

7.7 THE PROPOSED AMENDMENT OF THE BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER PN 166/1998 AS WELL AS THE BY-LAW FOR THE DECLARATION OF PLACES WHERE THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR AND HAWKER IS PROHIBITED (PN 189/1998) (APPLICABLE ON THE STELLENBOSCH TOWN) AND THE BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER PN 386/1996 AND THE BY-LAW FOR THE DECLARATION OF PLACES WHERE THE CARRYING ON OF THE BUSINESS OF STREET VENDOR, PEDLAR OR HAWKER IS PROHIBITED PN 5127 (APPLICABLE ON FRANSCHHOEK TOWN)

File number : *Unfiled*
Report by : *Director: Planning and Development*
Compiled by : *Manager: Local Economic Development*
Delegated Authority : *None*

Strategic intent of item

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

1. PURPOSE OF REPORT

To obtain approval from Council to advertise the proposed intention of Council to amend the By-law for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Hawker PN 166/1998 and the proposed intention to proclaim the under mentioned sites in terms of the By-law for the Declaration of Places where the Carrying on of the Business of Street Vendor, Pedlar and Hawker is prohibited (PN 189/1998) which is applicable to Stellenbosch Town and pursuant thereto to amend same accordingly after the relevant comments are considered.

Furthermore that the proposed intention of Council to amend the By-Law for the Supervision and Control of the Carrying on of Business of Street Vendor, Pedlar or Hawker (PN 386/1996) and the proposed intention to proclaim certain additional sites in terms of the By-law for the Declaration of Places where the Carrying on of the Business of Street Vendor, Pedlar or Hawker is Prohibited (PN 5127/1997) which is applicable on Franschhoek.

2. BACKGROUND

The informal trading sites in Stellenbosch Town is regulated by the By-law for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Hawker PN 166/1998 and the By-law for the Declaration of Places where the Carrying on of the Business of Street Vendor, Pedlar and Hawker is prohibited, copies of which are attached hereto as **APPENDICES 1 AND 2**. Furthermore informal trading sites in Franschhoek Town is regulated by the By-law for the Carrying on of Business of Street Vendor, Pedlar or Hawker (PN 386/1996) and the By-law for the Declaration of Places where the Carrying on of the Business of Street Vendor, Pedlar or Hawker is Prohibited (PN 5127/1997), (the By-laws are collectively referred to as "the By-laws") copies of which is attached annexed hereto as **APPENDICES 3 AND 4**. The above-mentioned request for approval is an interim measure to remove the restrictive clauses in the current By-laws in order to create an enabling environment and to include additional sites for informal trading within Stellenbosch and Franschhoek while an integrated policy framework and by-law for informal trading for the entire municipal area is adopted.

The proclaimed sites have been disproportionate to the population growth in the Stellenbosch WC024 municipal area. Areas such as *inter alia* Pniel, Jamestown, Klapmuts, Languedoc had unfortunately not been addressed, by the By-laws alluded to above.

Furthermore Site 6 and 7 of the By-law for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Hawker PN 166/1998 read with the By-law for the Declaration of Places where the Carrying on of the Business of Street Vendor, Pedlar and Hawker is prohibited (PN 189/1998) was de-proclaimed by Council on 25 October 2012. The de-proclamation was advertised on or about 13 January 2013 which left approximately 17 informal traders without an income since 25 January 2013.

In 2011 the informal sector created 11, 2 % employment of the total employment in the Stellenbosch Municipal Area. Consequently the Stellenbosch Municipality recognizes the contribution of this sector to the local economy and intends to seize the opportunity to further encourage the development of new entrepreneurs while simultaneously seeking to offer growth opportunities for existing traders.

In a study of Africa's rapidly growing cities, markets and street vendors were found to be major sources of providing income to poor urban households. It is recognized that Informal Trading forms a vital part of any emerging economy.

Against this reality a review of the informal trading sites was embarked upon to accommodate new additional sites. It is important for Council to consider the proposed amendment of the above-mentioned By-laws.

