

## INFORMAL AND STREET TRADING POLICY AND MANAGEMENT FRAMEWORK

ITEM B-ED (07-2008) MC 17/04/2008	INFORMAL AND STREET TRADING POLICY AND MANAGEMENT FRAMEWORK
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### RESOLVED:

1. **That** the Ekurhuleni Metropolitan Municipality Informal and Street Trading Policy and Management Framework, attached to the report as **Annexure "A"**, **BE NOTED** and **APPROVED**.
2. **That** the comments from the Community Safety Department tabled at the meeting **BE NOTED** and **INCORPORATED** into the policy referred to in 1 above.

**Note:** *(Comments from Community Safety has been included in the Policy by the Department Economical Development)*

**Annexure “A”**  
ITEM B-ED (07-2008) MC 17/04/2008

**INFORMAL AND STREET TRADING POLICY AND  
MANAGEMENT FRAMEWORK**



**Ekurhuleni**  
METROPOLITAN MUNICIPALITY

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## **1. INFORMAL AND STREET TRADING OVERVIEW**

- 1.1 The informal sector includes employees, employers, self-employed people or family business workers who work for private sector enterprises with 20 or less employees and in enterprises that are not registered or incorporated and do not keep a set of accounts separate from the household budget, uncertain about the enterprise's record-keeping, and/or the business is located on a footpath street, open space or a market.
- 1.2 Informal Street Trading has become a feature of Ekurhuleni's urban environment and it symbolizes the changing nature of the municipality in both spatial and economic terms. The Municipality has seen rapid and consistent growth of street traders and are found to be major sources of provisioning for poor households.
- 1.3 Informal trading continues to form vital part of Ekurhuleni emerging new spatial and economic form that accounts for a bigger space and income for the local economy, (EMM - MSDF 2005/2006). EMM- MSDF 2005 also indicates the significant role that informal trading plays in absorbing the unemployed.
- 1.4 The Global Insight Survey (2004) states that more than half of the traders are female; and that this form of business activity is increasingly women dominated.

## **2. ACRONYMS, DEFINITIONS AND LEGAL CONTENT**

### **2.1 ACRONYMS**

CCC:	Customer Care Centres
CD:	City Development
L&A:	Legal and Administration
Econ. Dev:	Economic Development
EMPD	Ekurhuleni Metropolitan Police Department
EMM:	Ekurhuleni Metropolitan Municipality
ICT:	Information Communication Technology
IDP:	Integrated Development Plan
ISD:	Integrated Service Delivery
IT:	Informal Trading
LSDF:	Local Spatial Development Framework
MSDF:	Municipal Spatial Development Framework
NC:	Neighbourhood Centres
IS:	Infrastructure Services
SDF:	Spatial Development Framework
SLA:	Service Level Agreements

## 2.2 DEFINITIONS:

**In this Policy and Procedure, unless the context indicates otherwise, Councillor** - means an elected member of municipal councillor of Ekurhuleni Metropolitan Municipality

**Containers** -

**Criteria** – means the criteria and procedure applicable in terms of this policy- Ekurhuleni Metropolitan Municipality – Informal and Street Trading Policy and Management Framework

**Ekurhuleni Metropolitan Municipality** – means the metropolitan municipality as established in terms of Municipal Structures Act

**Employee** – means a person/s in the employ of Ekurhuleni Metropolitan Municipality

**Legislation** – means legislation, policy and or procedure applicable in the Ekurhuleni Metropolitan Municipality in terms of Ekurhuleni Metropolitan Municipality – Informal and Street Trading Policy and Management Framework

**Fireworks** - Fireworks means any pyrotechnic substance contemplated in paragraph of the definition of explosives which is manufactured for the purposes of amusement or entertainment and is divided into such classes as may be prescribed. Imitation, in respect of an explosive, means anything that has the appearance of an explosive, but which is not capable of operating as such and cannot by superficial. Inspector means any inspector of explosives appointed under section 4 (2) of Explosive Act.

