

APPENDIX 2

22 Augustus 1997

Provinsie Wes-Kaap: Provinsiale Koerant 5165

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P.K. 291/1997

22 Augustus 1997

MUNISIPALITEIT STELLENBOSCH:

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

AANHEF

AANGESIEN erken word dat 'n behoefte bestaan om 'n omgewing te skep waarin die bedryf van die besigheid van informele handel in openbare strate en openbare plekke toegelaat word, onderworpe aan die regte van alle burgers soos vervat in die Grondwet van die Republiek van Suid-Afrika en die bepalings van die Wet op Besighede, 1991 (Wet 71 van 1991);

EN AANGESIEN erken word dat alle aktiewe deelnemers aan die Wes-Kaapse ekonomie hulle verbind tot die skepping van toestande wat straathandel kommersieel lewensvatbaar sal maak en tot die ekonomiese bedrywighe en groei van die Wes-Kaapse ekonomie sal bydrae;

EN AANGESIEN die Plaaslike Regering 'n instaatstellende omgewing vir informele handel moet skep deur die instelling van 'n jaarlikse begroting omramings vir inkomste en uitgawes te weerspieël wat spesifiek betrekking het op die voorsiening van basiese dienste en infrastruktuur;

EN AANGESIEN daar 'n gepaardgaande verpligting op die informele sektor rus om ten volle deel te neem aan die ekonomiese groei van die Provinsie en om by te dra tot die belastingbasis van die Provinsie;

WORD DAAR DERHALWE hierdie verordening afgekondig om die bedryf van daardie besigheid te vergemaklik en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

Woordomskrivings

1. In hierdie verordening, tensy uit die sinsverband anders blyk, het 'n woord of uitdrukking hierin vervat die betekenis wat in die Wet op Besighede, 1991 (Wet 71 van 1991), daaraan toegewys is, 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 plaaslike owerheid.

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

“eiendom” met betrekking tot 'n straathandelaar, geld, goedere, 'n houer, 'n voertuig of 'n beweegbare struktuur wat gebruik word of bestem is om gebruik te word in verband met die bedryf van sy of haar besigheid as sodanig;

“oorlas” gedrag wat 'n toedrag van sake of toestand in die hand werk of in die hand kan werk wat 'n bron van gevaar vir ander persone of hul eiendom inhou of wat weselik inbreuk maak op hul gewone gemak, grief, vrede of rus;

“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” 'n plein, park, ontspanningsterrein, sportterrein, nagsteeg of oop ruimte wat —

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STELLENBOSCH MUNICIPALITY:

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

PREAMBLE

WHEREAS it is recognised that there is a need to create an environment in which the carrying on of the business of informal trading is permitted in public streets and public places subject to the rights of all citizens as contained in the Constitution of the Republic of South Africa and the provisions of the Businesses Act, 1991 (Act 71 of 1991);

AND WHEREAS it is recognised that all active participants in the Western Cape economy are committed to creating conditions that will make street trading commercially viable and contribute to the economic activity and growth of the Western Cape economy;

AND WHEREAS Local Government shall create an enabling environment for informal trading by the establishment of an annual budget reflecting the estimates of revenue and expenditure relating specifically to the provision of basic services and infrastructure;

AND WHEREAS there shall be a concomitant duty on the informal sector to participate fully in the economic growth of the Province and contribute to the tax base of the Province;

NOW THEREFORE this by-law is promulgated to facilitate the carrying on of that business and to provide for matters incidental thereto.

Definitions

1. In this by-law, unless the context indicates otherwise, a word or an expression contained herein shall have the meaning assigned thereto in the Businesses Act, 1991 (Act 71 of 1991), and —

“litter” means any receptacle, container or other object or matter discarded or abandoned by a street trader or his or her customers;

“local authority” means the local authority of Stellenbosch and includes a committee or an employee of the local authority exercising powers or performing duties or functions delegated by the local authority;

“nuisance” means conduct which brings about or may bring about circumstances or conditions which constitute a source of danger to others or their property or which materially interfere 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);
- (c) a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), or
- (d) an Environmental Health Officer employed by the local authority;

“property” in relation to a street trader, means money, goods, a receptacle, a vehicle or a movable structure used or intended to be used in connection with the carrying on of his or her business as such;

“public place” means a square, a park, recreation grounds, sports grounds, a sanitary lane or an open space which has or have —

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

(a) in verband met 'n onderverdeling of uitleg van grond in erwe, standplase of boupersele voorsien, gereserveer of opsy gesit is vir gebruik deur die publiek of die eienaars of bewoners van daardie erwe, standplase of boupersele, ongeag of dit op 'n algemene plan, onderverdelingsplan of diagram aangetoon word al dan nie;

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

(c) te eniger tyd deur 'n plaaslike owerheid of 'n ander bevoegde gesag tot openbare plek verklaar of 'n openbare plek gemaak is;

“plaaslike owerheid” die plaaslike owerheid van Stellenbosch en sluit dit 'n komitee of werknemer van die plaaslike owerheid in wat bevoegdheid, pligte of werksaamhede uittoefen soos deur die plaaslike owerheid gedelegeer;

“rommel” enige houer of ander voorwerp of materiaal wat 'n straathandelaar of sy of haar klante weggooi of agterlaat;

“straathandel” ook die verkoop van goedere of die lewering van 'n diens of die aanbied van 'n diens teen vergoeding as straathandelaar in 'n openbare pad of openbare plek, maar sluit dit nie die verkoop van koerante alleen in nie;

“straathandelaar” 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf en dit sluit 'n werknemer van sodanige persoon in, en vir die toepassing van hierdie verordening sluit dit 'n persoon in wat in 'n openbare pad of openbare plek handel dryf, en

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

Algemene gedrag

2. 'n Persoon wat die besigheid van straathandelaar bedryf —

(a) mag nie sy of haar eiendom op 'n openbare pad of openbare plek plaas nie, behalwe met die doel om handel te begin dryf of te dryf;

(b) moet verseker dat sy of haar eiendom op 'n openbare pad of openbare plek nie 'n oppervlakte van meer as 3 m lank en 2 m breed beslaan nie; met dien verstande dat in gebiede waar voldoende ruimte beskikbaar is, die afmetings toeneem tot 4 m lank en 2 m breed;

(c) mag nie toegang tot 'n brandkraan of enige ander aangewysde fasiliteit of gebied versper wat slegs vir die gebruik van noodvoertuie en nooddienste afgebaken is nie;

(a) mag nie die besigheid van straathandelaar bedryf op 'n soom aangrensend aan —

(i) 'n kerk of ander plek van aanbidding nie, of

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

behalwe in soverre die bedryf van daardie besigheid toegelaat word deur 'n kennisgewing of teken wat deur die plaaslike owerheid opgerig of vertoon word;

(e) mag nie die besigheid van straathandelaar op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir residensiële doeleindes gebruik word, bedryf nie, indien die eenaar of persoon in beheer of enige bewoner van die gebou daarteen beswaar maak;

(f) mag nie die besigheid van straathandelaar bedryf op 'n plek waar dit voetgangers se gebruik van 'n sypaadjie wesenslik verhinder nie;

(g) mag nie die besigheid van straathandelaar bedryf op 'n plek waar dit voertuigverkeer belemmer nie;

(h) mag nie die besigheid van straathandelaar bedryf nie op 'n plek waar dit 'n versperring veroorsaak voor —

(i) 'n ingang tot of uitgang uit 'n gebou, of

(ii) 'n brandkraan;

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

(c) at any time been declared or rendered a public place by the local authority or another competent authority;

“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 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;

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

“street trader” means a person who carries on the business of a street vendor, pedlar or hawker and includes an employee of such a person and shall, for the purposes of this by-law, include such a person who trades in a public road or public place;

“street trading” includes the selling of goods or the supplying or suffering to supply a service for reward as a street trader in a public road or public place but does not include the sale of newspapers only, and

“the Act” means the Businesses Act, 1991 (Act 71 of 1991).

General conduct

2. A person carrying on the business of street trader shall —

(a) not place his or her property on a public road or public place except for the purpose of commencing and conducting trade;

(b) ensure that his or her property does not on a public road or public place cover an area of which is greater than 3 m in length and 2 m in width; provided that in areas where adequate space is available these space dimensions may be increased to 4 m in length and 2 m in width;

(c) not obstruct access to a fire hydrant or any other designated facility or area demarcated solely for the use of emergency vehicles and services;

(d) not carrying on the business of street trader on a verge contiguous to —

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

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

except to the extent that the carrying on of that business is permitted by a notice or sign erected or displayed by the local authority;

(e) not carry on the business of street trader 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 to it;

(f) not carry on the business of street trader at a place where it substantially obstructs pedestrians in their use of a sidewalk;

(g) not carry on the business of street trader at a place where it causes an obstruction to vehicular traffic;

(h) not carry on the business of street trader at a place where it causes an obstruction in front of —

(i) an entrance to or exit from a building, or

(ii) a fire hydrant;

- (i) mag nie dié besigheid van straat-handelaar bedryf op 'n staanplek of in 'n gebied in artikel 6A(3)(b) van die Wet beoog nie indien hy of sy nie in besit is van skriftelike bewys dat hy of sy daardie staanplek of gebied van die plaaslike owerheid gehuur het of dat dit anders aan hom of haar toegewys is nie; en
- (j) mag nie die besigheid van straat-handelaar bedryf in stryd met die bedinge en voorwaardes van die huurkontrak of toewysing aan hom of haar van 'n staanplek ingevolge artikel 6A(3)(c) van die Wet nie.

Algemene beperkings

3. 'n Persoon wat die besigheid van straat-handelaar bedryf mag nie —

- (a) waar die besigheid in 'n openbare pad of openbare plek bedryf word —
- (i) oornag op die plek van die besigheid, of
- (ii) 'n struktuur oprig met die doel om beskutting te voorsien, sonder die voorafverkreë skriftelike toestemming van die plaaslike owerheid nie. 'n Persoon wat veronreg voel deur 'n besluit van die plaaslike owerheid wat ingevolge hierdie bepaling handel, het die reg om binne 30 dae vanaf skriftelike kennisgewing van daardie besluit by die erkende Appèlkomitee van die plaaslike owerheid te appelleer;
- (b) besigheid op so 'n wyse bedryf dat dit —
- (i) die oppervlak van 'n openbare pad of 'n openbare plek of openbare of private eiendom beskadig of skend nie, of
- (ii) 'n gevaar vir verkeer veroorsaak nie;
- (c) rommel op grond of 'n perseel of op 'n openbare pad of openbare plek opgaar, stort, opberg of agterlaat, of laat opgaar, stort, opberg of agterlaat of toelaat dat dit gedoen word nie, behalwe in 'n vullishouer wat deur die plaaslike owerheid goedgekeur of voorsien is;
- (d) toegang tot 'n diens of dienswerke van die plaaslike owerheid versper nie;
- (e) toegang tot 'n voetgangerarkade of winkellaan versper nie;
- (f) toegang tot 'n voettoegang, parkeer- of laaiavakke of ander geriewe vir voertuigverkeer of voetgangerverkeer versper nie;
- (g) toegang tot of die gebruik van straattoebehore, soos banke, skuilings of tustaanplekke vir buspassasiers, of vullishouers en ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper nie, of
- (h) 'n padverkeersteken kragtens die Padverkeerswet, 1989 (Wet 29 van 1989), en die regulasies daarkragtens uitgevaardig of enige merk, kennisgewing of teken kragtens hierdie verordening vertoon of gemaak, versper nie.

Sindelikheid en beskerming van openbare gesondheid

4. (1) Elke straat-handelaar moet —

- (a) sy of haar besigheid op so 'n wyse bedryf dat dit nie vir die openbare gesondheid of openbare veiligheid 'n gevaar of bedreiging inhou nie;
- (b) op versoek van 'n werknemer van die plaaslike owerheid sy of haar eiendom verskuif ten einde toe te laat dat die oppervlak van die staanplek of perseel waar hy of sy handel dryf, skoongemaak kan word;
- (c) die staanplek of gebied wat hy of sy vir die doel van sy of haar besigheid gebruik, asook sy of haar eiendom, in 'n skoon en higiëniese toestand en rommelvry hou; en
- (d) indien sy of haar bedrywighede die kook of ander bereiding van voedingsmiddele behels, stappe doen om te verseker dat geen vet, olie of iets anders op die oppervlak van 'n openbare pad of openbare plek drup of stort, of teen 'n gebou of ander struktuur spat nie.

- (i) not carry on the business of street trader at a stand or in an area contemplated in section 6A(3)(b) of the Act if he or she is not in possession of written proof of having hired that stand or area from the local authority or that it has otherwise been allocated to him or her; and

- (j) not carry on the business of street trader in contravention of the terms and conditions of the lease or allocation to him or her of a stand in terms of section 6A(3)(c) of the Act.

General restrictions

3. A person carrying on the business of street trader shall not —

- (a) if the business is carried on in a public road or public place —
- (i) sleep overnight at the place of the business, or
- (ii) erect a structure for the purpose of providing shelter, without the prior written approval of the local authority. A person who feels aggrieved by a decision taken by the local authority acting in terms of this provision shall have the right to appeal to the recognised Appeal Committee of the local authority within 30 days of written notice of that decision;
- (b) carry on the business in a manner as to —
- (i) damage or deface the surface of a public road or a public place or public or private property, or
- (ii) create a traffic hazard;
- (c) accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited litter on land or premises or on a public road or public place other than in a refuse receptacle approved or provided by the local authority;
- (d) obstruct access to a local authority service or service works;
- (e) obstruct access to a pedestrian arcade or mall;
- (f) obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
- (g) obstruct access to or the use of street furniture such as bus passenger benches or shelters and queuing lines, refuse disposal bins and other facilities designed for the use of the general public, or
- (h) obscure a road traffic sign displayed in terms of the Road Traffic Act, 1989 (Act 29 of 1989), and the regulations made thereunder or any marking, notice or sign displayed or made in terms of this by-law.

Cleanliness and protection of public health

4. (1) Every street trader shall —

- (a) carry on his or her business in a manner as not to be a danger or threat to public health or public safety;
- (b) at the request of an employee of the local authority move his or her property in order to permit the cleaning of the surface of the area or of the site where he or she is trading;
- (c) keep the stand or area occupied by him or her for the purpose of his or her business as well as his or her property in a clean and sanitary condition and free of litter; and
- (d) if his or her activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a public road or public place or splashes against a building or other structure.

(2) Die plaaslike owerheid moet —

- (a) verseker dat persele waar straathandelaars handel dryf op 'n gereelde grondslag skoongemaak en gereinig word;
- (b) houers op die persele voorsien ten einde die wegdoen van rommel deur die straathandelaars te vergemaklik, en
- (c) verseker dat die houers op 'n gereelde grondslag leegge-maak word ten einde die skoonmaak van handelspersele te vergemaklik.

Handeldryf in parke en tuine

5. Geen straathandelaar mag handel dryf in 'n tuin of park waartoe die publiek die reg op toegang het nie, behalwe met die voorafverkreë skriftelike goedkeuring van die plaaslike owerheid, en goedkeuring mag nie sonder 'n goeie rede geweier word nie en kan onderworpe aan sekere voorwaardes verleen word.

Voorwerpe gebruik vir vertoning van goedere

6. 'n Straathandelaar moet verseker dat enige struktuur, houer, oppervlak of ander voorwerp wat hy of sy vir die voorbereiding, vertoning, opberging of vervoer van goedere gebruik —
- (a) in 'n goeie, skoon en higiëniese toestand gehou word, en
 - (b) nie op so 'n wyse geplaas of opgestapel word dat dit 'n gevaar vir enige persoon of die moontlike besering van enige persoon inhou nie.

Verwydering en skut

7. (1) Indien 'n persoon wat die besigheid van straathandelaar bedryf, versuim of weier om te voldoen aan 'n skriftelike versoek, waarvan die inhoud aan hom of haar verduidelik is, om sy of haar eiendom te verskuif of te verwyder, of daardie eiendom vir 'n tydperk van meer as agt uur sonder toesig laat, kan 'n beampete eiendom verwyder of skut —
- (a) wat hy of sy redelikerwyse vermoed gebruik word of bestem is om gebruik te word of gebruik is in verband met die bedryf van die besigheid van straathandelaar, en
 - (b) wat hy of sy op 'n plek vind waar die bedryf van daardie besigheid ingevolge hierdie verordening beperk of verbied word en wat na sy of haar mening op 'n oortreding van hierdie verordening neerkom.
- (2) 'n Beampete wat ingevolge hierdie artikel handel, moet —
- (a) behalwe in die geval van goedere wat agtergelaat of weggegooi is, onmiddellik 'n gedetailleerde ontvangsbewys vir eiendom wat op die wyse verwyder en geskut is, aan die persoon wat die besigheid van straathandelaar bedryf, uitreik, en die kwitansie moet voldoende inligting bevat oor waar die eiendom geskut word en die prosedure vir die terugreis van daardie eiendom, en
 - (b) onmiddellik daardie eiendom aan die plaaslike owerheid besorg.
- (3) Eiendom wat verwyder of geskut word soos in artikel 6A van die Wet beoog —
- (a) kan, in die geval van bederfbare eiendom, binne 'n redelike tydperk na die skut daarvan deur die plaaslike owerheid verkoop of vernietig word; met dien verstande dat die eiendom, behoudens die bepalings van subartikel (4), te eniger tyd voordat daarvoor beskik word, aan die eienaar terugbesorg kan word op versoek van en bewys van eienaarskap deur die eienaar aan die plaaslike owerheid, en
 - (b) moet, behoudens die bepalings van subartikel (4), in die geval van ander eiendom as bederfbare eiendom, binne 'n tydperk van een maand vanaf die datum van skut aan die eienaar terugbesorg word op versoek van en bewys van eienaarskap deur die eienaar aan die plaaslike owerheid.

(2) The local authority shall —

- (a) ensure that the sites on which the street traders trade are cleaned and sanitised on a regular basis;
- (b) provide receptacles on the sites in order to facilitate the disposal of litter by the street traders; and
- (c) ensure that the receptacles are emptied on a regular basis in order to facilitate the cleaning of trading sites.

Trading in parks and gardens

5. No street trader shall carry on business in a garden or park to which the public has the right of access except with the prior written approval of the local authority, which approval shall not be unreasonably withheld and may be granted subject to certain conditions.

Objects used for display of goods

6. A street trader shall ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods —
- (a) is maintained in a good state of repair and in a clean and sanitary condition, and
 - (b) is not so placed or stacked as to constitute a danger to any person or as to be likely to injure any person.

Removal and impoundment

7. (1) If a person carrying on the business of street trader fails or refuses to comply with a written request, the content of which has been explained to him or her, to move or remove his or her property, or leaves that property unsupervised for a period of more than eight hours, an officer may remove and impound property —
- (a) which he or she reasonably suspects is being used or is intended to be used or has been used in or in connection with the carrying on of the business of street trader, and
 - (b) which he or she finds at a place where the carrying on of that business is restricted or prohibited in terms of this by-law, and which in his or her opinion constitutes an infringement of this by-law.
- (2) An officer acting in terms of this section shall —
- (a) except in the case of goods which have been left or discarded, immediately issue to the person carrying on the business of street trader a detailed receipt for property so removed and impounded, which receipt shall contain adequate information as to where the property will be impounded and the procedure for reclaiming that property, and
 - (b) immediately deliver that property to the local authority.
- (3) Property removed and impounded as contemplated in section 6A of the Act —
- (a) may, in the case of perishable property, be sold or destroyed by the local authority within a reasonable time after its impoundment; provided that the property shall, subject to the provisions of subsection (4), at any time prior to its disposal, be returned to the owner at the request of and on proof of ownership by the owner to the local authority; and
 - (b) shall, subject to the provisions of subsection (4), in the case of property other than perishable property, be returned to the owner at the request of and on proof of ownership by the owner to the local authority within a period of one month from the date of impoundment.

- (4) Die plaaslike owerheid is daarop geregtig om die eiendom te behou totdat alle redelike uitgawes aan die plaaslike owerheid betaal is, en by versuim daarvan kan die eiendom verkoop word of, in die geval van bederfbare goed, deur die plaaslike owerheid óf verkoop óf vernietig word.
- (5) In die geval van die verkoop van geskutte eiendom deur die plaaslike owerheid, moet die opbrengs van die verkoping minus die redelike uitgawes deur die plaaslike owerheid aangegaan ten opsigte van die verwydering of skut van of die beskikking oor die eiendom, betaal word aan die persoon wat die eienaar van die eiendom was toe dit geskut is. Indien die eienaar in gebreke bly om die opbrengs binne drie maande van die datum waarop die eiendom verkoop is op te eis, word die opbrengs aan die plaaslike owerheid verbeur en in 'n spesiale fonds gestort wat die plaaslike owerheid ingestel het vir die ontwikkeling van die informele sektor en verwante aangeleenthede.
- (6) As die opbrengs van 'n verkoping van eiendom in hierdie artikel beoog, nie voldoende is om die redelike uitgawes te dek wat die plaaslike owerheid aangegaan het in verband met die eiendom nie, is die eienaar van die eiendom wat verwyder en geskut is of waaroor beskik is soos hierin beoog, aanspreeklik vir alle redelike uitgawes deur die plaaslike owerheid aangegaan in verband met die verwydering, skut of beskikking daaroor.

Appelle

8. (1) 'n Persoon wat veronreg voel deur die besluit van die plaaslike owerheid kan by 'n appèlkomitee appelleer in ooreenstemming met die bepalings hierin uiteengesit.
- (2) 'n Persoon wat veronreg voel deur die besluit van die plaaslike owerheid moet die plaaslike owerheid binne 10 dae nadat hy of sy die kennisgewing ontvang het, die plaaslike owerheid skriftelik in kennis stel van sy of haar voorneme om teen die besluit te appelleer.

Samestelling van Appèlkomitee

9. (1) Die Lid van die Uitvoerende Raad verantwoordelik vir Ekonomiese Aangeleenthede kan, met die medewerking van die plaaslike owerheid, verteenwoordigers van die informele handelaars en enige ander belanghebbende persone, as lede van die Appèlkomitee aanwys.
- (2) Die Appèlkomitee moet bestaan uit 'n maksimum van vyf lede met minstens een lid uit die straatsektor.
- (3) Die lede van die Appèlkomitee moet twee lede aanstel om onderskeidelik as voorsitter en ondervoorsitter te dien.
- (4) Wanneer die voorsitter nie in staat is om die werksaamhede van voorsitter uit toe voer nie, moet die ondervoorsitter die werksaamhede van voorsitter uitvoer.
- (5) As die voorsitter van mening is dat 'n bepaalde persoon in staat is om die Appèlkomitee behulpsaam te wees, kan hy of sy daardie persoon vir daardie doel koöpteer.
- (6) 'n Persoon wat aldus gekoöpteer is, is nie geregtig om op 'n vergadering van die Appèlkomitee te stem nie.
- (7) Die voorsitter moet die veronregte persoon binne 10 dae vanaf ontvangs van die kennisgewing van appèl verwittig van die datum, tyd en plek van die vergadering van die Appèlkomitee waar sy of haar teenwoordigheid vereis word.
- (8) Die veronregte persoon wat ingevolge subartikel (7) kennis ontvang het, moet die vergadering persoonlik bywoon of 'n regsverteenvoerder of enige ander persoon aanstel om namens hom of haar te verskyn.

Prosedure op appèlvergaderings

10. (1) Die voorsitter bepaal die prosedure op die vergadering.
- (2) Al die lede moet op die vergadering van die Appèlkomitee teenwoordig wees.
- (3) Enige persoon wat die vergadering bywoon, kan —

- (4) The local authority shall be entitled to keep the property until all reasonable expenses have been paid to it, failing which the property may be sold or, in the case of perishable goods, either be sold or destroyed by the local authority.

- (5) In the case of a sale of impounded property by the local authority, the proceeds of the sale less the reasonable expenses incurred by the local authority in connection with the removal, impoundment or disposal of the property shall be paid to the person who was the owner of the property when it was impounded. If the owner fails to claim the proceeds within three months of the date on which the property was sold, the proceeds shall be forfeited to the local authority and shall be paid into a special fund created by the local authority dedicated to the development of the informal sector and matters ancillary thereto.

- (6) If the proceeds of a sale of property contemplated in this section is not sufficient to defray the reasonable expenses incurred by the local authority in connection with the property, the owner of the property which has been removed and impounded or disposed of, as contemplated, shall be liable for all reasonable expenses incurred by the local authority in connection with the removal, impoundment or disposal.

Appeals

8. (1) A person who feels himself or herself aggrieved by the decision of the local authority may appeal against the decision to an appeal committee in accordance with the provisions set out herein.
- (2) A person who feels himself or herself aggrieved by the decision of the local authority shall notify the local authority of his or her intention to appeal against the decision in writing within 10 days of having received notification of the local authority's decision.

Constitution of Appeal Committee

9. (1) The Member of the Executive Council responsible for Economic Affairs may, with the concurrence of the local authority, representatives of the informal traders and any other interested person, designate persons as members of the Appeal Committee.
- (2) The Appeal Committee shall consist of a maximum of five members with at least one member from the street-trading sector.
- (3) The members of the Appeal Committee shall appoint two members to act as chairperson and a vice-chairperson.
- (4) When the chairperson is unable to perform the function of chairperson, the vice-chairperson shall perform the function of chairperson.
- (5) If the chairperson is of the opinion that a particular person is able to assist the Appeal Committee, he or she may co-opt that person for that purpose.
- (6) A person so co-opted shall not be entitled to vote at a meeting of the Committee.
- (7) The chairperson shall notify the aggrieved person of the date, time and place of the meeting of the Appeal Committee at which his or her presence is required within 10 days of receipt of the notice of appeal.
- (8) The aggrieved person who has received notice in terms of subsection (7) shall personally appear at the meeting or appoint a legal representative or any other person to appear on his or her behalf.