3. DISCUSSION

South Africa, street trading is largely governed and regulated by municipal by-laws and policies. **The Businesses Act 72 of 1991**

("Businesses Act") together with the **Businesses Amendment Act 186 of 1993**, give municipalities the mandate to adopt and implement such by-laws. Municipal by-laws must ultimately be in line with the Constitution of the Republic of South Africa Act 108 of 1996 ("Constitution") and applicable legislation which gives effect to it e.g. the Local Government: Municipal Systems Act 32 of 2000 ("the Systems Act").

The Constitution sets out the objectives, developmental duties and powers and functions of local government, and provides the authority for local government to develop by-laws in order to administer street trading. Section 152(1) of the Constitution sets out that the objectives of local government, which include providing democratic and accountable government for local communities, promoting social and economic development and encouraging the involvement of communities and community organisations in the matters of local government.

Section 153 of the Constitution provides that a municipality must structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community.

Section 156 of the Constitution relates to the powers and functions of municipalities and states that a municipality has executive authority in respect of, and the right to administer, certain local government matters including street trading (which is listed in Part B of Schedule 5). A Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer. Municipalities thus have the mandate to develop and adopt *inter alia* street trading by-laws. Section 162 of the Constitution provides that a municipal by-law may be enforced only after it has been published in the official gazette of the relevant province which must be accessible to the public. These provisions are given effect to by the Systems Act, as alluded to below.

Section 22 of the Constitution relates to freedom of trade and states that every citizen has the right to choose their trade, occupation or profession freely", however this is qualified by the clause that states "the practice of a trade, occupation or profession may be regulated by law." Therefore, while the freedom of trade is extended to informal trading, it can be regulated.

Section 12(3) of the Systems Act provides further that no by-laws may be passed by a municipal council unless-

- (a) all the members of the council have been given reasonable notice; and
- (b) the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.

Section 13 of the Systems Act provides that a by-law passed by a municipal council-

- (a) must be published promptly in the Provincial Gazette, and when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and
- (b) takes effect when published or on a future date determined in or in terms of the by-law.

Section 6A(1)(a) of the Businesses Act provides that a local authority may, with the approval of the Administrator, make by-laws regarding-

- (i) the supervision and control of the carrying on of the business of street vendor, pedlar or hawker;
- (ii) the restriction of the carrying on of such business-
 - (aa) ...
 - (bb) On a verge as defined in section 1 of the Road traffic Act, 1989 (Act No. 29 of 1989), contiguous to-
 - (A) a building belonging to, or occupied solely by, the State or the local authority concerned;
 - (B) a church or other place of worship;
 - (C) a building declared to be a national monument under the National Monuments Act, 1969 (Act No 28 of 1969); (cc) in a area declared or to be declared under subsection (2)(a);

Section 6(2)(a) of the Businesses Act provides that a local authority may, subject to the provision of paragraph (b) up to and including (j), by resolution declare any place in its area of jurisdiction to be an area in which the carrying on of the business of street vendors, pedlar or hawker may be restricted or prohibited.

- (b) A motion that steps be taken to declare an area under this subsection shall be dealt with at a meeting of the local authority;
- (c) Before a motion is adopted, the local authority shall have regard to the effect of the presence of a large number of street vendors, pedlars or hawkers in that area and shall consider whether-
 - (i) more effective supervision or control in that area, including negotiations with any person carrying on in that area the business of street vendor, pedlar or hawker or their representatives, will make such declaration unnecessary; and
 - (ii) the intended restriction or prohibition will drive out of business a substantial number of street vendors, pedlars or hawkers;