**Official** – means a person who is permanently employed and or employed on a fixed term contract by Ekurhuleni Metropolitan Municipality

**Parties** – means Ekurhuleni Metropolitan Municipality (as represented by designated officials and or employees) and Street traders, Street Trader Associations, Street trader Organizations and Street Trader Committees

**Policy** – means Ekurhuleni Metropolitan Municipality – Informal and Street Trading Policy and Management Framework

**Residents** – means persons residing and owners of premises within the boundaries of Ekurhuleni Metropolitan Municipality

**Street Trading** – means informal trading in areas determined and approved by Ekurhuleni Metropolitan Municipality

**Street Traders** – means informal traders (hawkers) trading in areas determined and approved by Ekurhuleni Metropolitan Municipality

**Street trader Associations** – means the association of street traders that are recognized by Ekurhuleni Metropolitan Municipality in terms of - Informal and Street Trading Policy and Management Framework

**Street Trader Committee** – means the committee of street traders that is recognized by Ekurhuleni Metropolitan Municipality in terms of- Informal and Street Trading Policy and Management Framework

**Street Trading Facilities** – means trading facilities provided by Ekurhuleni Metropolitan Municipality in areas determined and approved by Ekurhuleni Metropolitan Municipality

**Street Trading Organizations** – means organizations of street traders that are recognized by Ekurhuleni Metropolitan Municipality in terms of - Informal and Street Trading Policy and Management Framework

**Street Trading Sites** – means trading areas or trading stands provided by Ekurhuleni Metropolitan Municipality in areas determined and approved by Ekurhuleni Metropolitan Municipality

## 2.3 LEGAL CONTENT

- The South African Constitution
- Business Act
- Counterfeit Goods Act, Act 37 of 1997
- National Road Traffic Act, Act 93 of 1996
- Criminal Procedure Act, Act 51 of 1977
- South African Police Service Act, Act 68 of 1995
- Any National Policy and Instruction applicable to Metropolitan Police
- South African Cooperatives Act
- Buildings Requirements and Regulations Act
- Buildings and Controls Act
- Town Planning Schemes
- Municipal Finance Management Act
- Municipal Systems Act
- Municipal Structures Act
- Development Facilitation Act
- Tobacco Controls Act
- Gauteng Liquor Act
- EMPD Street Trading By – Laws
- Health and Environmental By Laws
- Any other Legislation Applicable
- Any other Policy of EMM Applicable

- Emergency Services By-Laws.
- Explosive Act 15 of 2003
- Transportation of Dangerous Goods - regulations

### 3. POLICY SCOPE, OBJECTIVES AND PRINCIPLES

**3.1 Policy Scope** - This policy covers different types of informal trading that take place within the Ekurhuleni Municipal area, Street / kerb-side trading, trading in pedestrian malls, Markets (flea & craft markets, special markets, Transport interchanges, trading in Public Open Spaces and Park, Mobile Traders (Roving, Caravans, Motor Vehicles), Newspapers Vendors at Intersection and Special Events

**3.2 Policy Objectives** – Ekurhuleni Metropolitan Municipality aims at creating a favourable economic environment that recognises informal and street trading as legitimate expression of business and economic activities, through effective management, control and law enforcement.

#### **The following are key Policy Objectives**

**3.3 Development Planning Objective-** The City Development Department will facilitate the identification of trading sites in the EMM for the promotion of the informal economy through planning frameworks such as Local Spatial Development Framework.

- 3.3(a) New markets and trading opportunities will be properly planned, bearing in mind the economic needs of traders, the need for more vibrant land use and the need for orderly town, spatial and transport planning, as well as health and safety.
- 3.3(b) Existing markets should be managed properly and new market developments must be linked to emerging patterns of work in the areas they serve.
- 3.3(c) Planning services will take primary responsibility for ensuring that the developmental approach is practically achieved through the co-ordination of both internal and external stakeholders.
- 3.3(d) Site plan with specific reference to water supplies for fire fighting purposes, as per Emergency Services By-Laws

**3.4 Spatial and Development Planning Principles** - Informal trading contributes to the value of public places as amenities and places of dignity and has the potential to be a catalyst for generating positive public spaces through:

- 3.4(a) developing those areas that will have most significant impact on the largest number of people, such as areas with large flows of pedestrian traffic;
- 3.4(b) allocating space for informal trading areas in accordance with the broad Spatial Development Framework and the Local Spatial Development Frameworks;
- 3.4(c) provision of Basic and minimal infrastructure and create a conducive trading environment.

**3.5 Economic Development Objectives** - Economic Development will take primary responsibility for ensuring that the developmental approach is practically achieved through the co-ordination of economic service delivery from both internal and external agencies and Provincial Government. Services to be coordinated by this department would include economic development, business skills development training and mentoring, and infrastructure development (taking cognisance of the needs of informal traders through the provision of sufficient space in areas where this kind of trading is permitted).