Procedure at appeal meetings

10. (1) The chairperson shall determine the procedure at the meeting.
- (2) All members shall be present at the meeting of the Appeal Committee.
- (3) Any person present at the meeting may —

- (a) deur die voorsitter versoek word om getuienis af te lê;
- (b) deur die voorsitter versoek word om 'n dokument of ander eiendom in sy of haar besit of onder sy of haar beheer aan die Appèlkomitee voor te lê, of
- (c) deur die Appèlkomitee ondervra word oor die aangeleentheid wat voor die Komitee dien.
- (4) Die Appèlkomitee moet die besluit van die plaaslike owerheid hersien en 'n bevinding doen, met inagneming van die volgende:
- (a) of die besluit van die plaaslike owerheid in die omstandighede billik en regverdig was;
- (b) hoe die besluit die vermoë van die veronregte persoon om handel te dryf, sal raak, en
- (c) of alternatiewe maatreëls getref kan word om die veronregte persoon in staat te stel om sy of haar besigheid voort te sit.
- (5) 'n Besluit van die Appèlkomitee moet geneem word met 'n meerderheid van stemme van die lede wat op die vergadering teenwoordig is, en in die geval van 'n staking van stemme het die voorsitter 'n beslissende stem benevens sy of haar gewone stem.
- (6) Die Appèlkomitee kan, nadat hy die getuienis wat gelewer is, oorweeg het —
- (a) die appèl van die hand wys;
- (b) die appèl handhaaf, of
- (c) die ander stappe doen soos wat hy goeddink.
- (7) Die Appèlkomitee moet so gou doenlik —
- (a) die veronregte persoon skriftelik van sy besluit verwittig, en
- (b) die veronregte persoon van skriftelik redes vir die besluit voorsien.

Oortredings

11. (1) 'n Persoon wat —
- (a) 'n bepaling van hierdie verordening oortree of versuim om daaraan te voldoen;
- (b) 'n kennisgewing, teken of merk wat vir die toepassing van hierdie verordening vertoon of opgerig is, ignoreer, verontagsaam of nie gehoorsaam nie;
- (c) 'n goedkeuring of voorwaarde wat ingevolge hierdie verordening verleen of opgelê is, oortree of versuim om daaraan te voldoen;
- (d) versuim om te voldoen aan 'n skriftelike versoek om sy of haar eiendom te verskuif of te verwyder;
- (e) opsetlik vals of misleidende inligting aan 'n beampte of werknemer van die plaaslike owerheid verstrek, of
- (f) 'n beampte of werknemer van die plaaslike owerheid by die uitoefening of uitvoering van sy of haar bevoegdhede, pligte of werksaamhede dreig, teenstaan, hinder of dwarsboom,
- is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand (R1 000) of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Herroeping van Regulasies

12. Die Regulasies insake Venters en Smouse, afgekondig in die Provinsiale Koerant by Provinsiale Kennisgewing 558 van 5 Oktober 1950, soos gewysig met P.K. 791/1955 en P.K. 465/1988, word hiermee herroep in soverre dit op die munisipale gebied van Stellenbosch betrekking het.

BYLAE VAN BEGINSELS

In ooreenstemming met die bepalinge van die Wet op Besighede, 1991

- (a) be called upon by the chairperson to give evidence;
- (b) be called upon by the chairperson to produce to the Appeal Committee a document or other property which is in his or her possession or under his or her control, or
- (c) be questioned by the Appeal Committee on the matter before it.
- (4) The Appeal Committee shall review the decision of the local authority and make a finding, having regard to the following:
- (a) whether the decision of the local authority was fair and equitable in the circumstances;
- (b) how the decision will affect the aggrieved person's ability to trade, and
- (c) whether alternative measures may be adopted to enable the aggrieved person to continue his or her business.
- (5) A decision of the Committee shall be taken by a majority of votes of the members present at the meeting and if there is an equality of votes, the chairperson shall have a casting vote in addition to his or her deliberative vote.
- (6) The Appeal Committee, having considered the evidence presented, may —
- (a) refuse the appeal;
- (b) uphold the appeal, or
- (c) take any other steps that it may think fit.
- (7) The Appeal Committee shall as soon as is practicable —
- (a) notify the aggrieved person of its decision in writing, and
- (b) furnish the aggrieved person with written reasons for the decision.

Offences

11. A person who —
- (a) contravenes or fails to comply with a provision of this by-law;
- (b) ignores, disregards or disobeys a notice, sign or marking displayed or erected for the purposes of this by-law;
- (c) contravenes or fails to comply with an approval or a condition granted or imposed in terms of this by-law;
- (d) fails to comply with a written request to move or remove his or her property;
- (e) deliberately furnishes false or misleading information to an officer or employee of the local authority, or
- (f) threatens, resists, interferes with or obstructs an officer or employee of the local authority in the exercise or performance of his or her powers, duties or functions under this by-law,
- shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand (R1 000) or to imprisonment for a period not exceeding three months.

Repeal of regulations

12. The Regulations relating to Hawkers and Pedlars published in the Provincial Gazette under Provincial Notice 558 dated 5 October 1950, as amended by P.N. 791/1955 and P.N. 465/1988, are hereby repealed in so far as they apply to the municipal area of Stellenbosch.

SCHEDULE OF PRINCIPLES

In accordance with the provisions of the Businesses Act, 1991 (Act 71

(Wet 71 van 1991) en verordenings en regulasies ingevolge daarvan afgekondig, is die volgende beginsels van toepassing:

1. Daardie wetgewing moet 'n raamwerk voorsien ten einde straat-handelaars in staat te stel om as regmatige bydraers tot die ekonomiese aktiwiteit en groei van die Provinsie werksaam te wees.
2. Straathandelaars moet die vryheid hê om in 'n oop ekonomiese handel te dryf en 'n bestaan te maak as bydraers tot die ekonomie van die Provinsie.
3. Straathandelaars moet gelyke toegang tot markgeleenthede hê.
4. Straathandelaars moet as entrepreneurs wat meedoen aan formele ekonomiese bedrywighede, behandel word; die historiese agtergrond waaruit die sektor ontstaan het en die spesifieke logistiese probleme waarmee die sektor te kampe het, moet egter in gedagte gehou word.
5. Straathandelaars moet die vryheid van assosiasie hê en hulle tot liggame en organisasies van hul keuse kan konstitueer, op voorwaarde dat hulle formeel gekonstitueer word en erkende lidmaatskap het. Hierdie behoorlik gekonstitueerde liggame en organisasies moet deur die regering en ander sektore erken word.
6. Straathandelaars moet bydra tot die skepping van 'n ekonomiese wat groei en uitbrei.
7. Straathandelaars moet bydra tot die bevordering van deelname aan die groei en ontwikkeling van die Wes-Kaapse ekonomie, met besondere aandag aan die bevordering van histories agtergeblewe entrepreneurs en groepe.
8. Straathandelaar moet bydra tot die skepping van lewensvatbare werkgeleenthede.
9. Straathandelaars moet bydra tot die beskerming van die omgewing en die behoorlike beplanning en ontwikkeling van die ekonomie van die Provinsie.
10. Straathandelaars moet binne die raamwerk van die wet werk en tot die belastingbasis van die Provinsie bydra.
11. Straathandelaars en plaaslike owerhede moet die beginsel van onderhandelinge en regverdigheid in die oplossing van konflik aanvaar.
12. Straathandelaars moet bydra tot die bevordering van 'n skoon en gesonde omgewing en die beskerming van die openbare gesondheid en veiligheid.

MUNISIPALITEIT STELLENBOSCH:

VERKLARING VAN PLEKKE WAAR DIE DRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS VERBOD WORD

Kennis geskied hiermee ingevolge Artikel 6(A)(2)(h) van die Wet op Besighede, No 71 van 1991 soos gewysig deur Wet, No 186 van 1993 (Wysigingswet op Besighede, 1993) dat die Stelmarksentrum wandellaan, Beyersstraat wandellaan, die plek begrens deur albei kante van Merrimanlaan, Maraisstraat, Eersterivier, Plankenbrugrivier en Adam Tasweg in Stellenbosch, soos aangedui op die planne wat hiërde kennisgewing vergesel, gebiede is waarin die dryf van die besigheid van straat-handelaar, venter of smous verbied word, uitgesonderd die 9 staanplekke gemerk "Site 1" tot "Site 9", met 'n verdere uitsondering dat "Site 7" (mark op die Braak) slegs eenkeer per maand gereserveer word vir straat-handelaar, venter, smous/handwerk stalletjies en dat "Site 9" (Strandpad) gereserveer word vir straat-handelaar, venter, smous gedurende weksdae vanaf Maandag tot Saterdag tussen 09h00 tot 18h00.

Herroeping van Regulasies Provinsiale Kennisgewing Nr 101/1993, synde verklaring van Plekke waar die Dryf van die Besigheid van straat-handelaar, venter of smous, verbied is, word hiermee herroep in soverre dit op die munisipale gebied van Stellenbosch van toepassing is.

Hierdie kennisgewing tree met ingang van die datum van publikasie in die Offisiële Koerant in werking.

JP RETIEF
UITVOERENDE HOOF/STADSKLERK

of 1991), and the by-laws and regulations promulgated in terms thereof, the following principles shall apply:

1. That legislation shall provide a framework to allow street traders to operate as legitimate contributors to the economic activity and growth of the Province.
2. Street traders shall have the freedom to trade in an open economy and pursue a livelihood as contributors to the economy of the Province.
3. Street traders shall have equal access to market opportunities.
4. Street traders shall be treated as entrepreneurs engaged in formal economic activity; however, the historical background from which the sector has emerged and the specific logistical problems associated with the sector shall be borne in mind.
5. Street traders shall have the freedom to associate and constitute themselves into bodies and organisations of their choice, provided that they are formally constituted and have a recognised membership. These properly constituted bodies shall be recognised by government and other sectors.
6. Street traders shall contribute to the creation of a growing and expanding economy.
7. Street traders shall assist in the promotion of participation in the growth and development of the Western Cape economy with particular attention to the advancement of historically disadvantaged entrepreneurs and groups.
8. Street traders shall contribute to the creation of viable employment opportunities.
9. Street traders shall contribute to the protection of the environment and the proper planning and development of the economy of the Province.
10. Street traders shall operate within the legal framework and contribute to the tax base of the Province.
11. Street traders and local authorities shall accept the principle of negotiation and fairness in the resolution of conflict.
12. Street traders shall contribute to the promotion of a clean and healthy environment and the protection of public health and safety.

STELLENBOSCH MUNICIPALITY:

DECLARATION OF PLACES WHERE THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER IS PROHIBITED

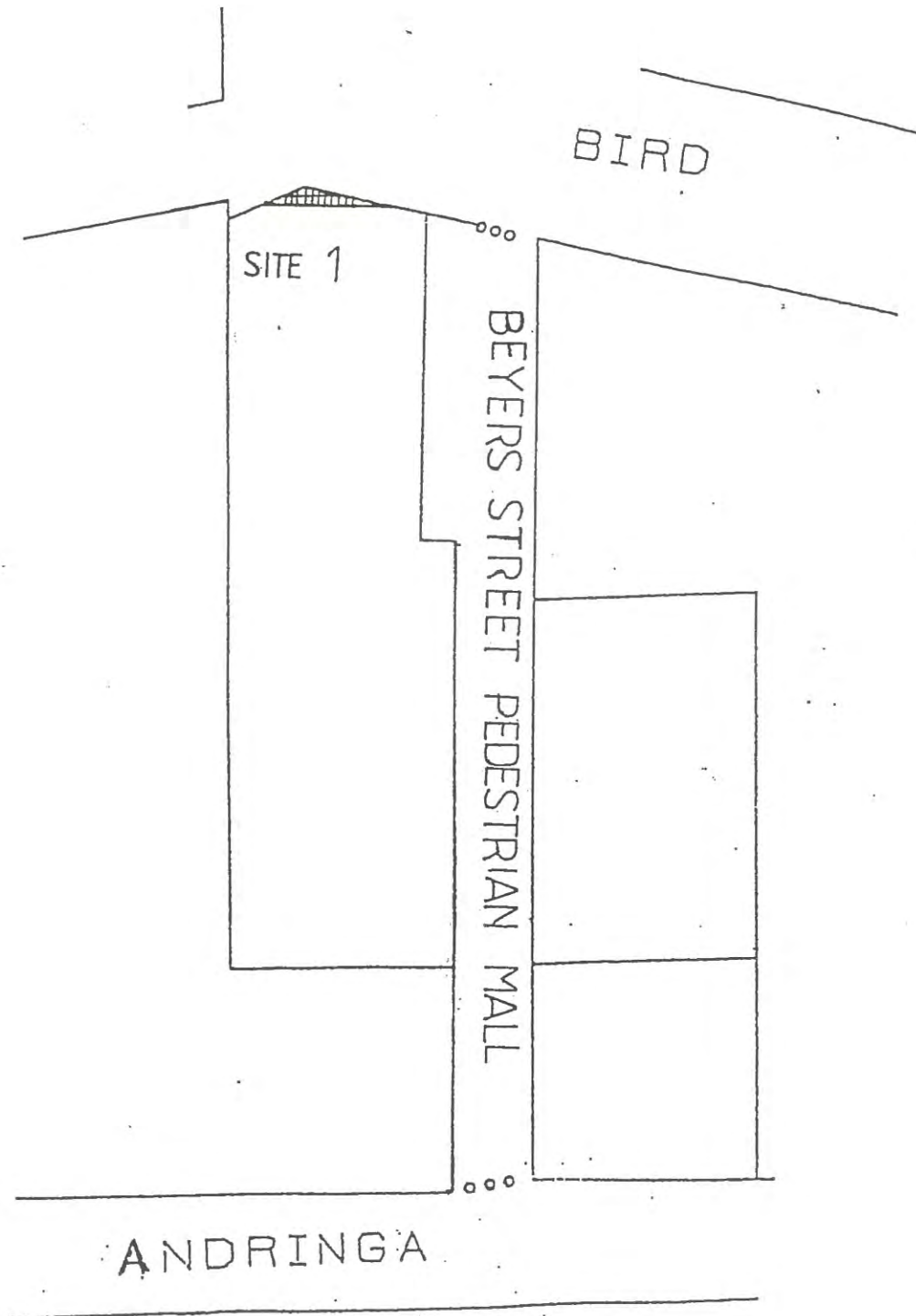
Notice is hereby given in terms of Section 6(A)(2)(h) of the Business Act, No 71 of 1991 as amended by Act, No 186 of 1993 (Business Amendment Act, 1993), that the Stelmark Centre pedestrian mall, Beyers Street pedestrian mall, both sides of Merriman Avenue, Marais Street, Eerste River, Plankenbrug River and Adam Tas Road in Stellenbosch, as shown on the plans which accompany this notice, are areas in which the carrying on of the business of street vendor, pedlar or hawker is prohibited, with the exception of the 9 stands marked "Site 1" to "Site 9" and with a further exception that "Site 7" (market on the Braak) be reserved for street vendor, pedlar, hawker/craft markets, once a month only and that "Site 9" (Strand Road) be reserved for street vendor, pedlar, hawker during weekdays from Monday to Saturday between 09h00 and 18h00.

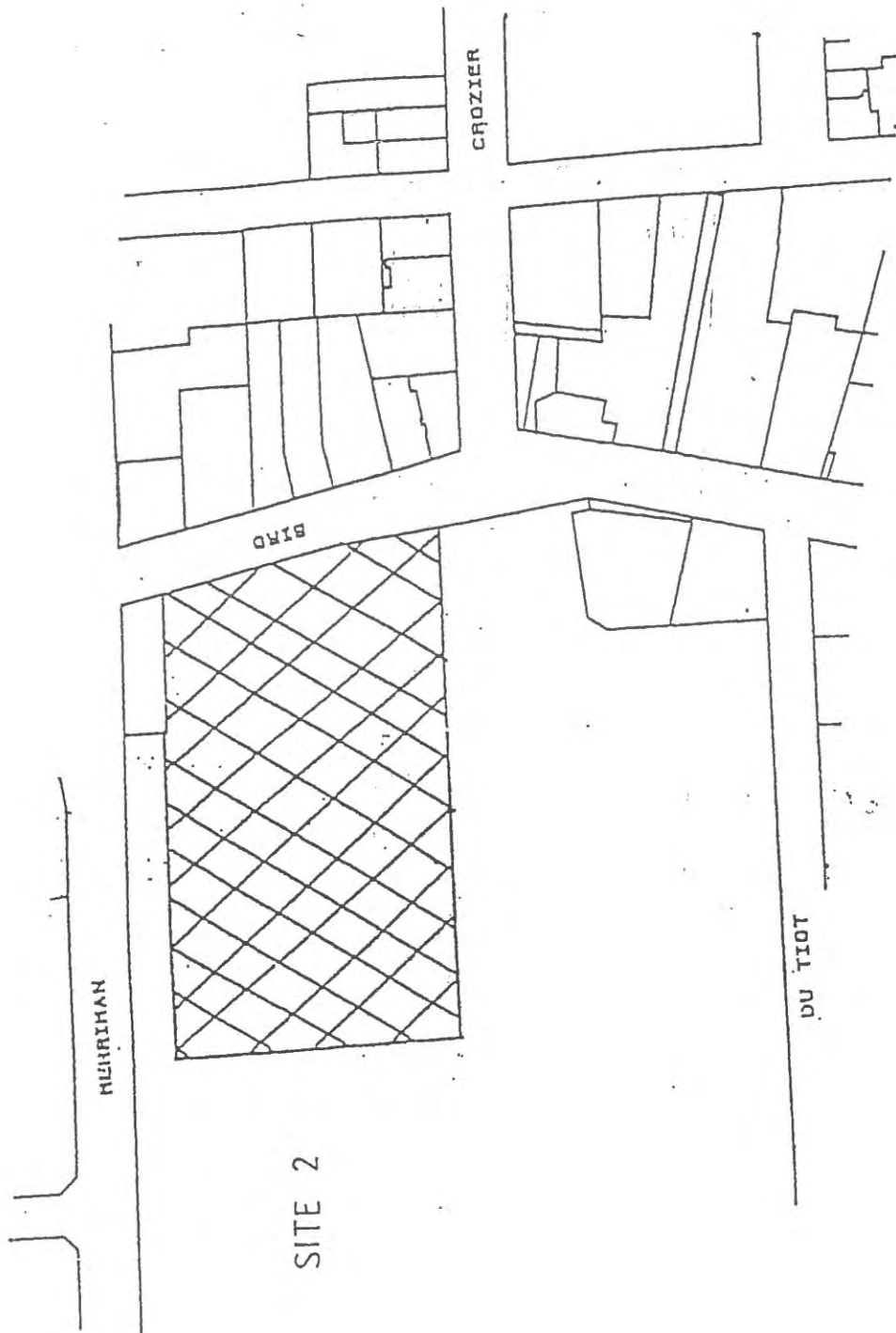
Repeal of Regulations Provincial Notice No 101/1993 being Declaration of Places where the carrying on of the Business of street vendor, pedlar or hawker is prohibited, is hereby repealed in so far as it applies to the municipal area of Stellenbosch.

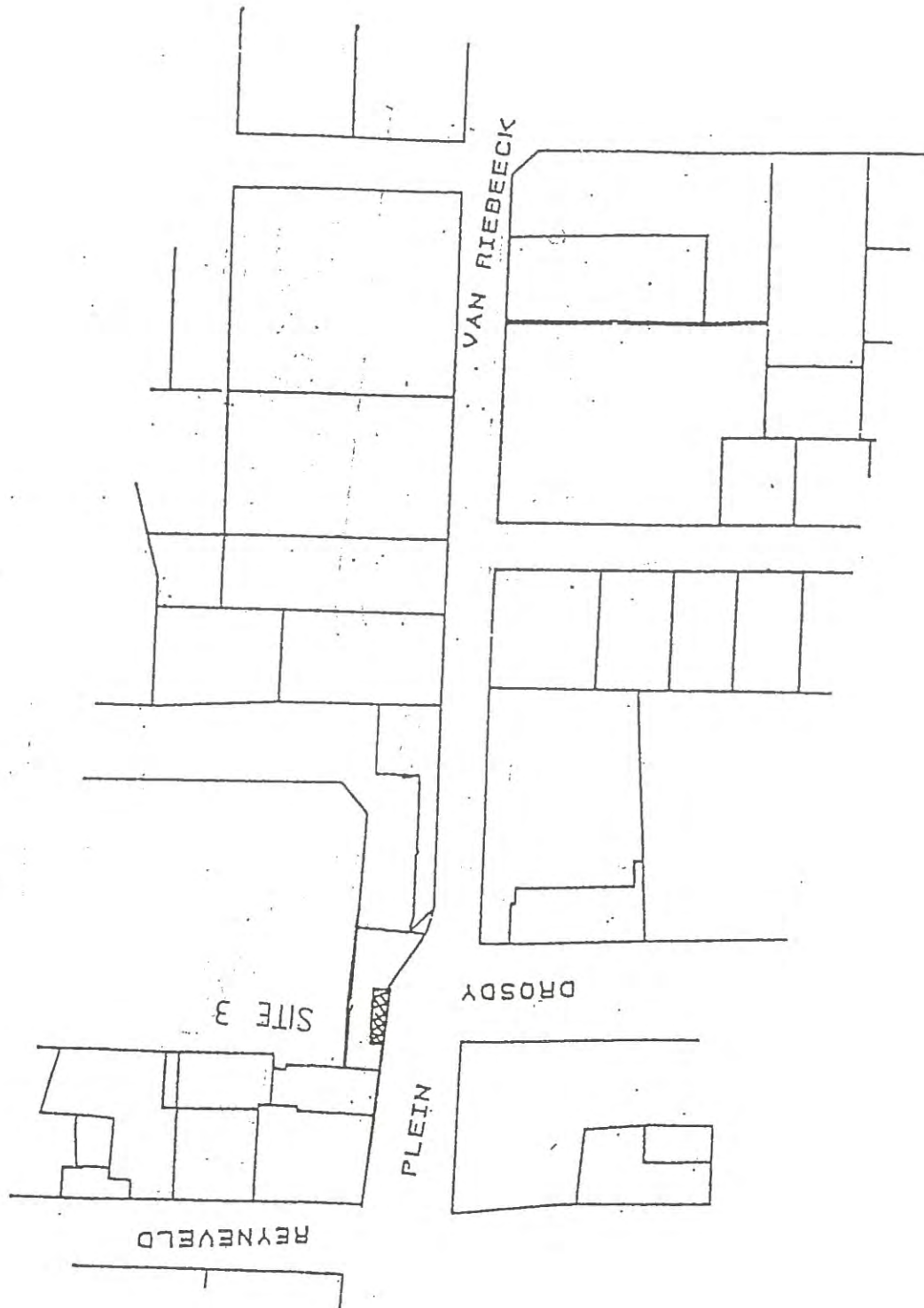
This notice shall take effect on the date of publication in the Official Gazette.

