwys vermoed gebruik word of bestem is om gebruik te word of gebruik is by of in verband met die bedryf van die besigheid van straathandelaar, venter of smous;

- (v) it obscures any road traffic sign or any marking, notice or sign displayed in terms of this by-law, or
- (vi) it interferes in any way with any vehicle that may be parked alongside such place.

General

3. No person carrying on the business of street vendor, pedlar or hawker shall —
- (a) in any way obstruct free access to any local authority service or local authority service works;
 - (b) if such business is carried on on any public road or public place —
 - (i) stay overnight at the place of such business, or
 - (ii) erect any structure (other than a device which operates in the same manner as, and is shaped like, an umbrella) for the purpose of providing shelter without the prior written approval of the council;
 - (c) carry on such business in such a manner as to —
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place or any other council property, or
 - (iii) create a traffic hazard;
 - (d) other than in a refuse receptacle approved by the council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises or on any public road or public place, and
 - (e) fail or refuse to remove or move any goods, receptacle, vehicle or movable structure after having been requested to do so by an officer or an employee duly authorised thereto, of the council, acting in terms of the provisions of section 5(2) hereof.

Cleanliness of place of business and protection of public health

4. Every person carrying on the business of street vendor, pedlar or hawker shall —
- (a) unless prior written approval, exempting him from the provisions of this paragraph has been given by the council, remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business;
 - (b) carry on his business in such a manner as not to be a danger or threat to public health or public safety;
 - (c) at the request of an officer or an employee, duly authorised thereto, of the council move or remove anything so that the place of business may be cleaned, and
 - (d) carry on his business in such a manner as to always be in a clean and neat condition.

Removal and impoundment

5. (1) An officer may remove and impound any goods —
- (a) After a request to the street vendor, pedlar or hawker to remove the goods which he reasonably suspects are being used or are intended to be used or have been used in or in connection with the carrying on of any business of street vendor, pedlar or hawker;

(b) wat hy vind op 'n plek waar —

(i) ingevolge artikel 2 van hierdie verordening die bedryf van sodanige besigheid verbode is en, wat na sy oordeel, 'n oortreding van sodanige artikel is, of

(ii) na sy oordeel sodanige goedere so geplaas is dat dit —

(aa) 'n versperring vir voertuigverkeer veroorsaak, of

(bb) 'n plaaslike owerheidsdiens of plaaslike owerheidsdienswerke belemmer;

(c) wat die persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om van die plek te verwyder nadat hy daartoe versoek is deur 'n beampte of 'n werknemer, van die raad behoorlik daartoe gemagtig of wat sonder toesig gelaat is.

(2) Enige beampte wat ingevolge subartikel (1) optree, moet —

(a) aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf 'n kwitansie uitreik vir enige goedere wat aldus verwyder en geskut word, en

(b) onverwyld enige sodanige goedere aan die raad in wie se regsgebied sodanige goedere gevind is, oorhandig.

(3) (a) Die eienaar van enige goedere wat ingevolge subartikel (1) verwyder en geskut is, is aanspreeklik vir enige uitgawes wat deur die raad aangegaan is in verband met die verwydering en skut van sodanige goedere, en die raad kan sodanige goedere behou totdat alle sodanige uitgawes betaal is of met sodanige goedere handel soos beoog by artikel 6 hiervan.

(b) 'n Sertifikaat uitgereik onder die hand van die tesourier van die raad word geag bewys te wees van enige uitgawes wat die raad aangegaan het in verband met die verwydering en skut van enige goedere.

(c) Die raad of 'n werknemer van die raad is nie aanspreeklik vir enige verlies of diefstal van of skade aan enige goedere wat verwyder en geskut is ingevolge hierdie artikel nie.

Beskikking oor geskutte goedere

6. (1) Enige bederfbare goedere wat verwyder en geskut is ingevolge artikel 5(1) kan te eniger tyd na die skut daarvan deur die raad verkoop of vernietig word, en in die geval van 'n verkoping van sodanige goedere word die opbrengs daarvan, minus enige uitgawes wat die raad aangegaan het in verband met die verwydering en skut van sodanige goedere, by aanbieding van die kwitansie beoog by artikel 5(2)(a) aan die persoon wat die eienaar van sodanige goedere was toe sodanige goedere geskut is, betaal. Indien sodanige eienaar versuim om sodanige opbrengs binne drie maande vanaf die datum waarop sodanige goedere verkoop is, op te eis, word sodanige opbrengs aan die raad verbeur.

(2) Die eienaar van enige goedere (uitgesonderd bederfbare goedere waarmee reeds deur die raad ingevolge subartikel (1) gehandel is) wat ingevolge artikel 5(1) geskut is, wat die terugbesorging van sodanige goedere wil eis, moet binne 'n tydperk van een maand vanaf die datum waarop sodanige goedere geskut is, by die raad aansoek doen en moet die kwitansie beoog by artikel 5(2)(a) aanbied, by versuim waarvan sodanige goedere deur die raad verkoop kan word, en in die geval van 'n verkoping van sodanige goedere is die bepalinge van subartikel (1) met betrekking tot die opbrengs van 'n verkoping insgelyks van toepassing op die opbrengs van sodanige verkoping.

(3) Indien die eienaar van enige goedere wat ingevolge artikel 5(1) geskut is, die terugbesorging van sodanige goedere van die raad eis en sodanige eienaar nie in staat is nie of weier om enige uitgawes wat die raad in verband met die verwydering en skut van sodanige goedere aangegaan het, terug te betaal, kan sodanige goedere deur die raad verkoop word en die opbrengs van enige verkoping van sodanige goedere minus enige sodanige uitgawes word aan sodanige eienaar betaal.

(4) Ingeval die opbrengs van enige verkoping van goedere beoog by

(b) which he finds at a place where —

(i) the carrying on of such business is prohibited or restricted in terms of section 2 hereof, and which, in his opinion, constitutes an infringement of such section, or

(ii) in his opinion such goods are placed in such a manner that it —

(aa) causes an obstruction to vehicular traffic, or

(bb) obstructs a local authority service or local authority service works;

(c) which the person carrying on the business of street vendor, pedlar or hawker has failed or refused to remove from the place after having been requested to do so by an officer or an employee duly authorised thereto, or which have been abandoned.

(2) Any officer acting in terms of subsection (1) hereof shall —

(a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and

(b) forthwith deliver any such goods to the council in whose area of jurisdiction such goods were found.

(3) (a) The owner of any goods which have been removed and impounded in terms of subsection (1) shall be liable for any expenses incurred by the council in connection with the removal and impoundment of such goods, and the council may keep such goods as contemplated in section 6.

(b) A certificate issued under the hand of the treasurer of the council shall be deemed to be proof of any expenses that the council has incurred in connection with the removal and impoundment of any goods.

(c) The council or an employee of the council shall not be liable for any loss or theft of or damage to any goods removed and impounded in terms of this section.

Disposal of impounded goods

6. (1) Any perishable goods removed and impounded in terms of section 5(1) may at any time after the impoundment thereof be sold or destroyed by the council and in the case of a sale of such goods the proceeds thereof, less any expenses incurred by the council in connection with the removal and impoundment of goods, shall, upon representation of the receipt contemplated by section 5(2)(a), be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which such goods were sold, such proceeds shall be forfeited to the council.

(2) The owner of any goods (other than perishable goods already dealt with by the council in terms of subsection (1) impounded in terms of section 5(1)) who wishes to claim the return of such goods shall, within a period of one month of the date of the impoundment of such goods, apply to the council and shall present the receipt as contemplated in section 5(2)(a), failing which such goods may be sold by the council, and in the event of a sale of such goods the provisions of subsection (1) relating to the proceeds of a sale likewise apply to the proceeds of such sale.

(3) If the owner of any goods impounded in terms of section 5(1) claims the return of such goods from the council and such owner is unable or refuses to refund any expenses incurred by the council in connection with the removal and impoundment of such goods, such goods may be sold by the council and the proceeds of any sale of such goods less any such expenses shall be paid to such owner.

(4) In the event of the proceeds of any sale of goods contemplated by

hierdie artikel nie genoegsaam is nie om enige uitgawes wat die raad in verband met die verwydering en skut van sodanige goedere aangegaan het, te bestry nie, bly die eienaar van sodanige goedere ingevolge artikel 5(3)(a) aanspreeklik vir daardie deel van die uitgawes wat nie deur die opbrengs van die verkoping van sodanige goedere bestry word nie.

Dra van skriftelike goedkeuring

7. Enige persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet wanneer ook al sodanige persoon sodanige besigheid bedryf, enige skriftelike goedkeuring wat deur 'n raad ingevolge hierdie verordening aan hom toegestaan of uitgereik is, op sy persoon dra en moet op aanvraag sodanige skriftelike goedkeuring aan 'n beampste of werknemer van die raad, behoorlik daartoe gemagtig, toon.

Gelde

8. Die raad stel die gelde vas wat aan hom betaalbaar is vir die verhuring van staanplekke of stalletjies binne afgebakende gebiede onder sy beheer vanwaar die bedryf van die besigheid van straathandelaar, venter of smous toelaatbaar is.

Delegasie

9. Wanneer enige bevoegdheid, plig of funksie by of kragtens die Wet aan 'n raad opgedra word, kan sodanige raad enige sodanige bevoegdheid, plig of funksie deleger of toewys aan enige persoon in sy diens, onderworpe aan die voorwaardes wat hy nodig ag.

Misdrywe en strawwe

10. Enige persoon wat —

- (a) enige bepaling van hierdie verordening oortree of versuim om daaraan te voldoen of aan enige voorwaarde wat daarkragtens gestel is; of
- (b) enige beampste of werknemer van die raad dreig, hinder of belemmer in die verrigting van sy pligte of werksaamhede ingevolge of kragtens hierdie verordening, of
- (c) met opset, valse of misleidende inligting aan 'n beampste of werknemer van die raad gee,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens een-duisend rand of gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

P.K. 386/1996

13 September 1996

Die Premier het ingevolge artikel 6A van die Wet op Besighede, 1991 (Wet 71 van 1991), sy goedkeuring aan die volgende verordening gegee:

MUNISIPALITEIT VIR DIE GEBIED VAN FRANSCHHOEK:

VERORDENING VIR DIE TOESIG EN BEHEER OOR DIE BEDRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS

Woordomskrywing

1. Tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), gegee is, die betekenis wat aldus toegeken is wanneer dit in hierdie verordening gebruik word, en beteken —

“beampste” —

- (a) 'n verkeersbeampste aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisiewet, 1958 (Wet 7 van 1958), of
- (c) 'n vredesbeampste beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977);

this section not being sufficient to defray any expenses incurred by the council in connection with the removal and impoundment of such goods, the owner of such goods shall in terms of section 5(3)(a) remain liable for that portion of the expenses not defrayed by the proceeds from the sale of such goods.

Carrying of written approval

7. Any person carrying on the business of street vendor, pedlar or hawker shall, whenever such person is carrying on such business, carry on his person any written approval granted or issued to him by a council in terms of this by-law and shall on demand show such written approval to an officer or an employee, duly authorised thereto, of the council.

Charges

8. The council shall fix the charges payable to it for the letting of stands or stalls in demarcated areas under its control from where the carrying on of the business of street vendor, pedlar or hawker is permissible.

Delegation

9. Whenever any power, duty or function is imposed by or under the Act upon a council, such council may delegate or assign in writing any such power, duty or function to any person in its employ, subject to such conditions as it may deem necessary.

Offences and penalties

10. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof; or
- (b) threatens, resists, interferes with or obstructs any officer or any employee of the council in the performance of his duties or functions in terms of or under this by-law, or
- (c) deliberately furnishes false or misleading information to an officer or an employee of the council,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding three (3) months.

P.N. 386/1996

13 September 1996

The Premier has, in terms of section 6A of the Businesses Act, 1991 (Act 71 of 1991), approved the following by-law.

MUNICIPALITY FOR THE AREA OF FRANSCHHOEK:

BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER

Definitions

1. Unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Businesses Act, 1991 (Act 71 of 1991), shall, when used in this by-law, have the meaning thus assigned, and —

“Council” means the Municipality for the Area of Franschhoek and includes any committee or employee of the council exercising powers or performing duties or functions delegated to it or him by the Council;

“goods” means any wares, articles, receptacles, vehicles or structures;

“local authority service” means any system conducted by or on behalf of the Council for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the manufacture, generation, impounding, storage, purification, distribution, conduction, trans-

"die Wet" die Wet op Besighede, 1991 (Wet 71 van 1991);

"goedere" enige ware, artikels, houers, voertuie of strukture;

"oorlas" enige gedrag wat 'n stand van sake of toestand meebring van meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhou, of wat wesenlik met hulle gewone gerief, gemak, rus of vrede inmeng;

"openbare pad" enige pad, straat, deurgang of enige ander plek (hetsy 'n deurgang of nie) wat gewoonlik deur die publiek of 'n deel daarvan gebruik word of waartoe die publiek of enige deel daarvan 'n reg van toegang het, en sluit ook in —

(a) die soom van enige sodanige pad, straat of deurgang;

(b) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop; en

(c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot sodanige pad, straat of deurgang;

"openbare plek" enige plek, park, ontspanningsterrein, sportterrein, sanitêre steeg of oop ruimte wat —

(a) in verband met enige onderverdeling of aanleg van grond in erwe, lotte of plote voorsien, gereserveer of afgesonder is vir gebruik deur die publiek of die eienaars of okkuperders van sodanige erwe, lotte of plote, ongeag of dit op 'n algemene plan, onderverdelingsplan of diagram aangetoon word of nie;

(b) te eniger tyd aan die publiek opgedra is;

(c) sonder onderbreking deur die publiek gebruik is vir 'n tydperk van minstens dertig jaar wat na die een-en-dertigste dag van Desember 1959 verstryk het, of

(d) te eniger tyd deur 'n plaaslike owerheid of ander bevoegde owerheid as sodanig verklaar of gemaak is;

"persoon wat die besigheid van straathandelaar, venter of smous bedryf" ook enige werknemer van sodanige persoon;

"plaaslike owerheidsdiens" enige stelsel wat deur of namens die Raad bestuur word vir die versameling, afvoer, behandeling of wegdoen van vullis, rioolvuil of stormwater, of vir die vervaardiging, opwekking, opvang, opberging, suiwering, verspreiding, geleiding, transmissie, vervoer, voorsiening of verskaffing van water, gas of elektrisiteit;

"plaaslike owerheidsdienswerke" alle werke van watter aard ook al wat nodig of wenslik is vir, of bykomstig of aanvullend is by of gepaard gaan met enige plaaslike owerheidsdiens, en dit omvat enige vaste eiendom, meer, fontein, natuurlike waterloop, masjinerie, werktuig of ander ding van watter aard ook al wat vir of in verband met enige sodanige werke of diens gebruik word;

"Raad" die Munisipaliteit vir die Gebied van Franschhoek en sluit enige komitee of werknemer van die Raad in wat magte uitoefen of pligte of funksies uitvoer wat deur die Raad aan hom gedelegeer is;

"soom" daardie gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie;

"sypaadjie" daardie gedeelte van 'n soom wat uitsluitlik vir die gebruik van voetgangers bedoel is.

Verbod en beperkings op die bedryf van besigheid

2. Niemand mag die besigheid van straathandelaar, venter of smous bedryf nie —

(a) in 'n tuin of park onder die beheer van die Raad en waartoe die publiek 'n reg van toegang het, tensy sodanige gebied deur die Raad ingevolge artikel 6A(3)(b) van die Wet vir daardie doel gereserveer en afgebaken is;

(b) op 'n soom aangrensend aan —

(i) 'n gebou wat behoort aan of geokkupeer word slegs deur die Staat of die Raad;

mission, conveyance, provision or supply of water, gas or electricity;

"local authority service works" means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

"nuisance" means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet;

"officer" means —

(a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989);

(b) a member of the Force as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958), or

(c) a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

"person carrying on the business of street vendor, pedlar or hawker" includes any employee of such person;

"public road" means any road, street, thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or any section thereof has a right of access and includes —

(a) a verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"public place" means any square, park, recreation ground, sports ground, sanitary lane or open space which has —

(a) in connection with any subdivision or layout of land into erven, lots or plots provided, been reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used without interruption by the public for a period of at least thirty years expiring after the thirty-first day of December 1959, or

(d) at any time been declared or rendered such by a local authority or other competent authority;

"sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"the Act" means the Businesses Act, 1991 (Act 71 of 1991), and

"verge" means that portion of the road, street or thoroughfare which is not the roadway.

Prohibition of and Restriction on the carrying on of business

2. No person shall carry on the business of street vendor, pedlar or hawker —

(a) in a garden or park under the control of the Council and to which the public has a right of access unless such area has been set apart and demarcated by the Council for this purpose in terms of section 6A(3)(b) of the Act;

(b) on a verge contiguous to —

(i) a building belonging to, or occupied solely by, the State or the Council;

- (ii) 'n kerk of ander plek van aanbidding; of
- (iii) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969), tot nasionale gedenkwaardigheid verklaar is;
- (c) in 'n gebied wat ingevolge artikel 6A(2)(a) van die Wet deur die Raad verklaar is tot 'n gebied waar die bedryf van die besigheid van straathandelaar, venter of smous —
 - (i) verbied is; of
 - (ii) in stryd met enige beperking wat deur die Raad ingevolge daardie artikel ten opsigte van sodanige gebied opgelê is;
- (d) op 'n plek waar —
 - (i) dit toegang tot 'n brandkraan versper;
 - (ii) dit toegang tot enige ingang tot of uitgang uit 'n gebou versper;
 - (iii) dit voetgangers verhoed om 'n sygaardjie te gebruik, of hulle wesenlik belemmer in die gebruik daarvan;
 - (iv) dit 'n versperring op 'n ryvlak veroorsaak;
 - (v) dit toegang tot parkeer- of laai-inhamme of ander geriewe vir voertuigverkeer beperk;
- (e) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir woondoeleindes gebruik word, indien die eienaar, bewoner of persoon in beheer van die gebou daarteen beswaar maak;
- (f) op 'n plek waar —
 - (i) dit toegang tot straattoebehore, buspassasiersbanke of -skuilings, toustaanplekke, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper;
 - (ii) dit die sigbaarheid van 'n vertoonvenster op 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;
 - (iii) dit toegang tot 'n voetgangeroorgang versper;
 - (iv) dit toegang tot enige voertuig versper;
 - (v) dit enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versper; of
 - (vi) dit op enige wyse met enige voertuig wat langs sodanige plek geparkeer is, inmeng.

Algemeen

3. Niemand wat die besigheid van straathandelaar, venter of smous bedryf, mag te eniger tyd —
 - (a) op enige wyse toegang tot enige plaaslike owerheidsdiens of plaaslike owerheidsdienswerke versper nie;
 - (b) op enige openbare pad of openbare plek —
 - (i) by die plek van sodanige besigheid oornag, of
 - (ii) enige struktuur (behalwe 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) oprig met die doel om skuiling te verskaf,
 sonder die skriftelike voorafgoedkeuring van die Raad nie;
 - (c) sodanige besigheid op 'n wyse bedryf nie wat —
 - (i) 'n oorlas veroorsaak;
 - (ii) die oppervlak van enige openbare pad of openbare plek of enige ander Raadseiendom beskadig of skend; of
 - (iii) 'n gevaar vir verkeer veroorsaak;

- (ii) a church or other place of worship, or
- (iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);
- (c) in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place where the carrying on of the business of street vendor, pedlar or hawker is —
 - (i) prohibited; or
 - (ii) contrary to any restriction imposed by the Council in terms of that section in respect of such area;
- (d) at a place where —
 - (i) it obstructs access to a fire hydrant;
 - (ii) it obstructs access to any entrance to or exit from a building;
 - (iii) it prevents pedestrians from using, or substantially obstructs them in their use of a sidewalk;
 - (iv) it causes an obstruction on a roadway;
 - (v) it limits access to parking or loading bays or other facilities for vehicular traffic;
- (e) on that half of a public road contiguous to a building used for residential purposes if the owner, occupier or person in control of the building objects thereto.
- (f) at a place where —
 - (i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse disposal bins or other facilities intended for the use of the general public;
 - (ii) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
 - (iii) it obstructs access to a pedestrian crossing;
 - (iv) it obstructs access to any vehicle;
 - (v) it obscures any road traffic sign or any marking, notice or sign displayed in terms of this by-law; or
 - (vi) it interferences in any way with any vehicle that may be parked alongside such place.

General

3. No person carrying on the business of street vendor, pedlar or hawker shall at any time —
 - (a) in any way obstruct access to any local authority service or local authority service works;
 - (b) at any public road or public place —
 - (i) stay overnight at the place of such business, or
 - (ii) erect any structure (other than a device which operates in the same manner as, and is shaped like, an umbrella) for the purpose of providing shelter;
 without the prior written approval of the Council;
 - (c) carry on such business in a manner which —
 - (i) creates a nuisance;
 - (ii) damages or defaces the surface of any public road or public place or any other Council property, or
 - (iii) creates a traffic hazard;

- (d) enige voorwerp op enige wyse aan enige gebou, struktuur, sypaadjie, boom, parkeermeter, lamppaal, elektrisiteitspaal, telefoonhokkie, posbus, verkeersteken, bank of enige ander straattoebehore in of op 'n openbare pad of openbare plek heg nie;
- (e) 'n vuur maak op 'n plek of in omstandighede waar dit enige persoon kan beseer of 'n gebou of voertuig of enige straattoebehore in subartikel (d) bedoel, kan beskadig nie;
- (f) versuim of weier om enige goedere te verskuif of te verwyder nie, nadat hy versoek is om dit te doen deur die verskaffer van 'n telekommunikasiediens wat toegang tot sodanige diens vereis, of onderskeidelik deur 'n gemagtigde of agent van die Raad of 'n beampte wat ingevolge artikel 4 of 5 van hierdie verordening optree; en
- (g) sodanige besigheid bedryf op 'n soom aangrensend aan 'n gebou waarin besigheid bedryf word deur 'n persoon wat goedere verkoop wat van dieselfde of soortgelyke aard is as goedere wat deur die betrokke straathandelaar, venter of smous verkoop word, sonder die toestemming van daardie persoon.

Sindelikheid van besigheidsplek en beskerming van openbare gesondheid

4. (1) Niemand wat die besigheid van straathandelaar, venter of smous bedryf, mag —
- (a) enige vullis, rommel of afvalmateriaal op enige grond of perseel, in enige mangat of stormwaterriool, of op enige openbare pad of openbare plek, behalwe in 'n vullishouer wat deur die Raad goedgekeur is, ophoop, stort, opberg of plaas, of veroorsaak of toelaat dat dit daar opgehoop, gestort, opgeberg of geplaas word nie;
 - (b) die gebied of terrein wat hy vir die doel van sodanige besigheid okkupeer, in 'n vuil en/of onhigiëniese toestand hou nie;
 - (c) sy goedere in 'n vuil en/of onhigiëniese toestand hou nie;
 - (d) tensy skriftelike goedkeuring vooraf deur die Raad verleen is wat hom van die bepalinge van hierdie paragraaf vrystel, versuim om alle rommel, verpakkingsmateriaal, voorraad en toerusting van watter aard ook al wat in verband met sodanige besigheid gebruik word, daagliks na afloop van handeldrywe van enige openbare pad of openbare plek te verwyder nie, en
 - (e) sy besigheid op sodanige wyse bedryf dat dit 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid is nie.
- (2) Sodanige persoon moet op versoek van 'n beampte of behoorlik gemagtigde werknemer van die Raad enigiets waarna artikel 4(1) verwys verskuif of verwyder sodat die gebied of terrein skoonmaak kan word.

Verwydering en skut

5. (1) 'n Beampte kan nadat 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om te voldoen aan 'n versoek om sy goedere te verskuif of te verwyder, of sodanige goedere vir 'n tydperk van 12 uur of langer sonder toesig gelaat het, enige goedere verwyder en skut —
- (a) wat hy redelikerwys vermoed vir of in verband met die bedryf van die besigheid van straathandelaar, venter of smous gebruik word of bestem is om gebruik te word of gebruik is; en
 - (b) wat hy op 'n plek waar sodanige besigheid ingevolge artikel 2(a) tot (e) van hierdie verordening beperk of verbied word, vind, en wat na sy oordeel 'n oortreding van enige artikel daarvan is.
- (2) 'n Beampte wat aldus optree, moet —
- (a) 'n kwitansie vir enige goedere wat aldus verwyder en geskut word, aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf, uitreik, en
 - (b) onverwyld sodanige goedere aan die Raad oorhandig.

- (d) attach any object by any means to any building, structure, pavement, tree, parking meter, lamp-pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (e) make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in sub-section (d);
- (f) fail or refuse to move or remove any goods, after having been requested to do so by the supplier of a telecommunication service who requires access to such service, or by an authorised employee or agent of the Council or an officer respectively acting in terms of sections 4 or 5 of this by-law; or
- (g) carry on such business on a verge contiguous to a building in which business is being carried on by any person who sells goods of the same nature as or of a similar nature to goods being sold by the street vendor, pedlar or hawker concerned, without the consent of that person.

Cleanliness of place of business and protection of public health

4. (1) No person carrying on the business of street vendor, pedlar or hawker shall —
- (a) accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises, in any manhole, stormwater drain or on any public road or public place, other than in a refuse receptacle approved by the Council;
 - (b) keep the area or site occupied by him for the purpose of such business in an unclean and/or unsanitary condition;
 - (c) keep his goods in an unclean and/or insanitary condition;
 - (d) unless prior written approval, exempting him from the provisions of this paragraph has been given by the Council, fail to remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business;
 - (e) carry on his business in such a manner as to be a danger or threat to public health or public safety.
- (2) Such persons shall at the request of an officer or a duly authorised employee of the Council, move or remove anything referred to in section 4(1) so that the area or site may be cleaned.

Removal and impoundment

5. (1) An officer may, after a person carrying on the business of street vendor, pedlar or hawker has failed or refused to comply with a request to move or remove his goods, or has left such goods unattended for a period of 12 hours or more, remove and impound any goods —
- (a) which he reasonably suspects are being used or intended to be used or have been used, in or in connection with the carrying on of the business of street vendor, pedlar or hawker; and
 - (b) which he finds at a place where such business is restricted or prohibited in terms of sections 2(a) to (e) of this by-law and which, in his opinion, constitutes an infringement of any section thereof.
- (2) An officer so acting shall —
- (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and
 - (b) forthwith deliver such goods to the Council.

Afgebakende staanplekke of gebiede

6. Indien die Raad enige staanplek of gebied gereserveer en afgebaken het vir die doel om die besigheid van straathandelaar, venter of smous te bedryf, soos beoog in artikel 6A(3)(b) van die Wet, mag geen persoon op sodanige staanplek of in sodanige gebied handel dryf nie, tensy hy in besit is van bewys dat hy sodanige staanplek of gebied by die Raad gehuur het, of dat dit andersins aan hom toegeken is.

Dra en vertoon van skriftelike goedkeuring

7. Enige persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet enige skriftelike goedkeuring wat die Raad ingevolge artikels 2, 3, 4 of 6 van hierdie verordening aan hom verleen of uitgereik het, op sy persoon dra, en moet op versoek van 'n beampte sodanige goedkeuring toon.

Tekens wat beperkte of verbode gebiede aandui

8. Die Raad mag tekens, merke of ander toestelle wat beperkte of verbode gebiede aandui, ontwerp of maak en vertoon.

Misdrywe en strawwe

9. Enigeen wat —

- (a) enige bepaling van hierdie verordening oortree of versuim om te voldoen aan enige voorwaarde wat daarkragens opgelê is;
- (b) enige beampte of enige werknemer van die Raad dreig, weerstaan, hinder of belemmer in die verrigting van sy pligte of funksies ingevolge of kragtens hierdie verordening; of
- (c) opsetlik valse of misleidende inligting aan 'n beampte of 'n werknemer van die Raad gee;

is skuldig aan 'n misdryf, en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

P.K. 387/1996

13 September 1996

MUNISIPALITEIT HERMANUS:

VERORDENING VIR DIE TOESIG EN BEHEER OOR DIE
BEDRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR,
VENTER OF SMOUS*Woordskrywing*

1. Tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), geheg is, die betekenis wat aldus toegeken is wanneer dit in hierdie verordening gebruik word, en beteken —

“beampte” —

- (a) 'n verkeersbeampte aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisiewet, 1958 (Wet 7 van 1958); of
- (c) 'n vredesbeampte beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977);

“die Wet” die Wet op Besighede, 1991 (Wet 71 van 1991);

“goedere” enige ware, artikels, houers, voertuie of strukture;

“oorlas” enige gedrag wat 'n stand van sake of toestand meebring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhou, of wat wesentlik met hulle gewone gerief, gemak, rus of vrede inmeng;

“openbare pad” enige pad, straat, deurgang of enige ander plek (hetsy 'n deurgang of nie) wat gewoonlik deur die publiek of 'n deel daarvan gebruik word of waartoe die publiek of enige deel daarvan 'n reg van toegang het, en sluit ook in —

Demarcated stands or areas

6. If the Council has set apart and demarcated any stand or area for the purpose of the carrying on of the business of street vendor, pedlar or hawker as contemplated in section 6A(3)(b) of the Act, no person may trade on such stand or in such area unless he is in possession of proof that he has hired such stand or area from the Council or that it has otherwise been allocated to him.