**3.6 Economic Development Principles** - Economic growth in the informal trading sector will be facilitated through:

- 3.6(a) linking the development and growth of trading areas to commercial zones in order to create viable hubs of business activity that mutually benefit formal and informal businesses;
- 3.6(b) seeking to link traders to a range of facilities, capacity building and business support services those cater for the different levels of traders, from the weekly Saturday trader and small survivalist trader to larger traders;
- 3.6(c) ensuring that the buildings and property owned by the Municipality are used for the maximum social and economic development of the community within which they are located;
- 3.6(d) targeting highly accessible and visible locations for the promotion of tourist-related trading in order to derive benefit for informal traders from the tourism potential;
- 3.6(e) Investments should be protected via fire protection provisions.



**3.7 Community Development Objectives** - The EMM departments in this Policy would promote business development through Law Enforcement, Education and Training Awareness; Health, Safety, Environmental Management and Reduction of Poverty and Unemployment

**3.8 Community Development Principles** - Promotion of equity and economic friendly trading environment through:

3.8(a) spreading public spending in an equitable manner throughout the Metro with an emphasis on the previously disadvantaged areas of Ekurhuleni that have historically not benefited from public sector investment;

3.8(b) identification of public sector investment as an opportunity to integrate communities that have historically been spatially separated;

3.8(c) development of the informal trading infrastructure as an opportunity to improve the general environmental condition of the historically disadvantaged areas of Ekurhuleni;

3.8(d) provision of basic services such as water and refuse facilities to all areas where public health and/or public safety is at risk.

**3.9 Infrastructure Development Objective** - The EMM departments in this Policy would provide Municipal Services, Construction of Trading Facilities and provision of Trading Market.

### **3.10 Different Levels**

**Level 1:** Survivalist Trading – Makes sufficient income to sustain trader and family.

**Level 2:** Informal Trading – Makes sufficient income to support personal and family needs but is also able to operate on a profit basis – money can be used to begin exercising lifestyle choices and/or invested in other business opportunities.

**Level 3:** Formal Trading - Has fixed location and is run on formal business principle i.e. registered with SARS etc.

## 4 LEGAL FRAMEWORK

### 4.1 Municipal Policies

- 4.1(a) this Policy and Procedures supersedes and replaces any policy and procedure applicable in terms of management and implementation of Informal and Street trading by all the Stakeholders as defined by this document;
- 4.1(b) this policy must be read in conjunction with The Cleaning, Maintenance and Management of Taxi Rank Facilities and any EMM Agreement;
- 4.1(c) this policy must be read in conjunction with The EMM Container Policy;
- 4.1(d) the Procedures and Regulations attached shall be read in conjunction and inclusive of this policy.

**4.2 Municipal By-laws and Regulations** - In the event of conflict between this policy and applicable and relevant by-laws. The Provisions of such a by-laws shall take precedence over this policy.

**4.3 Provincial Gazettes, Acts and Regulations** - The Provisions any Gazette, Act, Legislation and Regulations of Provincial Legislature of Gauteng Province supersedes any contradict clause of this Policy

**4.4 National Gazettes, Acts and Regulations** - The Provisions any Gazette, Act, Legislation and Regulations of National Legislature of the Republic of South Africa supersedes any contradict clause of this Policy

**4.5 International Standards** - At Best this Policy attempts to give recognition and provision of relevant and approved International Bodies by the Republic of South Africa, the Provincial Legislature of Gauteng and Ekurhuleni Metropolitan Municipality

## 5 OPERATIONAL FRAMEWORK

### 5.1 Operational Outcomes of the Policy

- 5.1(a) the ultimate goal of this Policy and Management Framework is sustainable urban management, which plans, designs and manages the Municipality in a manner that is able to accommodate informal trading in designated streets, public open spaces and markets in a positive well managed environment;
- 5.1(b) the full integration of informal trading into the Municipality's planning, design and management necessary in order to enhance

- the Metro's economic development and expand employment opportunities;
- 5.1(c) the first point of departure in the policy for the informal economy is that local government should promote the creation of job opportunities and diverse economic and trading opportunities.