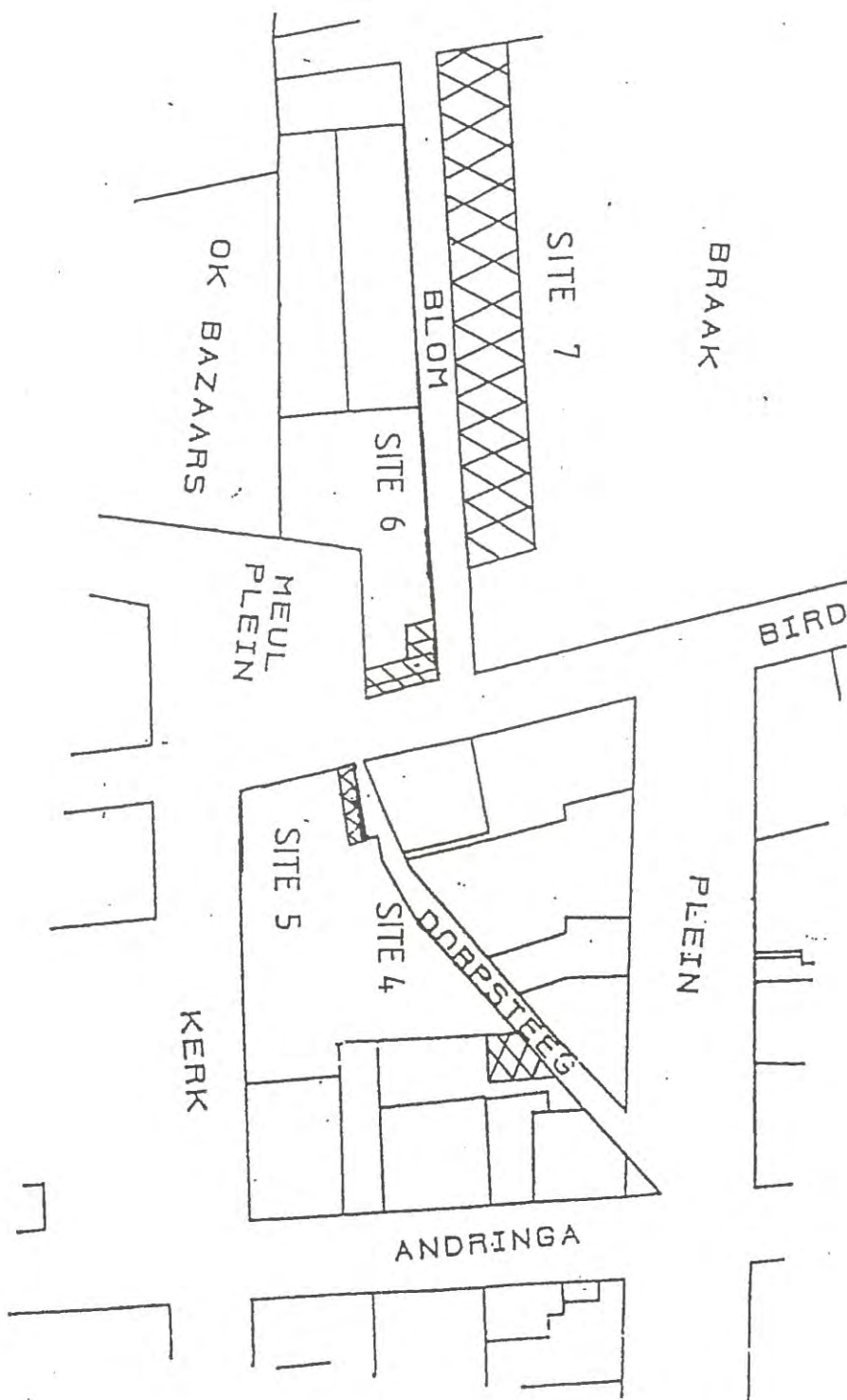
JP RETIEF
CHIEF EXECUTIVE/TOWN CLERK

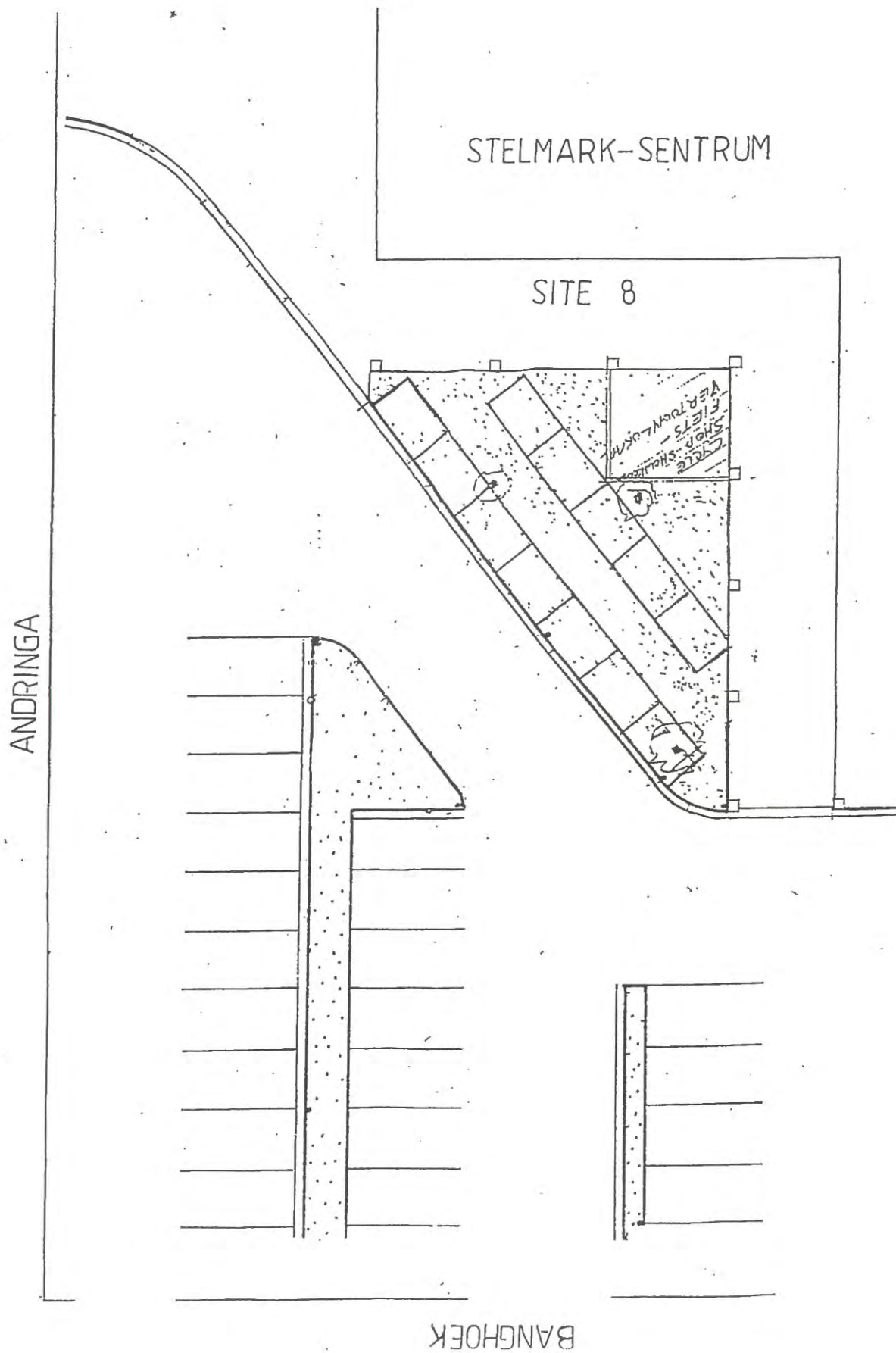














APPENDIX 3

74

G/D/C 17

262

Provinsie Wes-Kaap: Provinsiale Koerant 5127

11 April 1997

MUNICIPALITY FOR THE AREA OF FRANSCHHOEK:

DECLARATION OF PLACES WHERE THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER IS PROHIBITED

Notice is hereby given in terms of section 6(A)(2) of the Business Act, 1991, that the Council is considering declaring Lambrecht Street, Huguenot Road, Main Road, Reservoir Street-East and West, Kruger Street, La Provence Street, Stiebeul Street, Le Roux Road and Boonzaaiers Road in Franschhoek, as shown on the plans which lie open for inspection and including adjoining sidewalks, as areas in which the carrying on of the business of street vendor, pedlar or hawker is prohibited, with the exception of the stands marked 1 to 13 on the said plans which lie open for inspection.

The reason for this decision of Council is:

1. To arrange the business of street vendor, pedlar or hawker, with the aim of improving service delivery to these businesses (i.e. refuse removal/picking up of refuse).
2. To keep sidewalks, vehicle entrances and street corners open to enable pedestrian traffic to flow freely.

Full particulars and plans can be obtained from the undersigned during office hours. Any objections or comment on the intention of Council must be handed in in writing and must reach the undersigned within 21 days of the date of this notice. — Piet Smit, Town Clerk, Franschhoek.

5 April 1997.

15590

MUNISIPALITEIT VIR DIE GEBIED VAN FRANSCHHOEK:

VERKLARING VAN PLEKKE WAAR DIE DRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS VERBOD WORD

Kennis geskied hiermee ingevolge artikel 6(A)(2) van die Wet op Besighede, 1991, dat die Raad dit oorweeg om Lambrechtstraat, Huguenoteweg, Hooftweg, Reservoirstraat-Oos en Wes, Krugerstraat, La Provencestraat, Stiebeulstraat, Le Rouxweg en Boonzaaiersweg in Franschhoek, soos aangedui op die planne wat ter insae lê en ingesluit aangrensende sypaadjies, tot gebiede te verklaar waarin die dryf van die besigheid van straathandelaar, venter of smous verbod word, uitgesonderd die staanplekke gemerk 1 tot 13 op genoemde planne wat ter insae lê.

Die rede vir die besluit van die Raad is o.a. om:

1. Die bedryf van die besigheid van straathandelaar, venter of smous te orden, ten einde dienslewering aan hierdie besighede te vergemaklik (vullisverwydering/optel van rommel).
2. Sypaadjies, voertuigingange en straathoeke oop te hou ten einde voergangerverkeer onbelemmer te laat vloei.

Volledige besonderhede en planne kan van die ondergetekende verkry word gedurende kantoorure. Enige besware of kommentaar teen die voorneme van die Raad moet skriftelik aangeteken word en moet die ondergetekende bereik binne 21 dae vanaf datum van hierdie kennisgewing. — Piet Smit, Stadsclerk, Franschhoek.

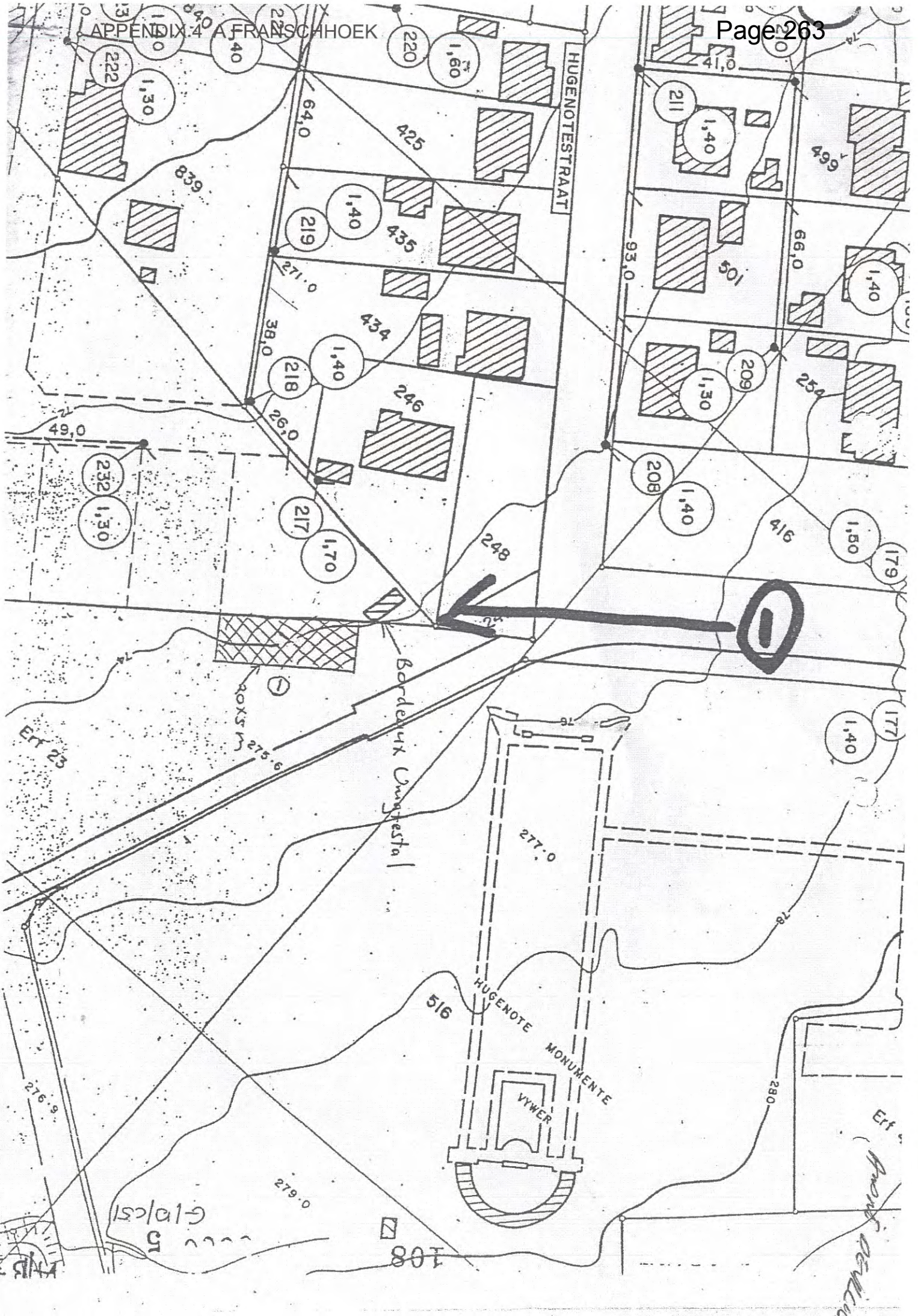
5 April 1997.

15590

Provinsiale Koerant 11 April 1997. R90.00

APPENDIX 4

APPENDIX 4 A FRANSCHHOEK



HUGENOTESTRAAT

Bordeuxweg

HUGENOTE MONUMENTE
VYWER

232 1,30

218 1,40

217 1,70

211 1,40

209 1,30

208 1,40

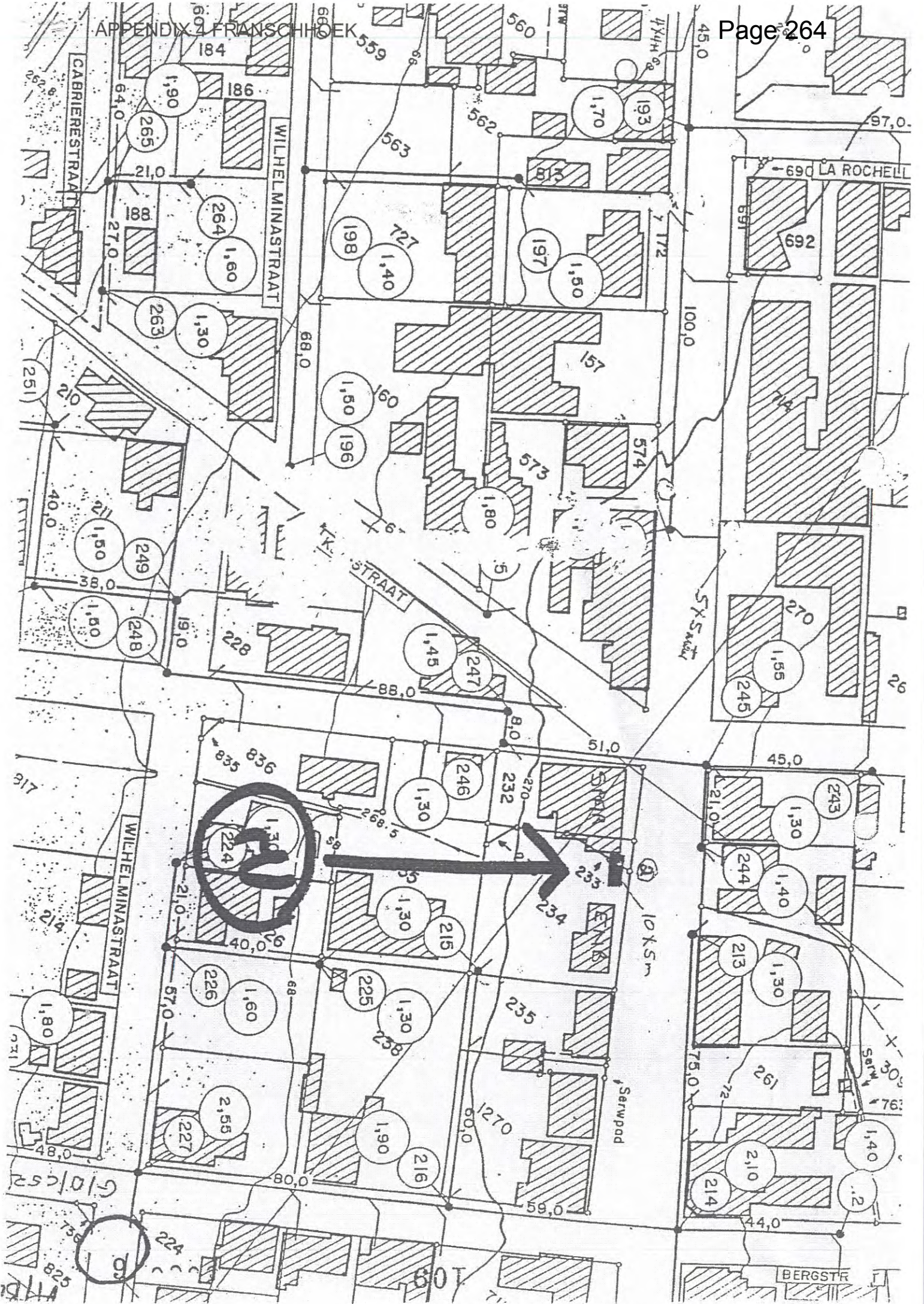
179 1,80

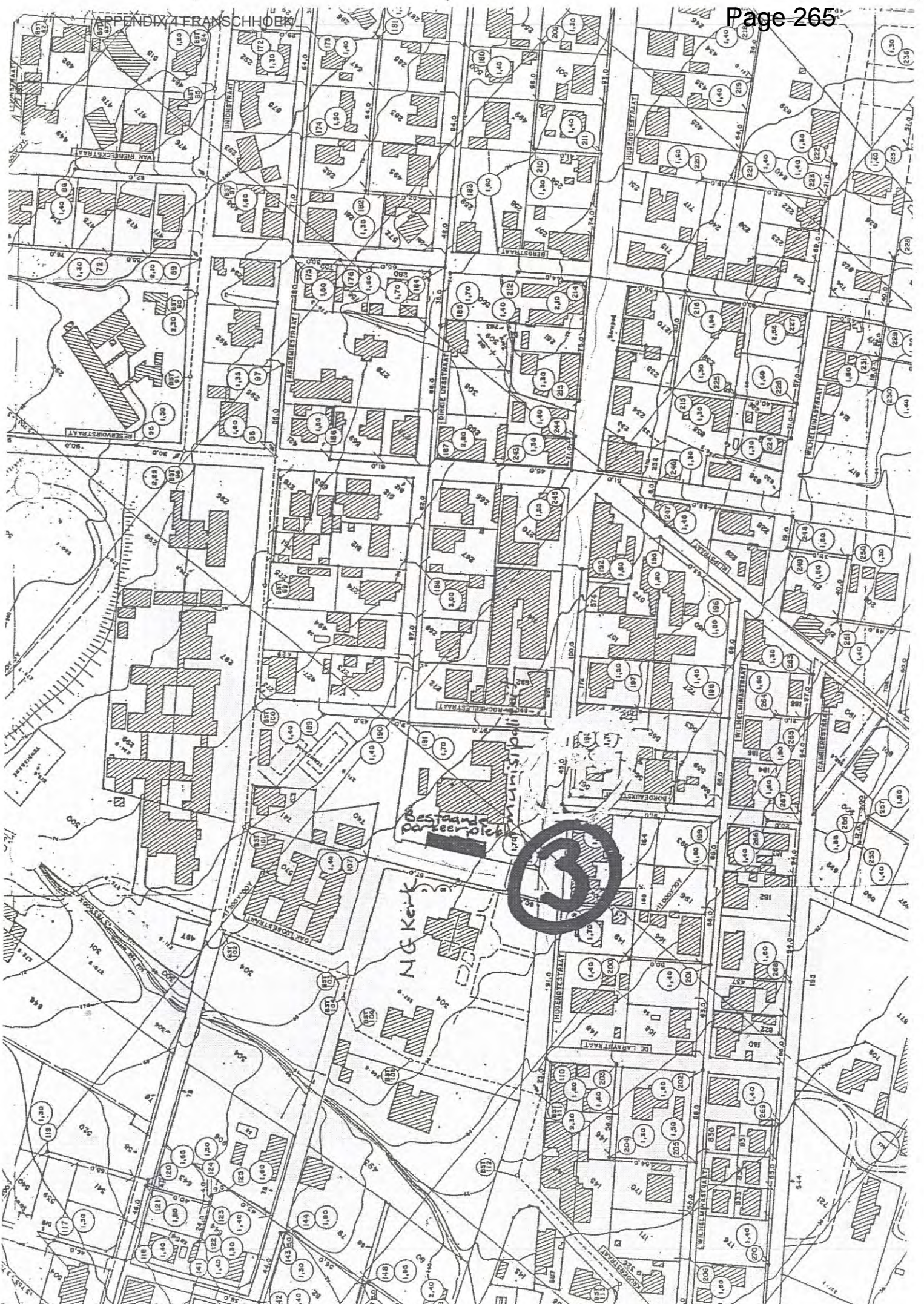
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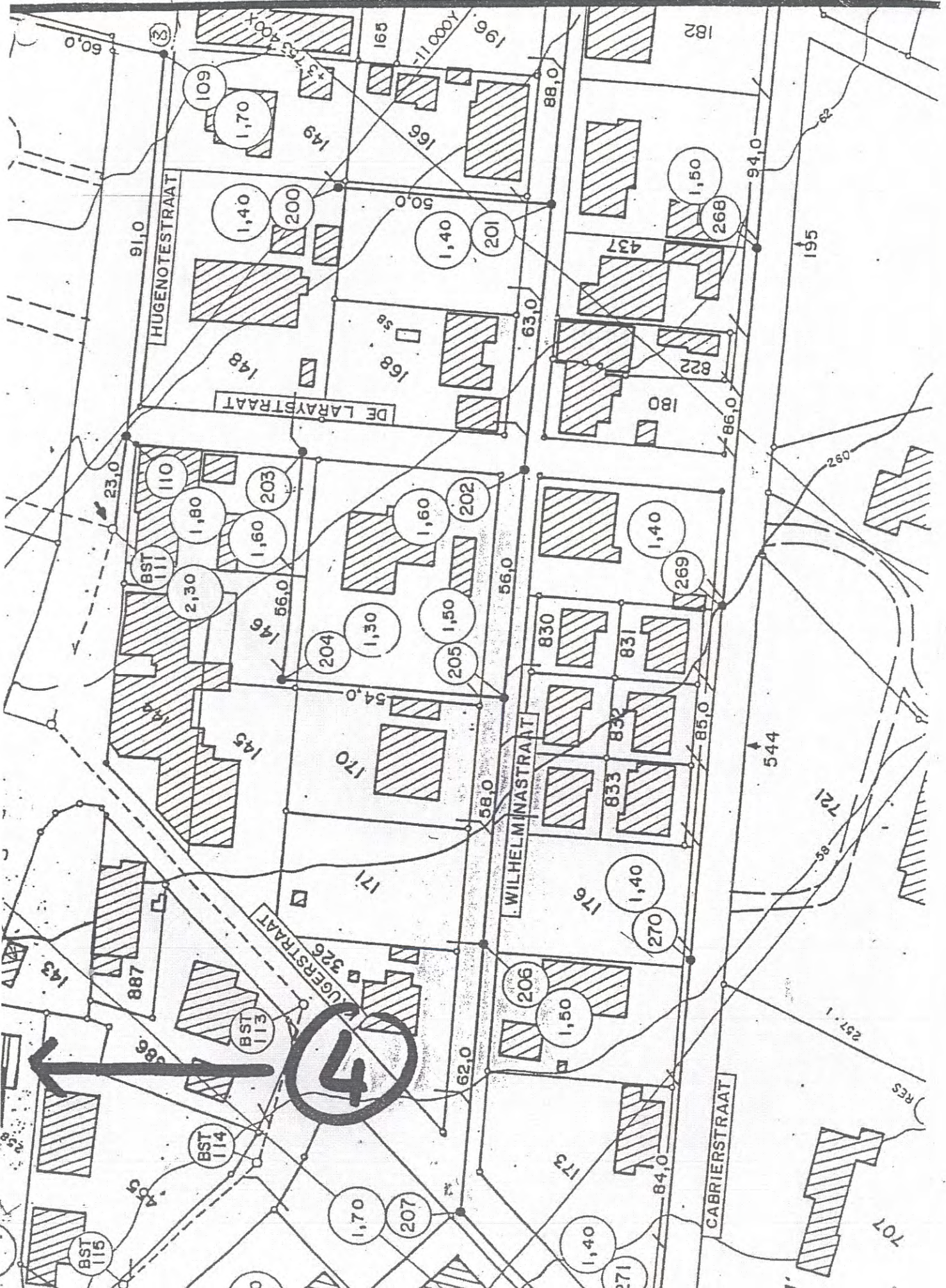
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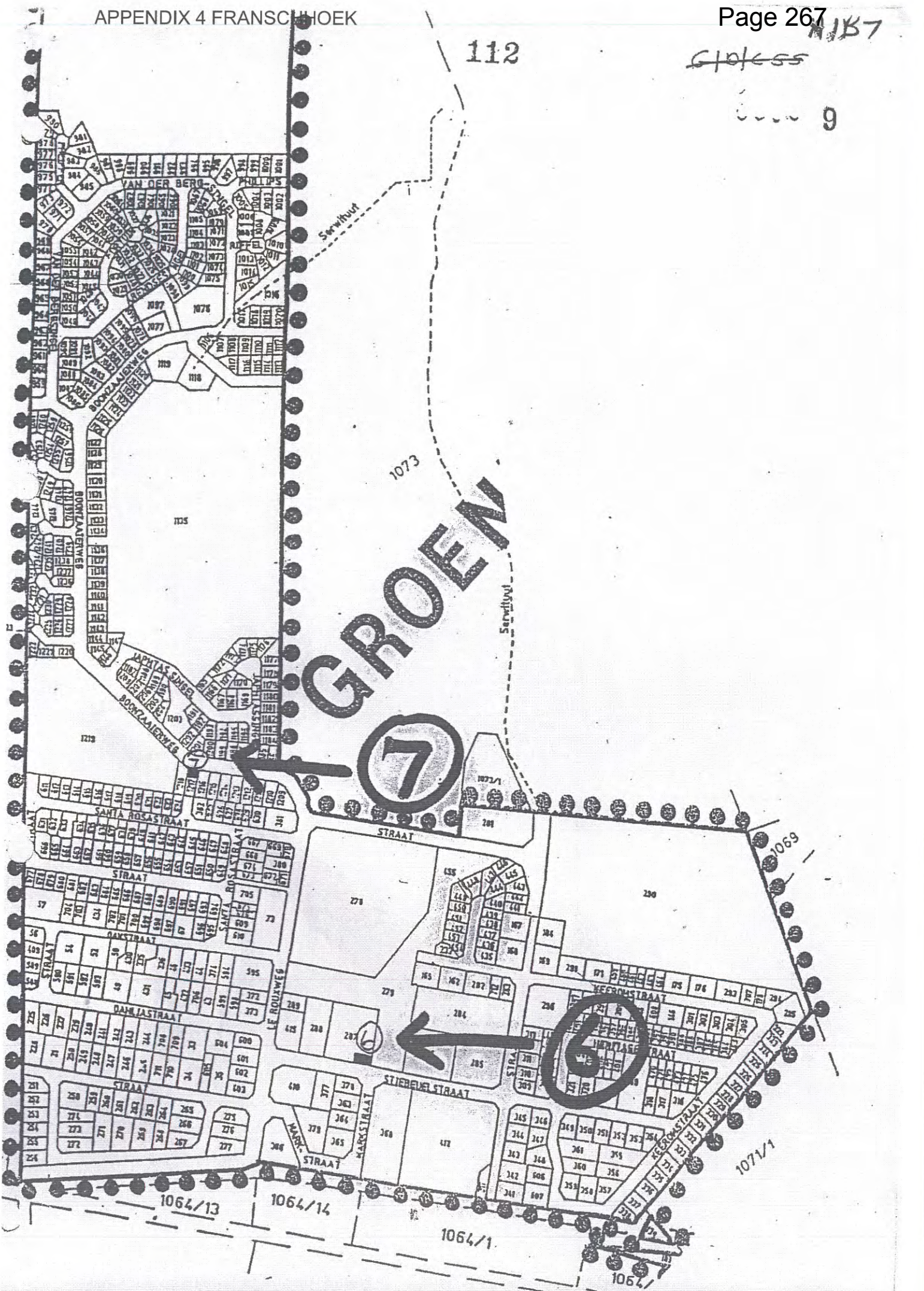