Carrying and exhibition of written approval

7. Any person carrying on the business of street vendor, pedlar or hawker shall carry on his person any written approval granted or issued to him by the Council in terms of sections 2, 3, 4 or 6 of this by-law and shall on request by an officer exhibit such approval.

Signs indicating restricted or prohibited areas

8. The Council may design or make and display signs, markings or other devices indicating restricted or prohibited areas.

Offences and penalties

9. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any officer or any employee of the Council in the performance of his duties or functions in terms of or under this by-law, or
- (c) deliberately furnishes false or misleading information to an officer or an employee of the Council;

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three (3) months.

P.N. 387/1996

13 September 1996

HERMANUS MUNICIPALITY:

BY-LAW FOR THE SUPERVISION AND CONTROL OF THE
CARRYING ON OF THE BUSINESS OF STREET VENDOR,
PEDLAR OR HAWKER*Definitions*

1. Unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Business Act, 1991 (Act 71 of 1991), shall, when used in this by-law, have the meaning thus assigned, and —

“Council” means the council of the Municipality of Hermanus and includes any committee or employee of the council exercising powers or performing duties or functions delegated to it or him by the Council;

“goods” means any wares, articles, receptacles, vehicles or structures;

“local authority service” means any system conducted by or on behalf of the Council for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;

“local authority service works” means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

“nuisance” means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet;

(a) die soom van enige sodanige pad, straat of deurgang;

(b) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop; en

(c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot sodanige pad, straat of deurgang;

"openbare plek" enige plek, park, ontspanningsterrein, sportterrein, sanitêre steeg of oop ruimte wat —

(a) in verband met enige onderverdeling of aanleg van grond in erwe, lotte of plote voorsien, gereserveer of afgesonder is vir gebruik deur die publiek of die eienaars of okkupeerders van sodanige erwe, lotte of plote, ongeag of dit op 'n algemene plan, onderverdelingsplan of diagram aangetoon word of nie;

(b) te eniger tyd aan die publiek opgedra is;

(c) sonder onderbreking deur die publiek gebruik is vir 'n tydperk van minstens dertig jaar wat na die een-en-dertigste dag van Desember 1959 verstryk het, of

(d) te enier tyd deur 'n plaaslike owerheid of ander bevoegde owerheid as sodanig verklaar of gemaak is;

"persoon wat die besigheid van straathandelaar, venter of smous bedryf" ook enige werknemer van sodanige persoon;

"plaaslike owerheidsdiens" enige stelsel wat deur of namens die Raad bestuur word vir die versameling, afvoer, behandeling of wegdoen van vullis, rioolvuil of stormwater, of vir die vervaardiging, opwekking, opvang, opberging, suiwering, verspreiding, geleiding, transmissie, vervoer, voorsiening of verskaffing van water, gas of elektrisiteit;

"plaaslike owerheidsdienswerke" alle werke van watter aard ook al wat nodig of wenslik is vir, of bykomstig of aanvullend is by of gepaard gaan met enige plaaslike owerheidsdiens, en omvat dit enige vaste eiendom, meer, fontein, natuurlike waterloop, masjinerie, werktuig of ander ding van watter aard ook al wat vir of in verband met enige sodanige werke of diens gebruik word;

"Raad" die raad van die munisipaliteit van Hermanus, en sluit enige komitee of werknemer van die Raad in wat magte uitoefen of pligte of funksies uitvoer wat deur die Raad aan hom gedelegeer is;

"soom" daardie gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie;

"sygaardjie" daardie gedeelte van 'n soom wat uitsluitlik vir die gebruik van voetgangers bedoel is.

Verbod en beperkings op die bedryf van besigheid

2. Niemand mag die besigheid van straathandelaar, venter of smous bedryf nie —

(a) in 'n tuin of park onder die beheer van die Raad en waartoe die publiek 'n reg van toegang het, tensy sodanige gebied deur die Raad ingevolge artikel 6A(3)(b) van die Wet vir daardie doel gereserveer en afgebaken is;

(b) op 'n soom aangrensend aan —

(i) 'n gebou wat behoort aan of geokkupeer word slegs deur die Staat of die Raad;

(ii) 'n kerk of ander plek van aanbidding; of

(iii) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969), tot nasionale gedenkwaardigheid verklaar is;

(c) in 'n gebied wat ingevolge artikel 6A(2)(a) van die Wet deur die Raad verklaar is tot 'n gebied waar die bedryf van die besigheid van straathandelaar, venter of smous —

(i) verbied is; of

"officer" means —

(a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989);

(b) a member of the Force as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958), or

(c) a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

"persons carrying on the business of street vendor, pedlar or hawker" includes any employee of such person;

"public road" means any road, street, thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or any section thereof has a right of access and includes —

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"public place" means any square, park, recreation ground, sports ground, sanitary lane or open space which has —

(a) in connection with any subdivision or layout of land into erven, lots or plots provided, been reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used without interruption by the public for a period of at least thirty years expiring after the thirty-first day of December, 1959, or

(d) at any time been declared or rendered as such by a Local Authority or other competent authority.

"sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"the Act" means the Businesses Act, 1991 (Act 71 of 1991), and

"verge" means that portion of the road, street or thoroughfare which is not the roadway.

Prohibition of and Restriction on the carrying on of business

2. No person shall carry on the business of street vendor, pedlar or hawker —

(a) in a garden or park under the control of the Council and to which the public has a right of access unless such area has been set apart and demarcated by the Council for that purpose in terms of section 6A(3)(b) of the Act.

(b) on a verge contiguous to —

(i) a building belonging to, or occupied solely by, the State or the Council;

(ii) a church or other place of worship, or

(iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);

(c) in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place where the carrying on of the business of street vendor, pedlar or hawker is —

(i) prohibited; or

- (ii) in stryd met enige beperking wat deur die Raad ingevolge daardie artikel ten opsigte van sodanige gebied opgelê is;
- (d) op 'n plek waar —
 - (i) dit toegang tot 'n brandkraan versper;
 - (ii) dit toegang tot enige ingang tot of uitgang uit 'n gebou versper;
 - (iii) dit voetgangers verhoed om 'n sygaardjie te gebruik, of hulle wesenlik belemmer in die gebruik daarvan;
 - (iv) dit 'n versperring op 'n ryvlak veroorsaak;
 - (v) dit toegang tot parkeer- of laai-inhamme of ander geriewe vir voertuigverkeer beperk;
- (e) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir woondoeleindes gebruik word, indien die eienaar, bewoner of persoon in beheer van die gebou daarteen beswaar maak;
- (f) op 'n soom aangrensend aan 'n gebou waarin besigheid gedryf word deur 'n persoon wat goedere verkoop wat van dieselfde of soortgelyke aard is as goedere wat deur die betrokke straathandelaar, venter of smous verkoop word, sonder die toestemming van daardie persoon, en
- (g) op 'n plek waar —
 - (i) dit toegang tot straattoegere, buspassasiersbanke of -skuilinge, toustanery, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper;
 - (ii) dit die sigbaarheid van 'n vertoonvenster op 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;
 - (iii) dit toegang tot 'n voetgangeroorgang versper;
 - (iv) dit toegang tot enige voertuig versper;
 - (v) dit enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versper; of
 - (vi) dit op enige wyse met enige voertuig wat langs sodanige plek geparkeer is, inmeng.

Algemeen

3. Niemand wat die besigheid van straathandelaar, venter of smous bedryf, mag te eniger tyd —
- (a) op enige wyse toegang tot enige plaaslike owerheidsdiens of plaaslike owerheidsdienswerke versper nie;
 - (b) op enige openbare pad of openbare plek —
 - (i) by die plek van sodanige besigheid oornag, of
 - (ii) enige struktuur (behalwe 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) oprig met die doel om skuiling te verskaf,
 sonder die skriftelike voorafgoedkeuring van die Raad nie;
 - (c) sodanige besigheid op 'n wyse bedryf nie wat —
 - (i) 'n oorlas veroorsaak;
 - (ii) die oppervlak van enige openbare pad of openbare plek of enige ander Raadseiendom beskadig of skend; of
 - (iii) 'n gevaar vir verkeer veroorsaak;
 - (d) enige voorwerp op enige wyse aan enige gebou, struktuur, sygaardjie, boom, parkeermeter, lamppaal, elektrisiteitspaal, telefoonhokkie, posbus, verkeersteken, bank of enige ander straattoegere in of op 'n openbare plek heg nie;

- (ii) contrary to any restriction imposed by the Council in terms of that section in respect of such area;
- (d) at a place where —
 - (i) it obstructs access to a fire hydrant;
 - (ii) it obstructs access to any entrance to or exit from a building;
 - (iii) it prevents pedestrians from using, or substantially obstructs them in their use of a sidewalk;
 - (iv) it causes an obstruction on a roadway;
 - (v) it limits access to parking or loading bays or other facilities for vehicular traffic;
- (e) on that half of a public road contiguous to a building used for residential purposes if the owner, occupier or person in control of the building objects thereto;
- (f) on a verge so defined contiguous to building in which business is being carried on by any person who sells goods of the same nature as or of a similar nature to goods being sold by the street vendor, pedlar or hawker concerned, without the consent of that person; and
- (g) at a place where —
 - (i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse lines, refuse disposal bins or other facilities intended for the use of the general public;
 - (ii) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
 - (iii) it obstructs access to a pedestrian crossing;
 - (iv) it obstructs access to any vehicle;
 - (v) it obscures any road traffic sign or any marking, notice or sign displayed in terms of this by-law; or
 - (vi) it interferes in any way with any vehicle that may be parked alongside such place.

General

3. No person carrying on the business of street vendor, pedlar or hawker shall at any time —
- (a) in any way obstruct access to any local authority service or local authority service works;
 - (b) at any public road or public place —
 - (i) stay overnight at the place of such business, or
 - (ii) erect any structure (other than a device which operates in the same manner as, and in shaped like, an umbrella) for the purpose of providing shelter;
 without the prior written approval of the Council;
 - (c) carry on such business in a manner which —
 - (i) creates a nuisance;
 - (ii) damages or defaces the surface of any public road or public place or any other Council property, or
 - (iii) creates a traffic hazard;
 - (d) attach any object by any means to any building, structure, pavement, tree, parking meter, lamp-pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;

- (e) 'n vuur maak op 'n plek of in omstandighede waar dit enige persoon kan beseer of 'n gebou of voertuig of enige straattoebehore in subartikel (d) bedoel, kan beskadig nie;
- (f) versuim of weier om enige goedere te verskuif of te verwyder nie, nadat hy versoek is om dit te doen deur die verskaffer van 'n telekommunikasie- diens wat toegang tot sodanige diens vereis, of onderskeidelik deur 'n gemagtigde werknemer of agent van die Raad of 'n beamppte wat ingevolge artikel 4 of 5 van hierdie verordening optree.

Sindelikheid van besigheidsplek en beskerming van openbare gesondheid

4. (1) Iemand wat die besigheid van straathandelaar, venter of smous bedryf, moet —
 - (a) enige vullis, rommel of afvalmateriaal op enige grond of perseel, in enige mangat of stormwaterriool, of op enige openbare pad of openbare plek, behalwe in 'n vullishouer wat deur die Raad goedgekeur is, ophoop, stort, opberg of plaas, of veroorsaak of toelaat dat dit daar opgehoop, gestort, opgeberg of geplaas word nie;
 - (b) die gebied of terrein wat hy vir die doel van sodanige besigheid okkupeer, in 'n vuil en/of onhigiëniese toestand hou nie;
 - (c) sy goedere in 'n vuil en/of onhigiëniese toestand hou nie;
 - (d) tensy skriftelik goedkeuring vooraf deur die Raad verleen is wat hom van die bepalings van hierdie paragraaf vrystel, versuim om alle rommel, verpakkingsmateriaal, voorraad en toerusting van watter aard ook al wat in verband met sodanige besigheid gebruik word, daaglik na afloop van handeldrywe van enige openbare pad of openbare plek te verwyder nie;
 - (e) sy besigheid op sodanige wyse bedryf dat dit 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid is nie; en
- (2) Iemand wat die besigheid van straathandelaar, venter of smous bedryf, moet op versoek van 'n beamppte of behoorlik gemagtigde werknemer van die Raad enigiets in sub-artikel 4(1) na verwys, verskuif of verwyder sodat die gebied of terrein skoongemaak kan word.

Verwydering en skut

5. (1) 'n Beamppte kan nadat 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om te voldoen aan 'n versoek om sy goedere te verskuif of te verwyder, of sodanige goedere vir 'n tydperk van 12 uur of langer sonder toesig gelaat het, enige goedere verwyder en skut —
 - (a) wat hy redelikerwys vermoed vir of in verband met die bedryf van die besigheid van straathandelaar, venter of smous gebruik word of bestem is om gebruik te word of gebruik is; en
 - (b) wat hy op 'n plek waar sodanige besigheid ingevolge artikel 2(a) tot (e) van hierdie verordening beperk of verbied word, vind, en wat na sy oordeel 'n oortreding van enige artikel daarvan is.
- (2) 'n Beamppte wat aldus optree, moet —
 - (a) 'n kwitansie vir enige goedere wat aldus verwyder en geskut word, aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf, uitreik, en
 - (b) onverwyld sodanige goedere aan die Raad oorhandig.

Afgebakende staanplekke of gebiede

6. Indien die Raad enige staanplek of gebied gereserveer of afgebaken het vir die doel om die besigheid van straathandelaar, venter of smous te bedryf, soos beoog in artikel 6A(3)(b) van die Wet, mag geen persoon op sodanige staanplek of in sodanige gebied handel dryf nie, tensy hy in besit is van bewys dat hy sodanige staanplek of gebied by die Raad gehuur het, of dat dit andersins aan hom toegeken is.

- (e) make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in sub-section (d);
- (f) fail or refuse to move or remove any goods, after having been requested to do so by the supplier of a telecommunication service who requires access to such service, or by an authorised employee or agent of the Council or an officer respectively acting in terms of section 4 or 5 of this by-law.

Cleanliness of place of business and protection of public health

4. (1) No person carrying on the business of street vendor, pedlar or hawker shall —
 - (a) other than in a refuse receptacle approved by the Council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises, in any manhole, stormwater drain or on any public road or public place;
 - (b) allow the area or site occupied by him for the purpose of such business to be kept in an unclean or unsanitary condition;
 - (c) allow his goods to be kept in an unclean or unsanitary condition;
 - (d) fail to remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business unless prior written approval, exempting him from the provisions of this paragraph has been given by the Council;
 - (e) carry on his business in such a manner so that it constitutes a danger or threat to public health or public safety.
- (2) Persons carrying on the business of street vendor, pedlar or hawker shall at the request of an officer or a duly authorised employee of the Council, move or remove any object, hinderance or other hazardous material referred to in section 4(1) so that the area or site may be cleaned.

Removal and impoundment

5. (1) An officer may, after a person carrying on the business of street vendor, pedlar or hawker has failed or refused to comply with a request to move or remove his goods, or has left such goods unattended for a period of 12 hours or more, remove and impound any goods —
 - (a) which he reasonably suspects are being used or intended to be used or have been used in connection with the carrying on of the business of street vendor, pedlar or hawker; and
 - (b) which he finds at a place where such business is restricted or prohibited in terms of sections 2(a) to (g) of this by-law and which, in his opinion, constitutes an infringement of any section thereof.
- (2) An officer so acting shall —
 - (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and
 - (b) forthwith deliver such goods to the Council.

Demarcated stand or areas

6. If the Council has set apart and demarcated any stand or area for the purposes of the carrying on of the business of street vendor, pedlar or hawker as contemplated in section 6A(3)(b) of the Act, no person may trade on such stand or in such area unless he is in possession of proof that he has hired such stand or area from the Council or that it has otherwise been allocated to him.

Dra en vertoon van skriftelike goedkeuring

7. Enige persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet enige skriftelike goedkeuring wat die Raad ingevolge artikels 2, 3, 4 of 6 van hierdie verordening aan hom verleen of uitgereik het, op sy persoon dra, en moet op versoek van 'n beamppte sodanige goedkeuring toon.

Tekens wat beperkte of verbode gebiede aandui

8. Die Raad mag tekens, merke of ander toestelle wat beperkte of verbode gebiede aandui, vertoon.

Misdrywe en strawwe

9. Enigeen wat —

- (a) enige bepaling van hierdie verordening oortree of versuim om te voldoen aan enige voorwaarde wat daarkragtens opgelê is;
- (b) enige beamppte of enige werknemer van die Raad dreig, weerstaan, hinder of belemmer in die verrigting van sy pligte of funksies ingevolge hierdie verordening; of
- (c) opsetlik valse of misleidende inligting aan 'n beamppte of 'n werknemer van die Raad gee;

is skuldig aan 'n misdryf, en is by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000,00 of met gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

Herroeping van regulasies

10. Provinsiale Kennisgewing Nr. 404/1992, synde Regulasies insake Straat- handelaars, Venters of Smouse, afgekondig in die Offisiële Koerant van die Kaapprovinsie op 28 September 1992, word hiermee herroep in soverre dit op die munisipale gebied van Hermanus van toepassing is.

P.K. 388/1996

13 September 1996

MUNISIPALITEIT PIKETBERG:

VERORDENING VIR DIE TOESIG EN BEHEER OOR DIE BEDRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS

BYLAE

Woordskrywing

1. Tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), geheg is, die betekenis wat aldus toegeken is wanneer dit in hierdie verordening gebruik word, en beteken —

“beamppte” —

- (a) 'n verkeersbeamppte aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisiewet, 1958 (Wet 7 van 1958), of
- (c) 'n vredesbeamppte beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977);

“die Wet” die Wet op Besighede, 1991 (Wet 71 van 1991);

“goedere” enige ware, artikels, houers, voertuie of strukture;

“oorlas” enige gedrag wat 'n stand van sake of toestand meebring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhou, of wat wesenslik met hulle gewone gerief, gemak, rus of vrede inmeng;

“openbare pad” enige pad, straat, deurgang of enige ander plek (hetsy 'n deurgang of nie) wat gewoonlik deur die publiek of 'n deel daarvan

Carrying and exhibition of written approval

7. Any person carrying on the business of street vendor, pedlar or hawker shall carry on his person any written approval granted or issued to him by the Council in terms of sections 2, 3, 4 or 6 of this by-law and shall on request by an officer exhibit such approval.

Signs indicating restricted or prohibited areas

8. The Council may display signs, markings or other devices indicating restricted or prohibited areas.

Offences and penalties

9. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any officer or employee of the Council in the performance of his duties or functions in terms of this by-law, or
- (c) deliberately furnishes false or misleading information to an officer or an employee of the Council,

shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000,00 or to imprisonment for a period not exceeding three (3) months.

Repeal of regulations

10. Provincial Notice No. 404/1992 being Regulations Relating to Street Vendors, Pedlars or Hawkers promulgated in the Official Gazette of the Cape Province on 28 September 1992 is hereby repealed insofar as it applies to the municipal area of Hermanus.

P.N. 388/1996

13 September 1996

PIKETBERG MUNICIPALITY:

BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER

SCHEDULE

Definitions

1. Unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Businesses Act, 1991 (Act 71 of 1991), shall, when used in this by-law, have the meaning thus assigned, and —

“Council” means the Council of the Municipality of Piketberg and includes any committee or employee of the Council exercising powers or performing duties or functions delegated to it or him by the Council;

“goods” means any wares, articles, receptacles, vehicles or structures;

“local authority service” means any system conducted by or on behalf of the Council for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;

“local authority service works” means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

“nuisance” means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a

gebruik word of waartoe die publiek of enige deel daarvan 'n reg van toegang het, en sluit ook in —

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif waaroor enige sodanige pad, straat of deurgang loop, en
- (c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot sodanige pad, straat of deurgang;

"plaaslike owerheidsdiens" enige stelsel wat deur of namens die Raad bestuur word vir die versameling, afvoer, behandeling of wegdoen van vullis, rioolvuil of stormwater, of vir die vervaardiging, opwekking, opvang, opberging, suiwering, verspreiding, geleiding, transmissie, vervoer, voorsiening of verskaffing van water, gas of elektrisiteit;

"plaaslike owerheidsdienswerke" alle werke van watter aard ook al wat nodig of wenslik is vir, of bykomstig of aanvullend is by of gepaardgaan met enige plaaslike owerheidsdiens, en dit omvat enige vaste eiendom, meer, fontein, natuurlike waterloop, masjinerie, werktuig of ander ding van watter aard ook al wat vir of in verband met enige sodanige werke of diens gebruik word;

"Raad" die Raad van die Munisipaliteit van Piketberg en sluit dit enige komitee of werknemer van die Raad in wat magte uitoefen of pligte of funksies uitvoer wat deur die Raad aan hom gedelegeer is;

"soom" daardie gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie, en

"sypaadjie" daardie gedeelte van 'n soom wat uitsluitlik vir die gebruik van voetgangers bedoel is.

- (2) Vir die toepassing van die bepalings van hierdie verordening, sluit 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, enige werknemer van sodanige persoon in.

Verbod en beperkings op die bedryf van besigheid

- 2. Geen persoon mag die besigheid van straathandelaar, venter of smous bedryf nie —

- (a) in 'n tuin of park onder die beheer van die Raad en waartoe die publiek 'n reg van toegang het, tensy sodanige gebied deur die Raad ingevolge artikel 6A(3)(b) van die Wet vir daardie doel gereserveer en afgebaken is;
- (b) op 'n soom aangrensend aan —
 - (i) 'n gebou wat behoort aan, of geokkupeer word slegs deur die Staat of die Raad;
 - (ii) 'n kerk of ander plek van aanbidding, of
 - (iii) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969), tot nasionale gedenkwaardigheid verklaar is;
- (c) in 'n gebied wat ingevolge artikel 6A(2)(a) van die Wet deur die Raad verklaar is tot 'n gebied waar die bedryf van die besigheid van straathandelaar, venter of smous —
 - (i) verbied is, of
 - (ii) in stryd met enige beperking wat deur die Raad ten opsigte van sodanige gebied opgelê is;
- (d) op 'n plek waar —
 - (i) dit toegang tot 'n brandkraan versper;
 - (ii) dit toegang tot enige ingang of uitgang van 'n gebou versper;
 - (iii) dit voetgangers verhoed om 'n sypaadjie te gebruik, of hulle wesenlik belemmer in die gebruik daarvan;
 - (iv) dit 'n versperring op 'n ryvlak veroorsaak;

person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet;

"officer" means —

- (a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989);
- (b) a member of the Force as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958), or
- (c) a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

"public road" means any road, street, thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public has a right of access and includes —

- (a) a verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"the Act" means the Businesses Act, 1991 (Act 71 of 1991), and

"verge" means that portion of the road, street or thoroughfare which is not the roadway.

- (2) For the purposes of the provisions of this by-law, a person carrying on the business of street vendor, pedlar or hawker shall include any employee of any such person.

Prohibition of and restriction on the carrying on of business

- 2. No person shall carry on the business of street vendor, pedlar or hawker —

- (a) in a garden or park under the control of the Council and to which the public has a right of access unless such area has been set apart and demarcated by the Council for that purpose in terms of section 6A(3)(b) of the Act;
- (b) on a verge contiguous to —
 - (i) a building belonging to, or occupied solely by, the State or the Council;
 - (ii) a church or other place of worship, or
 - (iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);
- (c) in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place where the carrying on of the business of street vendor, pedlar or hawker is —
 - (i) prohibited, or
 - (ii) contrary to any restriction imposed by the Council in respect of such an area;
- (d) at a place where —
 - (i) it obstructs access to a fire hydrant;
 - (ii) it obstructs access to any entrance to or exit from a building;
 - (iii) it prevents pedestrians from using, or substantially obstructs them in their use of a sidewalk;
 - (iv) it causes an obstruction on a roadway;

- (v) dit toegang tot parkeer- of laaiplek of ander geriewe vir voertuigverkeer beperk;
- (e) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir woondoeleindes gebruik word, indien die eienaar, bewoner of persoon in beheer van die gebou daarteen beswaar maak;
- (f) op 'n plek waar —
 - (i) dit toegang tot straattoebehore, buspassasiersbanke of -skuilings, toustanery, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper;
 - (ii) dit die sigbaarheid van 'n vertoonvenster op 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;
 - (iii) dit toegang tot 'n voetgangersoorgang versper;
 - (iv) dit toegang tot enige voertuig versper;
 - (v) dit enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versper, of
 - (vi) dit op enige wyse met enige voertuig wat langs sodanige plek geparkeer is, inmeng.

Algemeen

3. Geen persoon wat die besigheid van straathandelaar, venter of smous bedryf, mag —

- (a) op enige wyse toegang tot enige plaaslike owerheidsdiens of plaaslike owerheidsdienswerke versper nie;
- (b) indien sodanige besigheid op enige openbare pad of openbare plek bedryf word —
 - (i) by die plek van sodanige besigheid oornag, of
 - (ii) enige struktuur (behalwe 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) oprig met die doel om skuiling te verskaf;
 sonder die voorafverkreë skriftelike goedkeuring van die Raad nie;
- (c) sodanige besigheid op so 'n wyse bedryf dat dit —
 - (i) 'n oorlas veroorsaak nie;
 - (ii) die oppervlak van enige openbare pad of openbare plek of enige ander Raadseiendom beskadig of skend nie, of
 - (iii) 'n gevaar vir verkeer veroorsaak nie;
- (d) enige voorwerp of enige wyse aan enige gebou, struktuur, sypaadjie, boom, parkeermeter, lamppaal, elektrisiteitspaal, telefoonhokkie, posbus, verkeersteken, bank of enige ander straattoebehore in of op 'n openbare pad of openbare plek heg nie;
- (e) vuur maak by 'n plek, of in omstandighede waar dit 'n persoon kan skaad, of waar dit 'n gebou, motorvoertuig of staattoebehore soos in subartikel (d) bedoel, kan beskadig;
- (f) versuim of weier om enige goedere te verskuif of te verwyder nie, nadat hy versoek is om dit te doen deur die verskaffer van 'n telekommunikasiediens wat toegang tot sodanige diens vereis, of deur 'n gemagtigde werknemer of agent van die Raad of 'n beampete wat ingevolge artikel 4 of 5 van hierdie verordening optree.

Sindelikeid van besigheidsplek en beskerming van openbare gesondheid

4. Geen persoon wat die besigheid van straathandelaar, venter of smous bedryf, mag —

- (a) enige vullis, rommel of afvalmateriaal op enige grond of perseel, in enige mangat of stormwaterriool, of op enige openbare pad of openbare plek, behalwe in 'n vullishouer wat deur die Raad goedgekeur is, ophoop, stort, opberg of veroorsaak of toelaat dat dit daar opgehoop, gestort, opgeberg of geplaas word nie;

- (v) it limits access to parking or loading bays or other facilities for vehicular traffic;

- (e) on that half of a public road contiguous to a building used for residential purposes if the owner, occupier or person in control of the building objects thereto;

- (f) at a place where —

- (i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse disposal bins or other facilities intended for the use of the general public;
- (ii) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
- (iii) it obstructs access to a pedestrian crossing;
- (iv) it obstructs access to any vehicle;
- (v) it obscures any road traffic sign or any marking, notice or sign displayed in terms of this by-law, or
- (vi) it interferes in any way with any vehicle that may be parked alongside such place.

General

3. No person carrying on the business of street vendor, pedlar or hawker shall —

- (a) in any way obstruct access to any local authority service or local authority service works;
- (b) if such business is carried on at any public road or public place —
 - (i) stay overnight at the place of such business, or
 - (ii) erect any structure (other than a device which operates in the same manner as, and is shaped like an umbrella) for the purpose of providing shelter;
 without the prior written approval of the Council;
- (c) carry on such business in such a manner as to —
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place or any other Council property, or
 - (iii) create a traffic hazard;
- (d) attach any object by any means to any building, structure, pavement, tree, parking meter, lamp-post, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (e) make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in subsection (d);
- (f) fail or refuse to move or remove any goods, after having been requested to do so by the supplier of a telecommunication service who requires access to such service, or by an authorised employee or agent of the Council or an officer acting in terms of section 4 or 5 of this by-law.

Cleanliness of place of business and protection of public health

4. No person carrying on the business of street vendor, pedlar or hawker shall —

- (a) other than in a refuse receptacle approved by the Council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises, in any manhole, stormwater drain or on any public road or public place;

- (b) die gebied of terrein wat hy vir die doel van sodanige besigheid okkupeer, in 'n vuil en/of onhigiëniese toestand hou nie;
- (c) sy goedere in 'n vuil en/of onhigiëniese toestand hou nie;
- (d) tensy skriftelike goedkeuring vooraf deur die Raad verleen is wat hom van die bepalings van hierdie paragraaf vrystel, versuim om alle rommel, verpakkingsmateriaal, voorraad en toerusting van watter aard ook al wat in verband met sodanige besigheid gebruik word, daaglik na afloop van handeldrywe van enige openbare pad of openbare plek te verwyder nie;
- (e) sy besigheid op sodanige wyse bedryf dat dit 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid inhou nie, en
- (f) op versoek van 'n beamppte of behoorlik gemagtigde werknemer van die Raad versuim om enigiets te verskuif of te verwyder sodat die gebied of terrein skoongemaak kan word nie.