## **5.2 Planning Outcomes of the Policy**

- 5.2(a) to facilitate the identification of trading sites in the EMM for the promotion of the informal economy through planning frameworks such as LSDFs;
- 5.2(b) new markets and trading opportunities must be properly planned, bearing in mind the economic needs of traders, the need for more vibrant land use and the need for orderly town, spatial and transport planning, as well as health and safety;
- 5.2(c) existing markets should be managed properly and new market developments must be linked to emerging patterns of work in the areas they serve;
- 5.2(d) Fire and Life safety should be paramount at all times.

## **5.3 Allocations Outcomes of the Policy**

- 5.3(a) allocations policy in respect of trading (bays, markets, permits etc.) is central to government can steer management and support of the informal economy.
- 5.3(b) the aim of the allocations policy is to support sustainable growth and provide opportunities for new entrants, in an economically sustainable and socially useful way.
- 5.3(c) it can feed directly into the tourism industry, through achieving the appropriate tenant mix at tourist-related areas.
- 5.3(d) the criteria for allocations will be negotiated locally with stakeholders; the allocation of sites will then be done by Council officials.
- 5.3(e) the allocations policy could be used as a positive tool to develop partnerships between established traders and new entrants.

#### **5.4 Registration Outcomes of the Policy**

- 5.4(a) the policy goal is the registration of all informal traders and the sustained payment of rentals.
- 5.4(b) this action gives permission to operate, and provides access to services and support.
- 5.4(c) Simplifying existing registration procedures and moving towards the one-stop centre concept can reduce costs.
- 5.4(d) data on registration will be kept in the centralised inter-departmental information system, which will link where traders are, the sectors they work in, with registration, rent-paying status, environmental health and the enforcement function.

#### **5.5 Rental Outcomes of the Policy**

- 5.5(a) the term “**rental**” usually refers to payment for a place. In this document rental refers also to payment for the right to operate, whether at a fixed site, or as an itinerant / mobile worker.
- 5.5(b) in the same way that built property has a value placed on it, depending on where it is located, so it is important to place value on different informal trading sites, such as pavements.
- 5.5(c) value is placed on sites through a system of differentiated rentals. Rentals will be linked to site size, desirability of location and the level of services provided.
- 5.5(d) levels will be determined by considering the cost to local government of providing the facility, bearing in mind the need to subsidise new opportunities in appropriate areas.
- 5.5(e) the tariff structure will allow for transparent subsidies in order to ensure cross-subsidisation and equity.

#### **5.6 Policing and Law Enforcement Outcomes of the Policy**

- 5.6(a) in order to enhance the Ekurhuleni’s image in the eyes of both its residents and visitors, the conduct of traders will be strictly monitored. Anti-social and other unruly behaviour will be viewed as misconduct
- 5.6(b) no trader will be permitted to carry on such business in a manner which creates a nuisance, and is a danger or threat to public health and safety, or damages or defaces any Council property

5.6(c) criminal act will be dealt with through the appropriate criminal procedures. Where a trader violates the permit conditions, he/she will be informed in writing of the violation and course of action.

5.6(d) permit fees will not be refundable if the permit is revoked or suspended. Punitive measures could include a warning, a suspension for a specified period, or the total withdrawal of such trading permit.

5.6(e) Traders are responsible to ensure own, employee and customer fire and life safety

### **5.7 Management Outcomes of the Policy**

5.7(a) an integrated area-based management support, business, management advice and skills, market opportunities and technical skills that combines management and support services necessary for all levels of informal traders.

## **6. STAKEHOLDER ROLES AND RESPONSIBILITIES**

### **6.1 Informal Traders**

6.1(a) finalizing and Implementing the Informal Sector Policy or Strategy Framework for the Ekurhuleni Municipality;

6.1(b) mobilization and Organization of Informal Traders as recognized and Active Economic;

6.1(c) strengthening Communication Systems and Developmental Programs required by Informal Economy;

6.1(d) pro Active elimination of potential conflict and relations management;

6.1(e) Conflict should be managed through committees and associations and Establish sustainable interaction forums;

6.1(f) Allocation of sites to registered traders in Conjunction and Consultation with the Municipality.

## **6.2 Formal Business/Traders**

- 6.2(a) encourages Product Diversification and Determine program to promote access to Markets and Financial Resources;
- 6.2(b) strengthening Communication Systems and Developmental Programs required by Informal Economy;
- 6.2(c) link Informal Traders to opportunities and include Informal Trade in all City Planning and Development Models;
- 6.2(d) pro Active elimination of potential conflict and relations management;
- 6.2(e) report and Monitor Law Enforcement and assist in the management of Capacity Development;
- 6.2(f) establish sustainable interaction forums.