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GROEN

7

6

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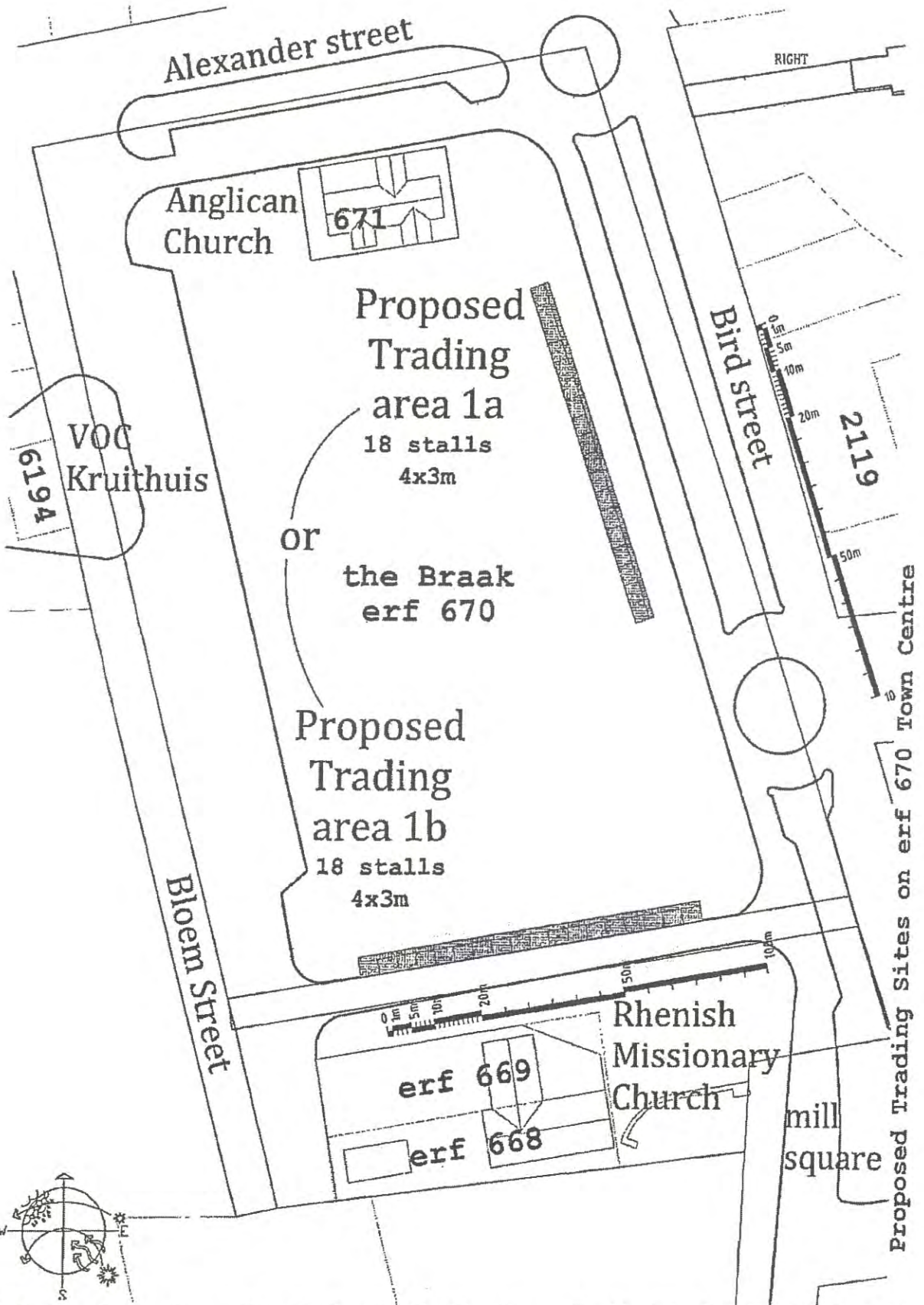
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1069

Swartkops

Sandfontein

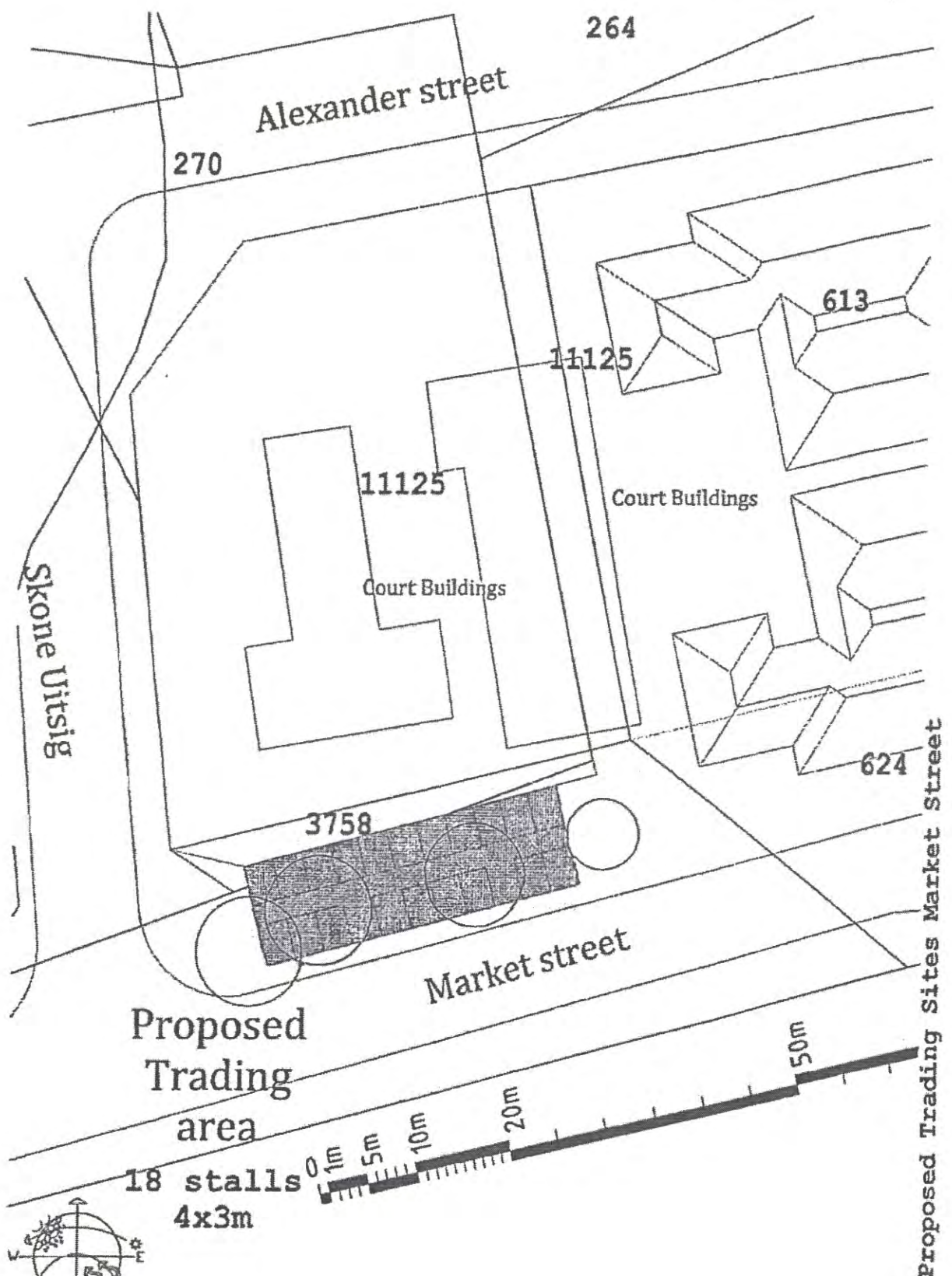
APPENDIX 5



October 2013

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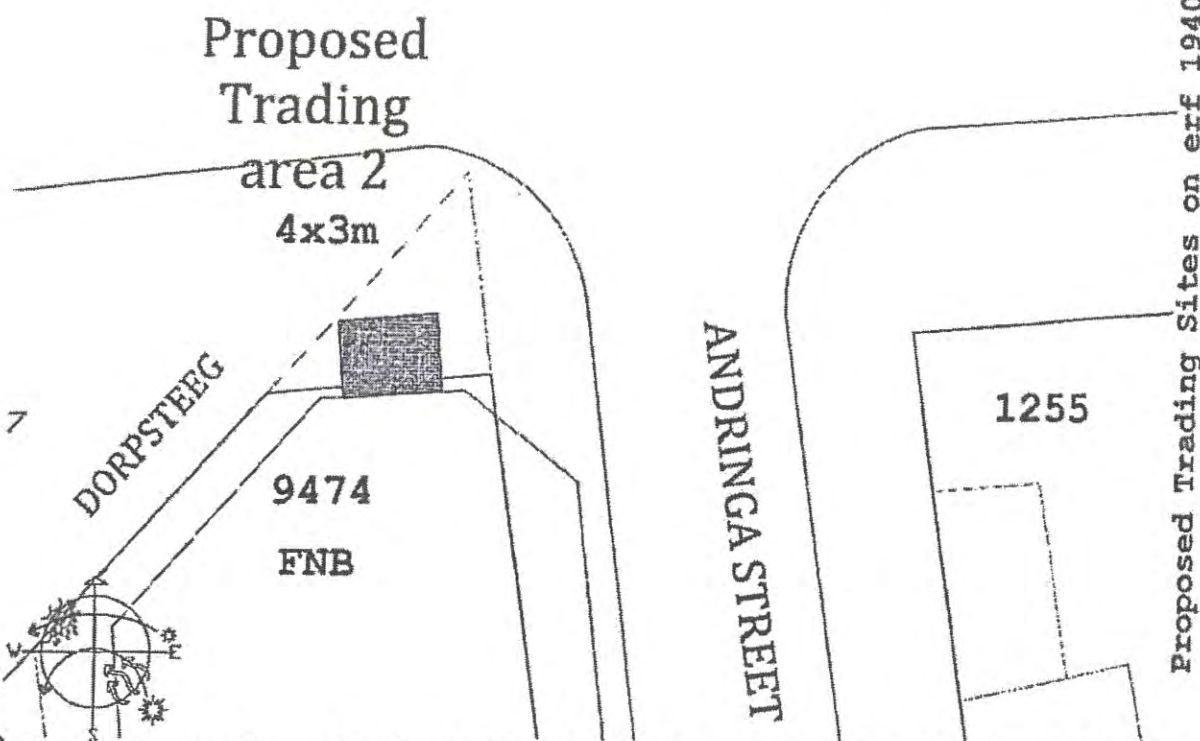
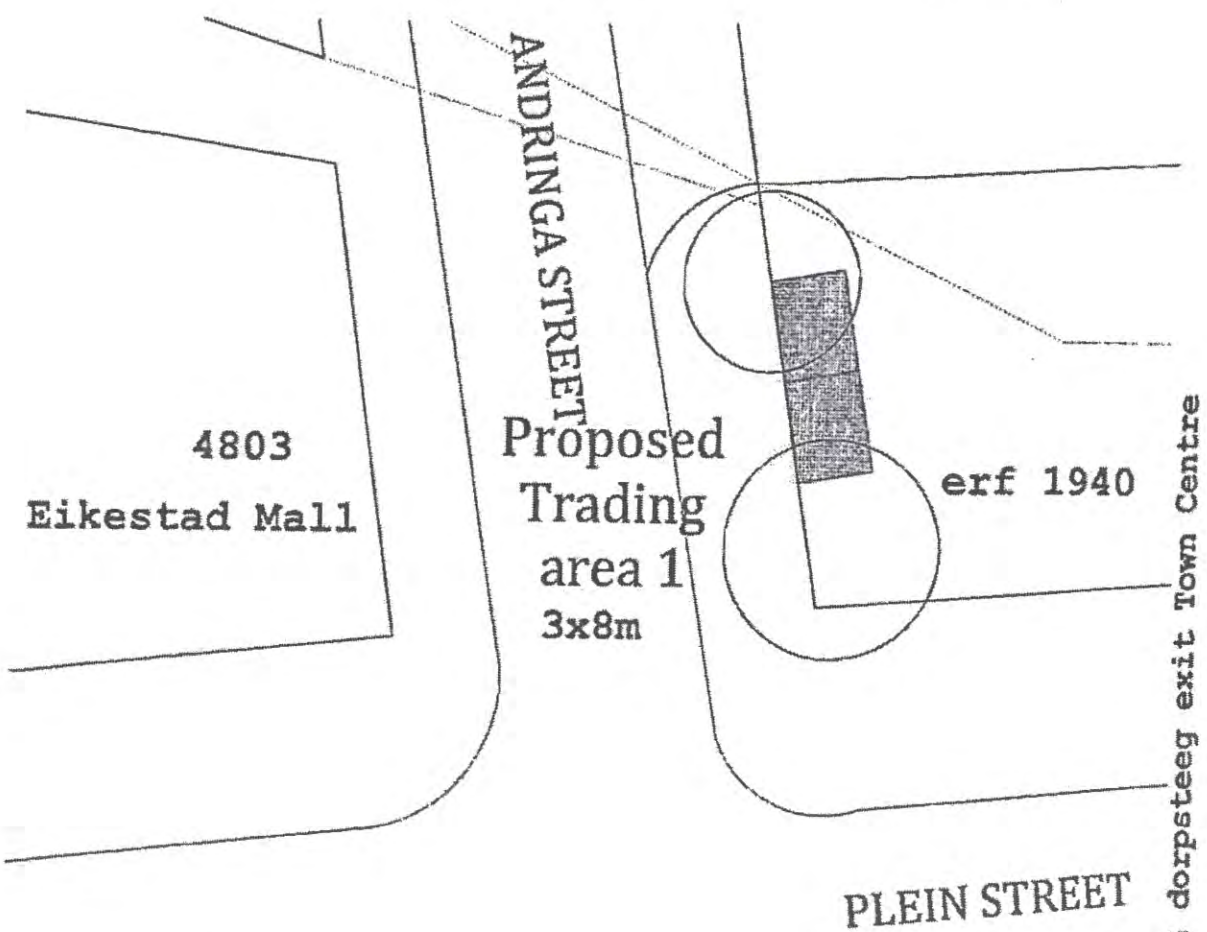
D I N F O R M A L T R A D I N G S I T E S