Verwydering en skut

5. (1) 'n Beamppte kan nadat 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om te voldoen aan 'n versoek om sy goedere te verskuif of te verwyder, of sodanige goedere vir 'n tydperk van 12 uur of langer sonder toesig gelaat het, enige goedere verwyder en skut —
 - (a) wat hy redelikerwys vermoed vir of in verband met die bedryf van die besigheid van straathandelaar, venter of smous gebruik word, bestem is om gebruik te word of gebruik is, en
 - (b) wat hy op 'n plek waar sodanige besigheid ingevolge artikel 2(a) tot (f) van hierdie verordening beperk of verbied word, vind, en wat na sy oordeel 'n oortreding van daardie artikel is.
- (2) 'n Beamppte wat aldus optree, moet —
 - (a) 'n kwitansie vir enige goedere wat aldus verwyder en geskut word, aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf, uitreik, en
 - (b) onverwyld sodanige goedere aan die Raad oorhandig.
- (3) (a) Die eienaar van enige goedere wat ingevolge subartikel (1) verwyder en geskut is, is aanspreeklik vir enige uitgawes wat deur die Raad aangegaan is in verband met die verwydering en skut van sodanige goedere, en die Raad kan sodanige goedere behou totdat alle sodanige uitgawes betaal is.
- (b) 'n Sertifikaat uitgereik onder die hand van die tesourier van die Raad word geag bewys te wees van enige uitgawes wat die Raad aangegaan het in verband met die verwydering en skut van enige goedere.
- (c) Die Raad of 'n werknemer van die Raad is nie aanspreeklik vir enige verlies of diefstal van of skade aan enige goedere wat verwyder en geskut is ingevolge hierdie artikel nie.

Afgebakende staanplekke of gebiede

6. Indien die Raad enige staanplek of gebied gereserveer en afgebaken het vir die doeleindes van die bedryf van die besigheid van straathandelaar, venter of smous, soos beoog in artikel 6A(3)(b) van die Wet, mag geen persoon op sodanige staanplek of in sodanige gebied handel dryf nie, tensy hy in besit is van bewys dat hy sodanige staanplek of gebied by die Raad gehuur het, of dat dit andersins aan hom toegeken is.

Dra en vertoon van skriftelike goedkeuring

7. Enige persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet enige skriftelike goedkeuring wat die Raad ingevolge artikels 2, 3, 4 of 6 van hierdie verordening aan hom verleen of uitgereik het, op sy persoon dra, en moet op versoek van 'n beamppte sodanige goedkeuring toon.

Tekens wat beperkte of verbode gebiede aandui

8. Die Raad mag tekens, merke of ander toestelle wat beperkte of verbode gebiede aandui, ontwerp of maak en vertoon.

- (b) keep the area or site occupied by him for the purpose of such business in an unclean and/or unsanitary condition;
- (c) keep his goods in an unclean and/or unsanitary condition;
- (d) unless prior written approval exempting him from the provisions of this paragraph has been given by the Council, fail to remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business;
- (e) carry on his business in such a manner as to be a danger or threat to public health or public safety, and
- (f) at the request of an officer or a duly authorised employee of the Council, fail to move or remove anything so that the area or site may be cleaned.

Removal and impoundment

5. (1) An officer may, after a person carrying on the business of street vendor, pedlar or hawker has failed or refused to comply with a request to move or remove his goods, or has left such goods unattended for a period of 12 hours or more, remove and impound any goods —
 - (a) which he reasonably suspects are being used or intended to be used or have been used, in or in connection with the carrying on of the business of street vendor, pedlar or hawker, and
 - (b) which he finds at a place where such business is restricted or prohibited in terms of section 2(a) to (f) of this by-law and which in his opinion, constitutes an infringement of any section thereof.
- (2) An officer so acting shall —
 - (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and
 - (b) forthwith deliver such goods to the Council.
- (3) (a) The owner of any goods which have been removed and impounded in terms of subsection (1) shall be liable for any expenses incurred by the Council in connection with the removal and impoundment of such goods until all such expenses have been paid.
- (b) A certificate issued under the hand of the treasurer of the council shall be deemed to be proof of any expenses that the Council has incurred in connection with the removal and impoundment of any goods.
- (c) The Council or an employee of the Council shall not be liable for any loss or theft of or damage to any goods removed and impounded in terms of this section.

Demarcated stands or areas

6. If the Council has set apart and demarcated any stand or area for the purposes of the carrying on of the business of street vendor, pedlar or hawker as contemplated in section 6A(3)(b) of the Act, no person may trade on such stand or in such area unless he is in possession of proof that he has hired such stand or area from the Council or that it has otherwise been allocated to him.

Carrying and exhibition of written approval

7. Any person carrying on the business of street vendor, pedlar or hawker shall carry on his person any written approval granted or issued to him by the Council in terms of sections 2, 3, 4 or 6 of this by-law and shall on request by an officer exhibit such approval.

Signs indicating restricted or prohibited areas

8. The Council may design or make and display signs, markings or other devices indicating restricted or prohibited areas.

Misdrywe en strawwe

9. Enige persoon wat —

- (a) enige bepaling van hierdie verordening oortree of versuim om te voldoen aan enige voorwaarde wat daarkragtens opgelê is;
- (b) enige beamppte of enige werknemer van die Raad dreig, teenstaan, hinder of belemmer in die verrigting van sy pligte of funksies ingevolge of kragtens hierdie verordening, of
- (c) opsetlik valse of misleidende inligting aan 'n beamppte of 'n werknemer van die Raad gee,

is skuldig aan 'n misdryf, en is by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand (R1 000,00) of met gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

Herroeping van Regulasies

10. Provinsiale Kennisgewing KPA 558/1590, synde Regulasies insake Venters en Smouse, afgekondig in die Offisiële Koerant van die Kaapprovinsie op 5 Oktober 1950, word hiermee herroep in soverre dit op die munisipale gebied van Piketberg van toepassing is.

Offences and penalties

9. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any officer or any employee of the Council in the performance of his duties or functions in terms of or under this by-law, or
- (c) deliberately furnishes false or misleading information to an officer or an employee of the Council,

shall be guilty of an offence and liable on conviction to a fine not exceeding one-thousand rand (R1 000,00) or to imprisonment for a period not exceeding three (3) months.

Repeal of Regulations

10. Provincial Notice No KPA 588/1950 being Regulations Relating to Hawkers and Pedlars in the Official Gazette of the Cape Province on 5 October 1950 is hereby repealed insofar as it applies to the municipal area of Piketberg.

P.N. 389/1996

13 September 1996

The Premier has approved the following by-law framed by the Municipality Fraserburg.

FRASERBURG MUNICIPALITY:

BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER

Definitions

1. (1) Unless the context otherwise indicates, any word or expression defined in the Businesses Act, 1991 (Act 71 of 1991), shall, when used in this by-law, have that meaning, and —

- (i) "council" means the council of Fraserburg Municipality and includes any committee or employee of the Council exercising power or performing duties or functions delegated to it or him or her, by the Council;
- (ii) "goods" means any wares, articles, receptacles, vehicles or structures;
- (iii) "local authority service" means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or storm water or for the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;
- (iv) "local authority service works" means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;
- (v) "nuisance" means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet.

- (vi) "officer" means —

- (a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989)
- (b) a member of the Force as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958), or

P.K. 389/1996

13 September 1996

Die Premier het sy goedkeuring geheg aan die volgende verordening opgestel deur die Munisipaliteit van Fraserburg:

FRASERBURG MUNISIPALITEIT:

VERORDENING VIR DIE TOESIG EN BEHEER OOR DIE BEDRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS

Woordomskrywing

1. (1) Tensy uit die samehang anders blyk, het 'n woord of 'n uitdrukking omskryf in die Wet op Besighede, 1991 (Wet 71 van 1991), dieselfde betekenis wat aldus toegewys is in hierdie verordening, en beteken —

- (i) "beamppte" —

- (a) 'n verkeersbeamppte aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisiewet, 1958 (Wet 7 van 1958);
- (c) 'n vredesbeamppte beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977);
- (d) 'n Omgewingsgesondheidsbeamppte in diens van die Raad.
- (ii) "die Wet" die Wet op Besighede, 1991 (Wet 71 van 1991);
- (iii) "goedere" enige houer, voertuig of beweegbare struktuur;
- (iv) "oorlas" enige gedrag wat 'n stand van sake of toestand meebring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhou of wat wesentlik inmeng met hul gewone grief, gemak, rus of vrede;
- (v) "openbare pad" enige pad, straat, deurgang of enige ander plek (hetsy 'n deurgang of nie) wat gewoonlik deur die publiek of 'n deel daarvan gebruik word of waartoe die publiek of 'n deel daarvan 'n reg van toegang het, en ook —

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop; en
- (c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat of deurgang;

(c) a peace officer contemplated by section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

(d) an Environmental Health Officer in service of the Council.

(vii) "public road" means any road, street, thoroughfare or any place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or any section thereof has a right of access and includes —

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

(viii) "the Act" means the Businesses Act, 1991 (Act 71 of 1991), and

(ix) "verge" means that portion of the road, street or thoroughfare which is not the roadway.

(2) For the purposes of the provisions of this by-law a person carrying on the business of street vendor, pedlar or hawker shall include any employee of any such person.

Prohibition on the carrying on of business

2. No person shall carry on the business of street vendor, pedlar or hawker —

(a) in a garden or park to which the public has a right of access;

(b) on a verge contiguous to —

(i) a building belonging to, or occupied solely by the State or the Council;

(ii) a church or other place of worship, or

(iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);

(c) in an area declared under section 6(A)(2)(a) of the Act as a place where the carrying on of the business of street vendor, pedlar or hawker is —

(i) prohibited; or

(ii) restricted in contravention of a condition imposed by the Council in respect of such an area;

(d) at a place where —

(i) it causes an obstruction in front of a fire hydrant or any 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 a sidewalk as defined in section 1 of the Road Traffic Act, 1989

(e) on a verge contiguous to a building in which business is being carried on by any person who sells goods of the same nature as or of a similar nature to goods being sold by the street vendor, pedlar or hawker concerned, without the consent of that person;

(f) on that 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 thereto; and

(g) at a place where —

(i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse disposal bins or other facilities intended for the use of the general public;

(vi) "plaaslike owerheidsdiens" enige stelsel deur of namens 'n plaaslike owerheid bestuur vir die versameling, afvoer, behandeling of wegdoen van vullis, rioolvuil of stormwater of vir die vervaardiging, opwekking, opvang, opberging, suiwering, distribusie, geleiding, transmissie, vervoer, voorsiening of verskaffing van water, gas of elektrisiteit;

(vii) "plaaslike owerheidsdienswerke" alle werke van watter aard ook al wat nodig of wenslik is vir of bykomstig is tot of aanvullend is by of gepaard gaan met enige plaaslike owerheidsdiens en dit omvat enige onroerende goed, meer, fontein, natuurlike waterloop, masjinerie, werktuig of ander ding van watter aard ook al wat gebruik word vir of in verband met enige sodanige werke of diens;

(viii) "Raad" die raad van Fraserburg Munisipaliteit en sluit enige komitee of werknemer van die Raad en wat uitoefen of pligte of funksies uitvoer wat deur die Raad aan hom of haar gedelegeer is;

(ix) "soom" die gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie.

(2) Vir die toepassing van die bepalings van hierdie verordening omvat 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, enige werknemer van sodanige persoon.

Verbod op die bedryf van besigheid

2. Geen persoon mag die besigheid van straathandelaar, venter of smous bedryf nie —

(a) in 'n tuin of park waartoe die publiek 'n reg van toegang het;

(b) op 'n soom aangrensend aan —

(i) 'n gebou wat behoort aan, of geokkupeer word slegs deur die Staat of die raad;

(ii) 'n kerk of ander plek van aanbidding, of

(iii) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969) tot nasionale gedenkwaardigheid verklaar is;

(c) In 'n gebied wat kragtens artikel 6A(2)(a) van die Wet verklaar is tot 'n gebied waarin die bedryf van die besigheid van straathandelaar, venter of smous —

(i) verbied is, of

(ii) beperk is in stryd met 'n voorwaarde wat deur die raad ten opsigte van so 'n gebied opgelê is;

(d) op 'n plek waar —

(i) dit 'n versperring veroorsaak voor 'n brandkraan of 'n in- of uitgang van 'n gebou;

(ii) dit 'n versperring veroorsaak vir voertuigverkeer; of

(iii) dit voetgangers wesenlik belemmer in die gebruik van 'n sy-paadje soos omskryf in artikel 1 van die Padverkeerswet, 1989.

(e) op 'n soom aangrensend aan 'n gebou waarin besigheid gebedryf word deur 'n persoon wat goedere verkoop wat van dieselfde of soortgelyke aard is as goedere wat deur die betrokke straathandelaar, venter of smous verkoop word, sonder die toestemming van daardie persoon; en

(f) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir residensiële doeleindes gebruik word, indien die eienaar of persoon in beheer of enige bewoner van die gebou daarteen beswaar maak; en

(g) op 'n plek waar —

(i) dit toegang tot straattoegere, buspassasiersbanke of -skuilings, toustanery, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is versper,

- (ii) it obstructs the visibility of a display window in business premises if the person carrying on business in the business premises concerned objects thereto;
- (iii) it obstructs access to a pedestrian crossing;
- (iv) it obstructs access to any vehicle;
- (v) it obscures any road traffic sign or any marking, notice or sign displayed in terms of this by-law; or
- (vi) it interferes in any way with any vehicle that may be parked alongside such place.

General

3. No person carrying on the business of street vendor, pedlar or hawker shall —

- (a) in any way obstruct free access to any local authority service or local authority service works;
- (b) if such business is carried on on any public road or public place —

- (i) stay overnight at the place of such business, or
- (ii) erect any structure (other than a device which operates in the same manner as, and is shaped like, an umbrella) for the purpose of providing shelter,

without the prior written approval of the Council;

- (c) carry on such business in such a manner as to —

- (i) create a nuisance;
- (ii) damage or deface the surface of any public road or public place or any other Council property, or
- (iii) create a traffic hazard;
- (d) other than in a refuse receptacle approved by the Council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises or on any public road or public place, and

- (e) fail or refuse to remove or move any goods, receptacle, vehicle or movable structure after having been requested to do so by an officer or an employee duly authorised thereto, of the Council, acting in terms of the provisions of section 5(2) of this ordinance.

Cleanliness of place of business and protection of public health

4. Every person carrying on the business of street vendor, pedlar or hawker shall —

- (a) unless prior written approval, exempting him from the provisions of this paragraph has been given by the Council, daily remove from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business;
- (b) carry on his business in such a manner as not to be a danger or threat to public health or public safety;
- (c) at the request of an officer or an employee, duly authorised thereto, of the Council move or remove anything so that the place of business may be cleaned; and
- (d) run his or her business in such a way that it will always be clean and neat.

- (ii) dit die sigbaarheid van 'n vertoonvenster op 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;

- (iii) dit toegang tot 'n voetgangeroorgang versper;

- (iv) dit toegang tot enige voertuig versper;

- (v) dit enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versper; of

- (vi) dit op enige wyse met enige voertuig wat langs sodanige plek geparkeer is, inmeng.

Algemeen

3. Geen persoon wat die besigheid van straathandelaar, venter of smous bedryf, mag —

- (a) op enige wyse die vrye toegang tot enige plaaslike owerheidsdiens of plaaslike owerheidsdienswerke, belemmer nie;
- (b) indien sodanige besigheid op 'n openbare pad of openbare plek gebedryf word —

- (i) by die plek van sodanige besigheid oornag, of

- (ii) enige struktuur (uitgesonderd 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) met die doel om skuiling te verskaf oprig,

sonder die voorafverkreë skriftelike goedkeuring van die Raad;

- (c) sodanige besigheid op so 'n wyse bedryf dat dit —

- (i) 'n oorlas veroorsaak nie;

- (ii) die oppervlak van enige openbare pad of openbare plek of enige ander eiendom van 'n raad beskadig of skend nie; of

- (iii) 'n gevaar vir die verkeer veroorsaak nie;

- (d) uitgesonderd in 'n vullishouer wat deur die raad goedgekeur is, enige vullis, rommel of afvalmateriaal op enige grond of perseel of op enige openbare pad of openbare plek ophoop, stort, opgaar, plaas of toelaat dat dit daar opgehoop, gestort, opgegaar of geplaas word nie, en

- (e) versuim of weier om enige goedere, houers, voertuig of beweegbare struktuur te verwyder of te verskuif nie nadat hy daartoe versoek is deur 'n beampde of 'n werknemer, behoorlik daartoe gemagtig, van die raad, wat ingevolge die bepalings van artikel 5(1) van hierdie verordening handel.

Sindelikheid van plek van besigheid en beskerming van openbare gesondheid

4. Elke persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet —

- (a) tensy skriftelike goedkeuring deur die raad vooraf verleen is wat hom van die bepalings van hierdie paragraaf vrystel, alle rommel, verpakkingsmateriaal, voorraad en toerusting van watter aard ook al wat in verband met sodanige besigheid gebruik word, daagliks na afloop van die bedryf van besigheid van enige openbare pad of openbare plek verwyder;

- (b) sy besigheid op so 'n wyse bedryf dat dit nie 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid is nie, en

- (c) op versoek van 'n beampde of 'n werknemer, behoorlik daartoe gemagtig, van die raad, enigiets verskuif of verwyder sodat die plek van besigheid skoongemaak kan word;

- (d) sy of haar besigheid so bedryf dat dit te alle tye in 'n skoon en netjiese toestand is.

Removal and impoundment

5. (1) An officer may remove and impound any goods —

- (a) which he or she reasonably suspects are being used or are intended to be used or have been used in or in connection with the carrying on of any business of street vendor, pedlar or hawker;
 - (b) which he or she finds at a place where —
 - (i) the carrying on of such business is prohibited or restricted in terms of section 2, and which, in his or her opinion, constitutes an infringement of such section, or
 - (ii) in his or her opinion such goods are placed in such a manner that it —
 - (aa) causes an obstruction to vehicular traffic, or
 - (bb) obstructs a local authority service or local authority service works;
 - (c) which the person carrying on the business of street vendor, pedlar or hawker has failed or refused to remove from the place after having been requested to do so by an officer or an employee, duly authorised thereto, or which have been abandoned.
- (2) Any officer acting in terms of subsection (1) of this ordinance shall —
- (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and
 - (b) forthwith deliver any such goods to the Council in whose area of jurisdiction such goods were found.
- (3) (a) The owner of any goods which have been removed and impounded in terms of subsection (2) shall be liable for any expenses incurred by the Council in connection with the removal and impoundment of such goods, and the Council may keep such goods as contemplated in section 6 of this By-law.
- (b) A certificate issued under the hand of the treasurer of the Council shall be deemed to be proof of any expenses that the Council has incurred in connection with the removal and impoundment of any goods.
- (c) The Council or an employee of the Council shall not be liable for any loss or theft of or damage to any goods removed and impounded in terms of this section.

Disposal of impounded goods

6. (1) Any perishable goods removed and impounded in terms of section 5(1) at any time after the impoundment thereof may be sold or destroyed by the Council and in the case of a sale of such goods the proceeds thereof, less any expenses incurred by the Council in connection with the removal and impoundment of goods, shall, upon representation of the receipt contemplated in section 5(2)(a), be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which such goods were sold, such proceeds shall be forfeited to the Council.
- (2) The owner of any goods (other than perishable goods already dealt with by the Council in terms of subsection (1) impounded in terms of section 5(1)) who wishes to claim the return of such goods shall, within a period of one month of the date of the impoundment of such goods, apply to the Council and shall present the receipt contemplated in section 5(2)(a), failing which such goods may be sold by the Council, and in the event of a sale of such goods the provisions of subsection (1) relating to the proceeds of a sale likewise apply to the proceeds of such sale.

Verwydering en skut

5. (1) 'n Beamppte kan enige goedere verwyder en skut —

- (a) wat hy of sy redelikerwys vermoed gebruik word of bestem is om gebruik te word of gebruik is by of in verband met die bedryf van die besigheid van straathandelaar, venter of smous;
 - (b) wat hy of sy vind op 'n plek waar —
 - (i) ingevolge artikel 2 van hierdie verordening die bedryf van sodanige besigheid verbode is en, wat na sy of haar oordeel, 'n oortreding van sodanige artikel is, of
 - (ii) na sy of haar oordeel sodanige goedere so geplaas is dat dit —
 - (aa) 'n versperring vir voertuigverkeer veroorsaak, of
 - (bb) 'n plaaslike owerheidsdiens of plaaslike owerheidsdienswerke belemmer;
 - (c) wat die persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om van die plek te verwyder nadat hy daartoe versoek is deur 'n beamppte of 'n werknemer, behoorlik daartoe gemagtig, van die raad, of wat daargelaat is.
- (2) Enige beamppte wat ingevolge subartikel (1) optree, moet —
- (a) aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf 'n kwitansie uitreik vir enige goedere wat aldus verwyder en geskut word, en
 - (b) onverwyld enige sodanige goedere aan die raad in wie se regsgebied sodanige goedere gevind is, lewer.
- (3) (a) Die eienaar van enige goedere wat ingevolge subartikel (1) verwyder en geskut is, is aanspreeklik vir enige uitgawes wat deur die raad aangegaan is in verband met die verwydering en skut van sodanige goedere, en die raad kan sodanige goedere behou totdat alle sodanige uitgawes betaal is of met sodanige goedere handel soos beoog by artikel 6 van hierdie verordening.
- (b) 'n Sertifikaat uitgereik onder die hand van die tesourier van die raad word geag bewys te wees van enige uitgawes wat die raad aangegaan het in verband met die verwydering en skut van enige goedere.
- (c) Die raad of 'n werknemer van die raad is nie aanspreeklik vir enige verlies of diefstal van of skade aan enige goedere wat verwyder en geskut is ingevolge hierdie artikel nie.

Beskikking oor geskutte goedere

6. (1) Enige bederfbare goedere wat verwyder en geskut is ingevolge artikel 5(1) kan te eniger tyd na die skut daarvan deur die raad verkoop of vernietig word, en in die geval van 'n verkoping van sodanige goedere word die opbrengs daarvan, minus enige uitgawes wat die raad aangegaan het in verband met die verwydering en skut van sodanige goedere, by aanbieding van die kwitansie beoog by artikel 5(2)(a) aan die persoon wat die eienaar van sodanige goedere was toe sodanige goedere geskut is, betaal. Indien sodanige eienaar versuim om sodanige opbrengs binne drie maande vanaf die datum waarop sodanige goedere verkoop is, op te eis, word sodanige opbrengs aan die raad verbeur.
- (2) Die eienaar van enige goedere (uitgesonderd bederfbare goedere waarmee reeds deur die raad ingevolge subartikel (1) gehandel is) wat ingevolge regulasie 5(1) geskut is, wat die terugbesorging van sodanige goedere wil eis, moet binne 'n tydperk van een maand vanaf die datum waarop sodanige goedere geskut is, by die raad aansoek doen en moet die kwitansie beoog by artikel 5(2)(a) aanbied, by versuim waarvan sodanige goedere deur die raad verkoop kan word, en in die geval van 'n verkoping van sodanige goedere is die bepalinge van subartikel (1) met betrekking tot die opbrengs van 'n verkoping insgelyks van toepassing op die opbrengs van sodanige verkoping.

(3) If the owner of any goods impounded in terms of section 5(1) claims the return of such goods from the Council and such owner is unable or refuses to refund any expenses incurred by the Council in connection with the removal and impoundment of such goods, such goods may be sold by the Council and the proceeds of any sale of such goods less any such expenses shall be paid to such owner.

(4) In the event of the proceeds of any sale of goods contemplated in this section not being sufficient to defray any expenses incurred by the Council in connection with the removal and impoundment of such goods, the owner of such goods shall in terms of section 5(3)(a) remain liable for so much of such expenses as is not defrayed by the proceeds from the sale of such goods.

Carrying of written approval

7. Any person carrying on the business of street vendor, pedlar or hawker shall, whenever such person is carrying on such business, carry on his or her person any written approval granted or issued to him or her by a Council in terms of this by-law and shall on demand show such written approval to an officer or an employee, duly authorised thereto, of the Council.

Charges

8. The Council shall fix the charges payable to it for the letting of stands or stalls in demarcated areas under its control from where the carrying on of the business of street vendor, pedlar or hawker is permissible.

Delegation

9. Whenever any power, duty or function is imposed by or under the Act upon a Council, such Council may delegate or assign in writing any such power, duty or function to any person in its employ, subject to such conditions as it may deem necessary.

Offences and penalties

10. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any officer or any employee of the Council in the performance of his duties or functions in terms of or under this by-law;
- (c) deliberately furnishes false or misleading information to an officer or an employee of the Council,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three (3) months.

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MUNISIPALITEIT VIR DIE GEBIED VAN GANSBAAI:

VERORDENING VIR DIE TOESIG EN BEHEER OOR DIE BEDRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS

Woordomskriving

1. Tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), geheg is, die betekenis wat aldus toegeken is wanneer dit in hierdie verordening gebruik word, en beteken —

“beampete” —

- (a) 'n verkeersbeampete aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisiewet, 1958 (Wet 7 van 1958);

(3) Indien die eienaar van enige goedere wat ingevolge artikel 5(1) geskut is, die terugbesorging van sodanige goedere van die raad eis en sodanige eienaar nie in staat is nie of weier om enige uitgawes wat die Raad in verband met die verwydering en skut van sodanige goedere aangegaan het, terug te betaal, kan sodanige goedere deur die Raad verkoop word en die opbrengs van enige verkoping van sodanige goedere minus enige sodanige uitgawes word aan sodanige eienaar betaal.

(4) Ingeval die opbrengs van enige verkoping van goedere beoog by hierdie artikel nie genoegsaam is nie om enige uitgawes wat die raad in verband met die verwydering en skut van sodanige goedere aangegaan het, te bestry nie, bly die eienaar van sodanige goedere ingevolge artikel 5(3)(a) aanspreeklik vir soveel van sodanige uitgawes wat nie deur die opbrengs van die verkoping van sodanige goedere bestry word nie.

Dra van skriftelike goedkeuring

7. Enige persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet wanneer ook al sodanige persoon sodanige besigheid bedryf, enige skriftelike goedkeuring wat deur 'n raad ingevolge hierdie verordening aan hom of haar toegestaan of uitgereik is, op sy of haar persoon dra en moet op aanvraag sodanige skriftelike goedkeuring aan 'n beampete of werknemer, behoorlik daartoe gemagtig, van die raad, toon.

Gelde

8. Die raad stel die gelde vas wat aan hom betaalbaar is vir die verhuring van staanplekke of stalletjies binne afgebakende gebiede onder sy beheer vanwaar die bedryf van die besigheid van straathandelaar, venter of smous toelaatbaar is.

Delegasie

9. Wanneer enige bevoegdheid, plig of funksie by of kragtens die Wet aan 'n raad opgedra word, kan sodanige raad enige sodanige bevoegdheid, plig of funksie deleger of toewys aan enige persoon in sy diens, onderworpe aan die voorwaardes wat hy nodig ag.

Misdrywe en strawwe

10. Enige persoon wat —

- (a) enige bepalinge van hierdie verordening oortree of versuim om te voldoen aan enige voorwaarde wat daarkragtens gestel is;
- (b) enige beampete of werknemer van die raad dreig, hinder of belemmer in die verrigting van sy pligte of werksaamhede ingevolge of kragtens hierdie verordening, of
- (c) met opset, valse of misleidende inligting aan 'n beampete of werknemer van die raad gee,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

P.N. 390/1996

13 September 1996

MUNICIPALITY FOR THE AREA OF GANSBAAI:

BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER

Definitions

1. Unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Businesses Act, 1991 (Act 71 of 1991), shall, when used in this by-law, have the meaning thus assigned, and —

“Council” means the Council of the Municipality for the Area of Gansbaai and includes any committee or employee of the Council exercising power or performing duties or functions delegated to it or him or her by the Council.

“goods” means any wares, articles, receptacles, vehicles or structures;

(c) 'n vredesbeampte beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977);

(d) 'n Omgewingsgesondheidsbeampte in diens van die Raad;

"die Wet" die Wet op Besighede, 1991 (Wet 71 van 1991);

"goedere" enige ware, artikels, houters, voertuig of strukture;

"oorlas" enige gedrag wat 'n stand van sake of toestand meebring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhou of wesentlik inmeng met hul gewone gerief, gemak, rus of vrede;

"Raad" die raad van die Munisipaliteit vir die Gebied van Gansbaai en sluit enige komitee of werknemer van die Raad in wat magte uitoefen of pligte of funksies uitvoer wat deur die Raad aan hom of haar gedelegeer is;

"soom" daardie gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie, en

"sypaadjie" daardie gedeelte van 'n soom wat uitsluitlik vir die gebruik van voetgangers bedoel is.