### **Ekurhuleni Metropolitan Municipality**

1. Provision of demarcated trading areas
2. The management of traders
3. The provision of facilities for trading
4. Role and functions of departments attached as Appendix 1.

## **APPENDIX 1.**

### **1. Economic Development Department**

- 1) Finalizing and Implementing the Informal Sector Policy or Strategy Framework for the Ekurhuleni Municipality
- 2) Provision of Plans for Urban Designs and Management of all Public Space Demarcation, Allocation and Provision of Trading Sites
- 3) Provision of Trading, Storage and Ablution Facilities
- 4) Determine program to promote access to Markets and Financial Resources
- 5) Promotion of co-operation among street traders and the encouragement of maximization of space usage
- 6) Encourage and promote Product Diversification
- 7) Manage the city facilities and infrastructure to aid business development, Site Identification, Design and construction of stalls
- 8) Mobilization of Support and Organization of Informal Traders as recognized and Active Economic Participants and implement economic sector
- 9) Strengthening Communication Systems and Developmental Programs required by Informal Economy and ensure Monitoring and Maintenance of Informal Data-Base and conducting of periodic research and analysis of economic trends
- 10) Record keeping of all informal Economic activities and Informal Traders
- 11) Pro Active elimination of potential conflict and relations management

### **2. City Development Department**

- 1) Link Informal Traders to opportunities and include Informal Trade in all City Planning and Development Models
- 2) Pro Active elimination of potential conflict and relations management

### **3. Ekurhuleni Metropolitan Police Department**

- 1) Provision of Safety and Security, By – Laws and compliance with Municipal Regulations and Monitor Law Enforcement and manage Capacity Development
- 2) Regulations and Monitor Law Enforcement
- 3) Pro Active elimination of potential conflict and relations management

### **4. Health and Social Development Department**

- 1) Compliance, Provision and Management of Health Regulations and Compliance with Environmental Regulations and Provision of Education and Training
- 2) Pro Active elimination of potential conflict and relations management

## **5. Finance Department**

- 1) Collections of Rental Income and Service Charges.
- 2) Determination of appropriate tariff structure for Informal Traders
- 3) Pro Active elimination of potential conflict and relations management

## **6. Corporate and Legal Department**

- 1) Determination of appropriate Permit and licensing system for registration
- 2) Pro Active elimination of potential conflict and relations management.

## **7. Customer Care Centres**

- 1) Coordinate meetings and programs between the different role players in the CCC.
- 2) Conduct public hearings.
- 3) Smooth the progress of communication with stake holders.
- 4) Consult stakeholders on demarcations, law enforcement and the implementation projects and programmes for informal trade and street trading.
- 5) Processing and issuing of trader permits.
- 6) Attend to all complaints and queries within the CCC
- 7) To follow up on all complaints and queries handled by the various departments.
- 8) Facilitate and coordinate dispute resolution emanating from management, control and law enforcement.

## **8. Ekurhuleni Emergency Services By-Laws**

- 1) Provision of a fire and life safety environment, through ensuring the compliance with Fire Services By-Laws and municipal regulations.
- 2) Regulate and monitor Law Enforcement.
- 3) Determine appropriate regulation for the handling and use of dangerous goods in the informal trading environment.

## **INFORMAL AND STREET TRADING REGULATIONS AND PROCEDURES**

### **1. ALLOCATION PROCEDURE**

- 1) Street traders shall be allocated site and facility only by a designated employee and or official of Ekurhuleni Metropolitan Municipality in consultation with the street trader, Street traders and or associations or organization of street traders.
- 2) A strict criteria shall be complied with by employees and or officials of Ekurhuleni Metropolitan Municipality in consultation with the street trader, Street traders and or associations or organization of street traders within Ekurhuleni Metropolitan Municipality area referred to in paragraph (2) two below.