October 2013

02 D I N F O R M A L T R A D I N G S I T E S

copyright SA/AT 32194

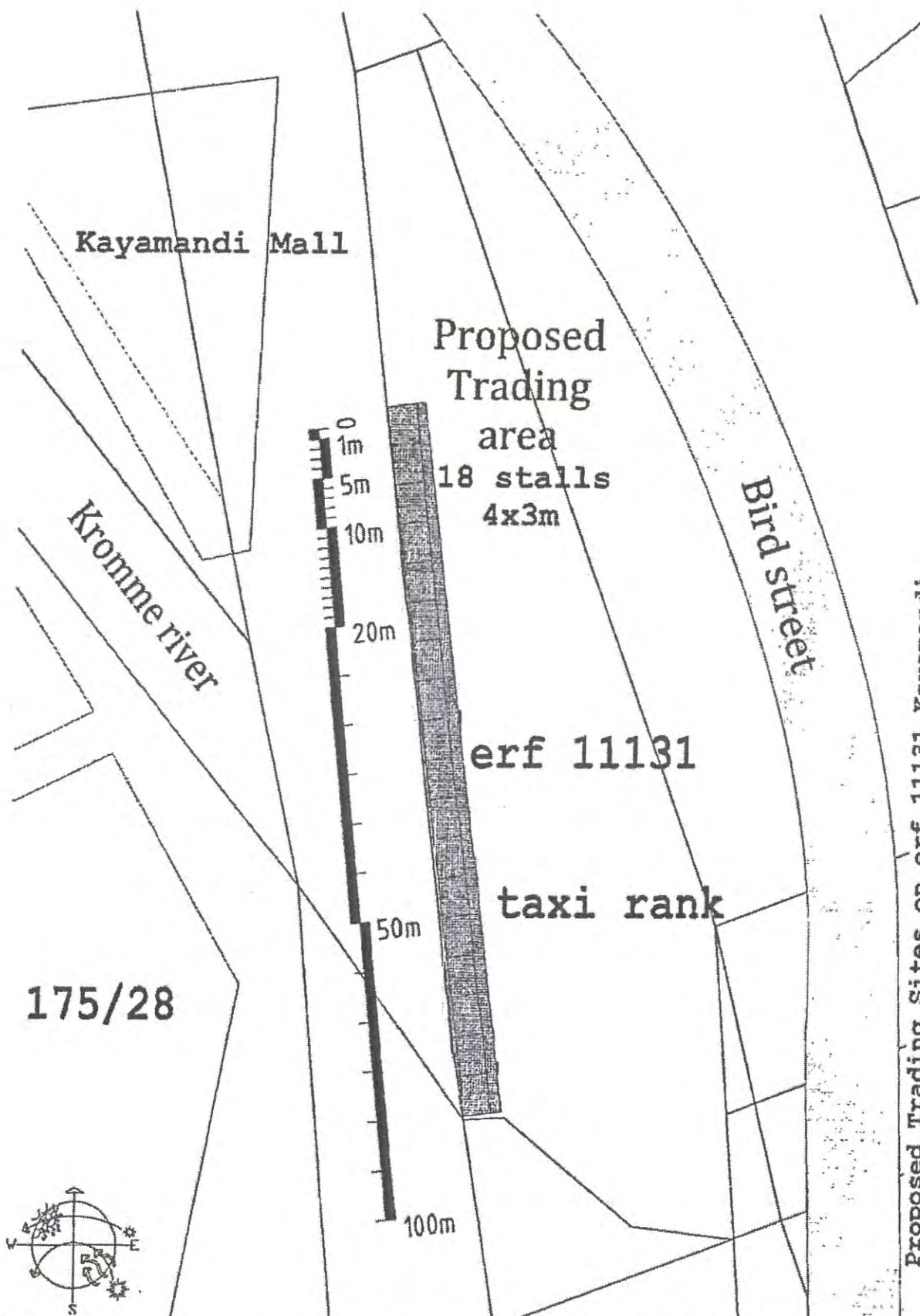


Proposed Trading Sites on erf 1940 & dorpsteeg exit Town Centre

October 2013

03

S I T E S T R A D I N G F O R M A T



Proposed Trading Sites on erf 11131 Kayamandi

October 2013

04



175/28

Proposed Trading area
18 stalls
4x3m

erf 11131

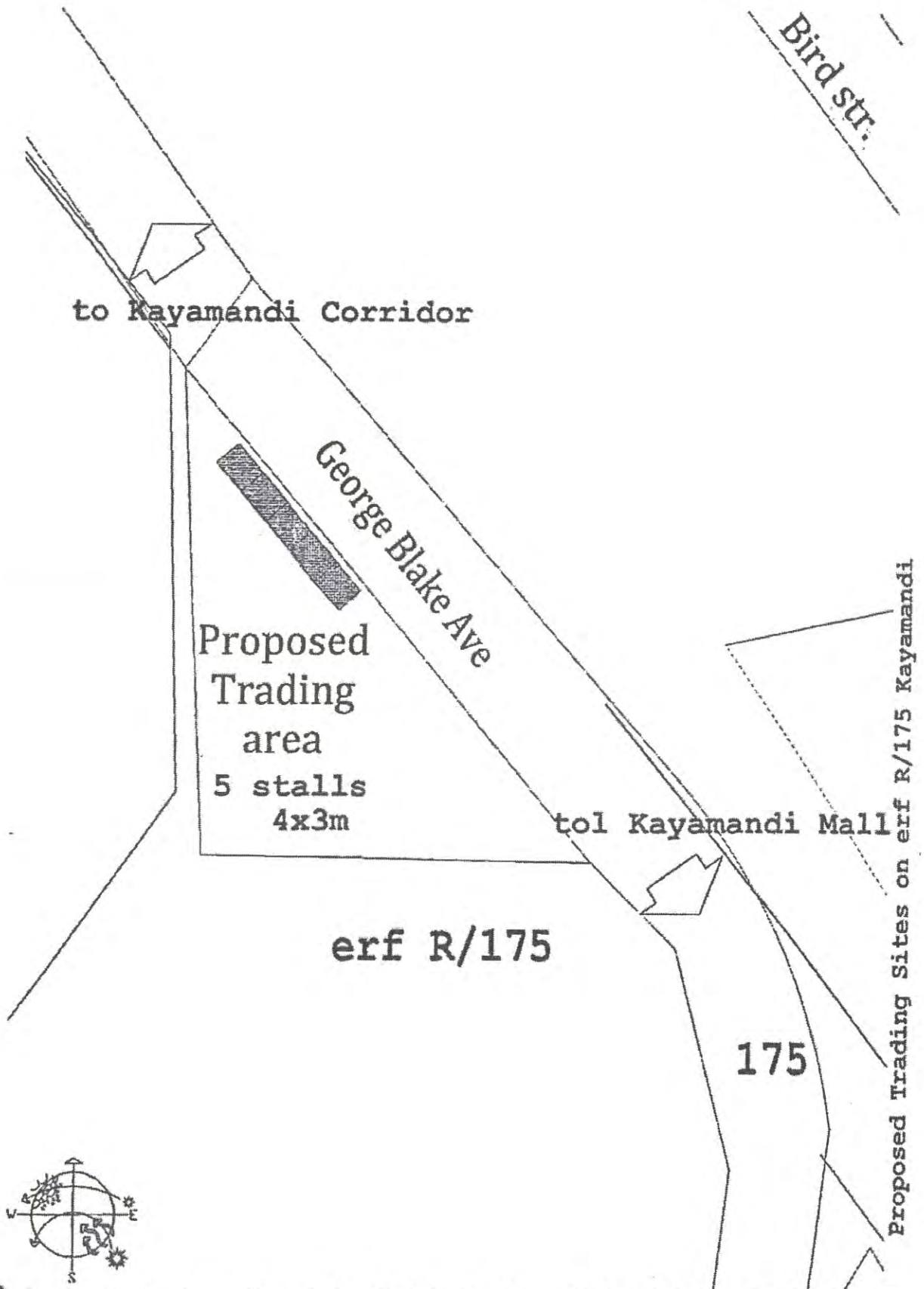
taxi rank

Kromme river

Bird street

Kayamandi Mall

□ I N F O R M A T I O N G T R A D I N G S I T E S

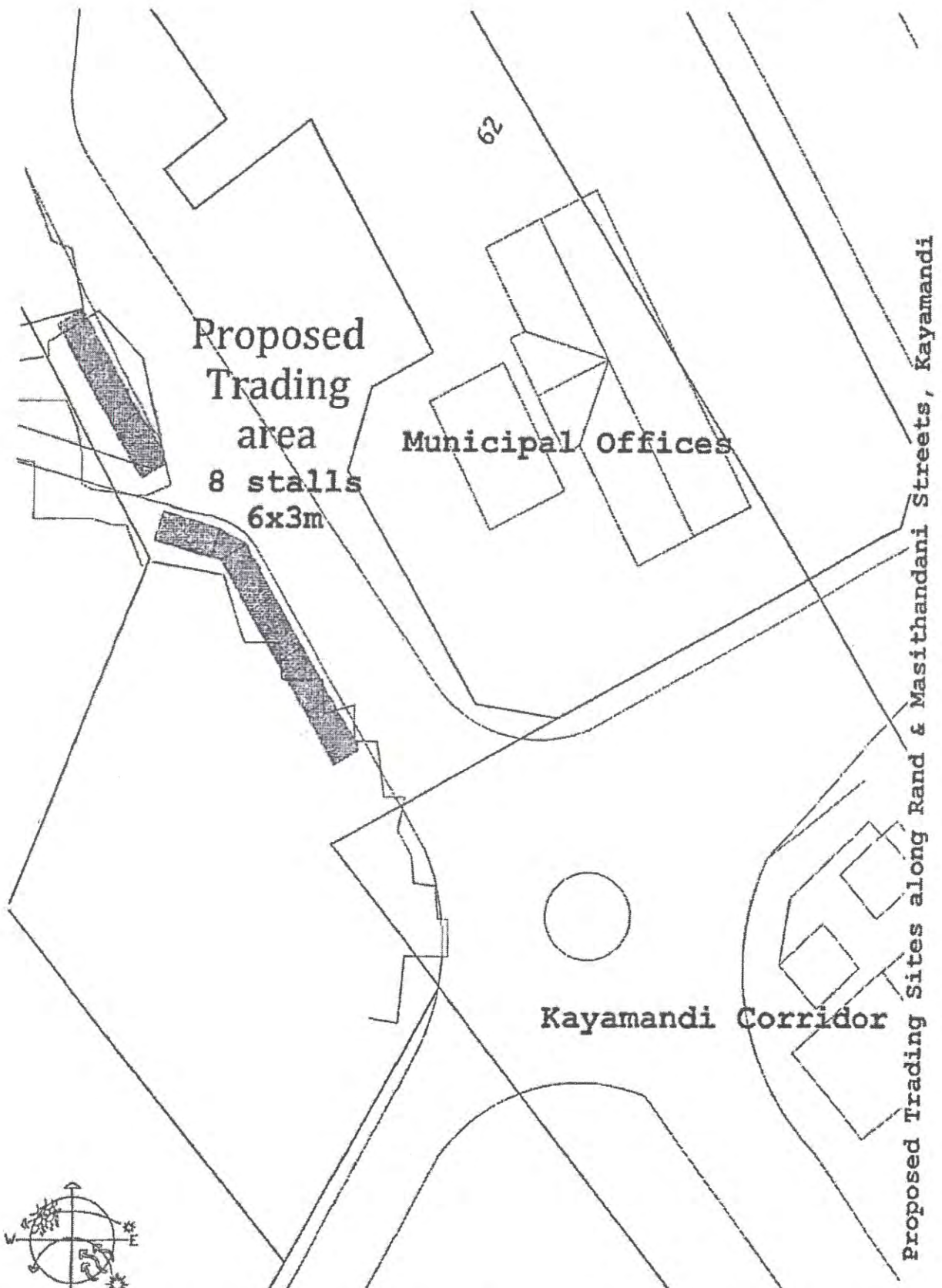


October 2013

03



D I N F O R M A L T R A D I N G S I T E S

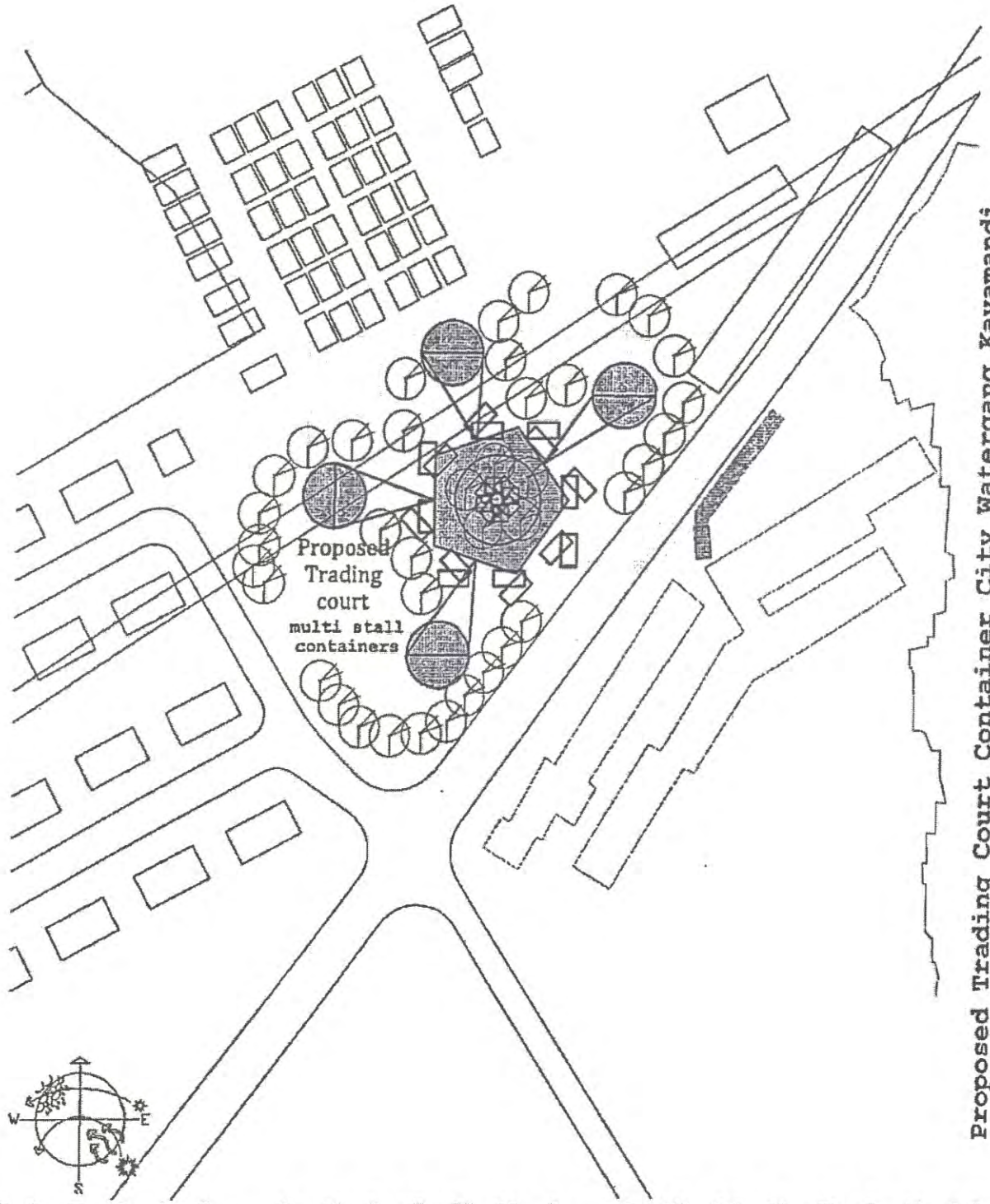


October 2013

06



FORMAL TRADING SITES



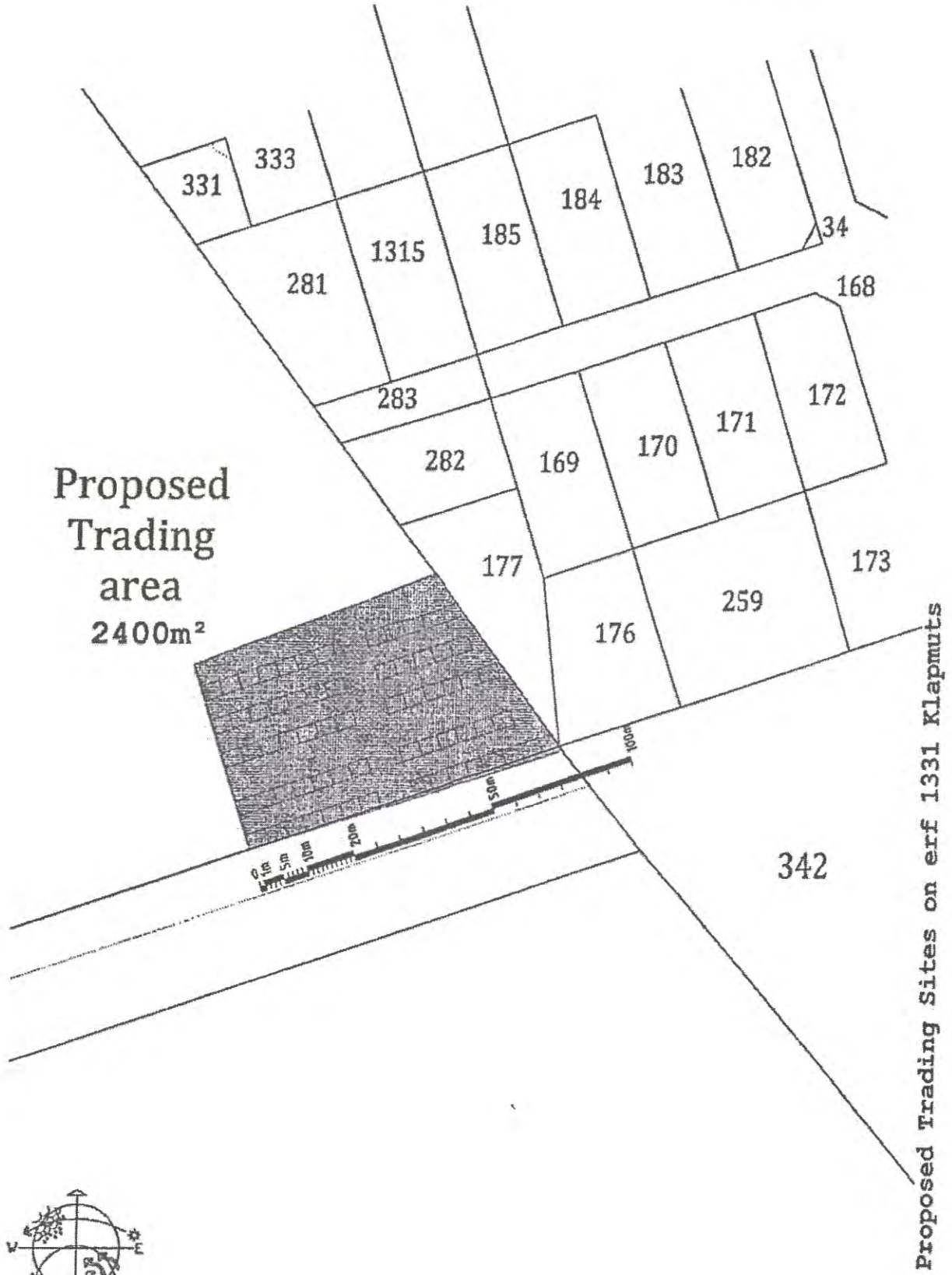
Proposed Trading Court Container City Watergang Kayamandi

October 2013

07



PRELIMINARY TRADING SITES

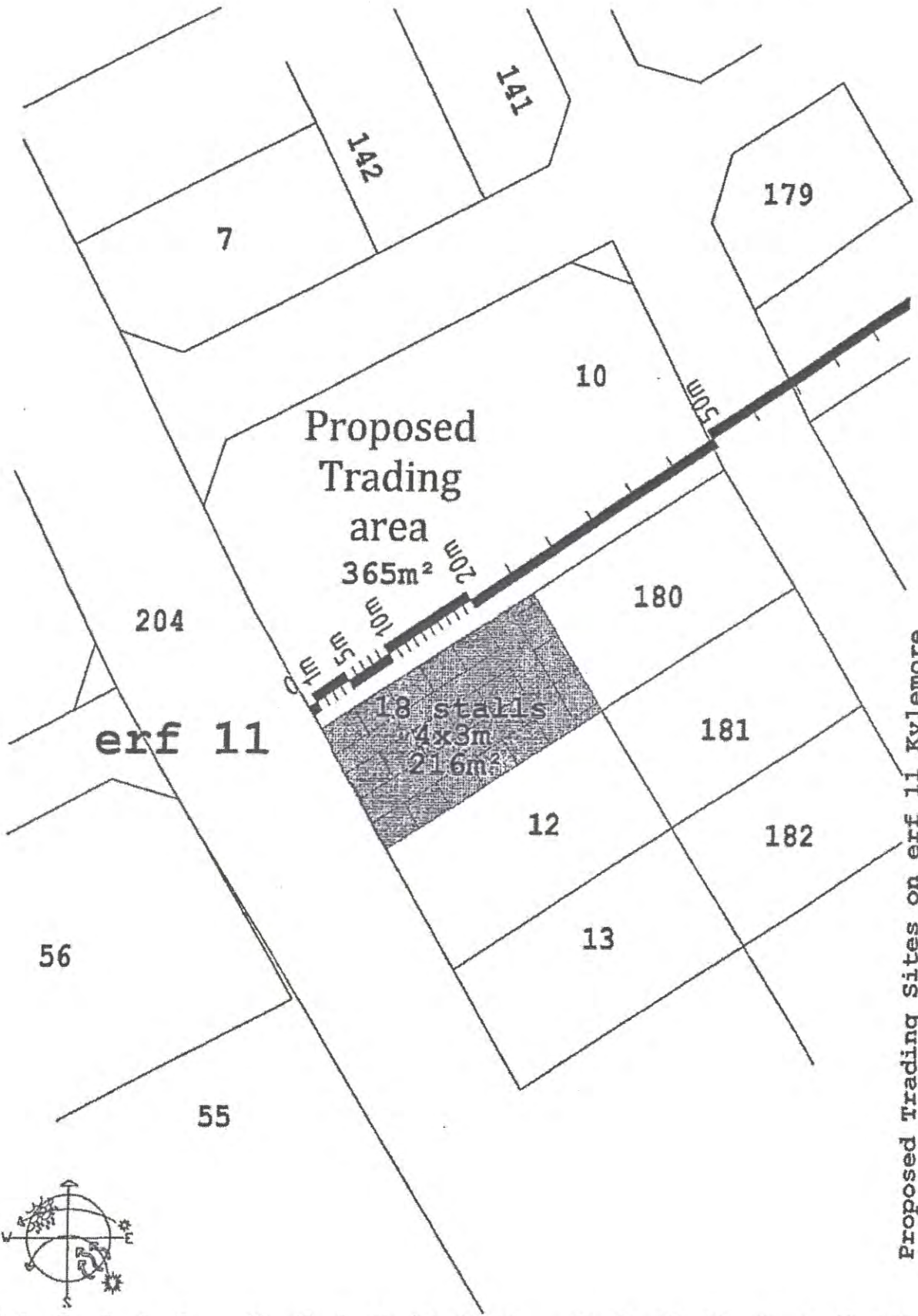


October 2013

08



INFORMAL TRADING SITES



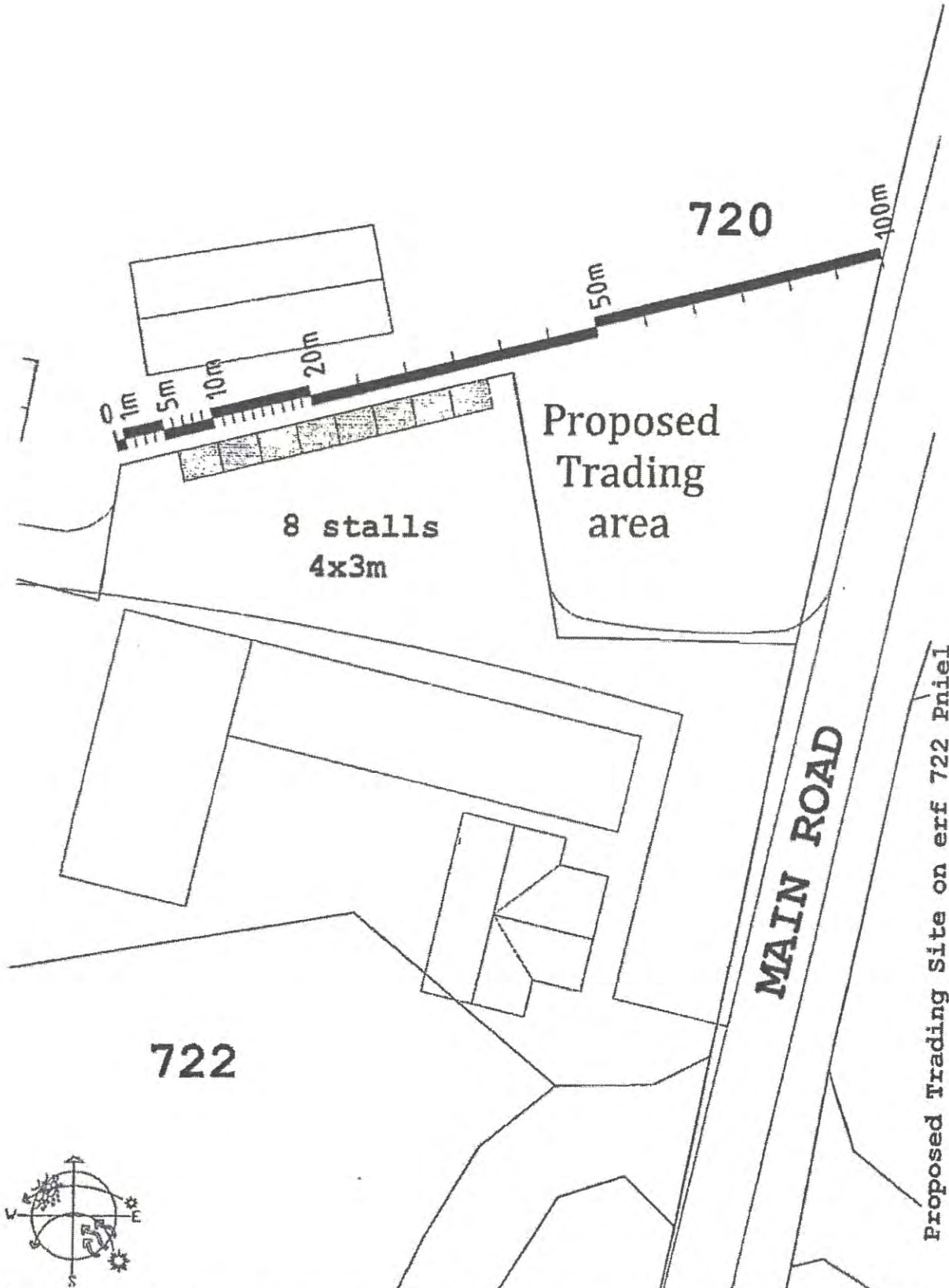
Proposed Trading Sites on erf 11 Kylemore