- (d) If such a motion is adopted the local authority shall cause a plan to be prepared showing the position of the area concerned;
- (e) On completion of the said plan the local authority shall cause to be published in a newspaper circulating in the area of jurisdiction of that local authority, a notice setting out its intention to effect the restriction or prohibition concerned as well as its reasons therefore, stating that the said plan is open for inspection at a place and during the hours mentioned in the notice and calling upon any person who has any objection to the intended restriction or prohibition to submit in writing to the local authority within a period mentioned in the notice, which period shall not be shorter than 21 days following the day upon which the notice appeared in the newspaper, such objection or objections;
- (f) The local authority shall consider every objection submitted in terms of paragraph (e) or (f) and may thereafter resolve on the declaration of the area concerned;
- (h) The local authority shall cause the declaration to be published in the Official Gazette, and such declaration shall take effect on the date of such publication;
- (i) The local authority shall forthwith after the publication referred to in paragraph (h), submit to the Administrator a copy of the plan of the area, the notice published in the newspaper in terms of paragraph (e), the notice published in the Official Gazette in terms of paragraph (h) and all objections received, together with its comments thereon;
- (j) The Administrator may within 60 days after such submission and after consultation with the local authority concerned, by notice in the Official Gazette amend or revoke the declaration concerned;

Section 6(3) of the Businesses Act provides that notwithstanding the provision of any other law, a local authority may-

- (b)(i) set apart by resolution and demarcate stands or areas for the purpose of the carrying on of the business of street vendor, pedlar or hawker on any public road the ownership or management of which is vested in the local authority or on any other property in the occupation and under the control of the local authority; and
- (ii) in like manner extend, reduce or disestablish any such stand or area.
- (c) by agreement let or otherwise allocate any stand or area demarcated under paragraph (b)(i) or otherwise established for such purpose.

The Director: Strategic and Corporate Services under delegation 56(18) of the Stellenbosch Municipality System of Delegation is delegated to draft proposed by-laws and amendments to by-laws after departments have obtained the approval of the relevant portfolio committee, prior to

necessary authority being obtained from the Executive Mayor's office to proceed with the legislative process.

The By-law for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Hawker PN 166/1998 was proclaimed on or about 20 March 1998 while the By-law on the Declaration of Places where the Carrying on of the Business of Street Vendor, Pedlar and Hawker is prohibited (PN 189/1998) was proclaimed on or about 9 April 1998. Furthermore the By-law for the Carrying on of Business of Street Vendor, Pedlar or Hawker (PN 386/1996) was proclaimed on or about 13 September 1996 and the By-law for the Declaration of Places where the Carrying on of the Business of Street Vendor, Pedlar or Hawker is Prohibited (PN 5127/1997) was proclaimed on or about 11 April 1997.

These By-laws were already promulgated during the 1990's in terms of the Businesses Act, 71 of 1991 and are currently in operation.

Clause 2 of the By-law for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Hawker PN 166/1998 and the By-law for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Hawker PN 386/1996 provides that a person shall not carry on the business of street vendor, pedlar or hawker-

- (a) ...
- (b) On a verge contiguous to –
 - (i) a building belonging to, or occupied solely by, the State or the local authority;
 - (ii) a church or other place of worship, or
 - (iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969).

In terms of the abovementioned legislative framework, any proposed site on a verge continuous to a building belonging to, or occupied solely by, the State or the local authority, a church or a national monument (the Rhenish Church in Stellenbosch and the NG Church in Franschhoek) may not be utilized as a site for informal trading. Bird, Blom, and Market Street in Stellenbosch as well as Le Roux, Mark (Groendal), Lambrecht, Huguenot and Church Street in Franschhoek are on a verge continuous to building/s belonging to, or occupied solely by, the State or the local authority, a church or place of worship and a building declared to be a national monument. In light of the aforesaid any proposed sites in the vicinity of these streets would be on the verge of a street contiguous to a building belonging to, or occupied solely by, the State or the local authority, national monument and to a church. In light of the aforesaid, the By-laws as alluded to above need to be amended to accommodate the proposed proclamation of the under-mentioned sites. The intention is to proclaim the proposed sites for the first time as trading sites as listed hereunder, except for those informal traders currently trading in Franschhoek next to the NG Church and no existing Street Vendor,

Pedlar or Hawker will be affected by the proposed proclamation. The sites listed hereunder are additions to those sites that already exists.