- 3) All legislative requirements shall be complied with by employees and or officials of Ekurhuleni Metropolitan Municipality and the street trader, Street traders and or associations or organization of street traders with Ekurhuleni Metropolitan Municipality area.
- 4) A street trader shall be allocated a trading site and or trading facility after the trader has adhered to the procedure outlined below in which he/she must:
  - a) Fully complete an application form for the request of permission to trade in a designated area at a site with facilities provided by Ekurhuleni Metropolitan Municipality
  - b) Submit such fully completed application form at Customer Care Centre in Ekurhuleni Metropolitan Municipality and upon submission shall be given confirmation slip of receipt by a designated employee and or official of Ekurhuleni Metropolitan Municipality
  - c) The designated employee and or official of Ekurhuleni Metropolitan Municipality shall within reasonable time (not exceeding 28 working days) notify in writing the applicant of the approval and or disapproval of the application
  - d) An applicant whose application is disapproved may apply in writing for an appeal against the decision of the Customer Care Manager. Such an appeal shall be referred to the dispute resolutions committee as per Annexure C below.
  - e) An applicant whose application is approved shall be notified in writing by designated employee and or official of Ekurhuleni Metropolitan Municipality wherein the applicant shall be notified of the exact location of the trading site and facilities within 28 working days.
  - f) Applicant whose application is approved shall enter into a written agreement with Ekurhuleni Metropolitan Municipality represented by designated employee and or official and the applicant either in person, or represented by the street trader association and or street trader organization
  - g) The trading site and facility on council owned land allocated to a trader shall remain the sole property of Ekurhuleni Metropolitan Municipality and shall be let to a trader at agreed terms and conditions.
  - h) The management of trading areas shall the responsibility of Ekurhuleni Metropolitan Municipality and or designated official or agency AND street traders, their association or organization at agreed terms and conditions.
  - i) No trader or street trader association or organization shall sub let – or allocate any other person if not the trader allocated the site and or facility by designated employee and or official of Ekurhuleni Metropolitan Municipality.
- 5) No trader or street trader association or organization shall transfer any trading site and or facility without prior consent from a designated employee and or official of Ekurhuleni Metropolitan Municipality.
- 6) No trader or trader organization / association shall make structural changes to facilities allocated without prior written permission from a designated EMM official or employee.

- 7) No trader or street trader association or organization shall be allocated more one trading site unless only agreed to by Ekurhuleni Metropolitan Municipality
- 8) Each trader in an officially approved and allocated trading site shall be issued with a trading permit valid for twelve months with clearly stipulated terms and conditions. This permit (see annexure) shall be issued by a designated employee and or official of Ekurhuleni Metropolitan Municipality.
- 9) Ekurhuleni Metropolitan Municipality may impose fines agreed and approved from time to time to a trader who violates the stipulated terms and conditions of such a trading permit.
- 10) All Councillors, residents, employees and officials of Ekurhuleni Metropolitan Municipality and Street traders and street trader associations or organization within Ekurhuleni Metropolitan Municipality shall abide to all the legislations, policies, procedures and regulation applicable to Ekurhuleni Metropolitan Municipality in the execution and enforcement of Informal and Street trading policy **AND** Management Framework.

**2. THE FOLLOWING ALLOCATION CRITERIA IN ORDER OF PREFERENCE SHALL BE STRICTLY ADHERED TO:**

- 1) Only traders who have attained the age of 18 and above.
- 2) Street Traders who are in possession of green Barcode South African Identity Document
- 3) Street Traders who are in possession of valid trading permit issued by a designated employee or official of Ekurhuleni Metropolitan Municipality
- 4) Street Traders who are residents of Ekurhuleni Metropolitan Municipality
- 5) Street Traders who are foreign nationals and who reside in Ekurhuleni with valid and legal documents issued by a National Department and are in possession of these documents
- 6) Street Traders who traded prior to the adoption of this policy **AND** new entrants and applicants who comply with the requirements as laid down by Ekurhuleni Metropolitan Municipality
- 7) Street Traders who are members of recognized Street Trader Committee, Association and or Organization
- 8) New street traders who obtained approval from a designated employee or official of Ekurhuleni Metropolitan Municipality in consultation with street traders, street trader association or organization
- 9) Traders who occupy one Trading Stall, Site and or Facility allocated by designated employee or official of Ekurhuleni Metropolitan Municipality
- 10) Traders are not allowed to sell any counterfeit goods stipulated in the different regulations.
- 11) Traders are not allowed to advertise prohibited and restricted goods and Services in terms of the different regulations.