October 2013

09



FINAL TRADING SITES

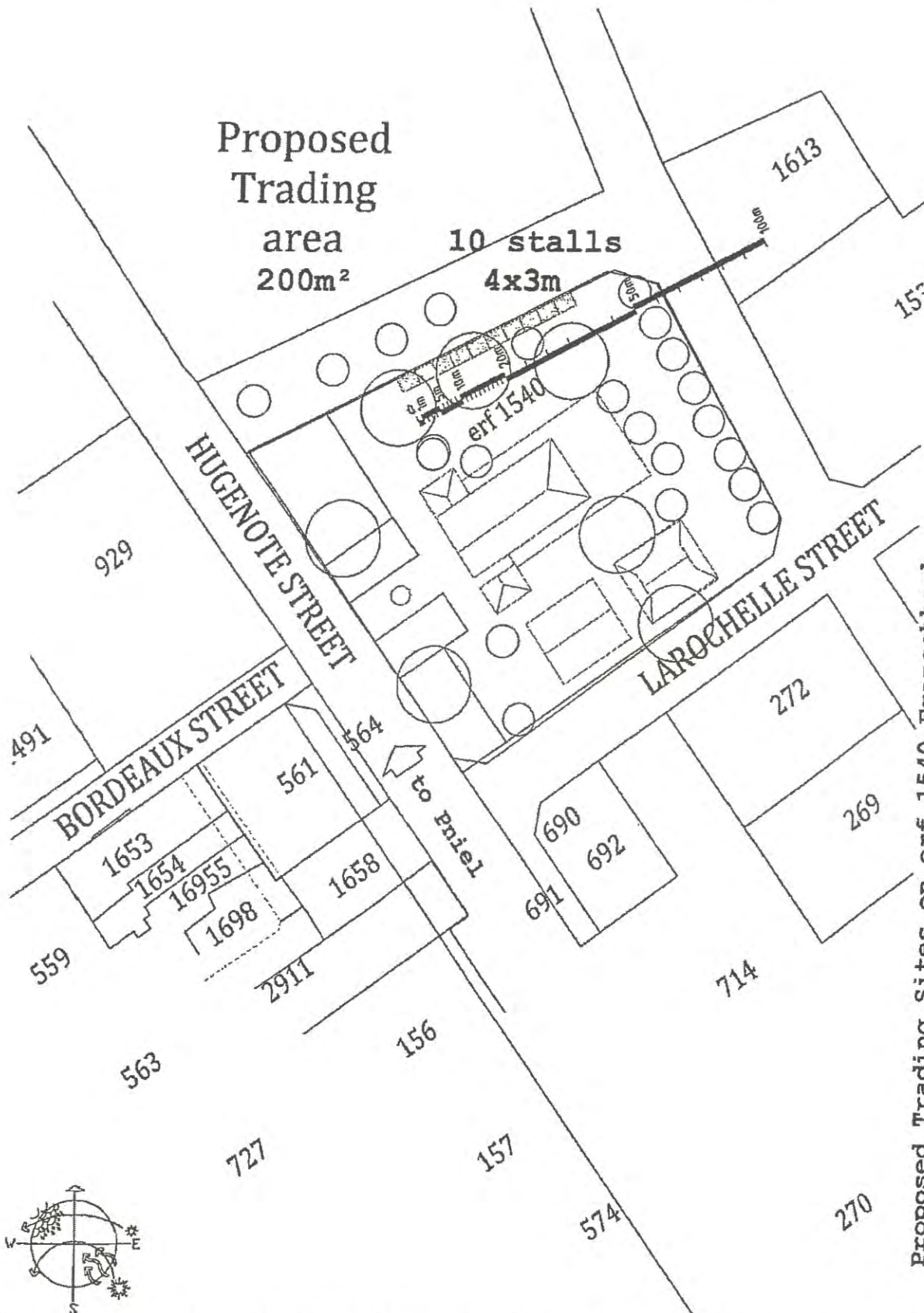


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10

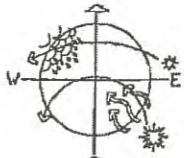


□ I N F O R M A T I O N A L T R A D I N G S I T E S

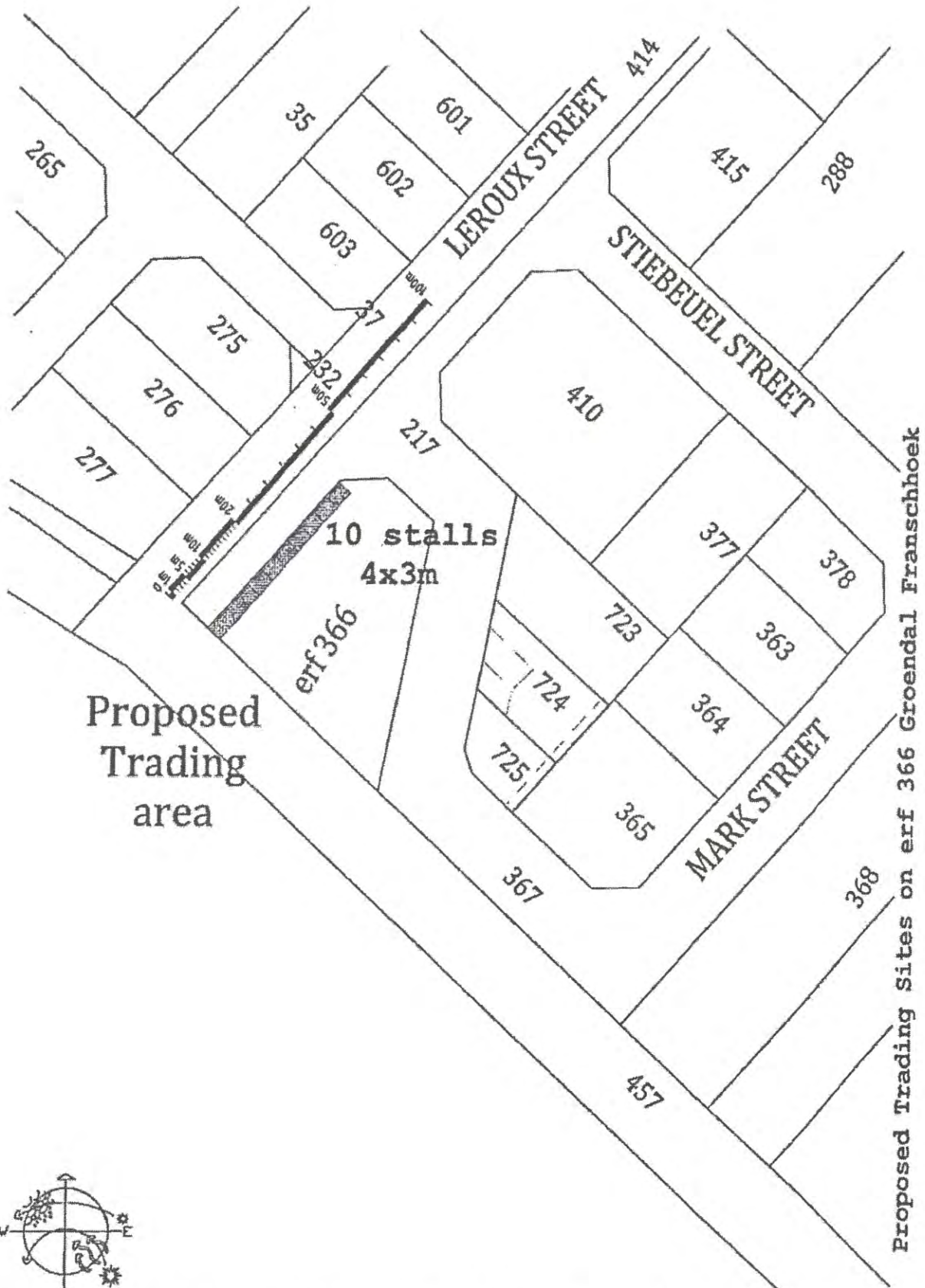


Proposed Trading Sites on erf 1540 Franschoek

October 2013



INFORMAL TRADING SITES



Proposed Trading Sites on erf 366 Groendal Franschhoek



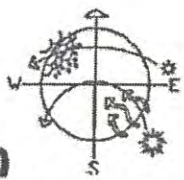
October 2013

12

□ I N F O R M A L T R A D I N G S I T E S



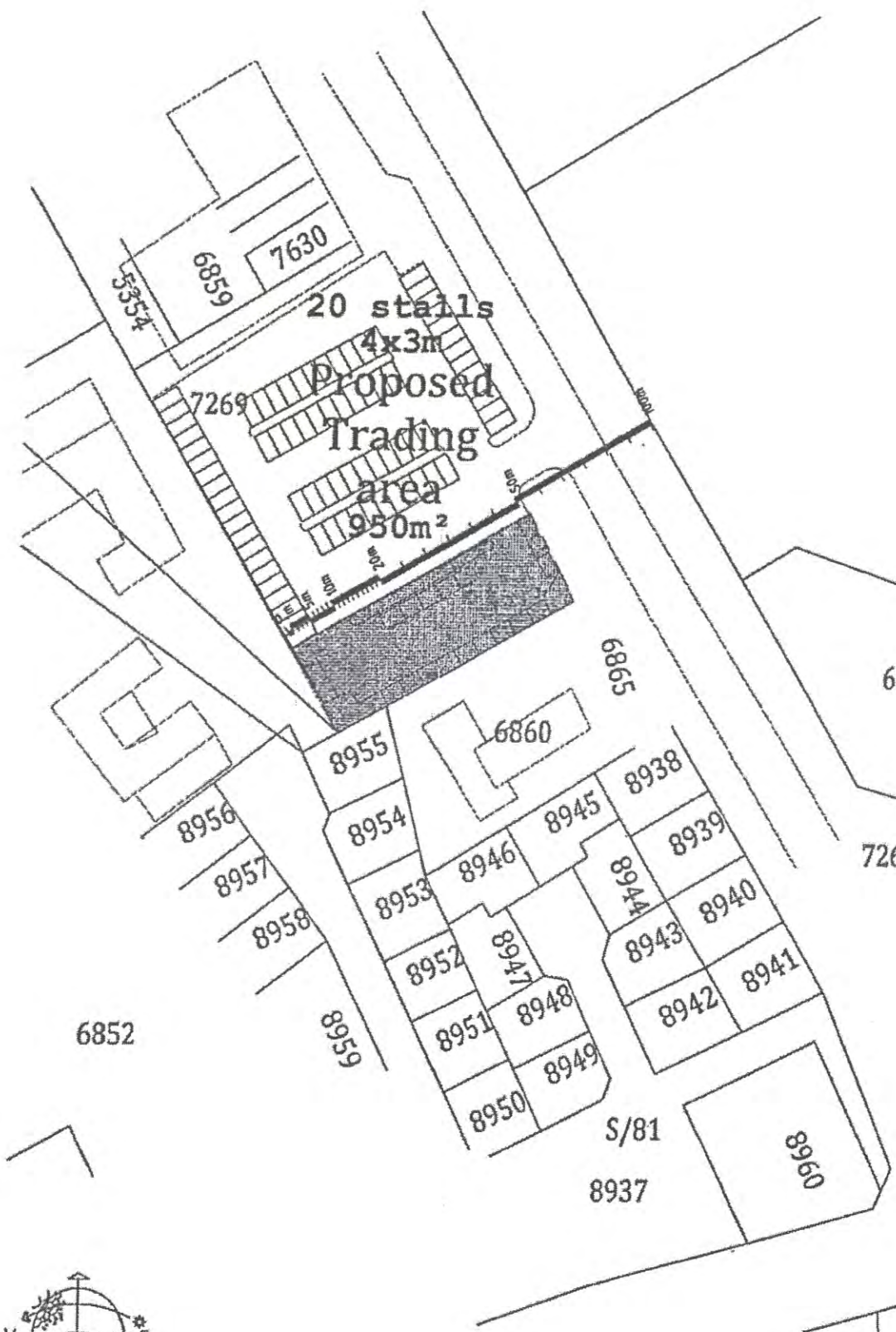
Proposed Trading Site on erf 11202 Idas Valley



October 2013

13

D I N F O R M A T T R A D I N G S I T E S



Proposed Trading Sites on erf 7269 Cloetesville Main Road

October 2013

14



□ I N F O R M A T T R A D I N G S I T E S

APPENDIX 6

APPENDIX 6

FURTHER COMMENTS FROM DEPARTMENTS**1. Engineering Services**

Comments from Transport, Roads and Stormwater section, including Traffic Engineering:

1.1 Die Braak: (Supported)

Subjected to the following conditions;

1. Structures to be erected at least 2m behind the existing kerblines
2. Structures must not obscure any traffic signs.
3. Informal trading structures and activities are not to interfere with sidewalk spaces, or pedestrian movements.
4. Structures to be erected at least 1m away from existing municipal services such as manholes, poles etc.

1.2 Mark Street: (Supported)

Location is supported subjected to the following conditions;

1. Structures to be erected at least 2m behind the existing kerblines.
2. Informal trading structures and activities are not to interfere with sidewalk spaces, or pedestrian movements. Sidewalk space is also required in front of buildings. A site inspection can identify the side walk space required.
3. Side walk space may not be used for informal trading.
4. Structures must not obscure any traffic signs.
5. Structures to be erected at least 1m away from existing municipal services such as manholes, poles ect.

1.3 Corner of First National Bank in Plein Street;(Not supported)
Not supported due to high volume NMT route**1.4 Corner of Andringa and Plein Street, next to the parking of the Town Hall :(Not Supported):**
Not supported in the road reserve due to high volume NMT route**1.5 An open space along Bird Street near the bridge in the direction of Kayamandi (Erf 11131). Supported:**

Subjected to the following conditions;

1. Site forms part of future Bird Street widening, approval will be temporary and will be withdrawn once road construction commences.
2. This space is also currently used as an informal taxi rank. Informal trading should not interfere with taxi operations. As a result of the taxi operations the safety of informal traders must be taken into

- account when determining the final position of stalls and other structures.
3. Structures to be erected at least 1.5m behind the existing kerblines.
 4. Informal trading structures and activities are not to interfere with sidewalk spaces, or pedestrian movements.
 5. Structures must not obscure any traffic signs
 6. Structures to be erected at least 1m away from existing municipal services such as manholes, poles ect.
- 1.6 **The formalizing of informal trading along both Masithandani Street and Rand Street (Erf 175):** Not supported
Not supported due to proximity to stormwater structure.
- 1.7 **Site across the old municipal building in Kayamandi:** Supported
Location is supported subjected to the following conditions;
1. Structures to be erected at least 1.5m behind the existing kerblines.
 2. Informal trading structures and activities are not to interfere with sidewalk spaces, or pedestrian movements.
 3. This space is also currently used as an informal taxi rank. Informal trading should not interfere with taxi operations. As a result of the taxi operations the safety of informal traders must be taken into account when determining the final position of stalls and other structures.
 4. Structures must not obscure any traffic signs
 5. Structures to be erected at least 1m away from existing municipal services such as manholes, poles ect.
- 1.8 **Part of an open space south-east from in Watergang:** Supported
- 1.9 **Erf 342, Klapmuts:** Not supported.
In the future Klapmuts main road reserve
- 1.10 **Erf 11 in Kylemore:**
Require more detail
- 1.11 **A part of the parking site next to the municipal offices in Pniel:** Supported
- 1.12 **Pavement along Church Street next to the Municipal Offices in Franschhoek:** Supported
Subjected to the following conditions;
1. Structures to be erected at least 2m behind the existing kerblines
 2. Structures must not obscure any traffic signs.
 3. Informal trading structures and activities are not to interfere with sidewalk spaces, or pedestrian movements.
 4. Structures to be erected at least 1m away from existing municipal services such as manholes, poles etc.
- 1.13 **The park at the entrance of Groendal, Erf 366 (Le Roux Street) in Groendal:** Supported if on erf 366

- 1.14 **The portion of land at the corner of Helshoogte and Rustenburg Road, Erf 112002 (Helshoogte) in Idas Valley.** Supported
- 1.14 **A portion of the parking area next to the Filling Station in Lang Street, Erf 7209 in Cloeteville:** Supported
On condition that access to Stormwater area be maintained
- 2. Property Management:**
- 2.1 **Die Braak:** (Supported)
The section on the southern border is supported. The section on the eastern border Bird Street is not supported.
- 2.2 **Mark Street:** (Supported)
- 2.3 **Corner of First National Bank in Plein Street. Dorpsteeg ;** (Not supported)
- 2.4 **Corner of Andringa and Plein Street, next to the parking of the Town Hall ;** (Not Supported):
Rather explore the possibility to create a few trading spaces next to the Flower kiosk opposite the Eikestad Mall.
- 2.5 **An open space along Bird Street near the bridge in the direction of Kayamandi (Erf 11131).** Supported
Supported as an area where more permanent structures could be erected (containers?)
- 2.6 **The formalizing of informal trading along both Masithandani Street and Rand Street (Erf 175):** Not supported
Private land. Consider sites higher up in the direction of the Kayamandi Corridor on both sides of the street
- 2.7 **Site across the old municipal building in Kayamandi:** Supported
- 2.8 **Part of an open space south-east from in Watergang:** Supported
A section south east of Kuyasa in Watergang is supported. Consider the section along the road (Existing informal trading area) south of Kuyasa.
- 2.9 **Erf 342, Klapmuts:** Not supported.
Consider to place any informal trading areas on hold until it has been decided on the blueprint of the area.
- 2.10 **Erf 11 in Kylemore:** Not supported
- 2.11 **A part of the parking site next to the municipal offices in Pniel:** Supported

- 2.12 **Pavement along Church Street next to the Municipal Offices in Franschhoek:** Supported.
What about existing sites in Franschhoek, across the monument, entrance to the library, across the BP garage and substation?
- 2.13 **The park at the entrance of Groendal, Erf 366 (Le Roux Straat) in Groendal:** Not supported.
Consider the section at the entrance of the community hall and parking area next to the Mooiwater postal.
- 2.14 **The portion of land at the corner of Helshoogte and Rustenburg Road, Erf 112002 (Helshoogte) in Idas Valley.** Supported
- 2.15 **A portion of the parking area next to the Filling Station in Lang Street, Erf 7209 in Cloetesville:** Supported

3. Financial Services

No further comments received

4. Legal Services

Council should consider which sites should be approved and proclaimed based on the suitability of the various site, taking in consideration the inputs received from the various municipal departments as well as the comments received from the public. The item is supported. Some additional comments:

1. The proposed amendment of the By-laws were advertise to include additional sites to the current sites declared as informal trading sites. The intention was not to de-proclaim any existing sites. Furthermore, the existing sites were not advertised for public input to have same de-proclaimed and cannot be entertained at this stage. We propose that same be attended to when the intergraded Informal Trading Policy and By-law have been approved;

2. Pniel, Kayamandi, Klapmuts and Franschhoek were amalgamated with Stellenbosch in 2000 and are part of Stellenbosch Municipality's jurisdiction. The by-laws were proclaimed pre 2000 dispensation and were applicable to Stellenbosch and Franschhoek Municipality. Stellenbosch Municipality's jurisdiction was extended by incorporating the areas alluded to above. In light of the aforesaid, these areas are part of Stellenbosch Municipality including Franschhoek although it has its own by-laws and what should happen is that these sites needs to be declared as informal trading sites.

5. Planning and Development

The Department Local Economic Development is still awaiting a reply on the possibility to develop a trading site in the Beyers Alley in partnership with the Eikestad Mall.

6. Community and Safety

No further comments received.



MEMORANDUM

*Department Spatial Planning, Heritage and Environment
 Departement Ruimtelike Beplanning, Erfenis and Omgewing*

To : Manager: Local Economic Development
Attention : Widmark Moses
From : Manager: Spatial Planning, Heritage & Environment
Date : 5 July 2013
Re : Comment on areas identified for informal trading in WC024

I refer to your request for comment on the areas identified for informal trading.

This department has the following comments:

1) Stellenbosch: A portion of the Braak opposite Ned Bank along Bird Street

This department does not support informal trading areas on Die Braak.

2) Stellenbosch: A portion of the Braak along Blom Street

This department does not support informal trading areas on Die Braak.

3) Stellenbosch: A site opposite the Telkom Building next to the Magistrate Court

Further Investigation should be done to determine if the parking was allocated to the magistrate court.

4) Stellenbosch: A site on the corner of Andringa and Plein Street, next to the parking site of the Town Hall

This department does not support the site to be used for informal trading as it is a walkway used by many pedestrians and on the corner of a busy intersection.

5) Stellenbosch: A site at the corner of First National Bank in Plein Street

This department does not support the site to be used for informal trading as it is a walkway used by many pedestrians and on the corner of a busy intersection.

- 6) Stellenbosch: An open space along Bird Street near the bridge in the direction of Kayamandi

This department supports the site identified to be used for informal trading.

- 7) Kayamandi: The formalizing of informal trading along both Masithandani Street and Rand Street

This department supports the site identified to be used for informal trading.

- 8) Klapmuts: Merchant Street

This department supports the site identified to be used for informal trading.

- 9) Pniel :The parking next to the municipal offices building in Pniel

This department supports the site identified to be used for informal trading. However, we question the viability of the site to be used for informal trading as it is not visible for passing traffic from the main route (Helshoogte Road).

- 10) Kylemore: Next to the Clinic, in Skoolstr

This department supports the site identified to be used for informal trading.

- 11) Franschhoek: The pavement of Huguenot Street

This department does not support the site to be used for informal trading as it is located on a busy corner. The current location of informal trading next to the Municipal Offices is recommendation.

- 12) Franschhoek: The Park at the entrance of Groendal for weekend markets

This department supports the site identified to be used for Informal trading, however the possibility that informal trading can be integrated with the proposed uses on Erf 412 should be investigated.

- 13) Idas Valley: Open area on the corner of Helshoogte road and Rustenburg road

This department supports the site identified to be used for informal trading.

- 14) Cloetesville: A portion of the parking area next to the Garage in Lang Street

This department supports the site identified to be used for informal trading.

B DE LA BAT

MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT

APPENDIX 7

APPENDIX 7

FURTHER COMMENTS FROM THE BROADER PUBLIC

| | | |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | |
| Marti Heyns Foster | <p>I reside at 23 Dirkie Uys Street, and would like to have on record my objection to the informal trading in Church street; my objections relate to the number of traders, the hours they operate, the mess and noise they create, and more importantly that this is allowed to take place next to a church/historic building.</p> <p>I do understand that informal trading is here to stay and that it does contribute to the economy, but perhaps the space and positioning needs to be re-evaluated in terms of the impact it has on the main road. I also believe that there should be a more formal, semi-permanent structure and constant monitoring, that formalizes and contains the way they operate.</p> <p>Like Stellenbosch, Franschhoek is an extremely important tourist destination, and the aesthetic impact of the town (which is essentially only one road to our much needed visitors) needs to be carefully planned, cultured and looked after by all parties concerned.</p> <p>As a business person operating in Franschhoek, I also feel that these traders have an unfair advantage over shops/business owners in the main road, offering similar product, that pay thousands of rands in rental, rates and taxes. The situation has the potential to spiral out of control.</p> <p>In addition, I would appreciate clarity on the following points:</p> <ul style="list-style-type: none"> • On what basis/merit are these traders selected? • Are the traders in Church Street residents of Franschhoek • Do they pay any fees/rent • Is there a plan to contain the number of traders • Is the informal trading that happens alongside Essence in the main road sanctioned by the municipality | <p>The department intends building permanent structure which will blend in with the aesthetics of the town in order to reduce the noise caused by traders setting up their stalls and trading hours will be strictly between 8.00 am – 18.00 pm</p> <p>Spaces are located on a first come first serve basis on purchasing of a permit. The rest of the comments are irrelevant to the issue under discussion.</p> |
| Susan Huxter | Very concerned about Groendal unless a designated area we will have a squatter area again and the entrance to Franschhoek will look awful. | The proposed area will be policed by our Law Enforcement officer to prevent |

| | | |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | any sprawling or illegal trading |
| Joe Bloemarts | I fully agree with the latest correspondence on this subject. Possibly the only deficit is the implementation of the location: along Church Street and hence adjacent to two main historic buildings in our village. A relocation across Uitkyk Street onto the vacant land would possibly be considered as conforming to the regulations/bylaws. Let us be constructive and avoid blowing this non-issue up out of proportions. | The intention of the department is to erect permanent structures for trading in such a fashion that it blends in with the aesthetics of the area |
| <u>Monika Vermeulen</u> | I personally don't mind where these traders come from, they are trying to make a living for themselves and look after their families. It doesn't hurt tourism to have foreigners here, as some of that revenue goes back to our community as there is a rather large population of them living here. I would like to point out that "Swallows" are technically foreigners too and this issue feels rather racially inclined and xenophobic | Noted |
| Lin Mehmel | I agree with Siegfried, but emphasize that the numbers are controlled. They add something a little different (although it would be preferable to have more Cape and less of 'North of the Limpopo " Actually they leave their sites impeccably tidy at the end of the day | Noted |
| Siegfried Schäfer | Below is my few cents worth (some of it also based on interactions with individuals not included in the recipients above): <ul style="list-style-type: none"> • Whether we like them or not we have to accept informal traders as an African reality - even in Franschhoek South. • The informal economy is a large part of SA's economy and as such creates numerous livelihoods. This is beyond dispute. • The fact that most of the traders in town seem to be foreign is largely irrelevant in the conversation about what the Municipality must do about them. The crux of the issue is management: whoever they are and whatever they sell, they have to be <u>managed</u>. Something Stellenbosch Municipality is unfortunately generally rather bad at! • Much of this conversation, or at least some parts that I've been privy too, seems to be based on a great lack of understanding as to what the Municipality is | Already additional Law Enforcement officers have been deployed in Franschhoek. The duty of these officers is to ensure compliance with the Bylaw for the Supervision and Control of the Carrying of a Business on of the business of Street Vendor, Pedlar or Hawker. This will |

7.11 EVENTS BY-LAW

File number : 7/P/5

Compiled by : Director: Community and Protection Services

Report by : Manager: Events & Fleet Management

Delegated Authority : Council

Strategic intent of item

| | |
|----------------------------------|-------------------------------------|
| Preferred investment destination | <input checked="" type="checkbox"/> |
| Greenest municipality | <input type="checkbox"/> |
| Safest valley | <input checked="" type="checkbox"/> |
| Dignified Living | <input type="checkbox"/> |
| Good Governance | <input type="checkbox"/> |

1. PURPOSE OF REPORT

To submit the Events By-Law to Council for approval.

2. BACKGROUND

Stellenbosch is known for hosting major local, national and international events. The Municipality plays an important role in: the regulations of events, partnerships with events organized in the WC024, events organization, facilitation and the provision of services at events. Currently, events are regulated by the Events Act of 2010 and is applicable to events which accommodate more than 2000 people. There is a need for Stellenbosch Municipality to have its own Events By-Law. This will make it possible to set clear guidelines and regulations for events not covered under the Events Act. The By-Law will also set clear timeframes for event applications depending on the magnitude of the event.

3. CONSTITUTIONAL AND POLICY IMPLICATIONS

3.1 Section 156(2) and (5) of the Constitution provides that a municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its schedule 4B and 5B functions. Schedule 4B of the Constitution lists Local Tourism as a local government function.

3.2 In terms of Section 160(2) of the Constitution, the passing of By-laws may not be delegated. Section 160(2) of the Constitution of South Africa as read with Section 12 of the Systems Act empowers a municipal council to pass by-laws. In terms of Section 13 of the Systems Act a by-law takes effect when published in the Provincial Gazette.

3.3. As part of the prescribed legislative process the adoption of the Municipality's by-laws, the following process flow applies:-

- (a) serve before Portfolio Committee;
- (b) serve before MAYCO;
- (c) serve before the Council;
- (d) be advertised in the press for public comments;
- (e) be open for inspection to the public at all municipal offices and libraries;
- (f) re-submit to Mayco and the Council for final adoption.

4. DISCUSSION

The Draft Events By-Law and proposed fine list are attached as **APPENDICES 1** and **2**. It should be noted that the proposed fine list will also have to be endorsed and approved by the local magistrate after the promulgation of the By-law. The schedules to the Events By-Law are attached as **APPENDICES 3** and **4**. The department is in process to develop an Events Policy which will set clear guidelines for the administration in terms of process.

The Draft Events By-law makes provision for the following:

- a) that the requisite approval be obtained to host an event subject to certain requirements and conditions;
- b) provision is made for the safeguarding of the event and environmental health officers
- d) to make further provisions relating to decisions on events;
- e) to provide that a compliance notice is to be issued by an authorised official to provide for the immediate stoppage of non-permitted events and events that are non-compliant with permit conditions;
- g) to provide clear consequences for an offending event organiser;
- h) to provide that the event organiser must provide evidence to the Municipality regarding appropriate indemnity cover and public liability insurance;
- i) to provide that the Municipality shall not be liable for any costs, including any damage or loss incurred or suffered as a result of an event; to provide for the mitigation of damage to Municipality's property;
- j) to amend the provisions relating to Offences and Penalties; and to provide for matters connected therewith.

5. LEGAL IMPLICATION

In considering the Events By-law, the Council will ensure that it creates mutually beneficial outcomes for Stellenbosch residents, businesses and visitors by using the platforms created by events to contribute to Stellenbosch's growth, development and inclusivity.

The Events By-law will assist, guide and provide the regulatory framework for the municipality in managing event related activities in an efficient and effective manner thereby providing clarity to all role players and stakeholders.

It will furthermore, create an enabling mechanism for new approaches to event initiatives.

Furthermore, in considering the By-law, the council would ensure that it becomes a town for great events for visitors to the jurisdiction/ WCO24 and the events industry, by creating stability in the municipality's events calendar and clearly defining processes and systems that support events.

6. FINANCIAL IMPLICATION

Finance supports the Events By-law.

RECOMMENDED

- (a) that Council consider the adoption and approval of the draft Events By-Law and proposed fines list; and
- (d) that the proposed By-law be duly advertised for public comment and be re-submitted together with any comment/objections by the public for final approval and adoption by Council.

**(DIRECTOR: COMMUNITY AND PROTECTION
SERVICES TO ACTION)**

COMMUNITY AND PROTECTION SERVICES COMMITTEE: 2015-06-10: ITEM 5.1.1

RECOMMENDED

- (a) that Council consider the adoption and approval of the draft Events By-Law and proposed fines list; and
- (b) that the proposed By-law be duly advertised for public comment and be re-submitted together with any comment/objections by the public for final approval and adoption by Council.

**(DIRECTOR: COMMUNITY AND PROTECTION
SERVICES TO ACTION)**

MAYORAL COMMITTEE MEETING: 2015-06-17: ITEM 5.1.10

RESOLVED (nem con)

that a comparative analysis be conducted with National Legislation regarding timeframes in approving events and that this additional information be submitted to Council.

RECOMMENDED BY EXECUTIVE MAYOR

- (a) that Council consider the adoption and approval of the draft Events By-Law and proposed fines list; and
- (b) that the proposed By-law be duly advertised for public comment and be re-submitted together with any comment/objections by the public for final approval and adoption by Council.

**(DIRECTOR: COMMUNITY AND
PROTECTION SERVICES TO ACTION)****FURTHER COMMENTS BY DEPARTMENT**

In terms of Section 6 of the Events Act, Act No.2 of 2010 an event's organiser must, at least 6 months before the start of -

- 6 (1) *(a) A calendar year for a specific sport, recreational, religious, cultural, organisation or similar activity, or*
 - (b) A season, in the case of a seasonal sport, recreational, religious, cultural, organisational or similar activity, submit an annual schedule of events to the National Commissioner.*
- (2) *The schedule of events, referred to in subsection (1) or (3), must contain –*
 - (a) The prescribed information; and*
 - (b) Sufficient particulars of the planned events, to enable the National Commissioner to make a categorisation of the safety and security risk association with each event contained in the schedule.*
- (3) *Where an event –*
 - (a) cannot, by virtue of its unforeseen nature, be planned to fall within the schedule of event referred to in subsection (1); and*
 - (b) is scheduled to take place within the six months contemplated in that subsection or during the calendar year or season, the event organiser must upon initiating plans for the event forthwith submit the schedule for that event to enable the National Commissioner to make a risk categorisation.*

By implication it means that events that caters for more than 2000 people Section 6 of the Events Act, Act No.2 of 2010 applies. The Events By-Law as well as the time frames has been written taking Section 6 of the Events Act into consideration. Events that cater for less than 2000 people will be considered in terms of the Events By-Law as well as the time frames attached to it.

It should also be noted that a SOP was developed to specifically deal with events applications and the time frames as listed for small and medium events are the minimum periods the department stipulates to effectively deal with event applications.

**(DIRECTOR: COMMUNITY AND PROTECTION
SERVICES TO ACTION)**

31ST COUNCIL MEETING: 2015-06-24: ITEM 7.7**RESOLVED** (nem con)

- (a) that Council, in-principle, approve the draft Events By-Law and proposed fines list; and
- (b) that the proposed By-law be duly advertised for public comment and be re-submitted together with any comment/objections by the public for final approval and adoption by Council.