(2) Vir die toepassing van die bepalings van hierdie verordening omvat 'n persoon wat die besigheid van straathandelaar, venter of smous dryf, enige werknemer van enige sodanige persoon.

Verbod en beperkings op die bedryf van besigheid

2. Geen persoon mag die besigheid van straathandelaar, venter of smous bedryf nie —

(a) in 'n tuin of park onder die beheer van die Raad en waartoe die publiek 'n reg van toegang het, tensy sodanige gebied deur die Raad ingevolge artikel 6A(3)(b) van die Wet vir daardie doel gereserveer en afgebaken is;

(b) op 'n soom aangrensend aan —

(i) 'n gebou wat behoort aan of geokkupeer word slegs deur die Staat of die Raad;

(ii) 'n kerk of ander plek van aanbidding, of

(iii) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969), tot nasionale gedenkwaardigheid verklaar is;

(c) in 'n gebied wat ingevolge artikel 6A(2)(a) van die Wet deur die Raad verklaar is tot 'n gebied waar die bedryf van die besigheid van straathandelaar, venter of smous —

(i) verbied is, of

(ii) in stryd met enige beperking wat deur die Raad ingevolge daardie artikel ten opsigte van sodanige gebied opgelê is;

(d) op 'n plek waar —

(i) dit toegang tot 'n brandkraan versper;

(ii) dit toegang tot enige ingang tot of uitgang uit 'n gebou versper;

(iii) dit voetgangers verhoed om 'n sypaadjie te gebruik, of hulle wesentlik belemmer in die gebruik daarvan;

(iv) dit 'n versperring op 'n ryvlak veroorsaak;

"local authority service" means any system conducted by or on behalf of the Council for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;

"local authority service works" means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

"nuisance" means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet;

"officer" means —

(a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989);

(b) a member of the Force as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958), or

(c) a peace officer contemplated by section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

(d) an Environmental Health Officer in service of the Council;

"sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"the Act" means the Businesses Act, 1991 (Act 71 of 1991), and

"verge" means that portion of the road, street or thoroughfare which is not the roadway.

(2) For the purposes of the provisions of this by-law a person carrying on the business of street vendor, pedlar or hawker shall include any employee of any such person.

Prohibition of the carrying on of business

2. No person shall carry on the business of street vendor, pedlar or hawker —

(a) in a garden or park under the control of the Council and to which the public has a right of access unless such area has been set apart and demarcated by the Council for that purpose in terms of section 6A(3)(b) of the Act;

(b) on a verge contiguous to —

(i) a building belonging to, or occupied solely by, the State or the Council;

(ii) a church or other place of worship, or

(iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);

(c) in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place where the carrying on of the business of street vendor, pedlar or hawker is —

(i) prohibited, or

(ii) contrary to any restriction imposed by the Council in terms of that section in respect of such area;

(d) at a place where —

(i) it obstructs access to a fire hydrant;

(ii) it obstructs access to any entrance to or exit from a building;

(iii) it prevents pedestrians from using, or substantially obstructs them in their use of, a sidewalk;

(iv) it causes an obstruction on a roadway;

- (v) dit toegang tot parkeer- of laai-inhamme of ander geriewe vir voertuigverkeer beperk;
- (e) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir woondoeleindes gebruik word, indien die eienaar, bewoner of persoon in beheer van die gebou daarteen beswaar maak;
- (f) op 'n plek waar —
 - (i) dit toegang tot straattoebehore, buspassasiersbanke of -skuilings, toustanery, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper;
 - (ii) dit die sigbaarheid van 'n vertoonvenster of 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;
 - (iii) dit toegang tot 'n voetgangeroorgang versper;
 - (iv) dit toegang tot enige voertuig versper;
 - (v) dit enige padverkeerstekens of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versper, of
 - (vi) dit op enige wyse met enige voertuig wat langs sodanige plek geparkeer is, inmeng, en
- (g) op 'n soom aangrensend aan 'n gebou waarin besigheid bedryf word deur 'n persoon wat goedere verkoop wat van dieselfde of soortgelyke aard is as goedere wat deur die betrokke straathandelaar, venter of smous verkoop word indien die eienaar, okkupeerder of huurder van die gebou daarteen beswaar maak.

Algemeen

3. Geen persoon wat die besigheid van straathandelaar, venter of smous bedryf, mag te eniger tyd —
 - (a) op enige wyse toegang tot enige plaaslike owerheidsdiens of plaaslike owerheidsdienswerke versper nie;
 - (b) op enige openbare pad of openbare plek —
 - (i) by die plek van sodanige besigheid oornag, of
 - (ii) enige struktuur (behalwe 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) oprig met die doel om skuiling te verskaf,
 sonder die skriftelike voorafgoedkeuring van die Raad nie;
 - (c) sodanige besigheid op 'n wyse bedryf nie wat 'n oorlas veroorsaak;
 - (d) sy of haar goedere in 'n vuil en/of onhigiëniese toestand hou nie;
 - (e) tensy skriftelike goedkeuring vooraf deur die Raad verleen is wat hom of haar van die bepalings van hierdie artikel vrystel, versuim om alle rommel, verpakkingsmateriaal, voorraad en toerusting van water aard ook al wat in verband met sodanige besigheid gebruik word, daaglik na afloop van handeldrywe van enige openbare pad of openbare plek te verwyder nie;
 - (f) sy of haar besigheid op sodanige wyse bedryf dat dit 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid is nie, en
 - (g) op versoek van 'n beampite of behoorlik gemagtigde werknemer van die Raad versuim om enigiets te verskuif of te verwyder sodat die gebied of terrein skoongemaak kan word nie.

Verwydering en skut

4. (1) 'n Beampite kan nadat 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om te voldoen aan 'n versoek om sy of haar goedere te verskuif of te verwyder, of sodanige goedere vir 'n tydperk van 12 uur of langer sonder toesig gelaat het, enige goedere verwyder en skut —
 - (a) wat hy of sy redelikerwys vermoed vir of in verband met die

- (v) it limits access to parking or loading bays or other facilities for vehicular traffic;
- (e) on that half of a public road contiguous to a building used for residential purposes if the owner, occupier or person in control of the building objects thereto;
- (f) at a place where —
 - (i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse disposal bins or other facilities intended for the use of the general public;
 - (ii) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
 - (iii) it obstructs access to a pedestrian crossing;
 - (iv) it obstructs access to any vehicle;
 - (v) it obscures any road traffic sign or any marking, notice or sign displayed in terms of this by-law, or
 - (vi) it interferes in any way with any vehicle that may be parked alongside such place, and
- (g) on a verge contiguous to a building wherein business is conducted by a person selling the same or similar goods as those sold by the street vendor, pedlar or hawker if the owner, occupier or lessee of the building objects thereto.

General

3. No person carrying on the business of street vendor, pedlar or hawker shall at any time —
 - (a) in any way obstruct access to any local authority service or local authority service works;
 - (b) at any public road or public place —
 - (i) stay overnight at the place of such business, or
 - (ii) erect any structure (other than a device which operates in the same manner as, and is shaped like, an umbrella) for the purpose of providing shelter,
 without the prior written approval of the Council;
 - (c) carry on such business in a manner which creates a nuisance;
 - (d) keep his or her goods in an unclean or unsanitary condition;
 - (e) unless prior written approval, exempting him or her from the provisions of this section has been given by the Council, fail to remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business;
 - (f) carry on his or her business in such a manner as to be a danger or threat to public health or public safety, and
 - (g) at the request of an officer or a duly authorised employee of the Council, fail to move or remove anything so that the area or site may be cleaned.

Removal and impoundment

4. (1) An officer may, after a person carrying on the business of street vendor, pedlar or hawker has failed or refused to comply with a request to move or remove his or her goods, or has left such goods unattended for a period of 12 hours or more, remove and impound any goods —
 - (a) which he or she reasonably suspects are being used or

bedryf van die besigheid van straathandelaar, venter of smous gebruik word of bestem is om gebruik te word of gebruik is, en

- (b) wat hy of sy op 'n plek waar sodanige besigheid ingevolge artikel 2(a) tot (e) van hierdie verordening beperk of verbied word, vind, en wat na sy of haar oordeel 'n oortreding van enige artikel daarvan is.

(2) 'n Beampte wat aldus optree, moet —

- (a) 'n kwitansie vir enige goedere wat aldus verwyder en geskut word, aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf, uitreik, en

(b) sodanige goedere aan die Raad oorhandig.

- (3) (a) Die eienaar van enige goedere wat ingevolge subartikel (1) verwyder en geskut is, is aanspreeklik vir enige uitgawes wat deur die raad aangegaan is in verband met die verwydering en skut van sodanige goedere, en die raad kan sodanige goedere behou totdat alle sodanige uitgawes betaal is of met sodanige goedere handel ingevolge artikel 6 van die Wet.

(b) 'n Sertifikaat uitgereik onder die hand van die tesourier van die raad word geag bewys te wees van enige uitgawes wat die raad aangegaan het in verband met die verwydering en skut van enige goedere.

(c) Die Raad of 'n werknemer van die raad is nie aanspreeklik vir enige verlies of diefstal van of skade aan enige goedere wat verwyder en geskut is ingevolge hierdie artikel nie.

Beskikking oor geskutte goedere

5. (1) Enige bederfbare goedere wat verwyder en geskut is ingevolge artikel 4(1) kan te eniger tyd na die skut daarvan deur die raad verkoop of vernietig word, en in die geval van 'n verkoping van sodanige goedere word die opbrengs daarvan, minus enige uitgawes wat die raad aangegaan het in verband met die verwydering en skut van sodanige goedere, by aanbidding van die kwitansie uitgereik ingevolge artikel 4(2)(a) aan die persoon wat die eienaar van sodanige goedere was toe sodanige goedere geskut is, betaal. Indien sodanige eienaar versuim om sodanige opbrengs binne drie maande vanaf die datum waarop sodanige goedere verkoop is, op te eis, word sodanige opbrengs aan die raad verbeur.

- (2) Die eienaar van enige goedere (uitgesonderd bederfbare goedere waarmee reeds deur die raad ingevolge subartikel (1) gehandel is) wat ingevolge artikel 4(1) geskut is, wat die terugbesorging van sodanige goedere wil eis, moet binne 'n tydperk van een maand vanaf die datum waarop sodanige goedere geskut is, by die raad aansoek doen en moet die kwitansie uitgereik ingevolge artikel 4(2)(a) aanbied, by versuim waarvan sodanige goedere deur die raad verkoop kan word, en in die geval van 'n verkoping van sodanige goedere is die bepalinge van subartikel (1) met betrekking tot die opbrengs van 'n verkoping insgelyks van toepassing op die opbrengs van sodanige verkoping.

- (3) Indien die eienaar van enige goedere wat ingevolge artikel 5(1) geskut is, die terugbesorging van sodanige goedere van die raad eis en sodanige eienaar nie in staat is nie of weier om enige uitgawes wat die Raad in verband met die verwydering en skut van sodanige goedere aangegaan het, terug te betaal, kan sodanige goedere deur die Raad verkoop word en die opbrengs van enige verkoping van sodanige goedere minus enige sodanige uitgawes word aan sodanige eienaar betaal.

- (4) Ingeval die opbrengs van enige verkoping van goedere ingevolge hierdie artikel nie genoegsaam is nie om enige uitgawes wat die raad in verband met die verwydering en skut van sodanige goedere aangegaan het, te bestry nie, bly die eienaar van sodanige goedere ingevolge artikel 5(3)(a) aanspreeklik vir soveel van sodanige uitgawes wat nie deur die opbrengs van die verkoping van sodanige goedere bestry word nie.

Afgebakende staanplekke of gebiede

6. Indien die Raad enige staanplek of gebied gereserveer en afgebaken het met die doel om die besigheid van straathandelaar, venter of smous te bedryf, soos beoog in artikel 6A(3)(b) van die Wet, mag geen persoon op sodanige staanplek of in sodanige gebied handel bedryf nie, tensy hy of sy

intended to be used or have been used, in or in connection with the carrying on of the business of street vendor, pedlar or hawker, and

- (b) which he or she finds at a place where such business is restricted or prohibited in terms of section 2(a) to (e) of this by-law and which, in his or her opinion, constitutes an infringement of any section thereof.

(2) An officer so acting shall —

- (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and

(b) deliver such goods to the Council.

- (3) (a) The owner of any goods which have been removed and impounded in terms of subsection (2) shall be liable for any expenses incurred by the Council in connection with the removal and impoundment of such goods, and the Council may keep such goods until all such expenses have been paid or deal with such goods in terms of section 6 of this ordinance.

(b) A certificate issued under the hand of the treasurer of the Council shall be deemed to be proof of any expenses that the Council has incurred in connection with the removal and impoundment of any goods.

(c) The Council or employee of the Council shall not be liable for any loss or theft of or damage to any goods removed and impounded in terms of this section.

Disposal of impounded goods

5. (1) Any perishable goods removed and impounded in terms of section 4(1) may at any time after the impoundment thereof be sold or destroyed by the Council and in the case of a sale of such goods the proceeds thereof, less any expenses incurred by the Council in connection with the removal and impoundment of goods, shall, upon presentation of the receipt issued in terms of section 4(2)(a), be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which such goods were sold, such proceeds shall be forfeited to the Council.

- (2) The owner of any goods (other than perishable goods already dealt with by the Council in terms of subsection (1) impounded in terms of section 5(1) who wishes to claim the return of such goods shall, within a period of one month of the date of the impoundment of such goods, apply to the Council and shall present the receipt issued in terms of section 4(2)(a), failing which such goods may be sold by the Council, and in the event of a sale of such goods the provisions of subsection (1) relating to the proceeds of a sale likewise apply to the proceeds of such sale.

- (3) If the owner of any goods impounded in terms of section 5(1) claims the return of such goods from the Council and such owner is unable or refuses to refund any expenses incurred by the Council in connection with the removal and impoundment of such goods, such goods may be sold by the Council and the proceeds of any sale of such goods less any such expenses shall be paid to such owner.

- (4) In the event of the proceeds of any sale of goods in terms of this section not being sufficient to defray any expenses incurred by the Council in connection with the removal and impoundment of such goods, the owner of such goods shall in terms of section 5(3)(a) remain liable for so much of such expenses as is not defrayed by the proceeds from the sale of such goods.

Demarcated stands or areas

6. If the Council has set apart and demarcated any stand or area for the purposes of the carrying on of the business of street vendor, pedlar or hawker in terms of section 6A(3)(b) of the Act, no person may trade on such stand or in such area unless he or she is in possession of proof

in besit is van bewys dat hy of sy sodanige staanplek of gebied by die Raad gehuur het, of dat dit andersins aan hom of haar toegeken is.

Dra en vertoon van skriftelike goedkeuring

7. Enige persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet enige skriftelike goedkeuring wat die Raad ingevolge artikel 2 of 3 van hierdie verordening aan hom of haar verleen of uitgereik het, op sy of haar persoon dra, en moet op versoek van 'n beampte sodanige goedkeuring toon.

Tekens wat beperkte of verbode gebiede aandui

8. Die Raad mag tekens, merke of ander toestelle wat beperkte of verbode gebiede aandui, ontwerp of maak en vertoon.

Gelde

9. Die Raad stel die gelde vas wat aan hom betaalbaar is vir die verhuring van staanplekke of stalletjies binne afgebakende gebiede onder sy beheer van waar die bedryf van die besigheid van straathandelaar, venter of smous toelaatbaar is.

Misdrywe en strawwe

10. Enigeen wat —

- (a) enige bepaling van hierdie verordening oortree of versuim om te voldoen aan enige voorwaarde wat daarkragtens opgelê is;
- (b) enige beampte of enige werknemer van die Raad dreig, weerstaan, hinder of belemmer in die verrigting van sy pligte of funksies ingevolge of kragtens hierdie verordening, of
- (c) opsetlik valse of misleidende inligting aan 'n beampte of 'n werknemer van die Raad gee,

is skuldig aan 'n misdryf, en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

that he or she has hired such stand or area from the Council or that it has otherwise been allocated to him or her.

Carrying and exhibition of written approval

7. Any person carrying on the business of street vendor, pedlar or hawker shall carry on his person any written approval granted or issued to him or her by the Council in terms of section 2 or 3 of this by-law and shall on request by an officer exhibit such approval.

Signs indicating restricted or prohibited areas

8. The Council may design or make and display signs, markings or other devices indicating restricted or prohibited areas.

Charges

9. The Council shall fix the charges payable to it for the letting of stands or stalls in demarcated areas under its control from where the carrying on of the business of street vendor, pedlar or hawker is permissible.

Offences and penalties

10. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any officer or any employee of the Council in the performance of his duties or functions in terms of or under this by-law, or
- (c) deliberately furnishes false or misleading information to an officer or an employee of the Council,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three (3) months.

P.K. 391/1996

13 September 1996

Die Premier het ingevolge artikel 6A van die Wet op Besighede, 1991 (Wet 71 van 1991), sy goedkeuring aan die volgende verordening geheg:

MUNISIPALITEIT PAARL:

VERORDENING VIR DIE TOESIG EN BEHEER OOR DIE BEDRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS

Woordomskrywing

1. Tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), geheg is, die betekenis wat aldus toegeken is wanneer dit in hierdie verordening gebruik word, en beteken —

“beampte” —

- (a) 'n verkeersbeampte aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisiewet, 1958 (Wet 7 van 1958);
- (c) 'n vredesbeampte beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977), of
- (d) 'n omgewingsgesondheidsbeampte in diens van die raad;

“die Wet” die Wet op Besighede, 1991 (Wet 71 van 1991);

“goedere” enige ware, artikels, houers, voertuie of strukture;

“oorlas” enige gedrag wat 'n stand van sake of toestand meebring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhou, of wat wesentlik met hulle gewone gerief, gemak, rus of vrede inmeng;

P.N. 391/1996

13 September 1996

The Premier has, in terms of section 6A of the Businesses Act, 1991 (Act 71 of 1991), approved the following by-law:

PAARL MUNICIPALITY:

BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER

Definitions

1. Unless the context otherwise indicates, any word or expression to which a meaning has been defined in the Businesses Act, 1991 (Act 71 of 1991), shall, that meaning, and —

“Council” means the Council of the Municipality of the Paarl and includes any committees or employee of the Council exercising powers or performing duties or functions delegated to it or him or her by the Council;

“goods” means any wares, articles, receptacles, vehicles or structures;

“local authority service” means any system conducted by or on behalf of the Council for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;

“local authority service works” means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

“nuisance” means any conduct which brings about or may bring about a

- (a) enige vullis, rommel of afvalmateriaal op enige grond of perseel, in enige mangat of stormwaterrooi, of op enige openbare pad of openbare plek, behalwe in 'n vullishouer wat deur die Raad goedgekeur is, ophoop, stort, opberg of plaas, of veroorsaak of toelaat dat dit daar opgehoop, gestort, opberg of geplaas word nie;
- (b) die gebied of terrein wat hy of sy vir die doel van sodanige besigheid okkupeer, in 'n vuil en/of onhigiëniese toestand hou nie;
- (c) sy of haar goedere in 'n vuil en/of onhigiëniese toestand hou nie;
- (d) tensy skriftelike goedkeuring vooraf deur die Raad verleen is wat hom of haar van die bepalings van hierdie paragraaf vrystel, versuim om alle rommel, verpakkingsmateriaal, voorraad en toerusting van watter aard ook al wat in verband met sodanige besigheid gebruik word, daagliks na afloop van handeldrywe van enige openbare pad of openbare plek te verwyder nie;
- (e) sy besigheid op sodanige wyse bedryf dat dit 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid is nie, en
- (f) op versoek van 'n beampite of behoorlik gemagtigde werknemer van die Raad versuim om enigiets te verskuif of te verwyder sodat die gebied of terrein skoongemaak kan word nie.

Verwydering en skut

5. (1) 'n Beampite kan nadat 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om te voldoen aan 'n versoek om sy goedere te verskuif of te verwyder, of sodanige goedere vir 'n tydperk van 12 uur of langer sonder toesig gelaat het, enige goedere verwyder en skut —
 - (a) wat hy of sy redelikerwys vermoed vir of in verband met die bedryf van die besigheid van straathandelaar, venter of smous gebruik word of bestem is om gebruik te word of gebruik is, en
 - (b) wat hy of sy op 'n plek waar sodanige besigheid ingevolge artikel 5(a) tot (e) van hierdie verordening beperk of verbied word, vind, en wat na sy of haar oordeel,
 'n oortreding van enige artikel daarvan is.
- (2) 'n Beampite wat aldus optree, moet —
 - (a) 'n kwitansie vir enige goedere wat aldus verwyder en geskut word, aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf, uitreik, en
 - (b) onverwyld sodanige goedere aan die Raad oorhandig.
- (3) (a) Die eienaar van enige goedere wat ingevolge subartikel (1) verwyder en geskut is, is aanspreeklik vir enige uitgawes wat deur die Raad aangegaan is in verband met die verwydering en skut van sodanige goedere, en die Raad kan sodanige goedere behou totdat alle sodanige uitgawes betaal is of met sodanige goedere handel soos beoog by artikel 6 van die Verordening.
- (b) 'n Sertifikaat uitgereik onder die hand van die tesourier van die Raad word geag bewys te wees van enige uitgawes wat die Raad aangegaan het in verband met die verwydering en skut van enige goedere.
- (c) Die Raad of 'n werknemer van die Raad is nie aanspreeklik vir enige verlies of diefstal van of skade aan enige goedere wat verwyder en geskut is ingevolge hierdie artikel nie.

Beskikking oor geskutte goedere

6. (1) Enige bederfbare goedere wat verwyder en geskut is ingevolge artikel 5(1) kan te eniger tyd na die skut daarvan deur die Raad verkoop of vernietig word, en in die geval van 'n verkoping van sodanige goedere word die opbrengs daarvan, minus enige uitgawes wat die Raad aangegaan het in verband met die verwydering en skut van sodanige goedere, by aanbidding van die kwitansie beoog by artikel 5(2)(a) aan die persoon wat die eienaar van sodanige goedere was toe sodanige goedere geskut is, betaal. Indien sodanige eienaar versuim om sodanige opbrengs binne drie

- (a) accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises, in any manhole, stormwater drain or on any public road or public place, other than in a refuse receptacle approved by the Council;
- (b) keep the area or site occupied by him or her for the purpose of such business in an unclean and/or unsanitary condition;
- (c) keep his or her goods in an unclean and/or unsanitary condition;
- (d) unless prior written approval, exempting him or her from the provisions of this paragraph has been given by the Council, fail or remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business;
- (e) carry on his business in such manner as to be a danger or threat to public health or public safety, and
- (f) at the request of an officer or a duly authorised employee of the Council, fail to move or remove anything so that the area or site may be cleaned.

Removal and impoundment

5. (1) An officer may, after a person carrying on the business of street vendor, pedlar or hawker has failed or refused to comply with a request to move or remove his goods, or has left such goods unattended for a period of 12 hours or more, remove and impound any goods —
 - (a) which he or she reasonably suspects are being used or intended to be used or have been used, in or in connection with the carrying on of the business of street vendor, pedlar or hawker, and
 - (b) which he or she finds at a place where such business is restricted or prohibited in terms of sections 2(a) to (c) of this by-law and which, in his or her opinion,
 constitutes an infringement of any section thereof.
- (2) An officer so acting shall —
 - (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and
 - (b) forthwith deliver such goods to the Council.
- (3) (a) The owner of any goods which have been removed and impounded in terms of subsection (1) shall be liable for any expenses incurred by the Council in connection with the removal and impoundment of such goods, and the Council may keep such goods until all such expenses have been paid or deal with such goods as is contemplated by section 6 of this Ordinance.
- (b) A certificate issued under the hand of the treasurer of the Council shall be deemed to be proof of any expenses that the Council has incurred in connection with the removal and impoundment of any goods.
- (c) The Council or employee of the Council shall not be liable for any loss or theft of or damage to any goods removed and impounded in terms of this section.

Disposal of impounded goods

6. (1) Any perishable goods removed and impounded in terms of section 5(1) may at any time after the impoundment thereof be sold or destroyed by the Council and in the case of a sale of such goods the proceeds thereof, less any expenses incurred by the Council in connection with the removal and impoundment of goods, shall, upon presentation of the receipt contemplated by section 5(2)(a), be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which

maande vanaf die datum waarop sodanige goedere verkoop is, op te eis, word sodanige opbrengs aan die Raad verbeur.

(2) Die eienaar van enige goedere (uitgesonderd bederfbare goedere waarmee reeds deur die Raad ingevolge subartikel (1) gehandel is) wat ingevolge regulasie 5(1) geskut is, wat die terugbesorging van sodanige goedere wil eis, moet binne 'n tydperk van een maand vanaf die datum waarop sodanige goedere geskut is, by die Raad aansoek doen en moet die kwitansie beoog by artikel 5(2)(a) aanbied, by versuim waarvan sodanige goedere deur die Raad verkoop kan word, en in die geval van 'n verkoping van sodanige goedere is die bepalinge van subartikel (1) met betrekking tot die opbrengs van 'n verkoping insgelyks van toepassing op die opbrengs van sodanige verkoping.

(3) Indien die eienaar van enige goedere wat ingevolge artikel 5(1) geskut is, die terugbesorging van sodanige goedere van die Raad eis en sodanige eienaar nie in staat is nie of weier om enige uitgawes wat die Raad in verband met die verwydering en skut van sodanige goedere aangegaan het, terug te betaal, kan sodanige goedere deur die Raad verkoop word en die opbrengs van enige verkoping van sodanige goedere minus enige sodanige uitgawes word aan sodanige eienaar betaal.

(4) Ingeval die opbrengs van enige verkoping van goedere beoog by hierdie atikel nie genoegsaam is nie om enige uitgawes wat die Raad in verband met die verwydering en skut van sodanige goedere aangegaan het, te bestry nie, bly die eienaar van sodanige goedere ingevolge artikel 5(3)(a) aanspreeklik vir soveel van sodanige uitgawes wat nie deur die opbrengs van die verkoping van sodanige goedere bestry word nie.

Afgebakende staanplekke of gebiede

7. Indien die Raad enige staanplek of gebied gereserveer en afgebaken het vir die doel om die besigheid van straat-handelaar, venter of smous te bedryf, soos beoog in artikel 6A(3)(b) van die Wet, mag geen persoon op sodanige staanplek of in sodanige gebied handel dryf nie, tensy hy of sy in besit is van bewys dat hy of sy sodanige staanplek of gebied by die Raad gehuur het, of dat dit andersins aan hom of haar toegeken is.

Dra en vertoon van skriftelike goedkeuring

8. Enige persoon wat die besigheid van straat-handelaar, venter of smous bedryf, moet enige skriftelike goedkeuring wat die Raad ingevolge artikels 2, 3, 4 of 6 van hierdie verordening aan hom of haar verleen of uitgereik het, op sy of haar persoon dra, en moet op versoek van 'n beamppte sodanige goedkeuring toon.

Tekens wat beperkte of verbode gebiede aandui

9. Die Raad mag tekens, merke of ander toestelle wat beperkte of verbode gebiede aandui, ontwerp of maak en vertoon.

Gelde

10. Die Raad stel die gelde vas wat aan hom betaalbaar is vir die verhuring van staanplekke of stalletjies binne afgebakende gebiede onder sy beheer van waar die dryf van die besigheid van straat-handelaar, venter of smous toelaatbaar is.

Misdrywe en strawwe

11. Enigeen wat —

- (a) enige bepaling van hierdie verordening oortree of versuim om te voldoen aan enige voorwaarde wat daarkragens opgelê is;
- (b) enige beamppte of enige werknemer van die Raad dreig, weerstaan, hinder of belemmer in die verrigting van sy of haar pligte of funksies ingevolge of kragens hierdie verordening, of
- (c) opsetlik valse of misleidende inligting aan 'n beamppte of 'n werknemer van die Raad gee,

is skuldig aan 'n misdryf, en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

Herroeping van regulasies

12. Provinsiale Kennisgewing Nr. 404/1992, synde Regulasies insake Straat-handelaars, Venters of Smouse, afgekondig in die Offisiële Koerant van die Kaapprovinsie op 28 Augustus 1992, word hiermee herroep in soverre dit op die munisipale gebied van Paarl van toepassing is.

such goods were sold, such proceeds shall be forfeited to the Council.

(2) The owner of any goods (other than perishable goods already dealt with by the Council in terms of subsection (1) impounded in terms of section 5(1) who wishes to claim the return of such goods shall, within a period of one month of the date of the impoundment of such goods, apply to the Council and shall present the receipt contemplated by section 5(2)(a), failing which such goods may be sold by the Council, and in the event of a sale of such goods the provisions of subsection (1) relating to the proceeds of a sale likewise apply to the proceeds of such sale.