The following proposed sites were identified for possible informal trading between approximately 09h00 until 18h00 – (See **APPENDIX 5** for more information. Please be advised that further comments on the proposed sites will be solicited internally and externally.)

1. **Stellenbosch:** A portion of the Braak opposite Nedbank along Bird Street;
2. **Stellenbosch:** A portion of the Braak along Blom Street
3. **Stellenbosch :**A site opposite the Telkom Building, next to the Magistrate Court;
4. **Stellenbosch:** A site on the corner of Andringa and Plein Street, next to the parking of the Town Hall;
5. **Stellenbosch:** A site at the corner of First National Bank in Plein Street;
6. **Stellenbosch:** An open space along Bird Street near the bridge in the direction of Kayamandi;
7. **Kayamandi:** The formalizing of informal trading along both Masithandani and Rand Street (a) opposite the KETC, (b) across the old municipal building and (c) piece of land near Watergang)
8. **Klapmuts:** A site in Merchant Street next to the proposed taxi rank;
9. **Pniel:** The parking site next to the municipal offices in Pniel;
10. **Kylemore:** A portion of land at the entrance of Kylemore
11. **Kylemore:** Erf 11 next to the Clinic in Skool Street;
12. **Franschoek:** Pavement along Church Street next to the Municipal Offices;
13. **Franschhoek:** The park at the entrance of Groendal;
14. **Idas Valley:** The portion of land at the corner of Helshoogte and Rustenburg Road.
15. **Cloetesville: A portion of the parking area next to the Filling Station in Lang Street**

The By-law as alluded to is applicable to the proposed sites listed under 1 to 5 above and clause 2(b)(i) to (iii) of the By-law should be deleted prior to proclaiming the abovementioned sites under 1 to 4 as sites identified for possible informal trading. The sites listed under

5 to 6 above are however not affected by clause 2(b)(i) to (iii) of the By-law.

4. COMMENTS BY RELEVANT DEPARTMENTS

4.1 Financial Services

The recommendations are supported.

4.2 Strategic and Corporate Services

Legal Department

The Legal Department support the proposal listed under number 2 to 4 of this item, except for the proposal under number 1 thereof relating to a portion of the Braak along Blom Street in Stellenbosch. The propose site was one of two sites (previously site 6 and 7) of the By-law which was de-proclaimed on 25 October 2012 by Council after a duly public participation process was followed.

Various complaints were received from *inter alia* the Rhenish Church regarding the informal traders who occupied site 6 which were duly considered by the Municipal Council. The previous site 6 is situated next to the Rhenish Church in Bird Street while site 7 is situated in front of the Rhenish Church.

We are of the view that the proclamation of previous site 7 cannot be supported by this department as this site is situated in front of the Rhenish Church and we are of the view that the presence of informal traders will have a negative effect on the church and its operation. Blom Street is also a very short street and the presence of informal traders in Blom Street might also possibly affect traffic flow. Furthermore the Rhenish Church might perceive the re-proclamation of site 7 with possibly racial connotation. In this regard we concur with the view express by the Law Enforcement Department.

Be that as it may, we suggest that a portion of the Braak opposite Nedbank at Bird Street or a portion of the Braak opposite the "Kruit Huis" be considered as a site which should be utilized for this purpose. This portion is situated approximately between the two churches and would not have a negative effect on the churches and its operations as the propose site in front of the Rhenish Church or in Blom Street.

Alternatively the pedestrian footpath in the middle of the Braak be considered for possible sites for purposes of informal trading. The informal traders craft are largely intended for the tourist market. The busses which convey these tourist parks opposite the "Kruit Huis" and these sites would be visible and accessible for tourist whilst absolute minimum impact on both churches and the general public.

The propose site/s are temporary in nature until the finalization of a By-law and policy and will not be permanent. Furthermore a condition should be incorporated should this proposal be considered or approved that the Braak is also utilized for other events, which would result that these sites would for certain periods not be available for informal trading.

4.2 Planning & Development**Department Spatial Planning, Heritage and Environment**1. Stellenbosch: A portion of the Braak along Blom Street

This department supports the above area as an interim measure until such time the integrated Informal Trading policy and by-law have been approved.