### 3. RESTRICTIONS AND PROHIBITIONS

- 1) No street trader shall be allocated more than one trading site and or facility
- 2) No street trader shall transfer or enter into a sales transaction about the trading site or facility allocated without obtain prior approval from a designated employee and or official of Ekurhuleni Metropolitan Municipality
- 3) Transfer of trading site or facility by a registered trader to the next of kin or any other person shall be by prior approval by a designated employee and or official of Ekurhuleni Metropolitan Municipality
- 4) No trader shall trade in illegal goods and services counter fait goods and or sell or promote piracy
- 5) Traders are not allowed to sell fireworks. Trading of fireworks must comply with Explosive Act 15 of 2003. The granting of licenses to deal in fireworks is the sole prerogative of the Chief Inspector of Explosives.
- 6) Traders are not allowed to use open energy sources, (Emergency Services By-Laws Part 111 Fire Protection and Fire Fighting (9)):
- 7) The utilization of liquefied petroleum gas must comply with SANS 087 Part I: 2004. No dangerous goods including LPG allowed unless in compliance with all relevant standards and legislation.
- 8) No dead end passage longer than 15m (SANS 0400 TT (16) (4) (e) (i) will be allowed in flea and craft, special markets or pedestrian malls [Such exist door may lead into a dead-end corridor where the total distance to be travelled from the furthest point in such room to an access door or to a feeder route is not more that 15 m].
- 9) Hose reels to comply with SANS 0400 TT 34.
- 10) Hydrants to be place within a 90m radius.
- 11) Hydrants should be accessible at all times for fire fighting purposes. (5m clearance to be enforced in front of hydrant)
- 12) Street / Kerb-side trading or trading in pedestrian malls should not render escape routes less effective. Escape routes to comply with SANS 0400-1990 TT16
- 13) Exits and entrance routes should comply to Emergency Services By-Laws and SANS 0400-1990 TT17
- 14) Sufficient access should be made available for kerb-site or street trading not to impact on any business for evacuation purposes.
- 15) Gas appliances for display purposes and promotion should be a separate application.

#### **4. THE FOLLOWING DISPUTE RESOLUTION PROCEDURE SHALL BE STRICTLY ADHERED**

Any dispute arising out of interpretation and application of EKURHULENI METROPOLITAN MUNICIPALITY – STREET TRADING - INFORMAL AND STREET TRADING REGULATIONS AND PROCEDURES shall be resolved following the following procedure:

- 1) Any aggrieved party shall launch his/her dispute in writing immediately (within 2 working days) of the dispute arising with the appointed official of Ekurhuleni Metropolitan Municipality in writing
- 2) The appointed official shall within seven working days of the receipt of the dispute convene a hearing where a dispute would be heard and there after shall within two working days announce his/her findings to the parties
- 3) Any party who is not satisfied with the outcome of the dispute, shall launch in writing to the appointed Head of the Department his/her appeal
- 4) Such Head of the department shall within seven working days convene an independent tribunal consisting of three senior officials of Ekurhuleni Metropolitan Municipality to hear the dispute
- 5) At the tribunal, the hearing proceedings shall be conducted de novo
- 6) The tribunal shall hear the case and make its findings within two working days of the conclusion of the hearing
- 7) The outcome and findings of the tribunal shall be final and binding to the parties, and thereafter parties are at liberty to proceed following their rights as accorded by law

## TARIFF STRUCTURE AND SERVICE CHARGES

	<b>Grade A</b>	<b>Grade B</b>	<b>Grade C</b>	<b>Grade D</b>
<b>Discrete Location</b>	<b>Serviced Paving Marked Stall, Fixed Structure Provided</b>	<b>Serviced Paving Marked Stall, Steel or Moveable Structure Provided</b>	<b>Semi Serviced Paving and Marked Stall Provided</b>	<b>Unserviced Trading Demarcated Space</b>
<b>Permanent Structure</b>	X			
<b>Roof Structure</b>	X	X	X	
<b>Storage and Security</b>	X	X		
<b>Refuse Removal and Cleaning Service</b>	X	X	X	X
<b>Electricity, Water and Ablution Facilities</b>	X	X	X	
<b>Market Facility</b>	X			X
<b>Trading Permit</b>	X	X	X	X
<b>FEES PAYABLE</b>	<b>R 250, 00 pm</b>	<b>R 150, 00 pm</b>	<b>R 50, 00 pm</b>	<b>R 0, 00 pm</b>

# Application process

9/20/2007