(3) If the owner of any goods impounded in terms of section 5(1) claims the return of such goods from the Council and such owner is unable or refuses to refund any expenses incurred by the Council in connection with the removal and impoundment of such goods, such goods may be sold by the Council and the proceeds of any sale of such goods less any such expenses shall be paid to such owner.

(4) In the event of the proceeds of any sale of goods contemplated by this section not being sufficient to defray any expenses incurred by the Council in connection with the removal and impoundment of such goods, the owner of such goods shall in terms of section 5(3)(a) remain liable for so much of such expenses as is not defrayed by the proceeds from the sale of such goods.

Demarcated stands or areas

7. If the Council has set apart and demarcated any stand or area for the purposes of the carrying on of the business of street vendor, pedlar or hawker as contemplated in section 6A(3)(b) of the Act, no person may trade on such stand or in such area unless he or she is in possession of proof that he or she has hired such stand or area from the Council or that it has otherwise been allocated to him or her.

Carrying and exhibition of written approval

8. Any person carrying on the business of street vendor, pedlar or hawker shall carry on his or her person any written approval granted or issued to him or her by the Council in terms of sections 2, 3, 4 or 6 of this by-law and shall on request by an officer exhibit such approval.

Signs indicating restricted or prohibited areas

9. The Council may design or make and display signs, markings or other devices indicating restricted or prohibited areas.

Charges

10. The Council shall fix the charges payable to it for the letting of stands or stalls in demarcated areas under its control from where the carrying on of the business of street vendor, pedlar or hawker is permissible.

Offences and penalties

11. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any officer or any employee of the Council in the performance of his or her duties or functions in terms of or under this by-law, or
- (c) deliberately furnishes false or misleading information to an officer or an employee of the Council,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three (3) months.

Repeal of regulations

12. Provincial Notice No. 404/1992 being Regulations Relating to Street Vendors, Redlars or Hawkers promulgated in the Official Gazette of the Cape Province on 28 August 1992 is hereby repealed insofar as it applies to the municipal area of Paarl.

P.K. 392/1996

13 September 1996

VERORDENING INSAKE STRAATHANDELAARS, VENTERS OF SMOUSE

Die Munisipale Raad van Vredenburg/Saldanha het ingevolge artikel 6A(1) van die Wet op Besighede, 1991 (Wet 71 van 1991) soos gewysig ingevolge Wet 186 van 1993 die verordening soos in die Bylae hiervan uiteengesit, gemaak.

BYLAE

Woordbepaling

1. (1) Tensy uit die samehang anders blyk, het 'n woord of 'n uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), geheg is, dieselfde betekenis wat aldus toegewys is, in hierdie verordening, en beteken —

(i) "beampte" —

(a) 'n verkeersbeampte aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet 29 van 1989);

(b) 'n lid van die Mag soos omskryf in artikel 1(1) van die Polisiewet, 1958 (Wet 7 van 1958);

(c) 'n vredesbeampte beoog in artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977), of

(d) 'n Omgewingsgesondheidsbeampte in diens van die raad;

(ii) "die Wet" die Wet op Besighede, 1991 (Wet 71 van 1991);

(iii) "goedere" enige houer, voertuig of beweegbare struktuur;

(iv) "oorlas" enige gedrag wat 'n stand van sake of toestand meebring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhou of wat wesenlik inmeng met hul gewone gerief, gemak, rus of vrede;

(v) "openbare pad" enige pad, straat, deurgang of enige ander plek (hetsy 'n deurgang of nie) of 'n deel daarvan wat gewoonlik deur die publiek gebruik word of waartoe die publiek 'n reg van toegang het, en ook —

(a) die soom van enige sodanige pad, straat of deurgang;

(b) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop, en

(c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat of deurgang;

(vi) "plaaslike owerheidsdiens" enige stelsel deur of namens 'n plaaslike owerheid bestuur vir die versameling, afvoer, behandeling of wegdoen van vullis, rioolvuil of stormwater of vir die vervaardiging, opwekking, opvang, opberging, suiwering, distribusie, geleiding, transmissie, vervoer, voorsiening of verskaffing van water, gas of elektrisiteit;

(vii) "plaaslike owerheidsdienswerke" alle werke van water aard ook al wat nodig of wenslik is vir of bykomstig is tot of aanvullend is by of gepaard gaan met enige plaaslike owerheidsdiens en dit omvat enige onroerende goed, meer, fontein, natuurlike waterloop, masjinerie, werktuig of ander ding van water aard ook al wat gebruik word vir of in verband met enige sodanige werke of diens;

(viii) "raad" die raad van Vredenburg/Saldanha Munisipaliteit en sluit enige komitee of werknemer van die raad en wat pligte uitoefen of funksies uitvoer wat deur die raad aan hom gedelegeer is,

(ix) "soom" die gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie.

(2) Vir die toepassing van die bepalings van hierdie verordening sluit 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf, enige werknemer van enige sodanige persoon in.

P.N. 392/1996

13 September 1996

BY-LAW RELATING TO STREET VENDORS, PEDLARS OR HAWKERS

The Municipal Council of Vredenburg/Saldanha has, in terms of section 6A(1) of the Businesses Act, 1991 (Act 71 of 1991) as amended in terms of Act 186 of 1993 made the by-law set out in the Schedule hereto.

SCHEDULE

Definitions

1. (1) Unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Businesses Act, 1991 (Act 71 of 1991), shall, when used in this by-law, have the meaning thus assigned, and —

(i) "council" means the council of Vredenburg/Saldanha Municipality and includes any committee or employee of the Council exercising power or performing duties or functions delegated to it or him by the Council;

(ii) "goods" means any receptacles, vehicles or movable structures;

(iii) "local authority service" means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or storm water or for the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;

(iv) "local authority service works" means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

(v) "nuisance" means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet;

(vi) "officer" means —

(a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989);

(b) a member of the Force as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958);

(c) a peace officer contemplated by section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), or

(d) an Environmental Health Officer in service of the Council;

(vii) "public road" means any road, street, thoroughfare or any place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public has a right of access and includes —

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

(viii) "the Act" means the Businesses Act, 1991 (Act 71 of 1991), and

(ix) "verge" means that portion of the road, street or thoroughfare which is not the roadway.

(2) For the purposes of the provisions of this by-law a person carrying on the business of street vendor, pedlar or hawker shall include any employee of any such person.

Verbode gebiede

2. Geen persoon mag die besigheid van straathandelaar, venter of smous bedryf nie —

(a) in 'n tuin of park waartoe die publiek 'n reg van toegang het;

(b) op 'n soom aangrensend aan —

(i) 'n gebou wat behoort aan, of geokkupeer word slegs deur die Staat of die raad;

(ii) 'n kerk of ander plek van aanbidding, of

(iii) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet 28 van 1969), tot nasionale gedenkwaardigheid verklaar is;

(c) in 'n gebied wat kragtens artikel 6A(2)(a) van die Wet verklaar is tot 'n gebied waarin die bedryf van die besigheid van straathandelaar, venter of smous —

(i) verbied is, of

(ii) in stryd met 'n voorwaarde wat deur die raad ten opsigte van so 'n gebied opgelê is;

(d) op 'n plek waar —

(i) dit 'n versperring veroorsaak voor 'n brandkraan of 'n ingang of uitgang van 'n gebou;

(ii) dit 'n versperring veroorsaak vir voertuigverkeer, of

(iii) dit voetgangers weselik belemmer in die gebruik van 'n sypaadjie soos omskryf in artikel 1 van die Padverkeerswet, 1989;

(e) op 'n soom aangrensend aan 'n gebou waarin besigheid bedryf word deur 'n persoon wat goedere verkoop wat van dieselfde of soortgelyke aard is as goedere wat deur die betrokke straathandelaar, venter of smous verkoop word, sonder die toestemming van daardie persoon;

(f) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir residensiële doeleindes gebruik word, indien die eienaar of persoon in beheer of enige bewoner van die gebou daarteen beswaar maak, en

(g) op 'n plek waar —

(i) dit toegang tot straattoegedore, buspassasiersbanke of skuilings, toustancy, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper;

(ii) dit die sigbaarheid van 'n vertoonvenster op 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;

(iii) dit toegang tot 'n voetgangerroegang versper;

(iv) dit toegang tot enige voertuig versper;

(v) dit enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versper, of

(vi) dit op enige wyse met enige voertuig wat langs sodanige plek geparkeer is, inmeng.

Algemeen

3. Geen persoon wat die besigheid van straathandelaar, venter of smous bedryf, mag —

(a) op enige wyse die vrye toegang tot enige plaaslike owerheidsdiens of plaaslike owerheidsdienswerke, belemmer nie;

(b) indien sodanige besigheid op 'n openbare pad of openbare plek bedryf word —

Prohibited areas

2. No person shall carry on the business of street vendor, pedlar or hawker —

(a) in a garden or park to which the public has a right of access;

(b) on a verge contiguous to —

(i) a building belonging to, or occupied solely by, the State or the council;

(ii) a church or other place of worship, or

(iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969);

(c) in an area declared under section 6A(2)(a) of the Act as a place where the carrying on of the business of street vendor, pedlar or hawker is —

(i) prohibited, or

(ii) restricted in contravention of a condition imposed by the Council in respect of such an area;

(d) at a place where —

(i) it causes an obstruction in front of a fire hydrant or any 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 a sidewalk as defined in section 1 of the Road Traffic Act, 1989;

(e) on a verge contiguous to a building in which business is being carried on by any person who sells goods the same nature as or of a similar nature to goods being sold by the street vendor, pedlar or hawker concerned, without the consent of that person;

(f) on that 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 thereto, and

(g) at a place where —

(i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse disposal bins or other facilities intended for the use of the general public;

(ii) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;

(iii) it obstructs access to a pedestrian crossing;

(iv) it obstructs access to any vehicle;

(v) it obscures any road traffic sign or any marking, notice or sign displayed in terms of this by-law, or

(vi) it interferes in any way with any vehicle that may be parked alongside such place.

General

3. No person carrying on the business of street vendor, pedlar or hawker shall —

(a) in any way obstruct free access to any local authority service or local authority service works;

(b) if such business is carried on on any public road or public place —

- (i) by die plek van sodanige besigheid oornag nie, of
- (ii) enige struktuur (uitgesonderd 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) met die doel om skuiling te verskaf oprig, sonder die voorafverkreë skriftelike goedkeuring van die raad nie;
- (c) sodanige besigheid op so 'n wyse bedryf dat dit —
 - (i) 'n oorlas veroorsaak nie;
 - (ii) die oppervlak van enige openbare pad of openbare plek of enige ander eiendom van 'n raad beskadig of skend nie, of
 - (iii) 'n gevaar vir die verkeer veroorsaak nie;
- (d) uitgesonderd 'n vullishouer wat deur die raad goedgekeur is, enige vullis, rommel of afvalmateriaal op enige grond of perseel of op enige openbare pad of openbare plek ophoop, stort, opgaar, plaas of toelaat dat dit daar opgehoop, gestort, opgegaar of geplaas word, en
- (e) versuim of weier nie om enige goedere, houer, voertuig of beweegbare struktuur te verwyder of te verskuif nadat hy daartoe versoek is deur 'n beampite op 'n werknemer, behoorlik daartoe gemagtig, van die raad, wat ingevolge die bepalinge van artikel 5(1) hiervan handel.

Sindelikheid van plek van besigheid en beskerming van openbare gesondheid

4. Elke persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet —
- (a) tensy skriftelike goedkeuring deur die raad vooraf verleen is wat hom van die bepalinge van hierdie artikel vrystel, alle rommel, verpakkingsmateriaal, voorraad en toerusting van watter aard ook al wat in verband met sodanige besigheid gebruik word, daagliks na afloop van die bedryf van besigheid van enige openbare pad of openbare plek verwyder;
 - (b) sy besigheid op so 'n wyse bedryf dat dit nie 'n gevaar of bedreiging vir die openbare gesondheid of openbare veiligheid inhou nie;
 - (c) op versoek van 'n beampite of 'n werknemer, behoorlik daartoe gemagtig, van die raad, enigiets verskuif of verwyder sodat die plek van besigheid skoongemaak kan word, en
 - (d) sy besigheid op so 'n wyse bedryf dat dit te alle tye in 'n skoon en netjiese toestand is.

Verwydering en skut

5. (1) 'n Beampite kan enige goedere verwyder en skut —
- (a) nadat hy die straathandelaar, venter of smous daartoe versoek het en wat hy redelikerwys vermoed gebruik word of bestem is om gebruik te word of gebruik is by of in verband met die bedryf van die besigheid van straathandelaar, venter of smous;
 - (b) wat hy vind op 'n plek waar —
 - (i) ingevolge artikel 2 van hierdie verordening die bedryf van sodanige besigheid verbode is en, wat na sy oordeel, 'n oortreding van sodanige artikel is, of
 - (ii) na sy oordeel sodanige goedere so geplaas is dat dit —
 - (aa) 'n versperring vir voertuigverkeer veroorsaak, of
 - (bb) 'n plaaslike owerheidsdiens of plaaslike owerheidsdienswerke belemmer,
 - (c) wat die persoon wat die besigheid van straathandelaar, venter of smous bedryf, versuim of geweier het om van die plek te verwyder nadat hy daartoe versoek is deur 'n beampite of 'n werknemer, van die raad behoorlik daartoe gemagtig of wat sonder toetsing gelaat is.

- (i) stay overnight at the place of such business, or
- (ii) erect any structure (other than a device which operates in the same manner as, and is shaped like, an umbrella) for the purpose of providing shelter without the prior written approval of the council;
- (c) carry on such business in such a manner as to —
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place or any other council property, or
 - (iii) create a traffic hazard;
- (d) other than in a refuse receptacle approved by the council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises or on any public road or public place, and
- (e) fail or refuse to remove or move any goods, receptacle, vehicle or movable structure after having requested to do so by an officer or an employee duly authorised thereto, of the council, acting in terms of the provisions of section 5(2) hereof.

Cleanliness of place of business and protection of public health

4. Every person carrying on the business of street vendor, pedlar or hawker shall —
- (a) unless prior written approval, exempting him from the provisions of this paragraph, has been given by the council, remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilised in connection with such business;
 - (b) carry on his business in such a manner as not to be a danger or threat to public health or public safety;
 - (c) at the request of an officer or an employee, duly authorised thereto, of the council move or remove anything so that the place of business may be cleaned, and
 - (d) carry on his business in such a manner as to always be in a clean and neat condition.

Removal and impoundment

5. (1) An officer may remove and impound any goods —
- (a) after a request to the street vendor, pedlar or hawker to remove the goods which he reasonably suspects are being used or are intended to be used or have been used in or in connection with the carrying on of any business of street vendor, pedlar or hawker;
 - (b) which he finds at a place where —
 - (i) the carrying on of such business is prohibited or restricted in terms of section 2 hereof, and which, in his opinion, constitutes an infringement of such section, or
 - (ii) in his opinion such goods are placed in such a manner that it —
 - (aa) causes an obstruction to vehicular traffic, or
 - (bb) obstructs a local authority service or local authority service works;
 - (c) which the person carrying on the business of street vendor, pedlar or hawker has failed or refused to remove from the place after having been requested to do so by an officer or an employee duly authorised thereto, or which have been abandoned.

(2) Enige beampte wat ingevolge subartikel (1) optree, moet —

- (a) aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf 'n kwitansie uitreik vir enige goedere wat aldus verwyder en geskut word, en
 - (b) onverwyld enige sodanige goedere aan die raad in wie se regsgebied sodanige goedere gevind is, oorhandig.
- (3) (a) Die eienaar van enige goedere wat ingevolge subartikel (1) verwyder en geskut is, is aanspreeklik vir enige uitgawes wat deur die raad aangegaan is in verband met die verwydering en skut van sodanige goedere, en die raad kan sodanige goedere behou totdat alle sodanige uitgawes betaal is of met sodanige goedere handel soos beoog by artikel 6 hiervan.
- (b) 'n Sertifikaat uitgereik onder die hand van die tesourier van die raad word geag bewys te wees van enige uitgawes wat die raad aangegaan het in verband met die verwydering en skut van enige goedere.
- (c) Die raad of 'n werknemer van die raad is nie aanspreeklik vir enige verlies of diefstal van of skade aan enige goedere wat verwyder en geskut is ingevolge hierdie artikel nie.

Beskikking oor geskutte goedere

6. (1) Enige bederfbare goedere wat verwyder en geskut is ingevolge artikel 5(1) kan te eniger tyd na die skut daarvan deur die raad verkoop of vernietig word, en in die geval van 'n verkoping van sodanige goedere word die opbrengs daarvan, minus enige uitgawes wat die raad aangegaan het in verband met die verwydering en skut van sodanige goedere, by aanbidding van die kwitansie beoog by artikel 5(2)(a) aan die persoon wat die eienaar van sodanige goedere was toe sodanige goedere geskut is, betaal. Indien sodanige eienaar versuim om sodanige opbrengs binne drie maande vanaf die datum waarop sodanige goedere verkoop is, op te eis, word sodanige opbrengs aan die raad verbeur.
- (2) Die eienaar van enige goedere (uitgesonderd bederfbare goedere waarmee reeds deur die raad ingevolge subartikel (1) gehandel is) wat ingevolge artikel 5(1) geskut is, wat die terugbesorging van sodanige goedere wil eis, moet binne 'n tydperk van een maand vanaf die datum waarop sodanige goedere geskut is, by die raad aansoek doen en moet die kwitansie beoog by artikel 5(2)(a) aanbied, by versuim waarvan sodanige goedere deur die raad verkoop kan word, en in die geval van 'n verkoping van sodanige goedere is die bepalinge van subartikel (1) met betrekking tot die opbrengs van 'n verkoping insgelyks van toepassing op die opbrengs van sodanige verkoping.
- (3) Indien die eienaar van enige goedere wat ingevolge artikel 5(1) geskut is, die terugbesorging van sodanige goedere van die raad eis en sodanige eienaar nie in staat is nie of weier om enige uitgawes wat die raad in verband met die verwydering en skut van sodanige goedere aangegaan het, terug te betaal, kan sodanige goedere deur die raad verkoop word en die opbrengs van enige verkoping van sodanige goedere minus enige sodanige uitgawes word aan sodanige eienaar betaal.
- (4) Ingeval die opbrengs van enige verkoping van goedere beoog by hierdie artikel nie genoegsaam is nie om enige uitgawes wat die raad in verband met die verwydering en skut van sodanige goedere aangegaan het, te bestry nie, bly die eienaar van sodanige goedere ingevolge artikel 5(3)(a) aanspreeklik vir daardie deel van die uitgawes wat nie deur die opbrengs van die verkoping van sodanige goedere bestry word nie.

Dra van skriftelike goedkeuring

7. Enige persoon wat die besigheid van straathandelaar, venter of smous bedryf, moet wanneer ook al sodanige persoon sodanige besigheid bedryf, enige skriftelike goedkeuring wat deur 'n raad ingevolge hierdie verordening aan hom toegestaan of uitgereik is, op sy persoon dra en moet op aanvraag sodanige skriftelike goedkeuring aan 'n beampte of werknemer van die raad, behoorlik daartoe gemagtig, toon.

Gelde

8. Die raad stel die gelde vas wat aan hom betaalbaar is vir die verhuring van staanplekke of stalletjies binne afgebakende gebiede onder sy beheer vanwaar die bedryf van die besigheid van straathandelaar, venter of smous toelaatbaar is.

(2) Any officer acting in terms of subsection (1) hereof shall —

- (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded, and
 - (b) forthwith deliver any such goods to the council in whose area of jurisdiction such goods were found.
- (3) (a) The owner of any goods which have been removed and impounded in terms of subsection (1) shall be liable for any expenses incurred by the council in connection with the removal and impoundment of such goods, and the council may keep such goods as contemplated in section 6.
- (b) A certificate issued under the hand of the treasurer of the council shall be deemed to be proof of any expenses that the council has incurred in connection with the removal and impoundment of any goods.
- (c) The council or an employee of the council shall not be liable for any loss or theft of or damage to any goods removed and impounded in terms of this section.

Disposal of impounded goods

6. (1) Any perishable goods removed and impounded in terms of section 5(1) may at any time after the impoundment thereof be sold or destroyed by the council and in the case of a sale of such goods the proceeds thereof, less any expenses incurred by the council in connection with the removal and impoundment of goods, shall, upon representation of the receipt contemplated by section 5(2)(a), be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which such goods were sold, such proceeds shall be forfeited to the council.
- (2) The owner of any goods (other than perishable goods already dealt with by the council in terms of subsection (1) impounded in terms of section 5(1)) who wishes to claim the return of such goods shall, within a period of one month of the date of the impoundment of such goods, apply to the council and shall present the receipt as contemplated in section 5(2)(a), failing which such goods may be sold by the council, and in the event of a sale of such goods the provisions of subsection (1) relating to the proceeds of a sale likewise apply to the proceeds of such sale.
- (3) If the owner of any goods impounded in terms of section 5(1) claims the return of such goods from the council and such owner is unable or refuses to refund any expenses incurred by the council in connection with the removal and impoundment of such goods, such goods may be sold by the council and the proceeds of any sale of such goods less any such expenses shall be paid to such owner.
- (4) In the event of the proceeds of any sale of goods contemplated by this section not being sufficient to defray any expenses incurred by the council in connection with the removal and impoundment of such goods, the owner of such goods shall in terms of section 5(3)(a) remain liable for that portion of the expenses not defrayed by the proceeds from the sale of such goods.

Carrying of written approval

7. Any person carrying on the business of street vendor, pedlar or hawker shall, whenever such person is carrying on such business, carry on his person any written approval granted or issued to him by a council in terms of this by-law and shall on demand show such written approval to an officer or an employee, duly authorised thereto, of the council.

Charges

8. The council shall fix the charges payable to it for the letting of stands or stalls in demarcated areas under its control from where the carrying on of the business of street vendor, pedlar or hawker is permissible.

Delegasie

9. Wanneer enige bevoegdheid, plig of funksie by of kragtens die Wet aan 'n raad opgedra word, kan sodanige raad enige sodanige bevoegdheid, plig of funksie deleger of toewys aan enige persoon in sy diens, onderworpe aan die voorwaardes wat hy nodig ag.

Misdrywe en strawwe

10. Enige persoon wat —

- (a) enige bepalings van hierdie verordening oortree of versuim om daaraan te voldoen of aan enige voorwaarde wat daarkragtens gestel is;
- (b) enige beampde of werknemer van die raad dreig, hinder of belemmer in die verrigting van sy pligte of werksaamhede ingevolge of kragtens hierdie verordening, of
- (c) met opset, valse of misleidende inligting aan 'n beampde of werknemer van die raad gee,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens een-duisend rand of gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

P.K. 393/1996

13 September 1996

STRANDWET, 1935 (WET 21 VAN 1935):

VOORGESTELDE WETTING/KONSTRUKSIE VAN
VERSCHEIE STRUKTURE BENEDE DIE HOOGWATERMERK

Ingevolge artikel 3(5) van die Strandwet, 1935 (Wet 21 van 1935) word hiermee bekend gemaak dat dit die Provinsiale Regering: Wes-Kaapse voorneme is om huurooreenkomste met die ondergenoemdes aan te gaan waarin voorsiening gemaak word vir die voorgestelde wetting/konstruksie van verskeie strukture benede die hoogwatermerk van die see of 'n getyriwerv.

Applikant	Erf Nr. (Ligging)	Struktuur	Doel	Dorp	Rivier/See
C. M. H. van Coller	412	Aanlegsteier	Konstruksie	Swellendam	Breërivier
H. Muller	257	Sleephelling	Wetting	Swellendam	Breërivier
Mnre. Port Owen Marina Erf Eienaars Vereniging	Oorkant Port Owen Marina		Baggerwerk	Veld-drif	Berggrivier

'n Liggingsplan van die gebiede wat deur die bogenoemde geraak word lê ter insae by die kantoor van die Hoof van Departement: Omgewing- en Kultuursake, Provinsiale Regering van die Wes-Kaap, Kamernommer 204, Utilitas-gebou, Dorpsstraat, Kaapstad.

Besware teen die voorgestelde huurooreenkomste moet by die Hoof van Departement: Omgewing- en Kultuursake, Privaatsak X9086, Kaapstad 8000, ingedien word voor of op 14 Oktober 1996.

P.K. 394/1996

13 September 1996

WESKUS DISTRIKSRAADSGBIED:

STIGTING VAN DIE WEST POINT PRIVATE
NATUURRESERVAAT

Kennisgewing geskied hierby kragtens artikel 12(4) van die Ordonnansie op Natuur- en Omgewingsbewing, 1974 (Ordonnansie 19 van 1974), dat die Minister van Finansies en Omgewingsake goedkeuring verleen het aan mnre. West Point Fishing Corporation (Edms) Bpk om 'n private natuurreservaat op hulle eiendom, synde restant van Annex Uitvlugt, 'n gedeelte van gedeelte van Soldatenpost, Malmesbury, in die gebied van die Weskus Distriksraad te stig, waaraan die naam "West Point Private Natuurreservaat" toegewys is en waarvan die grense is soos aangedui op 'n kaart geliasseer in die kantoor van die Hoof van Departement: Omgewing- en Kultuursake, Utilitas-gebou, Dorpsstraat 1, Kaapstad.

Delegation

9. Whenever any power, duty or function is imposed by or under the Act upon a council, such council may delegate or assign in writing any such power, duty or function to any person in its employ, subject to such conditions as it may deem necessary.

Offences and penalties

10. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any officer or any employee of the council in the performance of his duties or functions in terms of or under this by-law, or
- (c) deliberately furnishes false or misleading information to an officer or an employee of the council,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding three (3) months.

P.N. 393/1996

13 September 1996

SEA-SHORE ACT, 1935 (ACT 21 OF 1935):

PROPOSED LEGISLATION/CONSTRUCTION OF
VARIOUS STRUCTURES BELOW THE HIGH-WATER MARK

Notice is hereby given in terms of section 3(5) of the Sea-Shore Act, 1935 (Act 21 of 1935) that the Provincial Government: Western Cape proposes to enter into leases with the undersigned in which provision is made for the proposed legalisation/construction of various structures below the high-water mark of the sea of a tidal river:

Applicant	Erf No. (Site)	Structure	Purpose	Town	River/Sea
C. M. H. van Coller	412	Jetty	Construction	Swellendam	Breede River
H. Muller	257	Slipway	Legalisation	Swellendam	Breede River
Messrs. Port Owen Marina Erf Owners	Opposite Port Owen Marina		Dredging	Veld-drif	Berg River

A locality sketch of the areas affected by the above-mentioned lies for inspection at the office of the Head of Department: Environmental and Cultural Affairs, Provincial Government of the Western Cape, Room No. 204, Utilitas Building, Dorpsstraat, Cape Town.

Objections to the proposed leases must be lodged with the Head of Department: Environmental and Cultural Affairs, Private Bag X9086, Cape Town 8000, on or before 14 October 1996.

P.N. 394/1996

13 September 1996

WEST COAST DISTRICT COUNCIL AREA:

ESTABLISHMENT OF THE WEST POINT PRIVATE
NATURE RESERVE

Notice is hereby given in terms of section 12(4) of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), that the Minister of Finance and Environmental Affairs has granted approval to Messrs. West Point Fishing Corporation (Pty) Ltd to establish a private nature reserve on their property, being the remainder of Annex Uitvlugt, a portion of part of Soldatenpost, Malmesbury, situated in the area of the West Coast District Council, to which the name "West Point Private Nature Reserve" has been assigned and the boundaries of which are as indicated on a map filed in the office of the Head of Department: Environmental and Cultural Affairs, Utilitas Building, 1 Dorpsstraat, Cape Town.

P.K. 395/1996

13 September 1996

BREËRIVIER DISTRIKSRAADSGBIED:**AFSKAFFING VAN 'N PRIVATE NATUURRESERVAAT:
DORINGKLOOF PRIVATE NATUURRESERVAAT**

Kennisgewing geskied hierby kragtens artikel 12(5)(b) van die Ordonnansie op Natuur- en Omgewingsbewing, 1974 (Ordonnansie 19 van 1974), dat die "Doringkloof Private Natuurreservaat" gestig op die eiendom synde Restant van die Plaas Voetpads Berg Nr. 2, Robertson, by Provinsiale Kennisgewing 335/1982 van 7 Mei 1982, weens die verkoop daarvan aan Mev. J. H. Thomson, afgeskaf is.

P.K. 396/1996

13 September 1996

SENTRAAL SUBSTRUKTUUR:**WET OP OPHEFFING VAN BEPERKINGS, 1967**

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 32463, Epping, word voorwaardes D.(2), D.(3), D.(4) (i) en (ii), D.(5) (a) en (b) in Transportakte Nr. T.3325 van 1996 deur die Premier opgehef, en die bewoording van voorwaarde D.(1) gewysig om te lees "That this erf be used for general industrial purposes only".

P.K. 397/1996

13 September 1996

WILDERNIS DISTRIKSRAAD:**WET OP OPHEFFING VAN BEPERKINGS, 1967**

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 545 (gedeelte van Erf 37), Hoekwil, word voorwaarde E.(b) soos vervat in Transportakte Nr. T.27744 van 1991 hierby deur die Premier opgehef.