**(DIRECTOR: COMMUNITY AND PROTECTION
SERVICES TO ACTION)****FURTHER COMMENTS BY DEPARTMENT**

The Draft Events By-law was advertised for public comments in the local newspaper, Eikestadnuus on 09 July 2015 (Copy of advertisement attached as **APPENDIX 5**) and on the municipal website for a period of 30 days.

The department received comments from Mr HJ Hugo (Attached as **APPENDIX 6**). In summary the comments from Mr Hugo is as follow;

Mr Hugo states that he has been involved in the organising of the annual Winelands marathon road-running event for the past 11 years. His comment relates to the time frame of 6 months for larger events (2000 and above) which is a requirement for submission for these type of events. Mr Hugo believes that this time frame should be reduced to at least 6 weeks as most of the finalising of the routes, parking and specific requirements can only be done closer to the event.

The department's response;

Unfortunately, the Events Act of 2010 applies for events that attract more than 2000 people and the time frame is legislated by this Act. The Events By-law has been drafted to cater for events for under 2000 people taking the Events Act of 2010 into consideration and the time frames of these events has been drastically reduced.

No further comments were received.

The department wish to add the following definition under the heading of definitions in the By-law:

"Safety officer" means a person appointed in terms of Regulation 6 (1) (d) to assist with the oversight of the safety and security risk management of the event.

"Veiligheidsbeampte" beteken 'n persoon aangestel in terme van Regulasie 6(1)(d) om te assisteer met die oorsig van die veiligheid en sekuriteitsbestuur van die geleentheid.

It was further established that the proposed fine list is much lower than City of Cape Town's fines for events. The fines have been categorized in terms of the size of the event and address the typical types of offences which are associated with events. The typical fines are as follow:

| | | |
|-----------------|-------|---------------------------|
| Small events – | R1000 | Repeat offences – R10 000 |
| Medium events – | R5000 | Repeat offences - R50 000 |

Large events – R10 000 Repeat offences - R100 0000
Very large events – R15 000 Repeat offences - R150 000

Council should consider whether the proposed fine list (**APPENDIX 7**) should be increased proportionally or remain the same.

RECOMMENDED

- (a) that the following addition be added to the definitions of the Events By-law;

“Safety officer” means a person appointed in terms of Regulation 6(1) (d) to assist with the oversight of the safety and security risk management of the event.

“Veiligheidsbeampte” beteken ‘n persoon aangestel in terme van Regulasie 6(1) (d) om te assisteer met die oorsig van die veiligheid en sekuriteitsbestuur van die geleentheid.

- (b) that Council finally approve the draft Events By-Law and the new proposed fines list as indicated in **APPENDIX 7**; and
- (c) that the approved Events By-law be promulgated in the Provincial Gazette.

(ACTING DIRECTOR: COMMUNITY AND PROTECTION SERVICES TO ACTION)

COMMUNITY AND PROTECTION SERVICES COMMITTEE: 2015-10-14: ITEM 5.1.1

RECOMMENDED

- (a) that the following additions be added to the definitions of the Events By-law;

- (i) *“Safety officer” means a person appointed in terms of Regulation 6(1)(d) to assist with the oversight of the safety and security risk management of the event.*

“Veiligheidsbeampte” beteken ‘n persoon aangestel in terme van Regulasie 6(1)(d) om te assisteer met die oorsig van die veiligheid en sekuriteitsbestuur van die geleentheid.

- (ii) **“Venue”** means any ..., whether a private dwelling or not:

“Vergaderplek” enige..., hetsy ‘n private perseel of nie:

- (b) that Council approve the draft Events By-Law and the new proposed fines list as indicated in **APPENDIX 7**; a
- (c) that this draft Events By-law be re-advertised with the new proposed fines, whereafter same be resubmitted to Council for final adoption; and
- (d) that the new proposed fines list be submitted to the Local Magistrate for endorsement after final approval by Council.

(ACTING DIRECTOR: COMMUNITY AND PROTECTION SERVICES TO ACTION)

MAYORAL COMMITTEE MEETING: 2015-10-21: ITEM 5.1.10**RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that the following additions be added to the definitions of the Events By-law;
- (i) *“Safety officer” means a person appointed in terms of Regulation 6(1)(d) to assist with the oversight of the safety and security risk management of the event.*
- “Veiligheidsbeampte” beteken ‘n persoon aangestel in terme van Regulasie 6(1) (d) om te assisteer met die oorsig van die veiligheid en sekuriteitsbestuur van die geleentheid.*
- (ii) **“Venue”** means any ..., whether a private dwelling or not:
- “Vergaderplek”** enige..., hetsy ‘n private perseel of nie:
- (b) that Council approve the draft Events By-Law and the new proposed fines list as indicated in **APPENDIX 7**; a
- (c) that this draft Events By-law be re-advertised with the new proposed fines, whereafter same be resubmitted to Council for final adoption; and
- (d) that the new proposed fines list be submitted to the Local Magistrate for endorsement after final approval by Council.

**(ACTING DIRECTOR: COMMUNITY AND
PROTECTION SERVICES TO ACTION)****35TH COUNCIL MEETING: 2015-10-28: ITEM 7.11****RESOLVED** (majority vote)

- (a) that the following additions be added to the definitions of the Events By-law;
- (i) *“Safety officer” means a person appointed in terms of Regulation 6(1) (d) to assist with the oversight of the safety and security risk management of the event.*
- “Veiligheidsbeampte” beteken ‘n persoon aangestel in terme van Regulasie 6(1) (d) om te assisteer met die oorsig van die veiligheid en sekuriteitsbestuur van die geleentheid.*
- (ii) **“Venue”** means any ..., whether a private dwelling or not:
- “Vergaderplek”** enige..., hetsy ‘n private perseel of nie:
- (b) that Council approve the draft Events By-Law and the new proposed fines list as indicated in **APPENDIX 7**;
- (c) that this draft Events By-law be re-advertised with the new proposed fines, whereafter same be resubmitted to Council for final adoption; and

- (d) that the new proposed fines list be submitted to the Local Magistrate for endorsement after final approval by Council.

The following Councillors requested that their votes of dissent be minuted:

Councillors F Adams; JA Davids; S Jooste (Ms); N Mananga–Gugushe (Ms) C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); and P Sitshoti (Ms) and LN Siwakamisa (Ms).

**(ACTING DIRECTOR: COMMUNITY AND
PROTECTION SERVICES TO ACTION)**

FURTHER COMMENTS BY DEPARTMENT

The Draft Events By-law was advertised for public comments in the local newspaper, Eikestadnuus on 19 November 2015 (Copy of advertisement attached as **APPENDIX 8**), and on the municipal website for a period of 30 days.

The department received comments from the following persons:

Ms Charlotte Cronje, Principal Technician: Waste Management and Disposal (Engineering Department);

Extract from email dated 10 December 2015 – *“For any Medium or Large/ Major events, the event organizer is to appoint a suitably qualified and registered waste management service provider. The aim of said service provider should be zero waste to landfill”.*

Response from Events department:

The comment is fully supported and should be included in the Schedule of requirements listing in **APPENDIX 4**.

It should further be noted that the amendments as per Council resolution on 2015-10-28 has been included in the By-law.

No further comments were received from the public.

RECOMMENDED

- (a) that Council consider the inclusion of the comment received in the Schedule of requirements listing in **APPENDIX 4**;
- (b) that Council approve the draft Events By-Law and the annexures thereto with the proposed fines list as indicated in **APPENDIX 7**;
- (c) that the approved Events By-law be promulgated in the Provincial Gazette.

**(DIRECTOR: COMMUNITY AND
PROTECTION SERVICES TO ACTION)**

APPENDIX 1



STELLENBOSCH MUNICIPALITY
EVENTS BY-LAW

To provide for the management and regulation of events within the jurisdiction of the Stellenbosch municipality; to provide for the enforcement of this By-law; and to provide for matter incidental thereto.

PREAMBLE

Whereas the Stellenbosch Municipality recognises that the hosting of events is a significant part of its competitiveness strategy and acknowledges that events have an important role to enhance cultural and social cohesion in communities, support urban rejuvenation and economic growth.

Whereas the Stellenbosch municipality aims to regulate holding of events in a manner that ensures proper management thereof; Whereas the Stellenbosch municipality wishes to support the co-ordination and collaboration between all role-players, to promote partnerships and to enhance the effects of events in the Municipality; And WHEREAS the Municipality wants to ensure that events happen safely and securely in a coordinated manner in the Stellenbosch jurisdiction

Stellenbosch Municipality, by virtue of the powers vested in it by section 156 (2) of the Constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), has made the By-law set out below.

In this by-law, words used in the masculine gender include the feminine;

All singular meanings shall include the plural interpretation and vice versa;

The English text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates.

EVENTS BY-LAW

CHAPTER 1
DEFINITIONS AND APPLICATION

Definitions

1. In this By-law, unless the context otherwise indicates –

“authorised person” means—

- (a) a designated person;
- (b) a member of the Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a municipal police officer, traffic official, law enforcement officer or traffic warden appointed under any law; or
- (d) a person who has been declared a peace officer under section 334(1) of the Criminal Procedure Act, 1977 (Act 51 of 1977);

“Local Authority” means the Stellenbosch Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), by Provincial Notice No. 479 dated 22 December 2000;

“Municipal Manager” means the person appointed as Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Council” means the council of the Stellenbosch Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated authority;

“event” means –

- (a) any sporting, recreational, entertainment, including live entertainment or event acts;
- (b) any educational, cultural or religious event;
- (c) Any business event including marketing, public relations and promotional events, or exhibitions, or
- (d) Any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or along a route or its precinct,

“event organizer” means a person who submits an application to hold an event in terms of this By-law whether he or she submits the application for himself or herself or on behalf of another person, body or organization;

“Event Permit Officer” means the head of Stellenbosch Municipality events permit office or any other official delegated by him or her;

“venue” means any enclosed or semi-enclosed temporary or permanent structure, whether a private dwelling or not -

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and
- (b) which, for the purposes of any categorization, designation and certification of an event may consist of;
 - (i) seating for spectators, attendees or an audience; or



STELLENBOSCH MUNISIPALITEIT
GELEENTHEIDS VERORDENING

Om voorsiening te maak vir die bestuur en regulering van geleenthede binne die jurisdiksie gebied van Stellenbosch Munisipaliteit; om voorsiening te maak vir toepassing van hierdie verordening en sake voortspruitend daaruit.

AANHEF

Waar Stellenbosch Munisipaliteit erken dat die hou van geleenthede ‘n besondere deel van sy mededingingheids strategie is en dat geleenthede ‘n belangrike rol vervul om kulturele en sosiale integrasie te bevorder in gemeenskappe sowel as die bevordering van dorps hernuwing en ekonomiese groei.

Waar Stellenbosch Munisipaliteit strewende om die hou van geleenthede te reguleer op ‘n wyse wat behoorlike bestuur daarvan verseker; Waar Stellenbosch Munisipaliteit strewende om die ko-ordinasie en samewerking tussen alle rolspelers te ondersteun, om vennootskappe en die effek van geleenthede te bevorder in die Munisipaliteit; en waar die Munisipaliteit wil verseker dat geleenthede veilig en ordelik in ‘n ge-koördineerde wyse in Stellenbosch se jurisdiksie geskied.

Stellenbosch Munisipaliteit het uit hoofde van die gesag aan hom verleen deur artikel 156 (2) van die Grondwet van die Republiek van Suid-Afrika, soos gewysig, saamgelees met artikel 13 van die Wet op Plaaslike Regering : Munisipale Stelsels Wet, 2000 (Wet 32 van 2000), die volgende verordening aanvaar, soos aangedui hieronder.

In hierdie verordening sluit woorde wat die manlike geslag beteken ook die vroulike geslag in.

Alle interpretasies ten opsigte van enkelvoud, sal ook meervoud insluit, en omgekeerd.

Die Engelse teks van hierdie verordening sal voorrang geniet in die geval van ‘n teenstrydigheid tussen die verskillende tekste, tensy dit anders blyk in die interpretasie.

VERORDENING OP GELEENTHEDE

HOOFSTUK 1 - WOORDOMSKRYWING EN TOEPASSING
Woordomsrywings

1. In hierdie verordening, tensy uit die samehang ander blyk beteken –

“belanghebbende” ”sluit enige persoon, organisasie of liggaam in wie geraak word of ‘n rol te speel het in die bestuur of hou van ‘n geleentheid;

“geleentheid”:

- (a) enige sport-, ontspannings- of vermaakgeleentheid, wat lewende optredes insluit;
- (b) enige opvoedkundige, kulturele of godsdienstige geleentheid;
- (c) enige sakegeleentheid, wat bemarkings-, openbare-betrekkinge-, produkbevorderings- of tentoonstellingsgeleenthede insluit; of
- (d) enige liefdadigheidsgeleentheid, wat enige konferensie-, organisasie- of gemeenskapsgeleentheid insluit, of enige soortgelyke aktiwiteit gehou by ‘n stadion, plek of langs ‘n roete.

“geleentheidorganiseerder” ‘n persoon wat hetsy self of namens ‘n ander persoon, liggaam of organisasie ingevolge hierdie verordening ‘n aansoek indien om ‘n geleentheid aan te bide;

“geleenthedspersmitbeampte” die hoof van die StellenboschMunisipaliteit se geleenthedspersmitkantoor, of enige ander amptenaar aan wie hy/sy bevoegdhede oorgedra word;

“gemagtigde persoon”—

- (a) ‘n aangewese persoon;
- (b) ‘n lid van die Diens soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisie, 1995 (Wet 68 van 1995);
- (c) ‘n munisipale polisiebeampte, verkeersbeampte, wetstoepassingsbeampte of verkeersopsigter aangestel kragtens enige wet; of
- (d) ‘n persoon wat tot vredesbeampte verklaar is kragtens artikel 334(1) van die Strafproseswet, 1977 (Wet 51 van 1977);

“hierdie verordening” sluit ook die bylaes daarby;

“openbare plek”:

- (a) enige openbare grond; plein, openbare swembad; openbare oord; openbare ontspanningsterrein; diere-, plante of ander openbare tuin en enige park of staproete, wat enige gedeelte daarvan en enige gerief of apparaat daarin of –op insluit, asook enige openbare oop ruimte, openbare pad, padreserwe, reserwestraat, meer, dam of rivier;
- (b) enige openbare gebou, struktuur, saal, lokaal of kantoor, wat enige deel daarvan en enige gerief of apparaat daarin insluit, wat die eiendom is, in die besit is of onder die beheer is van of gehuur word deur Stellenbosch Munisipaliteit, en waartoe die algemene publiek toegang het, hetsy deur die betaling van toegangsgeld of nie;

- (ii) a field of play or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event; or
- (iii) purpose-built venue correctly zoned, built and suitable for the holding of specific events;

"venue owner" means any person or legal entity who, now or in the future, will directly or indirectly own, lease, rent, acquire or exercise the powers of an owner or occupier of a venue used for events;

"public place" means – (a) any public land, square, public swimming recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;

- (b) any public building, structure, hall, room or office including any part thereof and any facility apparatus therein, which is the property of, or possessed, controlled or leased by Stellenbosch Municipality and to which the general public has access, whether on payment of admission fees or not;
- (c) any nature conservation area including – nature reserves; protected natural areas; nature conservation worthy areas and natural open spaces;

"Safety officer" means a person appointed in terms of Regulation 6(1)(d) to assist with the oversight of the safety and security risk management of the event.

"stakeholder" includes any person, organization or body who is affected or has a role to play in the management or holding of an event;

"this By-law" includes the Schedule hereto.

Application of this By-law

2. (1) This By-law applies to any event held within the area of jurisdiction of Stellenbosch, including held on both private land and public places, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on resources of the Municipality and the surrounding community.
- (2) This By-Law does not apply to events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used.
- (3) Notwithstanding subsection (2), the Local Authority may determine whether the impact and risk attached to an event would require the submission of an application in terms of section 3.
- (4) An Authorized person may issue a compliance notice for the immediate stoppage of non-permitted events and events that are non-compliant with permit conditions;
- (5) In the event of a conflict between this By-law and any other by-law or policy of the Local Authority this By-law shall prevail regarding the management and holding of events.

CHAPTER 2

Submission of applications

3. (1) A formal application to stage an event must be made by the event organiser and submitted –
 - (a) by a person who is at least 18 years old and above;
 - (b) in a prescribed form;
 - (c) within the prescribed times frames; and
 - (d) by a person or on behalf of a person who possesses the necessary capacity and resources;

as set out in the Annexure 1 to the events permit office.

- (2) The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the Stellenbosch Municipality.
- (3) In the event of failure to submit the information referred to in subsection (2) an application will not be considered in terms of this By-Law and the Events Policy.
4. (1) An application for an event must comply with the provisions of

- (c) enige natuurbewaringsgebied, wat insluit: (i) natuurreserve; (ii) bewaarder natuurgebiede; (iii) natuurbewaringswaardige gebiede; of (iv) oop natuurruiimte

"raad" die raad van Stellenbosch Munisipaliteit, of enige politieke struktuur, politieke ampsdraer, raadslid of enige personeel wat ingevolge die raad se gedelegeerde of subgedelegeerde bevoegdheid optree.

"Plaaslike Owerheid" beteken die Stellenbosch Munisipaliteit soos ingevolge artikel 12 van die Wet op Plaaslike regering: Munisipale Strukture, 1998 (nr. 117 van 1998) volgens PK nr. 479 van 22 Desember 2000 ingestel;

"Munisipale Bestuurder" die persoon aangestel as Munisipale Bestuurder ingevolge artikel 82 van die Wet op Plaaslike regering: Munisipale Strukture, 1998 (nr. 117 van 1998)

"vergaderplek" enige ingeslote of semi-ingeslote tydelike of permanente struktuur, hetsy 'n private perseel of nie: (a) waarin of –op 'n tydelike of permanente struktuur vir die aanbied van 'n geleentheid opgerig kan word; en (b) wat vir die doeleinde van enige kategorie, soort en klas geleentheid kan bestaan uit:

- (i) sitplek vir toeskouers, gaste of 'n gehoor; of
- (ii) 'n speelveld of permanente of tydelike podium of ander area in sodanige vergaderingplek wat vir 'n geleentheid bestem is; of
- (iii) 'n doelgerigte vergaderplek wat korrek gesoneer is, gebou en geskik is vir die hou van spesifieke geleenthede.

"Veiligheidsbeampte" beteken 'n persoon aangestel in terme van Regulasie 6(1)(d) om te assisteer met die oorsig van die veiligheid en sekuriteitsbestuur van die geleentheid.

"vergaderplek eienaar" enige persoon of regsentiteit wat hetsy nou of in die toekoms, hetsy regstreeks of nie regstreeks, die bevoegdhede van 'n eienaar of okkupeerder van 'n vergaderplek vir geleenthede het, huur, bekom of uitoefen.

Toepassing van hierdie verordening

2. (1) Hierdie verordening is van toepassing op enige geleentheid wat in die regsgebied van die Plaaslike Owerheid plaasvind, wat geleenthede op sowel privaat grond as openbare plekke insluit, met dien verstaande dat waar 'n geleentheid onderworpe aan enige ander toepaslike wetgewing op privaat grond gehou word, dit 'n impak op die hulpbronne van die Plaaslike Owerheid en die omringende gemeenskap het.
- (2) Hierdie verordening is nie van toepassing op geleenthede met minder as 50 mense, sonder versterkte klank of tydelike strukture nie.
- (3) Ondanks subartikel (2) hier bo, kan die Plaaslike Owerheid bepaal of die impak van en risiko verbonde aan 'n geleentheid die indiening van 'n aansoek ingevolge artikel 3 noodsaak.
- (4) 'n Gemagtigde persoon mag 'n nakomings-kennisgewing uitreik vir die onmiddellike stop van 'n nie-gemagtigde geleentheid of 'n geleentheid wat nie die permit voorwaardes nakom nie.
- (5) In geval hierdie verordening in stryd is met enige ander verordening of beleid van die Plaaslike Owerheid, sal hierdie verordening vir die bestuur en aanbied van geleenthede geld.

HOOFSTUK 2

Indiening van aansoeke

3. (1) 'n Formele aansoek om 'n geleentheid aan te bied moet deur die geleentheidsorganiseerder voorberei word en by die geleentheidspermitkantoor ingedien word:
 - (a) deur 'n persoon van 18 jaar of ouer;
 - (b) op die voorgeskrewe vorm;
 - (c) binne die voorgeskrewe tydskale; en
 - (d) deur 'n persoon of namens 'n persoon met die nodige vermoë en hulpbronne, soos in bylae 1 uiteengesit.
- (2) Die aansoek moet alle vereiste inligting, soos op die voorgeskrewe vorm uiteengesit, sowel as enige bykomende inligting wat Stellenbosch Munisipaliteit kan aanvra, insluit.

this By-law, contain such information as indicated in the prescribed application form as set out in Annexure 2 and must include such information as may be requested by the Stellenbosch Municipality.

- 2) The Events Permit Officer must, in terms of the Events Policy depending on the nature of the event, ensure that consultation with relevant stakeholders is undertaken.
- (3) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs payable for events.
- (4) Payment of an administration fee and or applicable tariffs determined by the Council may be required from the event organiser ahead of approval of an application for an event.

Decisions on Events

5. (1) The Events Permit Officer must in accordance with the Events Policy approve or decline an application for an event within a reasonable time in terms of this By-law.
- (2) Once a decision has been taken in terms of subsection (1) it must be communicated to the event organizer as soon as reasonably possible.
- (3) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing.

Criteria

6. (1) The Events Permit Officer must ensure that applications for staging an event are considered in accordance with the following criteria:
 - (a) the type and size of an event;
 - (b) impact of the event in terms of the strategic fit to the Council's Events Policy;
 - (c) impact of the event in respect of media, economic, social, traffic, logistical and environmental objectives;
 - (d) the safety and security risk management of the event in respect of logistic site design and other threats of the event;
 - (e) return on investment of the event.
- (2) The criteria referred to in subsection (1) must be considered in respect of -
 - (a) the review and assessment of events;
 - (b) the decision process for event applications;
 - (c) prioritisation of events;
 - (d) the type and level of support to be provided by the Municipality for events; and
 - (e) the menu of services to be provided by the Municipality to events.

Agreements and partnerships

7. (1) The Local Authority may enter into such agreements and partnerships with event organizers as may be necessary for the holding and management of events in terms of this By-Law.
- (2) The Local Authority may provide support either logistically, financially or both to specific events which are aligned to strategic objectives of the Municipality.
- (3) The agreements and partnerships contemplated in subsections (1) and (2) must provide for service levels which must be met by the parties in order to ensure compliance.
- (4) Notwithstanding the provisions of this By-law relating to offences and penalties, an agreement concluded in terms of this section may provide for penalties for which an event organizer may be liable in the event of non-compliance therewith.

- (3) In geval van versuim om die inligting waarna in subartikel hier bo verwys word in te dien, sal die aansoek nie ingevolge hierdie verordening en die geleentheidsbeleid in aanmerking geneem word nie.

Indiening van aansoeke

4. (1) 'n Aansoek om 'n geleentheid aan te bied moet aan die bepalings van hierdie verordening voldoen, sodanige inligting soos op die voorgeskrewe vorm aangedui en die bylae 2 uiteengesit bevat, en sodanige bykomende inligting insluit wat Stellenbosch Munisipaliteit kan aanvra.
- (2) Na gelang van die aard van die geleentheid, moet die geleentheidspermitbeampte ingevolge die geleentheidsbeleid verseker dat tersaaklike belanghebbendes geraadpleeg word.
- (3) Die raad moet as deel van sy begrotingsproses ingevolge die Wet op Plaaslike regering: Munisipale Finansiële Bestuur, 2003 (nr. 56 van 2003) die tariewe vir geleenthede vasstel.
- (4) Die betaling van 'n administrasiefooi en of die relevante tariewe soos deur die raad vasgestel, kan reeds voor die goedkeuring van 'n geleentheidsaansoek van die geleentheidsorganiseerder vereis word.

Besluite oor geleenthede

5. (1) Die geleentheidspermitbeampte moet ooreenkomstig die geleentheidsbeleid 'n geleentheidsaansoek binne 'n redelike tyd ingevolge hierdie verordening goed- of afkeur.
- (2) Sodra 'n besluit ingevolge subartikel (1) hier bo geneem is, moet dit so gou redelik moontlik aan die geleentheidsorganiseerder oorgedra word.
- (3) Waar 'n aansoek om 'n geleentheid afgekeur word, moet skriftelike redes vir die besluit aan die aansoeker verstrek word.

Maatstawwe

6. (1) Die geleentheidspermitbeampte moet verseker dat aansoeke om 'n geleentheid aan te bied ooreenkomstig onderstaande maatstawwe beoordeel word:
 - (a) die geleentheidsoort en -grootte;
 - (b) die impak van die geleentheid met btrekking tot die strategiese versoenbaarheid daarvan emt die raad se geleentheidsbeleid;
 - (c) die impak van die geleentheid met btrekking tot media-ekonomiese, maatskaplike, verkeers-, logistieke en omgewingsdoelwitte;
 - (d) die veiligheidsrisikobestuur van die geleentheid met betrekking tot logistiek, terreinontwerp en ander bedreigings vir die geleentheid; en
 - (e) die opbrengs op belegging van die geleentheid.
- (2) Die maatstawwe waarna daar in subartikel (1) hier bo verwys word, moet met betrekking tot onderstaande aangewend word:
 - (a) die hersiening en beoordeling van geleenthede;
 - (b) die besluitnemingsproses vir geleentheidsaansoeke;
 - (c) prioriteitskikking van geleenthede;
 - (d) die soort en vlak van ondersteuning wat Stellenbosch Munisipaliteit aan geleenthede moet verleen;
 - (e) die lys dienste wat Stellenbosch Munisipaliteit vir geleenthede moet lewer.

