

CITY COUNCIL OF THE CITY OF PIETERMARITZBURG

STREET TRADING BYLAWS

The Minister of Local Government and Housing has in terms of section 6A (1) of the Businesses Act, 1991 (Act 71 of 1991) approved the subjoined bylaws made by the City Council of the City of Pietermaritzburg at its meeting held on 30 January 1995.

1DEFINITIONS

(1) In these bylaws, unless the context indicates otherwise -

"business site" means any site at which the business of street trader is carried on;

"Council" means the City Council of the City of Pietermaritzburg and in relation to the exercise of a power, the performance of a duty or the carrying out of a function includes any committee or official of the Council to whom such power, duty or function has been delegated;

"inspector" means an inspector appointed in terms of the Businesses Regulations published on 24 February 1994 under Provincial Notice 24;

"public place" means a public place as defined in section 1 of the Local Authorities Ordinance 25 of 1974;

"public road" means a public road as defined in section 1 of the Road Traffic Act 29 of 1989;

"roadway" means a roadway as defined in section 1 of the Road Traffic Act 29 of 1989;

"sidewalk" means a sidewalk as defined in section 1 of the Road Traffic Act 29 of 1989;

"street trader" means a person who sells, barter, exchanges, hires out, displays, exposes, offers or prepares for sale, barter, exchange or hire any goods or who provides or offers any service for reward as a street vendor, hawker or pedlar but does not include any person who sells newspapers only;

"the Act" means the Businesses Act 71 of 1991 and includes the regulations made in terms thereof;

"vehicle" means any device designed or adapted to travel or move on wheels;

"verge" means a verge as defined in section 1 of the Road Traffic Act 29 of 1989;

(2) Any reference to a street trader shall include any employee of such street trader.

2PROHIBITIONS

No street trader shall carry on business -

(1) on any verge contiguous to -

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

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

(c) a building declared to be a national monument in terms of the National Monuments Act 28 of 1969;

(2) on any 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 trader or who offers services of the same nature as or of a similar nature to a service offered by the street trader concerned without the consent of such person;

(3) 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;

(4) at any place where the carrying on of such business causes an obstruction to -

(a) the entrance to or exit from a building, or

(b) a fire hydrant;

(5) in any declared area identified as such in terms of section 6A (2) (a) of the Act in respect of which the carrying on of the business of street trader has been -

(a) prohibited by the Council, or

(b) restricted by the Council, unless such business is carried on in accordance with such restrictions;

(6) at any place which has been set apart and demarcated as stands or areas by the Council in terms of section 6A (3) (b) of the Act for the purposes of the carrying on of the business of street trader, unless such business is carried on in accordance with -

- (a)an agreement with the Council, or
 - (b)the allocation by the Council to the street trader of any area or stand;
- (7)in any public garden or park except with the prior written consent of the Council.

3 RESTRICTIONS

No street trader shall -

- (1)if such business is carried on on any public road or public place -
 - (a)sleep overnight at the business site;
 - (b)erect any permanent structure at the business site for the purpose of providing shelter, or
 - (c)place or store anything used in connection with the carrying on of the business of street trader in such a manner or position as to constitute a danger to any person;
- (2)obscure the goods displayed behind a shop display window from the view of persons using the sidewalk in front of such shop;
- (3)obstruct access to or the use of street furniture, bus shelters, refuse disposal bins or any other facility designed and made available for use by the public, or

- (4) keep or store more than 9 kg of liquefied petroleum gas on the business site.

4GENERAL DUTIES OF STREET TRADERS

Every street trader shall -

- (1) at the end of each day ensure that all trading goods, movable structures, waste, litter, packaging material, stock and equipment of whatever nature used in connection with or generated by the business is removed from the business site;
- (2) at the request of any officer or employee of the Council move or remove anything used in connection with the carrying on of the business of street trader so that the business site may be cleaned;
- (3) keep the business site in a clean and sanitary condition and free of litter;
- (4) ensure that no fat, oil or other substance drops or spills onto the surface of the sidewalk or splashes against a building.

5REMOVAL AND IMPOUNDMENT OF GOODS

- (1) For the purposes of this bylaw "goods" includes any receptacle, vehicle, movable structure and any living thing.

(2) An inspector may 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 a street trader, and

(b) which he finds at a place where the carrying on of such business is prohibited or restricted in terms of these bylaws,

whether or not such goods are in the possession or under the control of any person at the time of such removal and impoundment.

(3) An inspector removing and impounding any goods shall -

(a) except in the case of goods which appear to have been abandoned or in respect of which the owner or person having control thereof cannot be found, issue to the owner or person having control of such goods a receipt for the removal and impoundment thereof, and

(b) forthwith place such goods in safe custody.

(4) Neither the Council nor any inspector, officer or employee of the Council shall be liable for any loss or theft of or damage to any goods removed and impounded in terms of this bylaw.

6 OFFENCES AND PENALTIES

Any person who contravenes any provision of these bylaws shall be guilty of an offence and on conviction shall be liable to a fine or imprisonment for a period not exceeding three months.