P.K. 398/1996

13 September 1996

SENTRAAL SUBSTRUKTUUR:**WET OP OPHEFFING VAN BEPERKINGS, 1967**

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 41772, Athlone, Kaapstad, word voorwaardes 1.1. en 1.6. en 2.1. en 2.6., soos vervat in Transportakte Nr. T.6234 van 1958, hierby deur die Premier opgehef.

P.K. 399/1996

13 September 1996

NOORDELIKE SUBSTRUKTUUR:**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 3927, Milnerton, word voorwaardes A.(a), (b), (c) en B.(e) soos vervat in Transportakte Nr. T.21572 van 1995, hierby deur die Premier opgehef.

P.K. 400/1996

13 September 1996

SENTRAAL SUBSTRUKTUUR:**WET OP OPHEFFING VAN BEPERKINGS, 1967**

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 37890, Athlone, Kaapstad, word voorwaardes 2.1. en 2.2., soos vervat in Transportakte Nr. T.17587 van 1991, hierby deur die Premier opgehef.

P.N. 395/1996

13 September 1996

BREEDE RIVER DISTRICT COUNCIL AREA:**ABOLITION OF A PRIVATE NATURE RESERVE:
DORINGKLOOF PRIVATE NATURE RESERVE**

Notice is hereby given in terms of section 12(5)(b) of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), that the "Doringkloof Private Nature Reserve" established on the property being Remainder of the Farm Voetpads Berg No. 2, Robertson, by Provincial Notice 335/1982 of 7 May 1982, has, due to the sale thereof to Mrs. J. H. Thomson, been abolished.

P.N. 396/1996

13 September 1996

CENTRAL SUBSTRUCTURE:**REMOVAL OF RESTRICTIONS ACT, 1967**

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 32463, Epping, the Premier hereby removes conditions D.2, D.(3), D.(4)(i) and (ii), D.(5)(a) and (b) in Deed of Transfer No. T.3325 of 1996, and amends the wording of condition D.(1) to read "That this erf be used for general industrial purposes only".

P.N. 397/1996

13 September 1996

WILDERNESS DISTRICT COUNCIL:**REMOVAL OF RESTRICTIONS ACT, 1967**

Under section 2(1) of the Removal of Restrictions Act 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 545 (portion of Erf 37), Hoekwil, the Premier hereby removes condition E.(b) contained in Deed of Transfer No. T.27744 of 1991.

P.N. 398/1996

13 September 1996

CENTRAL SUBSTRUCTURE:**REMOVAL OF RESTRICTIONS ACT, 1967**

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 41772, Athlone, Cape Town, the Premier hereby removes conditions 1.1. and 1.6. and 2.1. and 2.6., contained in Deed of Transfer No. T.6234 of 1958.

P.N. 399/1996

13 September 1996

NORTHERN SUBSTRUCTURE:**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 3927, Milnerton, the Premier hereby removes conditions A.(a), (b), (c) and B.(e) contained in Deed of Transfer No. T.21572 of 1995.

P.N. 400/1996

13 September 1996

CENTRAL SUBSTRUCTURE:**REMOVAL OF RESTRICTIONS ACT, 1967**

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 37890, Athlone, Cape Town, the Premier hereby removes conditions 2.1. and 2.2., contained in Deed of Transfer No. T.17587 of 1991.

Delegasie

9. Wanneer enige bevoegdheid, plig of funksie by of kragtens die Wet aan 'n raad opgedra word, kan sodanige raad enige sodanige bevoegdheid, plig of funksie deleger of toewys aan enige persoon in sy diens, onderworpe aan die voorwaardes wat hy nodig ag.

Misdrywe en strawwe

10. Enige persoon wat —

- (a) enige bepalings van hierdie verordening oortree of versuim om daar-aan te voldoen of aan enige voorwaarde wat daarkragtens gestel is;
- (b) enige beampte of werknemer van die raad dreig, hinder of belemmer in die verrigting van sy pligte of werksaamhede ingevolge of kragtens hierdie verordening, of
- (c) met opset, valse of misleidende inligting aan 'n beampte of werknemer van die raad gee,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens een-duisend rand of gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

P.K. 393/1996

13 September 1996

STRANDWET, 1935 (WET 21 VAN 1935):

VOORGESTELDE WETTIGING/KONSTRUKSIE VAN
VERSKEIE STRUKTURE BENEDE DIE HOOGWATERMERK

Ingevolge artikel 3(5) van die Strandwet, 1935 (Wet 21 van 1935) word hiermee bekend gemaak dat dit die Provinsiale Regering: Wes-Kaap se voorneme is om huurooreenkomste met die ondergenoemdes aan te gaan waarin voorsiening gemaak word vir die voorgestelde wettiging/konstruksie van verskeie strukture benede die hoogwatermerk van die see of 'n getyriewer.

Applikant	Erf Nr. (Ligging)	Struktuur	Doel	Dorp	Rivier/See
C. M. H. van Coller	412	Aanleg-steier	Konstruksie	Swellendam	Breërivier
H. Muller	257	Sleep-helling	Wettiging	Swellendam	Breërivier
Mnre. Port Owen Marina Erf Eienaars Vereniging	Oorkant Port Owen Marina		Baggerwerk	Veld-drif	Bergrivier

'n Liggingsplan van die gebiede wat deur die bogenoemde geraak word lê ter insae by die kantoor van die Hoof van Departement: Omgewing- en Kultuursake, Provinsiale Regering van die Wes-Kaap, Kamernommer 204, Utilitas-gebou, Dorpsstraat, Kaapstad.

Besware teen die voorgestelde huurooreenkomste moet by die Hoof van Departement: Omgewing- en Kultuursake, Privaatsak X9086, Kaapstad 8000, ingedien word voor of op 14 Oktober 1996.

P.K. 394/1996

13 September 1996

WESKUS DISTRIKSRAADSGEBIED:

STIGTING VAN DIE WEST POINT PRIVATE
NATUURRESERVAAT

Kennisgewing geskied hierby kragtens artikel 12(4) van die Ordonnansie op Natuur- en Omgewingsbewing, 1974 (Ordonnansie 19 van 1974), dat die Minister van Finansies en Omgewingsake goedkeuring verleen het aan mnre. West Point Fishing Corporation (Edms) Bpk om 'n private natuurreservaat op hulle eiendom, synde restant van Annex Uitvlugt, 'n gedeelte van gedeelte van Soldatenpost, Malmesbury, in die gebied van die Weskus Distriksraad te stig, waaraan die naam "West Point Private Natuurreservaat" toegewys is en waarvan die grense is soos aangedui op 'n kaart geliasseer in die kantoor van die Hoof van Departement: Omgewing- en Kultuursake, Utilitas-gebou, Dorpsstraat 1, Kaapstad.

Delegation

9. Whenever any power, duty or function is imposed by or under the Act upon a council, such council may delegate or assign in writing any such power, duty or function to any person in its employ, subject to such conditions as it may deem necessary.

Offences and penalties

10. Any person who —

- (a) contravenes any provision of this by-law or fails to comply with any condition imposed in terms thereof;
- (b) threatens, resists, interferes with or obstructs any officer or any employee of the council in the performance of his duties or functions in terms of or under this by-law, or
- (c) deliberately furnishes false or misleading information to an officer or an employee of the council,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding three (3) months.

P.N. 393/1996

13 September 1996

SEA-SHORE ACT, 1935 (ACT 21 OF 1935):

PROPOSED LEGISLATION/CONSTRUCTION OF
VARIOUS STRUCTURES BELOW THE HIGH-WATER MARK

Notice is hereby given in terms of section 3(5) of the Sea-Shore Act, 1935 (Act 21 of 1935) that the Provincial Government: Western Cape proposes to enter into leases with the undersigned in which provision is made for the proposed legalisation/construction of various structures below the high-water mark of the sea of a tidal river:

Applicant	Erf No. (Site)	Structure	Purpose	Town	River/Sea
C. M. H. van Coller	412	Jetty	Construction	Swellendam	Breede River
H. Muller	257	Slip-way	Legalisation	Swellendam	Breede River
Messrs. Port Owen Marina Erf Owners	Opposite Port Owen Marina		Dredging	Veld-drif	Berg River

A locality sketch of the areas affected by the above-mentioned lies for inspection at the office of the Head of Department: Environmental and Cultural Affairs, Provincial Government of the Western Cape, Room No. 204, Utilitas Building, Dorpsstraat, Cape Town.

Objections to the proposed leases must be lodged with the Head of Department: Environmental and Cultural Affairs, Private Bag X9086, Cape Town 8000, on or before 14 October 1996.

P.N. 394/1996

13 September 1996

WEST COAST DISTRICT COUNCIL AREA:

ESTABLISHMENT OF THE WEST POINT PRIVATE
NATURE RESERVE

Notice is hereby given in terms of section 12(4) of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), that the Minister of Finance and Environmental Affairs has granted approval to Messrs. West Point Fishing Corporation (Pty) Ltd to establish a private nature reserve on their property, being the remainder of Annex Uitvlugt, a portion of part of Soldatenpost, Malmesbury, situated in the area of the West Coast District Council, to which the name "West Point Private Nature Reserve" has been assigned and the boundaries of which are as indicated on a map filed in the office of the Head of Department: Environmental and Cultural Affairs, Utilitas Building, 1 Dorpsstraat, Cape Town.

P.K. 395/1996

13 September 1996

BREËRIVIER DISTRIKSRAADSGBIED:

AFSKAFFING VAN 'N PRIVATE NATUURRESERVAAT:
DORINGKLOOF PRIVATE NATUURRESERVAAT

Kennisgewing geskied hierby kragtens artikel 12(5)(b) van die Ordonnansie op Natuur- en Omgewingsbewing, 1974 (Ordonnansie 19 van 1974), dat die "Doringkloof Private Natuurreservaat" gestig op die eiendom synde Restant van die Plaas Voetpads Berg Nr. 2, Robertson, by Provinsiale Kennisgewing 335/1982 van 7 Mei 1982, weens die verkoop daarvan aan Mev. J. H. Thomson, afgeskaf is.

P.K. 396/1996

13 September 1996

SENTRAAL SUBSTRUKTUUR:

WET OP OPHEFFING VAN BEPERKINGS, 1967

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 32463, Epping, word voorwaardes D.(2), D.(3), D.(4) (i) en (ii), D.(5) (a) en (b) in Transportakte Nr. T.3325 van 1996 deur die Premier opgehef, en die bewoording van voorwaarde D.(1) gewysig om te lees "That this erf be used for general industrial purposes only".

P.K. 397/1996

13 September 1996

WILDERNIS DISTRIKSRAAD:

WET OP OPHEFFING VAN BEPERKINGS, 1967

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 545 (gedeelte van Erf 37), Hoekwil, word voorwaarde E.(b) soos vervat in Transportakte Nr. T.27744 van 1991 hierby deur die Premier opgehef.

P.K. 398/1996

13 September 1996

SENTRAAL SUBSTRUKTUUR:

WET OP OPHEFFING VAN BEPERKINGS, 1967

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 41772, Athlone, Kaapstad, word voorwaardes 1.1. en 1.6. en 2.1. en 2.6. soos vervat in Transportakte Nr. T.6234 van 1958, hierby deur die Premier opgehef.

P.K. 399/1996

13 September 1996

NOORDELIKE SUBSTRUKTUUR:

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 3927, Milnerton, word voorwaardes A.(a), (b), (c) en B.(e) soos vervat in Transportakte Nr. T.21572 van 1995, hierby deur die Premier opgehef.

P.K. 400/1996

13 September 1996

SENTRAAL SUBSTRUKTUUR:

WET OP OPHEFFING VAN BEPERKINGS, 1967

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erf 37890, Athlone, Kaapstad, word voorwaardes 2.1. en 2.2., soos vervat in Transportakte Nr. T.17587 van 1991, hierby deur die Premier opgehef.

P.N. 395/1996

13 September 1996

BREEDERIVER DISTRICT COUNCIL AREA:

ABOLITION OF A PRIVATE NATURE RESERVE:
DORINGKLOOF PRIVATE NATURE RESERVE

Notice is hereby given in terms of section 12(5)(b) of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), that the "Doringkloof Private Nature Reserve" established on the property being Remainder of the Farm Voetpads Berg No. 2, Robertson, by Provincial Notice 335/1982 of 7 May 1982, has, due to the sale thereof to Mrs. J. H. Thomson, been abolished.

P.N. 396/1996

13 September 1996

CENTRAL SUBSTRUCTURE:

REMOVAL OF RESTRICTIONS ACT, 1967

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 32463, Epping, the Premier hereby removes conditions D.2, D.(3), D.(4)(i) and (ii), D.(5)(a) and (b) in Deed of Transfer No. T.3325 of 1996, and amends the wording of condition D.(1) to read "That this erf be used for general industrial purposes only".

P.N. 397/1996

13 September 1996

WILDERNESS DISTRICT COUNCIL:

REMOVAL OF RESTRICTIONS ACT, 1967

Under section 2(1) of the Removal of Restrictions Act 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 545 (portion of Erf 37), Hoekwil, the Premier hereby removes condition E.(b) contained in Deed of Transfer No. T.27744 of 1991.

P.N. 398/1996

13 September 1996

CENTRAL SUBSTRUCTURE:

REMOVAL OF RESTRICTIONS ACT, 1967

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 41772, Athlone, Cape Town, the Premier hereby removes conditions 1.1. and 1.6. and 2.1. and 2.6., contained in Deed of Transfer No. T.6234 of 1958.

P.N. 399/1996

13 September 1996

NORTHERN SUBSTRUCTURE:

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 3927, Milnerton, the Premier hereby removes conditions A.(a), (b), (c) and B.(e) contained in Deed of Transfer No. T.21572 of 1995.

P.N. 400/1996

13 September 1996

CENTRAL SUBSTRUCTURE:

REMOVAL OF RESTRICTIONS ACT, 1967

Under section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 37890, Athlone, Cape Town, the Premier hereby removes conditions 2.1. and 2.2., contained in Deed of Transfer No. T.17587 of 1991.

P.K. 401/1996

13 September 1996

MUNICIPALITEIT SEDGEFIELD:

WET OP OPHEFFING VAN BEPERKINGS, 1967

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig, en op aansoek van die eienaar van Erwe 292 tot 294, Sedgfield, word voorwaardes 1.B.10., 2.B.10. en 3.B.10., soos vervat in Transportakte Nr. T.1957 van 1994, hierby deur die Premier opgehef.

STRUISBAAI PLAASLIKE OORGANGSRAAD:

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat onderstaande aansoek deur die Premier ontvang is en ter insae lê by Kamer 1023, I.S.M.-gebou, Waalstraat, Kaapstad, en in die kantoor van die Struisbaai Plaaslike Oorgangsraad.

Enige besware, met volledige redes daarvoor, moet skriftelik by die Sekretaris, Struisbaai Plaaslike Oorgangsraad, Hoofweg 89 (Posbus 61), Struisbaai 7285, ingedien word op of voor 4 Oktober 1996 met vermelding van bogenoemde Wet en beswaarmaker se ernommer.

Aansoeker

Aard van Aansoek

Mev. A. C. de Villiers	Opheffing van 'n titelvoorwaarde met betrekking tot boulynbeperkings van toepassing op Erf Nr. 699, op die hoek van Seewier- en Freesiastraat, Struisbaai-dorpsgebied, Struisbaai, sodat 'n onderdak braai-area binne die 4,72 m straatboulynbeperking opgerig kan word.
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STRUISBAAI PLAASLIKE OORGANGSRAAD:

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967): VOORGESTELDE HERSONERING EN
ONDERVERDELING VAN 'N GEDEELTE VAN ERF 922,
STRUISBAAI

Kragtens artikel 3(6) van bostaande Wet en artikels 17(2) en 24(2) van Ordonnansie 15 van 1985, word hiermee kennis gegee dat die onderstaande aansoek deur die Premier ontvang is en ter insae lê by Kamer 1023, I.S.M.-gebou, Waalstraat, Kaapstad, en in die kantoor van die Struisbaai Plaaslike Oorgangsraad, Hoofweg 89 (Posbus 61), Struisbaai 7285.

Enige besware, met volledige redes daarvoor, moet skriftelik by die Sekretaris van die Struisbaai Plaaslike Oorgangsraad by bostaande adres ingedien word op of voor 4 Oktober 1996 met vermelding van bogenoemde Wet en beswaarmaker se ernommer.

Aansoeker

Aard van Aansoek

Essprop Ontwikkelings (Edms) Bpk	1. Opheffing van 'n gedeelte van 'n titelvoorwaarde van toepassing op die restant van Erf 922, Provinsiale Hoofpad (R319), Struisbaai, Afdeling Bredasdorp, sodat 'n gedeelte 0,9125 ha groot afgesny en vir winkels (winkelsentrum) aangewend kan word.
	2. Die onderverdeling van die restant van Erf Nr. 922, Struisbaai, en die hersonering daarvan na sakesone I.

P.N. 401/1996

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SEDFIELD MUNICIPALITY:

REMOVAL OF RESTRICTIONS ACT, 1967

Under section 2(1) of the Removal of Restrictions Act, 1967, as amended, and on application by the owner of Erven Sedgfield, the Premier hereby removes conditions 1.B.10., 2.B.10. and 3.B.10., contained in Deed of Transfer No. T.1957 of 1994.

STRUISBAAI TRANSITIONAL LOCAL COUNCIL:

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

It is hereby notified in terms of section 3(6) of the above Act that the undermentioned application has been received by the Premier and is open to inspection at Room 1023, I.S.M. Building, Wale Street, Cape Town, and at the office of the Struisbaai Transitional Local Council.

Any objections, with full reasons therefor, should be lodged in writing with the Secretary, Struisbaai Transitional Local Council, 89 Main Road (P.O. Box 61), Struisbaai 7285, on or before 4 October 1996 quoting the above Act and the objector's erf number.

Applicant

Nature of Application

Mrs. A. C. de Villiers	Removal of a title condition relating to building line restrictions applicable to Erf No. 699, corner of Seewier and Freesia Streets, Struisbaai Township, Struisbaai, to enable a covered braai area to be erected within the 4,72 m street building line restriction.
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STRUISBAAI TRANSITIONAL LOCAL COUNCIL:

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967): PROPOSED REZONING AND
SUBDIVISION OF A PORTION OF ERF 922,
STRUISBAAI

It is hereby notified in terms of section 3(6) of the above Act and sections 17(2) and 24(2) of Ordinance 15 of 1985 that the undermentioned application has been received by the Premier and is open to inspection at Room 1023, I.S.M. Building, Wale Street, Cape Town, and at the office of the Struisbaai Transitional Local Council, 89 Main Road (P.O. Box 61), Struisbaai 7285.

Any objections, with full reasons therefor, should be lodged in writing with the Secretary of the Struisbaai Transitional Local Council at the above address on or before 4 October 1996 quoting the above Act and the objector's erf number.

Applicant

Nature of Application

Essprop Developments (Pty) Ltd	1. Removal of a portion of a title condition applicable to the remainder of Erf 922, Provincial Main Road (R319), Struisbaai, Bredasdorp Division, to enable a portion measuring 0,9125 ha to be deducted and utilised for shops (shopping centre).
	2. The subdivision of the remainder of Erf No. 922, Struisbaai, and the rezoning thereof to business zone I.

WILDERNIS DISTRIKSRAAD:

**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat onderstaande aansoek deur die Premier ontvang is en ter insae lê by Kamer 1023, I.S.M.-gebou, Waalstraat, Kaapstad, en in die kantoor van die betrokke plaaslike owerheid. Enige besware, met volledige redes daarvoor, moet skriftelik by die Sekretaris, Wildernis Distriksraad, Posbus 12, George 6530, ingedien word op of voor 4 Oktober 1996 met vermelding van bogenoemde Wet en beswaarmaker se ernommer.

Aansoeker

Aard van Aansoek

Mrs. M. C. van Heerden Opheffing van titelvoorwaardes van toepassing op Erf 128, Hoekwil, Afdeling George, sodat die gebruik van die eiendom van landbousone I na residensiële sone V verander kan word ten einde 'n gastehuis op die eiendom te bedryf en sodat 'n tweede wooneenheid gebou kan word vir die eienaar/bestuurder.

Kennisgewing Nummer 95/96.

MUNISIPALITEIT MOSSELBAAI:

**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat onderstaande aansoek deur die Premier ontvang is en ter insae lê by Kamer 1023, I.S.M.-gebou, Waalstraat, Kaapstad, en in die kantoor van die betrokke plaaslike owerheid. Enige besware, met die volledige redes daarvoor, moet skriftelik by die Stadsklerk, Munisipaliteit Mosselbaai, Marshstraat 101, ingedien word op of voor 4 Oktober 1996 met vermelding van bogenoemde Wet en beswaarmaker se ernommer.

Aansoeker

Aard van Aansoek

Mev. M. E. Burger Opheffing van titelvoorwaardes van toepassing op Erf 853, Onzerustlaan 13, Hartenbos, sodat die omskepping van die buitegebou in 'n tweede wooneenheid "oumawoonstel" gewettig kan word.

C. Zietsman, Uitvoerende Hoof/Stadsklerk.

GROTER HERMANUS MUNISIPALITEIT:

**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat onderstaande aansoek deur die Premier ontvang is en ter insae lê by Kamer 1023, I.S.M.-gebou, Waalstraat, Kaapstad, en in die kantoor van die betrokke plaaslike owerheid. Enige besware, met die volledige redes daarvoor, moet skriftelik by die Stadsklerk, Posbus 20, Hermanus, ingedien word op of voor 4 Oktober 1996 met vermelding van bogenoemde Wet en beswaarmaker se ernommer.

Aansoeker

Aard van Aansoek

H. du Preez Wessels Opheffing van titelvoorwaardes van toepassing op Erf 5581, Mountainrylaan, Hermanus, ten einde die eienaar in staat te stel om die bestaande bed-en-onthbytfasiliteite op die eiendom te wettig.

M. M. B. van Rooyen, Stadsklerk, Munisipale Kantore, Hermanus 7200.

Kennisgewing Nr. 45/1996. 3 September 1996.

WILDERNESS DISTRICT COUNCIL:

**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

It is hereby notified in terms of section 3(6) of the above Act that the undermentioned application has been received by the Premier and is open to inspection at Room 1023, I.S.M. Building, Wale Street, Cape Town, and at the office of the relevant local authority. Any objections, with full reasons therefor, should be lodged in writing with the Secretary, Wilderness District Council, P.O. Box 12, George 6530, on or before 4 October 1996 quoting the above Act and the objector's erf number.

Applicant

Nature of Application

Mrs. M. C. van Heerden Removal of title conditions applicable to Erf 128, Hoekwil, George Division, so as to change the use of the property from agricultural zone I to residential zone V for guest house purposes and to build a second dwelling unit for the owner manager.

Notice Number 95/96.

MOSSEL BAY MUNICIPALITY:

**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

It is hereby notified in terms of section 3(6) of the above Act that the undermentioned application has been received by the Premier and is open to inspection at Room 1023, I.S.M. Building, Wale Street, Cape Town, and at the office of the relevant local authority. Any objections, with full reasons therefor, should be lodged in writing with the Town Clerk, Mossel Bay Municipality, 101 Marsh Street, on or before 4 October 1996 quoting the above Act and the objector's erf number.

Applicant

Nature of Application

Mrs. M. E. Burger Removal of title conditions applicable to Erf 853, 13 Onzerust Avenue, Hartenbos, in order to regularise the conversion of the outbuilding into a second dwelling unit "granny flat".

C. Zietsman, Chief Executive/Town Clerk.

GREATER HERMANUS MUNICIPALITY:

**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

It is hereby notified in terms of section 3(6) of the above Act that the undermentioned application has been received by the Premier and is open to inspection at Room 1023, I.S.M. Building, Wale Street, Cape Town, and at the office of the relevant local authority. Any objections, with full reasons therefor, should be lodged in writing with the Town Clerk, P.O. Box 20, Hermanus, on or before 4 October 1996 quoting the above Act and the objector's erf number.

Applicant

Nature of Application

H. du Preez Wessels Removal of title conditions applicable to Erf 5581, Mountain Drive, Hermanus, to enable the owner to legitimise the existing bed and breakfast facilities on the property.

M. M. B. van Rooyen, Town Clerk, Municipal Offices, Hermanus 7200.

Notice No. 45/1996. 3 September 1996.

STAD KAAPSTAD:

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat onderstaande aansoek deur die Premier ontvang is en ter insae lê by Kamer 1023, I.S.M.-gebou, Waalstraat, Kaapstad, en in die kantoor van die betrokke plaaslike owerheid. Enige besware, met die volledige redes daarvoor, moet met vermelding van bogenoemde Wet en beswaarmaker se ernommer, voor of op 4 Oktober 1996 skriftelik by die Stadsbeplanner, Opmetings en Grondinligtingstak, Posbus 1694, Kaapstad 8000, ingedien word.

*Eienaars**Aard van Aansoek*

N. T. Stiger en
L. J. Stiger

Opheffing van titelvoorwaardes van toepassing op Erf 97298, Leslieweg, Nuweland, sodat die eiendom in twee gedeeltes (Gedeelte 1 ± 470 m² en Gedeelte 2 ± 450 m² groot) onderverdeel kan word vir die oprigting van 'n woning op die voorgestelde Gedeelte 2.

Kragtens artikel 24(a) van Ordonnansie 15 van 1985 word hiermee kennis ook gegee dat dit bedoel is om die eiendom in twee gedeeltes te laat onderverdeel soos aangetoon op Plan Nr. SE15033. Kommentaar of besware teen hierdie aansoek mag ook by die bogenoemde kantoor ingedien word.

GROTER HERMANUS MUNISIPALITEIT:

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat onderstaande aansoek deur die Premier ontvang is en ter insae lê by Kamer 1023, I.S.M.-gebou, Waalstraat, Kaapstad, en in die kantoor van die betrokke plaaslike owerheid. Enige besware, met die volledige redes daarvoor, moet skriftelik by die Stadsklerk, Posbus 20, Hermanus, ingedien word op of voor 4 Oktober 1996 met vermelding van bogenoemde Wet en beswaarmaker se ernommer.

*Aansoeker**Aard van Aansoek*

M. C. D. Heyns

Opheffing van titelvoorwaardes van toepassing op Erf 161, Arundelstraat 15, Hermanus, ten einde die eienaar in staat te stel om 'n woning en 'n buitegebou op die eiendom op te rig.

M. M. B. van Rooyen, Stadsklerk, Munisipale Kantore, Hermanus 7200.

Kennisgewing Nr. 44/1996. 3 September 1996.

TENDERS

L.W. Tenders/prysopgawes vir kommoditeite/dienste waarvan die beraamde waarde meer as R75 000 beloop, word in die Staats-tenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

CITY OF CAPE TOWN:

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

It is hereby notified in terms of section 3(6) of the above Act that the undermentioned application has been received by the Premier and is open to inspection at Room 1023, I.S.M. Building, Wale Street, Cape Town, and at the office of the relevant local authority. Any objections, with full reasons therefor, should be lodged in writing with the City Planner, Surveys and Land Information, P.O. Box 1694, Cape Town 8000, on or before 4 October 1996 quoting the above Act and the objector's erf number.

*Owners**Nature of Application*

N. T. Stiger and
L. J. Stiger

Removal of title conditions applicable to Erf 97298, Leslie Road, Newlands, to enable the property to be subdivided into two portions (Portion 1 ± 470 m² and Portion 2 ± 450 m² in extent) to enable a dwelling to be constructed on the proposed Portion 2.

In terms of section 24(a) of Ordinance 15 of 1985 notice is also given of the intention to subdivide the property into two portions as reflected on Plan No. SE15033. Comments or objections to this application may be lodged with the above-mentioned office.

GREATER HERMANUS MUNICIPALITY:

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

It is hereby notified in terms of section 3(6) of the above Act that the undermentioned application has been received by the Premier and is open to inspection at Room 1023, I.S.M. Building, Wale Street, Cape Town, and at the office of the relevant local authority. Any objections, with full reasons therefor, should be lodged in writing with the Town Clerk, P.O. Box 20, Hermanus, on or before 4 October 1996 quoting the above Act and the objector's erf number.

*Applicant**Nature of Application*

M. C. D. Heyns

Removal of title conditions applicable to Erf 161, 15 Arundel Street, Hermanus, to enable the owner to erect a dwelling and an outbuilding on the property.

M. M. B. van Rooyen, Town Clerk, Municipal Offices, Hermanus 7200.

Notice No. 44/1996. 3 September 1996.

TENDERS

N.B. Tenders/quotations for commodities/services, the estimated value of which exceeds R75 000, are published in the State Tenders Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

PROVINSIALE ADMINISTRASIE: WES-KAAP
PROVINCIAL ADMINISTRATION: WESTERN CAPE
TENDERUITSLAE/TENDER RESULTS
LEWERANSIES/SUPPLIES

Kennisgewing word nie aan onsuksesvolle tenderaars gestuur nie, maar besonderhede van aanvaarde tenders word hieronder vir algemene inligting gepubliseer.