Right of Appeal

8. (1) Parties to a dispute arising from a conflict in term of this By-law must attempt to resolve such conflict before exercising the right of appeal contemplated in subsection (2)
- (2) The event organizer may appeal against a decision where his or her application to hold an event has been declined.
- (3) An appeal may be lodged in writing with the Municipal Manager within a period as indicated in the Annexure in relation to the type of event concerned.
- (4) The Municipal Manager may delegate any official of the Local Authority to consider and decide on appeals referred to in subsection (2).
- (5) An appeal lodged in terms of this section must be considered and decided within such time as indicated in the Annexure in relation to the type of event concerned.

Offences and Penalties

9. (1) Failure to comply with any provision of this By-Law constitutes an offence.
- (2) A person who commits an offence in terms of this By-Law is on conviction liable to a penalty or term of imprisonment or both to such penalty and such imprisonment.

Short title

10. This By-Law is called Stellenbosch Municipality: Events By-law

Ooreenkomste en vennootskappe

7. (1) Die Plaaslike Owerheid kan sodanige ooreenkomste en vennootskappe met geleenthedsorganiseerders aangaan as wat vir die aanbied en bestuur van geleenthede ingevolge hierdie verordening nodig blyk te wees.
- (2) Die Plaaslike Owerheid kan, hetsy logistieke, finansiële of albei soorte ondersteuning aan bepaalde geleenthede verleen wat met die strategiese doelwitte van Stellenbosch Munisipaliteit strook.
- (3) Die ooreenkomste en vennootskappe wat in subartikel (1) en (2) hier bo beoog word, moet vir diensvlakke voorsiening maak waaraan die partye moet voldoen ten einde nakoming te verseker.
- (4) Ondanks die bepalings met betrekking tot oortredings en boetes in hierdie verordening, kan 'n ooreenkoms wat ingevolge hierdie artikel aangegaan word, vir boetes voorsiening maak waarmee 'n geleenthedsorganiseerder in geval van nie-nakoming van die ooreenkoms gestraf kan word.

Reg van appèl

8. (1) Partye in 'n geskil wat uit 'n konflik ingevolge hierdie verordening spruit, moet sodanige konflik prober oplos voordat daar tot die uitoefening van die reg van appèl, soos in subartikel (2) hier onder beoog, oorgegaan word.
- (2) Die geleenthedsorganiseerder kan teen 'n besluit appelleer indien sy/haar aansoek om 'n geleentheid aan te bied afgekeur is.
- (3) 'n Appèl kan skriftelik binne die tydperk soos in bylae 1 vir die betrokke soort geleentheid aangedui, by die Munisipale Bestuurder ingedien word.
- (4) Die Munisipale Bestuurder kan die bevoegdheid om appèlle waarna in subartikel (2) hier bo verwys word te oorweeg en te beslis, aan enige munisipale amptenaar oordra.
- (5) 'n Appèl wat ingevolge hierdie artikel ingedien word moet binne die tydperk soos in bylae 1 vir die betrokke soort geleentheid aangedui, oorweeg en beslis word.

Oortredings en boetes

9. (1) Versuim om enige bepaling van heirdie verordening na te kom, maak 'n oortreding uit.
- (2) 'n Persoon wat ingevolge hierdie verordening 'n oortreding begaan, is by skuldigbevinding strafbaar met 'n boete, of strafbaar met tronkstraf, of albei.

Kort titel

10. Hierdie verodening staan bekend as Stellenbosch Munisipaliteit: Verordening op Geleenthede

APPENDIX 2

STELLENBOSCH MUNICIPALITY PROPOSED EVENTS BY- LAW FINE LIST

| STELLENBOSCH MUNICIPALTY EVENTS BY- LAW | Offence | Fine |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------|
| Reg 2 (4) RW Reg 9 (1) and (2) | Organising and hosting of an event without the written approval or permit of the local authority. | R2500,00 |
| Reg 2 (4) RW Reg 9 (1) and (2) | An events organiser not in compliance with the permit conditions of an approved event. | R2500,00 |
| Reg 2 (4) RW Reg 9 (1) and (2) | An events organiser failing to adhere to a compliance notice issued by an authorised person. | R2500,00 |

APPENDIX 3

APPENDIX 3

SCHEDULE OF EVENTS APPLICATION TIMEFRAMES

Depending on the size, type, location, date/time, length, event location/s size of venue/s, impact or risk of the event and drawing on any assessment information as required, the following timeframes below will apply:

| SIZE | CROWD | <u>MINIMUM TIME TO AN EVENT TO SUBMIT AN APPLICATION TO THE MUNICIPALITY</u> | <u>Appeal to be lodged by Applicant with Municipality within</u> | <u>Appeal to be decided by Stellenbosch Municipality within</u> |
|-----------------|---------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------|------------------------------------------------------------------------|
| Small | 50 ¹ to 500 | 10 working days (2 weeks) ³ | 24 hours of receipt of written notice | 5 working days of receipt of written notice of appeal |
| Medium | 500 ¹ – 2 000 | 20 working days (4 weeks) | 24 hours of receipt of written notice | 10 working days of receipt of written notice |
| Large/ Major | 2000 ¹ – above | 6 months | 48 hours of receipt of written notice | 20 working days of receipt of written notice |

- Note that for any event of fewer than 50 persons the provisions of Section 2 (2) and (3) apply.
- Note this excludes any specific or special application directives which the Local Authority may issue from time to time, which may vary by event type, risk, size, the time of the year, duration, venue or location (for example over the festive season or public holiday or related to a type of event or specific venue/location) or impact on the transport network or any other Municipal activity
- Note if a small event includes food vendors, a minimum of 15 days will be required if food vendors need to apply for licenses and Certificates of Acceptability.
- The process outlined in Section 8(1) must be completed before any appeal is lodged by the applicant.

The appeal process does not apply to Liquor Licenses which are administered by the Liquor Authority.

Any event which involves an application for a Temporary Land Use Departure and where the Departure has not been granted must follow the appeal process as outlined in the Land Use Planning Ordinance (Act 15 of 1985).

APPENDIX 4

APPENDIX 4

SCHEDULE OF EVENTS REQUIREMENTS LISTING

Note: the Local Authority may request additional information as determined by the type and detail of the event

- a. Description of Event: including type, date, venue, locality and participants.
- b. Event Programme: full details and times, plus contact details for person responsible for each aspect of event.
- c. Layout of event: including stages, marquees, catering, venue Operation Centre etc.
- d. Land-Use Planning Departure application and approval, where necessary.
- e. Transport Management Plan (TMP), which may include where applicable, proposed road closures, route plan, parking, optimal public transport utilization, emergency access routes. The format of the TMP will be as prescribed by the Stellenbosch Municipality.
- f. Crowd Management Plan.
- g. Emergency and Contingency Plans: including medical, security, emergency, facility, evacuation.
- h. Appointed Safety Officer for the event.
- i. Event Communication Plan: including ticket selling strategy, accreditation
- j. Community Participation Plan: including but not limited to contact with Councillor/s; Community/Residents Organisations / Associations and Business Associations.
- k. Environmental Management Plan.
- l. Waste Management Plan.
- m. Vendors / Caterers: list of details and use of Liquid petroleum gas. Stellenbosch Municipality Informal Trading requirements (where applicable) and the Cape Winelands District Municipality Health By-Law requirements and related legislative requirements.
- n. Health requirements including: Certificates of Acceptability. Vendor licenses ablution facilities and/or mobile toilets.
- o. Completed Application forms for: Events/ Noise Exemption (incl. public participation); and erection of Stages/Marquees. Proof of submission of Liquor Licence/s, Fireworks application; Civil Aviation Application as per the specific of the type of event.
- p. Stellenbosch Municipality requirements: including Electricity, Water, Waste Management Plan (during and after the event), transport, roads and storm water.
- q. Indemnity forms and Public Liability insurance confirmation letter
- r. Written approval from Venue Owner/Venue Manager to the applicant authorizing the use of the facility/venue to host the event.

APPENDIX 5

**Geklassifiseerd
Classifieds**

**R5 STORE
STELLENBOSCH**
Vacancy available for shop assistant. 2 Years retail experience. Must speak Afrikaans and English. Contact Ivy @ 060 975 8245.

SOEK HAARKAPSTER
by Salon Sarita's Stellenbosch. Kontak 021 887 7715 / 072 625 3585.

Professional Garden Care business has a position for a skilled **Supervisor**
A small Somerset West based garden care business requires a hands-on professional person with a sound knowledge of plants and garden care. Knowledge of fertilizers, herbicides, pesticides and pruning is a requirement. This person must be able to supervise a team, have good time management and reporting skills and needs a valid driver's licence. Salary range R8000 to R10000 per month and salary will depend on knowledge and experience. Phone Andre at 082 551 6882 or email CV to andre.noggen@logusa.co.za

VERKOPE & BEMARKING

**Bemarkers
benodig**

Basies + kommissie Stellenbosch area Skakel Nadia Nel 073 311 3076

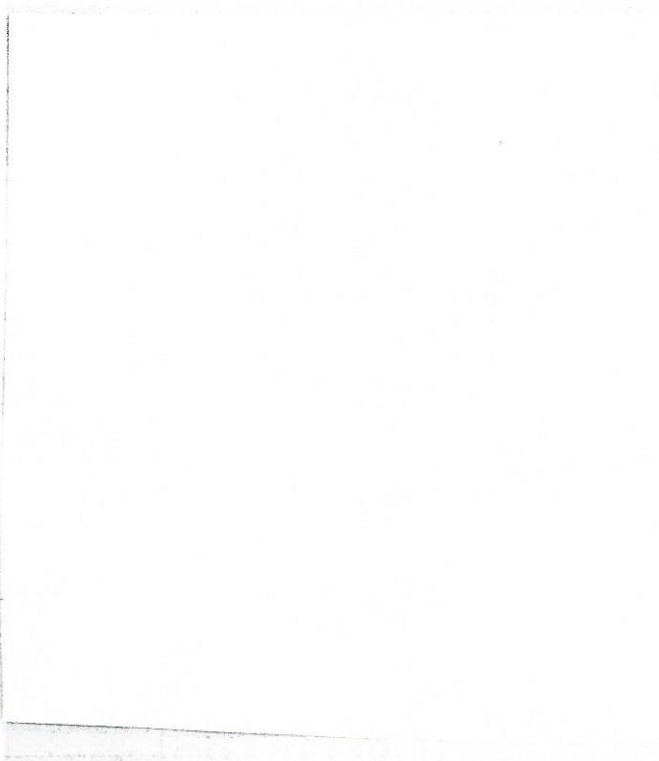
OM TE ADVERTEER IN DIE

Eikestad


Indien u nie 'n bestaande rekeningfasieliteit by Eikestadnuus het nie, word alle advertensies op 'n kontantbasis gehanteer.

• Kredietkaart
• Bankinbetaling
• By kantore:
Alexanderstraat 44, Stellenbosch


Skakel
0861 76255 237
of 0861 small ads
of epos:
geraldine.adendorf@media24.com



Eikestad | Betrekkings | Kennisgewings | Boedels | Veilings



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EVENTS BY-LAW

The above-mentioned by-law was approved by the Council of Stellenbosch Municipality at a meeting held on 2015-06-24 and is hereby advertised in terms of the provisions of Section 160(4)(b) of the Constitution, Act 108/96 read with Section 12 and 13 of the Local Government: Municipal Systems Act 32/2000.

Be advised that the by-law is open for inspection and for written comments, if any, and will be available at all libraries in the area, on the website and at each ward office for 30 days after the date of advertisement.

Please send your comments by 11 August 2015 to Yvonne.Mndabani@stellenbosch.gov.za or deliver it personally at No. 1 Hofman Street, Stellenbosch.

For further enquiries, please contact the Municipality on 021 808 8441.

MUNICIPAL MANAGER

GELEENTHEIDS VERORDENING

Die bogenoemde Verordening is deur die Raad van Stellenbosch Munisipaliteit goedgekeur tydens 'n vergadering gehou op 2015-06-24 en word hiermee geadverteer ingevolge die bepalings van Artikel 160(4)(b) van die Konstitusie, Wet 108/96, saamgelees met Artikel 12 en 13 van Plaaslike Regering, Munisipale Stelselswet 32/2000.

Genoemde verordening is oop vir inspeksie en skriftelike kommentaar, (indien enige) en sal beskikbaar wees by alle biblioteke, die munisipale webwerf en elke wykskantoor vir 30 dae na die plasing van die advertensie.

Stuur asb enige kommentaar aan Yvonne.Mndabani@stellenbosch.gov.za teen 11 Augustus 2015 of lewer dit persoonlik af by Hofmanstraat Nr 1, Stellenbosch.

MUNISIPALE BESTUURDER

Notice No / Kennisgewing nr 22/2015
9/7/2015

**Betrekkings
Kennisgewings
Boedels Veilings**

Eikestad Skakel
021 887 2840

Campus Living
Where you feel at home

Campus Living is seeking to fill the following positions:

Financial Administrator for a half day post:
Essential Qualifications, Experience & Knowledge:

- Must have at least 5 years financial administrative experience
- Proficiency & experience in Pastel 12 is a requirement
- MS Office knowledge, with advanced Excel
- A relevant tertiary financial qualification is preferable

Administrative Assistant in our Marketing Department:
Essential Qualifications, Experience & Knowledge:

- Minimum 4 years experience in similar roles & excellent communications skills
- Advanced capability in working with MS Word, Excel, PowerPoint (non-negotiable)
- Marketing on social media & other communication networks essential
- Must have own transport & valid driver's license

Applications close on 20/07/2015.
Please forward CV's to chantelle@campusliving.co.za

LIVWELL@HOME
Pioneers in dementia care

The Livewell Group is pioneering dementia care services through continuous innovation and research. We offer residents freedom, companionship, meaningful activities, gracious suites and picturesque gardens. With the compassion and understanding of our specialised staff, we significantly improve our residents' quality of life. Livewell@Home offers bespoke, quality healthcare in the privacy of a client's own home. We hereby invite a positive and dedicated female companion to apply for the following vacant position.

COMPANION: LIVWELL@HOME

Job description:
We are looking for a female companion who is attentive, yet has patience and compassion, is adaptable and positive towards change, and lives in the Stellenbosch area.

Main responsibilities will include:

- Completion of activities as indicated on the activity programme
- Ensuring the physical and emotional security of the client
- Engage client in meaningful activities
- Completing the necessary documentation before and after outings and activities
- Escorting the client on outings and taking charge of the situation from a use on outings
- Reporting any issues or concerns to the Livewell@Home Manager
- Creating a safe, happy and peaceful environment at home.

Essential:

- Care diploma
- Any certificates in emotional support, spiritual healing, interpersonal skills, etc
- Courses done on dementia or elderly care
- Arts or activity courses
- Experience with dementia patients
- Driver's license and motor vehicle
- Salary: R200 per session: 2 to 4 hours. Flexible.
- 1 course completed in sensory stimulation and/or Neuro-Developmental Techniques

PROFESSIONAL PROPERTY AWARDS
VIPA AWARD
2013-2014
YAMAHA

If this position speaks to you, then, you are welcome to send your CV to: grethel@livewell.co.za

KLEINE ZALZE
STELLENBOSCH

Proelokaal Koördineerder

Kleine Zalze Wynlandgoed in Stellenbosch besik oor 'n vakature vir 'n Proelokaal Koördineerder. Die persoon sal verantwoordelik wees vir die volgende kerntake; alhoewel die pos nie beperk is tot net hierdie take nie.

Kerntake:

- Oorhoofse koördinerer en verantwoordelike vir alle aktiwiteite van die Proelokaal
- Aanbied en verkoop van totale reeks wyne
- Aanbied van wynproeë, vriendelike ontvangs van besoekers, handhawing van uitstekende kliënteverhoudings en kelder- en wingerdtoere
- Beskur en beheer van die Proelokaal span en reël van diensroosters
- Voorraad- en kontantbeheer
- Hantering van Proelokaal administrasie volgens EZY-program

Minimum vereistes vir die pos is:

- Minstens 'n Matriekkwalifikasie, formele wynopleiding (bv. Cape Wine Academy kursusse) en 4 jaar ondervinding in 'n soortgelyke pos
- 'n Goede algemene kennis van die wynbedryf
- Uitstekende kommunikasievaardighede in beide Engels en Afrikaans, goeie en bewese organisasie vaardighede sowel as ondervinding met kommersiële verkope en verwante finansiële transaksies en administrasie

'n Markverwante vergoedingspakket na gelang van kwalifikasies en ondervinding word aangebied. Rig asb. u CV en debrief voor 24 Julie 2015 aan wine@kleinezalze.co.za of aks dit na 021-880 0716.

Indien u geen terugvoer ontvang het na 2 weke vanaf die sluitingsdatum nie, kan u aanvaar dat u aansoek onsuksesvol was.

APPENDIX 6

H.J. Hugo
26 Kommandeurs Ave
STELLENBOSCH
7600
6 August 2015

Your Ref: Notice 22/2015: Events By-Law

Attention: Ms Yvonne Mndabani
STELLENBOSCH MUNICIPALITY

Dear Ms Mndabani

COMMENT: STELLENBOSCH MUNICIPALITY EVENTS BY-LAW

I would like to comment on the proposed Events By-Law, as advertised in the Eikestadnuus of 9 July 2015.

I have been involved with the organising of the annual Winelands marathon road-running event for the past 11 years. According to Annexure 3 of the Events By-Law this is regarded as a Large/Major event as it attracts about 4 000 participants and therefore the event application has to be submitted at least 6 months before the event, according to the proposed By-Law. However, from my experience a number of requirements needed for the event application is only known and/or finalised about three months before the event date. This include aspects such as finalising the routes, parking arrangements, and specific requirements stipulated by the sponsor.

I believe other events suffer the same problems and I therefore request that the minimum time to submit an application for Large events (2000 and above) to be changed to 8 weeks (40 working days) or preferably 6 weeks (30 working days). I believe from my past experience that a minimum of 6 weeks (30 working days) should be sufficient time to process such an application, without putting your office under undue stress.

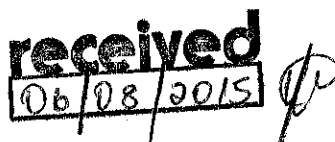
An alternative proposal is to split the Large/Major category into two categories, namely Large event for events between 2 000 – 10 000 people with a minimum application time of 30 working days (six weeks), and major events for more than 10 000 people, with a somewhat longer (8 weeks?) application time.

Kindly consider these proposals seriously, as they have been made based on real experiences in organising an event.

Yours faithfully



Hans Hugo



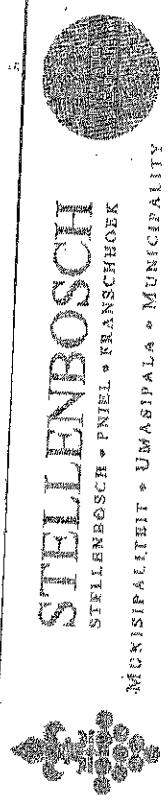
APPENDIX 7

STELLENBOSCH MUNICIPALITY PROPOSED EVENTS BY- LAW FINE LIST

| STELLENBOSCH MUNICIPALTY EVENTS BY- LAW | Offence | Fines | Repeat offenders |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------|
| Reg 2 (4) RW Reg 9 (1) and (2) | Organising and hosting of an event without the written approval or permit of the local authority. | Small event- R1 000,00 Medium event- R5 000,00 Major event- R10 000,00 | R10 000,00 R50 000,00 R100 000,00 |
| Reg 2 (4) RW Reg 9 (1) and (2) | An events organiser not in compliance with the permit conditions of an approved event. | Small event- R1 000,00 Medium event- R5 000,00 Major event- R10 000,00 | R10 000,00 R50 000,00 R100 000,00 |
| Reg 2 (4) RW Reg 9 (1) and (2) | An events organiser failing to adhere to a compliance notice issued by an authorised person. | Small event- R1 000,00 Medium event- R5 000,00 Major event- R10 000,00 | R10 000,00 R50 000,00 R100 000,00 |

APPENDIX 8

EKESTADNULUS - 19 NOVEMBER 2015



STELLENBOSCH
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MUNICIPALITEIT • UMASIPALA • MUNICIPALITY

Gemeenskap en Beskermingsdienste

Geslensheids Verordening

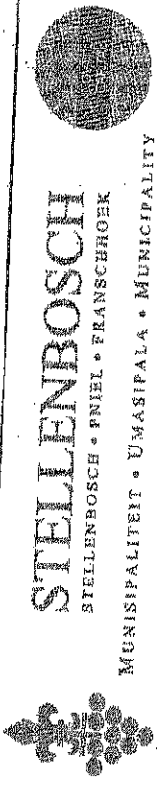
Kennis geskied hiermee dat die Raad van Stellenbosch Munisipaliteit tydens 'n vergadering gehou op 2015-10-28 die gewysigde verordening met 'n verhoogde boetelys goedgekeur het en word derhawe hiermee geadvanteer ingevolge die bepaling van Artikel 160(4)(b) van die Konstitusie, Wet 108/96, saamgelees met Artikel 12 en 13 van Plaaslike Regering, Munisipale Stelselwet 32/2000.

Geroemde gewysigde Verordening is cop vir inspeksie en skriftelike kommentaar, (indien enige) en sal beskikbaar wees by alle biblioteke, die munisipale webwerf en elke wykskantoor vir 30 dae na die plasing van die advertensie.

Stuur asb enige kommentaar aan Yvonne.Mndabani@stellenbosch.gov.za teen 18-12-2015 of lewer dit persoonlik af by Hofmanstraat Nr 1, Stellenbosch

MUNISIPALE BESTUURDER

Kennisgewing nr 35/2015
Gedateer: 2015-11-19



STELLENBOSCH
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Community & Protection Services

Events By-Law

Notice is hereby given that the Council of Stellenbosch Municipality at a meeting held on 2015-10-28 approved the Events By-law with amendments and a proposed increased fine list of which the amended By-law is hereby advertised in terms of the provisions of Section 160(4)(b) of the Constitution, Act 108/96 read with Section 12 and 13 of the Local Government Municipal Systems Act 32/2000.

Be advised that the amended by-law is open for inspection and for written comments, if any, and will be available at all libraries in the area, on the website and at each ward office for 30 days after the date of advertisement.

Please send your comments by 18-12-2015 to Yvonne.Mndabani@stellenbosch.gov.za or deliver it personally at No. 1 Hofman Street, Stellenbosch.

For further enquiries, please contact the Municipality on 021 808 8441.

MUNICIPAL MANAGER

Notice no. 35/2015
Dated: 2015-11-19

8. CONSIDERATIONS OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED BY THE MUNICIPAL MANAGER

8.1 WATER RESTRICTION TARIFFS: WC024

File number : 8/1 Engineering Services
Compiled by : Manager: Treasury Office
Report by : Chief Financial Officer
Delegated Authority : Council

Strategic intent of item

| | |
|----------------------------------|-------------------------------------|
| Preferred investment destination | <input type="checkbox"/> |
| Greenest municipality | <input type="checkbox"/> |
| Safest valley | <input type="checkbox"/> |
| Dignified Living | <input type="checkbox"/> |
| Good Governance | <input checked="" type="checkbox"/> |

1. PURPOSE OF THE REPORT

To request Council to amend the implementation of water restriction tariffs of Resolution 7.2 (b) of 25 November 2015 to 28 December 2015 in order for it to be more practical and fair.

2. BACKGROUND

On 25 November 2015 Council approved the implementation of 20% Water Restriction Tariffs with effect from water usage as of 26 November 2015.

3. DISCUSSION

The resolution also calls for consumers to be made aware of the implementation of the water restriction tariffs.

With the date of implementation being only one day after the date of the the Resolution, it was practically impossible to inform residents timeously.

Notices of water restrictions were distributed to consumers via the November consumer accounts, but the newsletter contained no information on new tariffs as the council had not yet resolved on the matter at the time.

The newsletter sent with the December 2015 consumer accounts contained information on the approved new water restriction tariffs. Due to issues beyond the control of the municipality, this newsletter however, only reached consumers towards the end December 2015.

It would therefore be unfair to impose penalty tariffs on consumers for water that had already been consumed by the time the notices reached them.

The Council is requested to amend paragraph (b) of Resolution 7.2 of 25 November 2015 by substituting the date 26 November 2015 with the more practical date of 28 December 2015.

4. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

None received

RECOMMENDED

that Resolution 7.2 (b) of item Water Restriction Tariffs: WC024 which served before Council on 2015-11-25, be amended to indicate the effective date as 28 December 2015.

(CHIEF: FINANCIAL OFFICER TO ACTION)

9. CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER

NONE

10. CONSIDERATION OF MOTIONS OF EXIGENCY

NONE

11. MATTERS FOR INFORMATION

11.1 REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE MAYORAL COMMITTEE AND STANDING COMMITTEES FOR THE PERIOD DECEMBER 2015 (3/5/2/5)

NONE

11.2 DECISIONS TAKEN IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR FOR THE PERIOD NOVEMBER UNTIL DECEMBER 2015

NONE

12. OTHER URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

NONE

13.1 CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER

NONE

13.2 CONSIDERATION OF REPORTS SUBMITTED BY THE EXECUTIVE MAYOR

14. MATTERS TO BE CONSIDERED IN-COMMITTEE

SEE PINK DOCUMENTATION