Notices are not sent to unsuccessful tenderers, but particulars of successful tenders are published hereunder for general information.

Tender No.	Item No.	Suksesvolle tenderaar Successful tenderer	Prys Price	Handelsmerk Brand	*Basis van aflewering Basis of delivery	Voorkeur geëis Preference claimed
KT 30547 KL	1	RFG Electronics, Somerset West	R28 638.09 the lot	Motorola GM	(e) 4-6 weeks	Nil
KT 30547 KL	2	Alcom Radio Distributors, Sanlamhof	R22 882.08 the lot	Motorola GM 300	(e) 2-3 weeks	Nil
KT 30547 KL	3	Cancelled				
KT 30547 KL	4	Cancelled				
KT 30569 KL	1	Barlows Equipment, Bellville	R97 860.00 Total (incl. Vat)	Knight	(a) Cape Town 2 weeks	Nil

*Basis van aflewering — Basis of delivery:

(a) v.o.s. — f.o.r. (b) v.a.b. — f.o.b. (c) v.o.s. in entrepot — f.o.r. in bond (d) k.a.v. — c.i.f. (e) Afgelewer — Delivered

AFGEHANDELDE TENDERS/TENDERS FINALISED

Die volgende tenders is onlangs afgehandel, maar slegs die verwysingsnommers word gepubliseer. Uitslae word slegs op skriftelike aanvraag aan tenderaars verstrek.

The following tenders have been finalised recently, but only the reference numbers are being published. Results will only be furnished to tenderers on written request.

KT 30023/96 KL; KT 30150/96 KL; WKT 30156/96 B; KT 39169/96 KL

GEKANSELLEERDE TENDERS/CANCELLED TENDERS

WKT 30126/96 B; KT 30556 MD; KT 39175/96 MD

KENNISGEWINGS DEUR PLAASLIKE OWERHEDE

MUNISIPALITEIT ASHTON:

VOORGESTELDE HERSONERING VAN ERF 226, ASHTON

Kennis geskied hiermee dat die Plaaslike Oorgangsraad van Ashton van voorneme is om ingevolge die bepalings van artikels 17 en 24 van Ordonnansie 15 van 1985, Erf 226, Ashton, te hersoneer vanaf enkel-residensieel na lokale sakesone.

Nadere besonderhede van die voorstelle lê ter insae in die kantoor van die ondergetekende gedurende normale kantoorure.

Besware, indien enige, moet skriftelik by die ondergetekende ingedien word op of voor 27 September 1996. — N. Nel (PR SK), Uitvoerende Hoof/Stadsklerk, Privaatsak X2, Ashton 6715. 14801

WYSIGING VAN DIE STEDELIKE STRUKTUURPLAN VAN DIE
KAAPSE METROPOOL: SKIEREILAND

Kennisgewing geskied hiermee dat 'n aansoek om die Wysiging van die Stedelike Struktuurplan van die Kaapse Metropol: Skiereiland, vanaf landbou na stedelike ontwikkeling, deur die Kaapse Metropolitaanse Raad oorweeg word ten einde die ontwikkeling van die restant van Erf 11629, Bellville, toe te laat.

Die aansoek is gedurende kantoorure ter insae beskikbaar. Enige kommentaar en/of besware met volle redes daarvoor, moet op of voor 14 Oktober 1996 skriftelik aan Waalstraat 44, Kaapstad 8001 (Posbus 16548, Vlaeberg 8018), tel. (021) 487-2911, gerig word. 14802

NOTICES BY LOCAL AUTHORITIES

ASHTON MUNICIPALITY:

PROPOSED REZONING OF ERF 226, ASHTON

Notice is hereby given that the Transitional Local Council of Ashton intends to rezone Erf 226, Ashton, from single residential to local business zone in terms of the provisions of sections 17 and 24 of Ordinance 15 of 1985.

Further particulars of the proposals are available for inspection at the office of the undersigned during normal office hours.

Objections, if any, must be lodged in writing with the undersigned not later than 27 September 1996. — N. Nel (PR TC), Chief Executive/Town Clerk, Private Bag X2, Ashton 6715. 14801

AMENDMENT OF THE URBAN STRUCTURE PLAN FOR THE
CAPE METROPOLITAN AREA: PENINSULA

Notice is hereby given that the Amendment of the Urban Structure Plan for the Cape Metropolitan Area: Peninsula from agricultural purposes to urban development, is being considered by the Cape Metropolitan Council to allow the development of the remainder of Erf 11629, Bellville.

The application is available for inspection during office hours. Any comments and/or objections, with full reasons thereof, to be lodged in writing at 44 Wale Street, Cape Town 8001 (P.O. Box 16548, Vlaeberg 8018), tel. (021) 487-2911, on or before 14 October 1996. 14802

MUNISIPALITEIT KAAPSTAD:

KENNISGEWING

SONERINGSKEMA:

WYSIGING VAN SKEMAREGULASIES

Ingevolge artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie Nr. 15 van 1985), wysig die Premier hiermee die Skemaregulasies van die Soneringskema van die Munisipaliteit van Kaapstad deur die skraping uit Skedule 8 waarna in Aanhangsel A verwys word en die vervanging daarvan met die volgende voorwaardes:

<i>Verwys. Nr. op soneringskaart</i>	<i>Betrokke eiendom</i>	<i>Spesiale bepaling van toepassing</i>
S8	Erf 55293, Vineyardweg, Claremont	1. Die werklike vloeroppervlakte van ontwikkeling op die betrokke eiendom moet nie 1 260 m² oorskry nie met inbegrip van 'n woonkomponent met 'n werklike oppervlak wat nie 210 m² oorskry nie. Die bepaling van artikel 39 van die Soneringsregulasies is nie van toepassing op die berekeninge van die woonvloeroppervlak nie. 2. Enige woonkomponent wat op die eiendom voorsien word moet minstens 11,0 m van die suidelike grens inspring. 3. Parkering vir minstens vier voertuie moet op die betrokke eiendom voorsien word. 4. Die bepaling van artikel 60 van die Skemaregulasies met betrekking tot inspringingsvereistes vanaf straatgrense is nie op die betrokke eiendom van toepassing nie. 5. Die ontwerp, met inbegrip van die vorm en voorkoms van enige gebou op die betrokke eiendom, veral die suidelike voorkant, moet ten genoë van die Raad wees. 6. Geen uitbreiding tot die bestaande gebou word toegelaat nie behalwe as dit 'n woonkomponent van 'n minimum grootte van 60 m² insluit nie.

14803

CAPE TOWN MUNICIPALITY:

NOTICE

ZONING SCHEME:

AMENDMENT OF SCHEME REGULATIONS

In terms of section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985), the Premier hereby amends the Scheme Regulations of the Zoning Scheme of the Municipality of Cape Town by the deletion from Schedule 8 referred to Appendix A and their substitution with the following conditions:

<i>Ref. No. on zoning map</i>	<i>Property concerned</i>	<i>Speciale provision applicable</i>
S8	Erf 55293, Vineyard Road, Claremont	1. The actual floor area of development on the property concerned shall not exceed 1 260 m² which shall be inclusive of a residential component with an actual area not exceeding 210 m². The provision of section 39 of the Zoning Regulations shall not apply to the calculations of the residential floor area. 2. Any residential component provided on the property shall be setback at least 11,0 m from the south boundary. 3. Parking shall be provided on the property concerned for a minimum of four vehicles. 4. The provision of section 60 of the Scheme Regulations with regard to setback requirements from street boundaries shall not apply to the property concerned. 5. The design, including shape, form and appearance, of any building on the property concerned, particularly the south facing façade, shall be to the satisfaction of Council. 6. No extension to the existing building shall be permitted except if it includes a residential component of a minimum size of 60 m².

14803

KAAPSE METROPOLITAANSE RAAD:

Hierdie Raad tree op as agent vir die onderskeie Metropolitaanse Substrukture.

VOORGESTELDE WYSIGING VAN VOORWAARDE

Kennisgewing geskied hiermee ingevolge artikel 17(2) van Ordonnansie 15 van 1985 dat die onderstaande voorstel deur die Raad oorweeg word en soos aangedui, gedurende gewone kantoorure ter insae beskikbaar is. Enige kommentaar en/of besware, met volle redes daarvoor, moet op of voor 14 Oktober 1996 skriftelik aan die tersaaklike kantoor gerig word.

KAAPSTAD: Waalstraat 44, Kaapstad 8001 (Posbus 16548, Vlaeberg 8018), tel. (021) 487-2911.

Wysiging van 'n voorwaarde voorheen opgelê van kommersieel (slegs teekamer) na kommersieel ter toelating van twee enkelvlak residensiële eenhede t.o.v. Erf 1322, Melkbosstrand. — Dr. S. A. Fisher, Waarnemende Hoof-uitvoerende Beampte.

14804

KAAPSE METROPOLITAANSE RAAD:

Hierdie Raad tree op as agent vir die onderskeie Metropolitaanse Substrukture.

VOORGESTELDE HERSONERING EN ONDERVERDELING

Kennisgewing geskied hiermee ingevolge artikels 17(2) en 24(2) van Ordonnansie 15 van 1985 dat die onderstaande voorstel deur die Raad oorweeg word en soos aangedui, gedurende gewone kantoorure ter insae beskikbaar is. Enige kommentaar en/of besware, met volle redes daarvoor, moet op of voor 8 Oktober 1996 skriftelik aan die tersaaklike kantoor gerig word.

STELLENBOSCH: Alexanderstraat 46, Stellenbosch 7600 (Posbus 80), tel. (021) 887-5111.

Hersonering van Erf 8396, Strand, na onderverdelingsgebied en die onderverdeling daarvan ten einde voorsiening te maak vir 72 enkel-woonerwe, groepbehuising, publieke oopruimtes asook sake- en verwante gebruike wat 'n supermark en 'n vulstasie insluit. — Dr. S. A. Fisher, Waarnemende Hoof-uitvoerende Beampte.

14805

KAAPSE METROPOLITAANSE RAAD:

Hierdie Raad tree op as agent vir die onderskeie Metropolitaanse Substrukture.

VOORGESTELDE HERSONERING

Kennisgewing geskied hiermee ingevolge artikel 17(2) van Ordonnansie 15 van 1985 dat die onderstaande voorstel deur die Raad oorweeg word en soos aangedui, gedurende gewone kantoorure ter insae beskikbaar is. Enige kommentaar en/of besware, met volle redes daarvoor, moet op of voor 14 Oktober 1996 skriftelik aan die tersaaklike kantoor gerig word.

KAAPSTAD: Waalstraat 44, Kaapstad 8001 (Posbus 16548, Vlaeberg 8018), tel. (021) 487-2911.

Hersonering van Erwe 4357, 4360 en 4385, Constantia, van enkel-residensiële na spesiaal residensiële (oordoeleindes). — Dr. S. A. Fisher, Waarnemende Hoof-uitvoerende Beampte.

14806

CAPE METROPOLITAN COUNCIL:

This Council acts as agent for the various Metropolitan Substructures.

PROPOSED AMENDMENT TO CONDITION

Notice is hereby given in terms of section 17(2) of Ordinance 15 of 1985 that the undermentioned proposal is being considered by Council and is available for inspection, as indicated, during normal office hours. Any comments and/or objections, with full reasons therefor, to be lodged in writing at the appropriate office on or before 14 October 1996.

CAPE TOWN: 44 Wale Street, Cape Town 8001 (P.O. Box 16548, Vlaeberg 8018), tel. (021) 487-2911.

Amendment of a condition previously imposed from commercial (tearoom only) to commercial to permit two single storey residential units applicable to Erf 1322, Melkbosstrand. — Dr. S. A. Fisher, Acting Chief Executive Officer.

14804

CAPE METROPOLITAN COUNCIL:

This Council acts as agent for the various Metropolitan Substructures.

PROPOSED REZONING AND SUBDIVISION

Notice is hereby given in terms of sections 17(2) and 24(2) of Ordinance 15 of 1985 that the undermentioned proposal is being considered by Council and is available for inspection, as indicated, during normal office hours. Any comments and/or objections, with full reasons therefor, to be lodged in writing at the appropriate office on or before 8 October 1996.

STELLENBOSCH: 46 Alexander Street, Stellenbosch 7600 (P.O. Box 80), tel. (021) 887-5111.

Rezoning of Erf 8396, Strand, to subdivisional area and the subdivision thereof to make provision for 72 single residential erven, group housing, public open spaces and business and related uses which include a supermarket and filling station. — Dr. S. A. Fisher, Acting Chief Executive Officer.

14805

CAPE METROPOLITAN COUNCIL:

This Council acts as agent for the various Metropolitan Substructures.

PROPOSED REZONING

Notice is hereby given in terms of section 17(2) of Ordinance 15 of 1985 that the undermentioned proposal is being considered by Council and is available for inspection, as indicated, during normal office hours. Any comments and/or objections, with full reasons therefor, to be lodged in writing at the appropriate office on or before 14 October 1996.

CAPE TOWN: 44 Wale Street, Cape Town 8001 (P.O. Box 16548, Vlaeberg 8018), tel. (021) 487-2911.

Rezoning of Erven 4357, 4360 and 4385, Constantia, from single residential to special residential (resort purposes). — Dr. S. A. Fisher, Acting Chief Executive Officer.

14806

KAAPSE METROPOLITAANSE RAAD:

Hierdie Raad tree op as agent vir die onderskeie Metropolitaanse Substrukture.

FINALE SLUITINGSKENNISGEWINGS

Kennisgewing geskied hiermee ingevolge artikel 137(1) van Ordonnansie 20 van 1974 dat die Raad die volgende gesluit het:

1. 'n Gedeelte straat aangrensend aan Erf 1152, Grassy Park (S/14444/11 (p.352)); en
2. 'n Gedeelte van Erf 1149, Houtbaai. (S/5327/20 (p. 175).) — Dr. S. A. Fisher, Waarnemende Hoof-uitvoerende Beampte. 14807

SENTRAAL SUBSTRUKTUUR: PINELANDS ADMINISTRASIE

HERSONERINGAANSOEK:
ERF 3721, RINGWOODRYLAAN

Kennis geskied hiermee ingevolge die bepalings van artikel 17 van die Ordonnansie op Grondgebruikbeplanning Nr. 15 van 1985 dat 'n aansoek vir die hersonering van Erf 3721, Ringwoodrylaan, van enkel residensiële sone na algemene residensiële sone ontvang is.

Nadere besonderhede lê ter insae in die kantoor van die Stadsekretaris, Munisipale Kantoor, Sentraal Plein, Pinelands, weksdae tussen 08:00-12:45 en 13:30-16:30.

Enige persoon wat daarteen beswaar wil maak, moet sodanige beswaar skriftelik indien om die ondergetekende uiterlik op 7 Oktober 1996 te bereik. — M. Odendal, Waarnemende Hoof-uitvoerende Beampte, Pinelands Administrasie, Munisipale Kantore, Posbus 1, Pinelands 7430. 14808

MUNISIPALITEIT GEORGE:

KENNISGEWING NR. 128 VAN 1996

VOORGESTELDE HERSONERING

Kennis geskied hiermee ingevolge die bepalings van artikel 17(2) van Ordonnansie 15/1985 dat die Raad 'n aansoek ontvang het vir die voorgestelde hersonering van die restant van Erf 1420, George, vanaf enkelwoon na sake en Erf 8462, George, vanaf straat na sake geleë in Gloucesterlaan.

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandae tot Vrydae, ter insae wees by die Stadsraad se kantoor te Yorkstraat, George. Navrae: J. Vrolijk.

Besware, indien enige, moet skriftelik by die ondergetekende ingedien word nie later nie as 12:00 op Vrydag, 27 September 1996. — T. I. Lötter, Uitvoerende Hoof/Stadsklerk, Burgersentrum, Yorkstraat, George 6530. 14809

MUNISIPALITEIT GEORGE:

KENNISGEWING NR. 129 VAN 1996

VOORGESTELDE HERSONERING

Kennis geskied hiermee ingevolge die bepalings van artikel 17(2) van Ordonnansie 15/1985 dat die Raad 'n aansoek ontvang het vir die voorgestelde hersonering van Erf 6270, George, vanaf enkelwoon na sake geleë in Varinglaan.

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandae tot Vrydae, ter insae wees by die Stadsraad se kantoor te Yorkstraat, George. Navrae: J. Vrolijk.

Besware, indien enige, moet skriftelik by die ondergetekende ingedien word nie later nie as 12:00 op Vrydag, 27 September 1996. — T. I. Lötter, Uitvoerende Hoof/Stadsklerk, Burgersentrum, Yorkstraat, George 6530. 14810

CAPE METROPOLITAN COUNCIL:

This Council acts as agent for the various Metropolitan Substructures.

FINAL CLOSURES

Notice is hereby given in terms of section 137(1) of Ordinance 20 of 1974 that this Council has closed the following:

1. A portion street adjacent to Erf 1152, Grassy Park (S/14444/11 (p. 352);) and
2. A portion of Erf 1149, Hout Bay. (S/5327/20 (p. 175).) — Dr. S. A. Fisher, Acting Chief Executive Officer. 14807

CENTRAL SUBSTRUCTURE: PINELANDS ADMINISTRATION

APPLICATION FOR REZONING:
ERF 3721, RINGWOOD DRIVE

Notice is hereby given in accordance with section 17 of the Land Use Planning Ordinance No. 15 of 1985 that application has been made for the rezoning of Erf 3721, Ringwood Drive, Pinelands, from single residential to general residential use.

Details of the proposal are available for inspection at the Town Secretary's Department, Municipal Office, Central Square, Pinelands, weekdays between the hours of 08:00-12:45 and 13:30-16:30.

Objections must be lodged in writing with the undersigned not later than 7 October 1996. — M. Odendal, Acting Chief Executive Officer, Pinelands Administration, Municipal Offices, P.O. Box 1, Pinelands 7430. 14808

GEORGE MUNICIPALITY:

NOTICE NO. 128 OF 1996

PROPOSED REZONING

Notice is hereby given that the Council has received an application in terms of the provisions of section 17(2) of Ordinance 15/1985 for the proposed rezoning of the remainder of Erf 1420, George, from single residential to business and Erf 8462, George, from street to business situated in Gloucester Lane.

Full details of the proposal are available for inspection at the Council's office at York Street, George, during normal office hours, Mondays to Fridays. Enquiries: J. Vrolijk.

Objections, if any, must be lodged in writing to the Chief Town Planner by not later than 12:00 on Friday, 27 September 1996. — T. I. Lötter, Chief Executive/Town Clerk, Civic Centre, York Street, George 6530. 14809

GEORGE MUNICIPALITY:

NOTICE NO. 129 OF 1996

PROPOSED REZONING

Notice is hereby given that the Council has received an application in terms of the provisions of section 17(2) of Ordinance 15/1985 for the proposed rezoning of Erf 6270, George, from single residential to business situated in Varing Avenue.

Full details of the proposal are available for inspection at the Council's office at York Street, George, during normal office hours, Mondays to Fridays. Enquiries: J. Vrolijk.

Objections, if any, must be lodged in writing to the Chief Town Planner by not later than 12:00 on Friday, 27 September 1996. — T. I. Lötter, Chief Executive/Town Clerk, Civic Centre, York Street, George 6530. 14810

MUNISIPALITEIT HELDERBERG:

WYSIGING VAN SONERINGKEMA EN ONDERVERDELING VAN GROND

Kennis geskied hiermee ingevolge die bepalings van artikels 15(2)(a), 17(2)(a) en 24(2)(a) van Ordonnansie 15 van 1985 en die Somerset-Wes Soneringskema dat die Raad onderstaande aansoek ontvang het:

1. (i) die hersonering van die voorgestelde konsolidasie van Erwe 277 en 278, Ou Stellenboschweg, Somerset-Wes, vanaf enkelwoondoeleindes na onderverdelingsgebied vir groepbehuising-, private oopruimte-, private pad- en algemene woonsone II doeleindes vir die ontwikkeling van 'n groepskema bestaande uit 25 eenhede, private oopruimte en private pad en 'n gastehuis;
- (ii) die onderverdeling van die voormelde konsolidasie in 25 groepeerwe, private oopruimte en private pad en 'n algemene woonsone II erf vir 'n gastehuis;
- (iii) die Raad se spesiale toestemming vir die vestiging van 'n gastehuis vanaf die bestaande woonhuis geleë op Gedeelte 26 van die voorgestelde onderverdeling;
2. (i) die hersonering van Erf 1614, Bakkershoogte, 'n ongeregistreerde gedeelte van Erf 1428, Bakkershoogte van onderverdelingsgebied vir landboudoeleindes na onderverdelingsgebied vir enkelwoon-, private oopruimte- en private paddoeleindes vir die ontwikkeling van 'n private dorpsontwikkeling bestaande uit agt enkelwooneenhede;
- (ii) die onderverdeling van Erf 1614, Bakkershoogte, in agt enkelwoonerwe en gemeenskaplike erf vir private oopruimte en private pad;
3. (i) die hersonering van Erf 1618, Bakkershoogte, ongeregistreerde gedeelte van Erf 1428, Bakkershoogte, van onderverdelingsgebied vir landboudoeleindes na onderverdelingsgebied vir enkelwoon-, private oopruimte en private paddoeleindes vir die ontwikkeling van 'n private dorpsontwikkeling bestaande uit nege enkelwooneenhede;
- (ii) die onderverdeling van Erf 1618, Bakkershoogte, in nege enkelwoonerwe en gemeenskaplike erf vir private oopruimte en private pad;
4. (i) die hersonering van Erf 11925, ongeregistreerde konsolidasie van Erwe 11674-11681, gedeeltes van Erf 430, Sir Lowry's Pasweg, vanaf enkelwoondoeleindes na onderverdelingsgebied vir groepbehuising-, private oopruimte- en private paddoeleindes;
- (ii) die onderverdeling van Erf 11925 in 18 groepeerwe en gemeenskaplike erf in private oopruimte en private pad;
5. (i) die onderverdeling van Erf 11048, Andries Pretoriusstraat, in twee gedeeltes en restant pad;
- (ii) die hersonering van 'n gedeelte van Erf 11048, Andries Pretoriusstraat van institusionele doeleindes na spesiale besigheidsdoeleindes vir professionele kantore;
- (iii) die afwyking van die soneringskema vir die oorskryding van die 4,5 m sygrensboulyn aangrensend aan die restant Erf 11048, vir doeleindes van die onderverdeling van die bestaande gebou.

Besonderhede en 'n plan van die voorstelle lê gedurende kantoorure ter insae by die Tweede Vloer, Munisipale Kantore, Andries Pretoriusstraat, Somerset-Wes. Skriftelike besware, met 'n opgaaf van redes en gerig aan die Waarnemende Uitvoerende Hoof, Posbus 19, Somerset-Wes 7129, word ingewag tot 4 Oktober 1996. — Waarnemende Uitvoerende Hoof.

Kennisgewing Nr. 69 gedateer 13 September 1996.

14811

HELDERBERG MUNICIPALITY:

AMENDMENT OF ZONING SCHEME AND SUBDIVISION OF LAND

Notice is hereby given in terms of the provisions of section 15(2)(a), 17(2)(a) and 24(2)(a) of Ordinance 15 of 1985 and the Somerset West Zoning Scheme that the Council has received the following applications:

1. (i) the rezoning of the proposed consolidation of Erven 277 and 278, Old Stellenbosch Road, Somerset West, from single residential purposes to subdivisonal area for group housing, private open space, private road and general residential zone II purposes for the development of a group scheme comprising 25 units, private open space and private road and a guest house;
- (ii) the subdivision of the above consolidation into 25 group erven, private open space and private road and a general residential zone II erf for a guest house;
- (iii) the Council's special consent for the establishment of a guest house from the existing dwelling situated on Portion 26 of the proposed subdivision;
2. (i) the rezoning of Erf 1614, Bakkershoogte, an unregistered portion of Erf 1428, Bakkershoogte, from subdivisonal area for agricultural purposes to subdivisonal area for single residential, private open space and private road purposes for the development of a private township comprising eight single residential units;
- (ii) the subdivision of Erf 1614, Bakkershoogte, into eight single residential erven and a common erf for private open space and private road purposes;
3. (i) the rezoning of Erf 1618, Bakkershoogte, unregistered portion of Erf 1428, Bakkershoogte, from subdivisonal area for agricultural purposes to subdivisonal area for single residential, private open space and private road purposes for the development of a private township comprising nine single residential units;
- (ii) the subdivision of Erf 1618, Bakkershoogte, into nine single residential erven and a common erf for private open space and private road;
4. (i) the rezoning of Erf 11925, unregistered consolidation of Erven 11674-11681, portions of Erf 430, Sir Lowry's Pass Road, from single residential purposes to subdivisonal area for group housing, private open space and private road purposes;
- (ii) the subdivision of Erf 11925 into 8 group erven and common erf for private open space and private road;
5. (i) the subdivision of Erf 11048, Andries Pretorius Street into two portions and remainder road;
- (ii) the rezoning of a portion of Erf 11048, Andries Pretorius Street, from institutional purposes to special business purposes for professional offices;
- (iii) the departure from the Zoning Scheme for the encroachment of the 4,5 m lateral building line adjacent to the remainder of Erf 11048, for purposes of the subdivision of the existing building.

Details and a plan of the proposal are available during office hours at the Second Floor, Municipal Offices, Andries Pretorius Street, Somerset West. Written objections, stating reasons and directed to the Acting Chief Executive, P.O. Box 19, Somerset West 7129, will be received up to 4 October 1996. — Acting Chief Executive.

Notice No. 69 dated 13 September 1996.

14811

MFULENI PLAASLIKE OORGANGSRAAD:

SLUITING VAN GEDEELTE STRAAT RESTANT

Kennis geskied hiermee ingevolge die bepalings van artikel 137(1) van die Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974) dat 'n gedeelte van die straat restant wat op Algemene Plan L.300/1989 aangetoon word nou gesluit is om voorsiening te maak vir die skepping van 'n nuwe erf soos aangetoon op Plan GD.3/2/D89/16-A. 14812

MUNISIPALITEIT MOSSELBAAI:

VOORGESTELDE ONDERVERDELING EN HERSONERING VAN ERWE 1337 EN 1278, KWANONQABA, MOSSELBAAI

Kennis geskied hiermee ingevolge artikels 17 en 24 van Ordonnansie Nr. 15 van 1985 dat die Munisipaliteit van Mosselbaai van voorneme is om 'n gedeelte van Erwe 1337 en 1278, Kwanonqaba, Mosselbaai, te onderverdeel sowel as 'n gedeelte van Erf 1337, te hersoneer vanaf onbepaald na institusioneel II (kerk) en gedeelte van Erf 1278 te hersoneer vanaf residensieel II-na institusioneel II (kerk).

Verdere besonderhede kan van die ondergetekende verkry word gedurende normale kantoorure en besware, indien enige, moet die Stadsklerk, Posbus 25, Mosselbaai, bereik nie later nie as 30 September 1996. — C. Zietsman, Uitvoerende Hooft/Stadsklerk.

M.K. —/1996. 29 Augustus 1996. (17/13/2) 14813

MUNISIPALITEIT PAARL:

SLUITING VAN GEDEELTE VAN BO-DALJOSAFATPAD, PAARL

Kennis geskied hiermee ingevolge artikel 137(1) van Ordonnansie 20 van 1974 dat 'n gedeelte van die Bo-Daljosafatpad, aangrensend Erwe 14725 en 14738, Paarl, gesluit is. (S/8952/43 (p. 262).) — J. Gous, Stadsklerk. 14814

MUNISIPALITEIT PAARL:

SLUITING VAN GEDEELTE VAN ERF 593, PAARL

Kennis geskied hiermee ingevolge artikel 137(1) van Ordonnansie 20 van 1974 dat 'n gedeelte van Erf 593, aangrensend aan Erf 767, Paarl, gesluit is. (S/8952/129 (p. 225).) — J. Gous, Stadsklerk. 14815

MUNISIPALITEIT PLETTENBERGBAAI:

MUNISIPALE KENNISGEWING NR. 79/1996

SONERINGSKEMA:
VOORGESTELDE HERSONERING VAN ERF 2133,
PLETTENBERGBAAI

Kennis geskied hiermee kragtens artikel 17(2)(a) van die Ordonnansie op Grondgebruikbeplanning Nr. 15 van 1985 dat 'n aansoek ontvang is vir die hersonering van Erf 2133, Plettenbergbaai, vanaf landbousone I na residensieel V doeleindes.

Die betrokke eiendom is geleë langs die Piesang Vallei pad, Plettenbergbaai.

Besonderhede van die voorstelle lê ter insae in die kantore van die Stadsbeplanner gedurende gewone kantoorure.

Besware, indien enige, moet skriftelik ingedien word om die ondergetekende te bereik nie later nie as Vrydag, 20 September 1996. — K. G. Roelofs, Waarnemende Stadsklerk, Munisipale Administratiewe Kantore, Posbus 26, Plettenbergbaai 6600. 14816

MFULENI TRANSITIONAL LOCAL COUNCIL:

CLOSURE OF PORTION OF ROAD REMAINDER

Notice is hereby given in terms of the provisions of section 137(1) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) that a portion of the road remainder shown on General Plan L.300/1989 is now closed to make provision for the creation of a new erf as shown on Plan GD.3/2/D89/16-A. 14812

MOSSEL BAY MUNICIPALITY:

PROPOSED SUBDIVISION AND REZONING OF
ERVEN 1337 AND 1278, KWANONQABA, MOSSEL BAY

Notice is hereby given in terms of sections 17 and 24 of Ordinance No. 15 of 1985 that the Municipality of Mossel Bay intends to subdivide a portion of Erven 1337 and 1278, Kwanonqaba, as well as the rezoning of a portion of Erf 1337, from undetermined to institutional II (church) and a portion of Erf 1278, from residential II to institutional II (church).

Further details are obtainable from the undersigned during normal office hours, and objections, if any, must reach the Town Clerk, P.O. Box 25, Mossel Bay, not later than 30 September 1996. — C. Zietsman, Chief Executive/Town Clerk.

M.N. —/1996. 29 August 1996. (17/13/2) 14813

PAARL MUNICIPALITY:

CLOSURE OF PORTION OF BO-DAL JOSAFAT ROAD, PAARL

Notice is hereby given in terms of section 137(1) of Ordinance 20 of 1974 that a portion of Bo-Dal Josafat Road adjoining Erven 14725 and 14738, Paarl, has been closed. (S/8952/43 (p. 262).) — J. Gous, Town Clerk. 14814

PAARL MUNICIPALITY:

CLOSURE OF PORTION OF ERF 593, PAARL

Notice is hereby given in terms of section 137(1) of Ordinance 20 of 1974 that a portion of Erf 593, abutting Erf 767, Paarl, has been closed. (S/8952/129 (p. 225).) — J. Gous, Town Clerk. 14815

PLETTENBERG BAY MUNICIPALITY:

MUNICIPAL NOTICE NO. 79/1996

ZONING SCHEME:
PROPOSED REZONING: ERF 2133,
PLETTENBERG BAY

Notice is hereby given in terms of section 17(2)(a) of the Land Use Planning Ordinance No. 15 of 1985 that an application has been received for the rezoning of Erf 2133, Plettenberg Bay, from agriculture I to residential V purposes.

The relevant purposes is situated next to the Piesang Valley Road, Plettenberg Bay.

Details of the proposals are available for inspection at the offices of the Town Planner during normal office hours.

Objections, if any, must be lodged in writing to reach the undersigned by not later than Friday, 20 September 1996. — K. G. Roelofs, Acting Town Clerk, Municipal Administrative Offices, P.O. Box 26, Plettenberg Bay 6600. 14816

MUNISIPALTEIT PLETTERBERGBAAI:

MUNISIPALE KENNISGEWING NR. 77/1996

DORPSAANLEGSKEMA: VOORGESTELDE AFWYKING:
ERF 2441, PLETTERBERGBAAI

Kennis geskied hiermee kragtens artikel 15(2)(a) van die Ordonnansie op Grondgebruikbeplanning Nr. 15 van 1985 dat 'n aansoek ontvang is ten opsigte van Erf 2441, Plettenbergbaai, om af te wyk van die bepalinge van die Soneringskema-regulasies om die verslapping toe te laat ten opsigte van die 4,5 m boulyn op Blok 20 met 200 mm, Blok 21 met 250 mm en Blok 22 met 850 mm.

Die betrokke eiendom is geleë by die Castleton ontwikkeling te Plettenbergbaai.

Besonderhede van die voorstel lê ter insae in die kantoor van die Stadsbeplanner gedurende gewone kantoorure.

Besware, indien enige, moet skriftelik ingedien word om die ondergetekende te bereik nie later nie as Vrydag, 20 September 1996. — K. G. Roelofs, Waarnemende Stadsklerk, Munisipale Administratiewe Kantore, Posbus 26, Plettenbergbaai 6600. 14817

MUNISIPALTEIT PLETTERBERGBAAI:

MUNISIPALE KENNISGEWING NR. 78/1996

SONERINGSKEMA:
VOORGESTELDE HERSONERING VAN GEDEELTES 68 EN 59
VAN DIE PLAAS BRAKKLOOF 443, PLETTERBERGBAAI

Kennis geskied hiermee kragtens artikel 17(2)(a) van die Ordonnansie op Grondgebruikbeplanning Nr. 15 van 1985 dat 'n aansoek ontvang is vir die hersonering van Gedeeltes 68 en 59 van die plaas Brakkloof 443, Plettenbergbaai, vanaf vankansie-oord en landbousone I na onderverdelingsgebied-doeleindes.

Die betrokke eiendom is geleë langs die pad wat na Robberg Natuurreservaat, Plettenbergbaai, lei.

Besonderhede van die voorstelle lê ter insae in die kantoor van die Stadsbeplanner gedurende gewone kantoorure.

Besware, indien enige, moet skriftelik ingedien word om die ondergetekende te bereik nie later nie as Vrydag, 20 September 1996. — K. G. Roelofs, Waarnemende Stadsklerk, Munisipale Administratiewe Kantore, Posbus 26, Plettenbergbaai 6600. 14818

MUNISIPALTEIT PLETTERBERGBAAI:

MUNISIPALE KENNISGEWING NR. 76/1996

DORPSAANLEGSKEMA:
VOORGESTELDE AFWYKING: LOT N-MATTHYSBOSCH 431,
HARKERVILLE

Kennis geskied hiermee kragtens artikel 15(2)(a) van die Ordonnansie op Grondgebruikbeplanning Nr. 15 van 1985 dat 'n aansoek ontvang is ten opsigte van Lot N-Matthysbosch 431, Harkerville, om af te wyk van die bepalinge van die Soneringskema-regulasies om die oprigting van 'n addisionele wooneenheid toe te laat.

Die betrokke eiendom is geleë naby die pad wat afdraai vanaf die N2 na die lughawe.

Besonderhede van die voorstelle lê ter insae in die kantoor van die Stadsbeplanner gedurende gewone kantoorure.

Besware, indien enige, moet skriftelik ingedien word om die ondergetekende te bereik nie later nie as Vrydag, 20 September 1996. — K. G. Roelofs, Waarnemende Stadsklerk, Munisipale Administratiewe Kantore, Posbus 26, Plettenbergbaai 6600. 14819

PLETTERBERG BAY MUNICIPALITY:

MUNICIPAL NOTICE NO. 77/1996

ZONING SCHEME: PROPOSED DEPARTURE:
ERF 2441, PLETTERBERG BAY

Notice is hereby given in terms of section 15(2)(a) of the Land Use Planning Ordinance No. 15 of 1985 that an application has been received in respect of Erf 2441, Plettenberg Bay, to depart from the provisions of the Zoning Scheme Regulations in order to allow the relaxation of the 4,5 m building line block 20 by 200 mm, Block 21 by 250 mm and Block 22 by 850 mm.

The relevant property is situated at the Castleton Development at Plettenberg Bay.

Details of the proposal are available for inspection at the offices of the Town Planner during normal office hours.

Objections, if any, must be lodged in writing to reach the undersigned by not later than Friday, 20 September 1996. — K. G. Roelofs, Acting Town Clerk, Municipal Administrative Offices, P.O. Box 26, Plettenberg Bay 6600. 14817

PLETTERBERG BAY MUNICIPALITY:

MUNICIPAL NOTICE NO. 78/1996

ZONING SCHEME:
PROPOSED REZONING: PORTIONS 68 AND 59
OF THE FARM BRAKKLOOF 443, PLETTERBERG BAY

Notice is hereby given in terms of section 17(2)(a) of the Land Use Planning Ordinance No. 15 of 1985 that an application has been received for the rezoning of Portions 68 and 59 of the farm Brakkloof 443, Plettenberg Bay, from holiday resort and agriculture I to subdivisional area purposes.

The relevant property is situated next to the road that leads to Robberg Nature Reserve, Plettenberg Bay.

Details of the proposal are available for inspection at the offices of the Town Planner during normal office hours.

Objections, if any, must be lodged in writing to reach the undersigned by not later than Friday, 20 September 1996. — K. G. Roelofs, Acting Town Clerk, Municipal Administrative Offices, P.O. Box 26, Plettenberg Bay 6600. 14818

PLETTERBERG BAY MUNICIPALITY:

MUNICIPAL NOTICE NO. 76/1996

ZONING SCHEME:
PROPOSED DEPARTURE: LOT N-MATTHYSBOSCH 431,
HARKERVILLE

Notice is hereby given in terms of section 15(2)(a) of the Land Use Planning Ordinance No. 15 of 1985 that an application has been received in respect of Lot N-Matthysbosch 431, Harkerville, to depart from the provisions of the Zoning Scheme Regulations in order to allow the erection of an additional dwelling.

The relevant property is situated near the road that leads from the N2 to the airport.

Details of the proposal are available for inspection at the offices of the Town Planner during normal office hours.

Objections, if any, must be lodged in writing to reach the undersigned by not later than Friday, 20 September 1996. — K. G. Roelofs, Acting Town Clerk, Municipal Administrative Offices, P.O. Box 26, Plettenberg Bay 6600. 14819

MUNISIPALITEIT PRINS ALBERT:

KENNISGEWING NR. 9/1996

VOORGESTELDE AFWYKING VAN ERF 1378,
PRINS ALBERT

Kennis geskied hiermee ingevolge artikel 15(2)(a) van Ordonnansie 15 van 1985 dat die Raad 'n aansoek om afwyking van mnr. A. Roberts ontvang het om Erf 1378, Prins Albert, te gebruik as 'n sjebien.

Besonderhede van bogenoemde aansoek is gedurende kantoorure ter insae by die Munisipale Kantore, Prins Albert.

Besware, indien enige, teen die genoemde aansoek, moet voor of op Woensdag, 16 Oktober 1996 skriftelik by die ondergetekende ingedien word. — W. A. K. van Zyl, Stadsklerk, Munisipale Kantore, Privaatsak X53, Prins Albert 6930, tel. (04436) 32-0974.

10 September 1996.

14820

MUNISIPALITEIT PRINS ALBERT:

KENNISGEWING NR. 8/1996

VOORGESTELDE AFWYKING VAN ERF 832, PRINS ALBERT

Kennis geskied hiermee ingevolge artikel 15(2) van Ordonnansie 15 van 1985 dat die Raad 'n aansoek om afwyking van T. J. Bell Family Trust ontvang het vir bovermelde erf.

Besonderhede van bogenoemde aansoek is gedurende kantoorure ter insae by die Munisipale Kantore, Prins Albert.

Besware, indien enige, teen die genoemde aansoek, moet voor of op Woensdag, 16 Oktober 1996 skriftelik by die ondergetekende ingedien word. — W. A. K. van Zyl, Stadsklerk, Munisipale Kantore, Privaatsak X53, Prins Albert 6930, tel. (04436) 32-0974.

10 September 1996.

14821

MUNISIPALITEIT STILBAAI:

WYSIGING VAN STILBAAI STRUKTUURPLAN

HERSONERING VAN ERF 598, STILBAAI-WES

Kennis geskied hiermee ingevolge die bepalings van artikel 17 van Ordonnansie 15 van 1985 dat die Stadsraad van Stilbaai 'n aansoek vir die hersonering van Erf 598, Stilbaai-Wes, ontvang het. Die aansoek behels die hersonering van die erf vanaf enkelresidensieel na sake-sone.

Kennis geskied ook hiermee ingevolge artikel 4(7) van die Ordonnansie op Grondgebruikbeplanning 15 van 1985 vir die wysiging van die Stilbaai Struktuurplan om voorgenome aansoek te akkommodeer.

Besonderhede rakende die aansoek is ter insae by die kantoor van die ondergetekende gedurende kantoorure. Enige besware teen die voorgenome aansoek moet skriftelik gerig word om die Stadsklerk te bereik voor 4 Oktober 1996. — J. H. Veldsman, Stadsklerk, Munisipale Kantoor, Posbus 2, Stilbaai 6674.

14822

PRINCE ALBERT MUNICIPALITY:

NOTICE NO. 9/1996

PROPOSED DEPARTURE OF ERF 1378,
PRINCE ALBERT

Notice is hereby given in terms of section 15(2)(a) of Ordinance 15 of 1985 that the Council has received an application from Mr. A. Roberts for the proposed departure to use Erf 1378, Prince Albert, as a shebeen.

Details of the above application are available at the Municipal Offices, Prince Albert, during office hours.

Objections, if any, against the application, must be lodged in writing to reach the undersigned not later than Wednesday, 16 October 1996. — W. A. K. van Zyl, Town Clerk, Municipal Offices, Private Bag X53, Prince Albert 6930, tel. (04436) 32-0974.

10 September 1996.

14820

PRINCE ALBERT MUNICIPALITY:

NOTICE NO. 8/1996

PROPOSED DEPARTURE OF ERF 832, PRINCE ALBERT

Notice is hereby given in terms of section 15(2)(a) of Ordinance 15 of 1985 that the Council has received an application from Mr. T. J. Bell Family Trust for departure on the above-mentioned erf.

Details of the above application are available at the Municipal Offices, Prince Albert, during office hours.

Objections, if any, against the application, must be lodged in writing to reach the undersigned not later than Wednesday, 16 October 1996. — W. A. K. van Zyl, Town Clerk, Municipal Offices, Private Bag X53, Prince Albert 6930, tel. (04436) 32-0974.

10 September 1996.

14821

STILBAAI MUNICIPALITY:

AMENDMENT OF STILBAAI STRUCTURE PLAN

PROPOSED REZONING OF ERF 598, STILBAAI WEST

Notice is hereby given in terms of the provisions of section 17 of Ordinance 15 of 1985 that the Council of Stilbaai has received an application for the rezoning of Erf 598, Stilbaai West. The application contains the rezoning of said piece of land from single residential to business zone.

Notice is also hereby given in terms of section 4(7) of Ordinance 15 of 1985 for the amendment of the Stilbaai Structure Plan by the rezoning of Erf 598 for business purposes.

Details concerning the application can be obtained from the undersigned during office hours and objections against the proposed application must be lodged in writing with the undersigned not later than 4 October 1996. — J. H. Veldsman, Town Clerk, Municipal Office, P.O. Box 2, Stilbaai 6674.

14822

SUID-KAAP DISTRIKRAAD:

KENNISGEWING NR. 96/96

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING

AANSOEK OM HERSONERING

Kennis geskied hiermee ingevolge die bepalings van artikel 17(2) van Ordonnansie 15 van 1985 dat die Raad 'n aansoek ontvang het vir die voorgestelde hersonering van 'n gedeelte van die plaas Charlesford 192/22 na nywerheidsone I (meubelfabriek).

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandae tot Vrydae, ter insae wees by die Raad se kantoor te Yorkstraat 54, George. Navrae: D. Viljoen.

Besware, indien enige, moet skriftelik by die ondergetekende ingedien word nie later nie as 4 Oktober 1996. — Hoof-uitvoerende Beamppte, Posbus 12, George 6530.

Verw. 14/7/2/1430.

14823

SUIDELIKE SUBSTRUKTUUR:

(SIMONSTAD ADMINISTRASIE)

SLUITING VAN GEDEELTE VAN WILFREDSTRAAT
AANGRENSEND AAN ERF 827, SIMONSTAD

Kennis geskied hiermee kragtens artikel 137(1) van Ordonnansie Nr. 20 van 1974 dat 'n gedeelte van Wilfredstraat aangrensend aan Erf 827, Simonstad, soos aangedui op planne in die Munisipale Kantore gesluit is. (S/2543/80 (p. 158).) — J. B. Marais, Uitvoerende Hoof/Stadsklerk: Simonstad Administrasie.

14824

TYGERBERG STAD:

DURBANVILLE ADMINISTRASIE

VOORGESTELDE HERSONERING: ERF 4203, DURBANVILLE

Kennisgewing geskied hiermee ingevolge artikel 17 van Ordonnansie 15 van 1985, dat die Stadsraad 'n aansoek om die hersonering van Erf 4203, geleë te Koebergweg 14, Durbanville, van enkelwoon- na algemene besigheidsdoeleindes, ontvang het.

Die aansoek lê ter insae by kamer 203 (mnr. A. Swart) of kamer 204 (mev. S. Ferreira) tydens kantoorure (08:00-13:00 en 13:45-16:30), by die Munisipale Kantore, Oxfordstraat, Durbanville, en besware en/of kommentaar, indien enige, moet die ondergetekende skriftelik bereik, nie later nie as Vrydag, 4 Oktober 1996. — D. Smit, vir Waarnemende Hoof-uitvoerende Beamppte, Posbus 100, Durbanville 7551.

Kennisgewing Nr. 69/1996. (Verwysing: D 16/3/2/1/137)

6 September 1996.

14825

TYGERBERG STAD:

DURBANVILLE ADMINISTRASIE

VOORGESTELDE HERSONERING: ERF 4218, DURBANVILLE

Kennisgewing geskied hiermee ingevolge artikel 17 van Ordonnansie 15 van 1985, dat die Stadsraad 'n aansoek om die hersonering van Erf 4218, geleë op die hoek van Murray- en Floridastraat, Durbanville, van enkelwoon- na algemene woondoeleindes vir die vestiging van 'n gastehuis, ontvang het.

Die aansoek lê ter insae by kamer 203 (mnr. A. Swart) of kamer 204 (mev. S. Ferreira) tydens kantoorure (08:00-13:00 en 13:45-16:30), by die Munisipale Kantore, Oxfordstraat, Durbanville, en besware en/of kommentaar, indien enige, moet die ondergetekende skriftelik bereik, nie later nie as Vrydag, 4 Oktober 1996. — D. Smit, vir Waarnemende Hoof-uitvoerende Beamppte, Posbus 100, Durbanville 7551.

Kennisgewing Nr. 70/1996. (Verwysing: D 16/3/2/1/116)

6 September 1996.

14826

SOUTH CAPE DISTRICT COUNCIL:

NOTICE NO. 96/96

LAND USE PLANNING ORDINANCE

APPLICATION FOR REZONING

Notice is hereby given in terms of the provisions of section 17(2) of Ordinance 15 of 1985 that the Council has received an application for the proposed rezoning of a portion of the farm Charlesford 192/22 to industrial zone I (joinery).

Full details of the proposal are available for inspection at the Council's office at 54 York Street, George, during normal office hours, Mondays to Fridays. Enquiries: D. Viljoen.

Objections, if any, must be lodged in writing with the undersigned by not later than 4 October 1996. — Chief Executive Officer, P.O. Box 12, George 6530.

Ref. 14/7/2/1430.

14823

SOUTHERN SUBSTRUCTURE:

(SIMON'S TOWN ADMINISTRATION)

CLOSURE OF A PORTION OF WILFRED STREET
ADJOINING ERF 827, SIMON'S TOWN

Notice is hereby given in terms of section 137(1) of Ordinance No. 20 of 1974 that a portion of Wilfred Street adjoining Erf 827, Simon's Town, as depicted on plans in the Municipal Offices has been closed. (S/2543/80 (p. 158).) — J. B. Marais, Chief Executive/Town Clerk: Simon's Town Administration.

14824

CITY OF TYGERBERG:

DURBANVILLE ADMINISTRATION

PROPOSED REZONING: ERF 4203, DURBANVILLE

Notice is hereby given in terms of section 17 of Ordinance 15 of 1985, that the City Council has received an application for the rezoning of Erf 4203, situated at 14 Koeberg Road, Durbanville, from single residential to general business purposes.

The application is available for inspection at room 203 (Mr. A. Swart) or room 204 (Miss. S. Ferreira), during office hours (08:00-13:00 and 13:45-16:30), at the Municipal Offices, Oxford Street, Durbanville, and objections and/or comments, if any, must reach the undersigned in writing, not later than Friday, 4 October 1996. — D. Smit, for Acting Chief Executive Officer, P.O. Box 100, Durbanville 7551.

Notice No: 69/1996. (Reference: D 16/3/2/1/137)

6 September 1996.

14825

CITY OF TYGERBERG:

DURBANVILLE ADMINISTRATION

PROPOSED REZONING: ERF 4218, DURBANVILLE

Notice is hereby given in terms of section 17 of Ordinance 15 of 1985, that the City Council has received an application for the rezoning of Erf 4218, situated on the corner of Murray and Florida Streets, Durbanville, from single residential to general residential purposes for the establishment of a guest house.

The application is available for inspection at room 203 (Mr. A. Swart) or room 204 (Miss. S. Ferreira), during office hours (08:00-13:00 and 13:45-16:30), at the Municipal Offices, Oxford Street, Durbanville, and objections and/or comments, if any, must reach the undersigned in writing, not later than Friday, 4 October 1996. — D. Smit, for Acting Chief Executive Officer, P.O. Box 100, Durbanville 7551.

Notice No: 70/1996. (Reference: D 16/3/2/1/116)

6 September 1996.

14826

TYGERBERG SUBSTRUKTUUR:

Kennisgewing geskied hiermee dat die onderstaande aansoek deur die Tygerberg Substruktuur ontvang is en ter insae lê en enige besware, met volledige redes daarvoor, moet teen nie later as 27 September 1996 skriftelik by die Hoof-uitvoerende Beampte, Stadsbeplanningsafdeling, Kaapse Metropolitaanse Raad, Waalstraat 44, Kaapstad 8001, ingedien word met vermelding van die beswaarmarker se ernommer.

Vir die onderverdeling en hersonering van 'n gedeelte van Kaapse Plase 137 en 139 vanaf ladelik na kommersieel en spesiale residensiële en 'n spesiale konsessie vir die daarstelling van groepbehuising. 14827

MUNISIPALITEIT VIR DIE GEBIED VAN VREDENDAL:

KENNISGEWING NR. 144/1996

**SLUITING VAN 'N GEDEELTE VAN OPENBARE PLEK
ERF 1340, VREDENDAL**

Kennisgewing geskied hiermee ingevolge artikel 137 van die Munisipale Ordonnansie Nr. 20 van 1974 dat 'n gedeelte van openbare plek Erf 1340 aangrensend tot Greystraat, Vredendal, nou gesluit is. Landmeter-generaal se Verwysing: (S/11995/80 (p. 277).) — H. A. J. Lombard, Uitvoerende Hoof/Stadsklerk, Munisipale Kantore, Posbus 98, Vredendal 8160.

Verwysingsnommer: 15/4/2/22 2 September 1996. 14828

WELLINGTON OORGANGSRAAD:**VOORGESTELDE HERSONERING EN SPESIALE
TOESTEMMINGSGEBRUIK: ERF 6511, WELLINGTON**

Kennis geskied hiermee ingevolge artikel 17(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 en regulasie 2.5 van die Wellington Skemaregulasies dat 'n aansoek om hersonering en 'n spesiale toestemmingsgebruik soos hieronder uiteengesit by die Raad ingedien is en dat dit gedurende kantoorure ter insae is by die kantoor van die Hoof: Stadsbeplanning en Boubeheer te Pentzstraat 100, Wellington (telefoon (021) 873-1121).

Eienaar/Aansoeker: H. M. Klaaste;

Eiendom: Erf 6511;

Ligging: Frederickstraat 13, Newton;

Grootte: 644 m²;

Voorgestelde sonering: Algemeen residensiële;

Voorgestelde spesiale toestemmingsgebruik: Vergaderplek (taverne);

Huidige sonering: Enkelwoning.

Gemotiveerde besware moet skriftelik by die onderstaande adres sowel as by die aansoeker ingedien word binne 21 dae vanaf datum van hierdie kennisgewing. — Stadsklerk, Munisipale Kantore, Pentzstraat 100, Wellington 7655. 14829

YZERFONTEIN PLAASLIKE OORGANGSRAAD:

Kennis geskied hiermee dat Yzerfontein Plaaslike Oorgangsraad beoog om die Standaardregulasies in gevolge artikels 25 en 28 van die Wet op Omgewingsbewaring, Wet 73 van 1989 aan te neem, en beplan om by die Departement van Omgewingsake aansoek te doen dat die Regulasies vir Yzerfontein afgekondig word.

Skriftelike kommentaar en/of besware, indien daar is, moet die ondergetekende voor of op 27 September 1996 bereik. — J. H. de Roubaix, Hoof-uitvoerende Beampte, Posbus 1, Yzerfontein 7351. 14830

YZERFONTEIN PLAASLIKE OORGANGSRAAD:

Ingevolge die bepalings van artikel 15(1)(a)(i) asook artikel 2(a) van Ordonnansie 15 van 1985 word hiermee kennis gegee dat afwykingsaansoeke ontvang is ten opsigte van die grondgebruikbeperkings van Erve 439 en 332 en lê ter insae by die Plaaslike Raad se kantore te Hoofweg 45, Yzerfontein.

Skriftelike kommentaar en/of besware, indien daar is, moet die ondergetekende voor of op 27 September 1996 bereik. — J. H. de Roubaix, Hoof-uitvoerende Beampte, Posbus 1, Yzerfontein 7351. 14831

TYGERBERG SUBSTRUCTURE:

It is hereby notified that the undermentioned applications have been received by the Tygerberg Substructure and are open to inspection and any objections, with full reasons therefor, should be lodged in writing with the Chief Executive Officer, Town Planning Branch, Cape Metropolitan Council, 44 Wale Street, Cape Town 8001, by no later than 27 September 1996, quoting the objector's erf number.

For the subdivision and rezoning of a portion of Cape Farms 137 and 139 from rural to commercial and special residential and a special concession for the establishment of group housing. 14827

MUNICIPALITY FOR THE AREA OF VREDENDAL:

NOTICE NO. 144/1996

**CLOSURE OF A PORTION OF PUBLIC SPACE
ERF 1340, VREDENDAL**

Notice is hereby given in terms of section 137 of the Municipal Ordinance No. 20 of 1974 that a portion of public space Erf 1340 adjacent to Grey Street, Vredendal, has now been closed. Surveyor-General's Reference: (S/11995/80 (p. 277).) — H. A. J. Lombard, Chief Executive/Town Clerk, Municipal Offices, P.O. Box 98, Vredendal 8160.

Reference Number: 15/4/2/22 2 September 1996. 14828

WELLINGTON TRANSITIONAL COUNCIL:**PROPOSED REZONING AND SPECIAL
CONSENT USE: ERF 6511, WELLINGTON**

Notice is hereby given in terms of section 17(2) of the Land Use Planning Ordinance, 1985 and regulation 2.5 of the Wellington Scheme Regulations that an application for rezoning and special consent use as set out below has been submitted to Council and that it can be viewed at the office of the Head: Town Planning and Building Control at 100 Pentz Street, Wellington (telephone (021) 873-1121) during normal office hours.

Owner/Applicant: H. M. Klaaste;

Property: Erf 6511;

Locality: 13 Frederick Street, Newton;

Extent: 644 m²;

Proposed zoning: General residential;

Proposed special consent use: Place of assembly (tavern);

Existing zoning: Single residential.

Motivated objections must be submitted in writing to the undermentioned address as well as the applicant within 21 days from the date of this notice. — Town Clerk, Municipal Offices, 100 Pentz Street, Wellington 7655. 14829

YZERFONTEIN LOCAL TRANSITIONAL COUNCIL:

Notice is hereby given that Yzerfontein Local Transitional Council aims to accept the Standard Regulations in accordance with articles 25 and 28 of Act 73 of 1989, pertaining to Environment Conservation and plan to apply to the Department of Environmental Affairs to have the Regulations promulgated for Yzerfontein.

Comment and/or objections, should there be any, should be lodged in writing to reach the undersigned not later than 27 September 1996. — J. H. de Roubaix, Chief Executive Officer, P.O. Box 1, Yzerfontein 7351. 14830

YZERFONTEIN LOCAL TRANSITIONAL COUNCIL:

In accordance with section 15(1)(a)(i) and section 2(a) of Ordinance 15 of 1985 notice is hereby given that request has been lodged with this office regarding deviation on the limit of land usage on Erven 439 and 332. Documents are available for perusal at the offices of the Local Transitional Council at 45 Main Road, Yzerfontein.

Comment and/or objections, should there be any, should be lodged in writing to reach the undersigned not later than 27 September 1996. — J. H. de Roubaix, Chief Executive Officer, P.O. Box 1, Yzerfontein 7351. 14831

Die "Provinsiale Koerant" van die Wes-Kaap

verskyn elke Vrydag of, as die dag 'n openbare vakansiedag is, op die laaste vorige werkdag.

Tarief van Intekengelde

R36.00 per halfjaar, in the Republiek van Suid-Afrika.

R36.00 + posgeld per halfjaar, Buiteland.

R72.00 per jaar, in die Republiek van Suid-Afrika.

R72.00 + posgeld per jaar, Buiteland.

Intekengeld moet vooruitbetaal word.

Los eksemplare is verkrygbaar by Kamer 5-97, Provinsiale-gebou, Waalstraat, Kaapstad 8001, teen R1.50 per eksemplaar.

Advertensietarief

Eerste plasing, R10.00 per cm, dubbelkolom.

Herhaling, R8.00 per cm, dubbelkolom.

Gedeeltes van 'n cm word as een cm beskou.

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