2. Stellenbosch: A site opposite the Telkom Building next to the Magistrate Court

This department supports the above area as an interim measure until such time the integrated Informal Trading policy and by-law have been approved.

3. 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.

4. 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.

Land Use Management

Comments on the proposed amendment of the bylaw for the supervision of street vendor, pedlar or hawker PN 166/1998 as well as the bylaw for the declaration of places where the carrying on of the business of street vendor, pedlar and hawker is prohibited (PN 189/1998).

1. Stellenbosch: A portion of the Braak along Blom Street

No objection subject that only arts and crafts being sold

2. Stellenbosch: A site opposite the Telkom Building next to the Magistrate Court

No objection subject that only arts and crafts being sold

3. Stellenbosch: An open space along Bird Street near the bridge in the direction of Kayamandi

No objection

4. Kayamandi: The formalizing of informal trading along both Masithandani Street and Rand Street

No objection

4.3 Engineering Services

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

1. Stellenbosch: A portion of the Braak along Blom Street

Location is 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.

2. Stellenbosch: A site opposite the Telkom Building next to the Magistrate Court

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.

3. Stellenbosch: An open space along Bird Street near the bridge in the direction of Kayamandi

Location is 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.
4. Kayamandi: The formalizing of informal trading along both Masithandani Street and Rand Street

Location is supported subjected to the following conditions;

1. Structures to be erected at least 1.5m behind the existing kerbline.
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.

4.4 Community and Protection Services

Law Enforcement

1. Stellenbosch: A portion of the Braak along Blom Street

This department does not support the above area as an interim measure as the proposed site will be directly in front of Die Rynse Kerk negatively impacting on church services especially with funerals on Saturdays. This site is one of the two sites which were recently de-proclaimed as a result of complaints received over years from the church.

2. Stellenbosch: A site opposite the Telkom Building next to the Magistrate Court

This department supports the above area as an interim measure until such time the integrated Informal Trading policy and by-law have been approved.

3. 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.

4. 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.

Traffic Services

1. Stellenbosch: A portion of the Braak along Blom Street

The department supports location only as interim measure until new sites are identified and By-law revised due to current lack of parking in general Stellenbosch CBD.

2. Stellenbosch: A site opposite the Telkom Building next to the Magistrate Court

No objection and agree to requirements as set by Engineering Department.

3. Stellenbosch: An open space along Bird Street near the bridge in the direction of Kayamandi

No objection and agree to requirements as set by Engineering Department and in addition propose investigation to traffic calming measures with an intended increase to vehicular traffic at proposed site.

4. Kayamandi: The formalizing of informal trading along both Masithandani Street and Rand Street

No objection and agree to requirements as set by Engineering Department.

RECOMMENDED

- (a) that Council support the initiative to amend the By-laws for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Walker;
- (b) that the decision to amend the above-mentioned By-laws as well as the proposed proclamation of the sites attached be advertised for public comment (internally and externally), before a final decision is made by Council.

**(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
TO ACTION)**

**SPECIAL PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE
MEETING: 2013-11-12: ITEM 6.1.2**

During deliberations the DA requested a caucus, which the Chairperson allowed.

After the meeting resumed, it was

RECOMMENDED

- (a) that Council support the initiative to amend the By-laws for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Walker;
- (b) that the decision to amend the above-mentioned By-laws as well as the proposed proclamation of the sites attached be advertised for public comment (internally and externally), before a final decision is made by Council;
- (c) that the amendment to the various By-laws and all trading sites except the portion of the Braak along Blom Street, be advertised for public and internal comment whereafter same be re-submitted to Council; and
- (d) that the Beyers alley in the CBD (Eikestad Mall) also be included in partnership with land owners.

**(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
TO ACTION)**

MAYORAL COMMITTEE MEETING : 2013-11-27 : ITEM 5.1.5**RECOMMENDED BY THE EXECUTIVE MAYOR**

- (a) that Council support the initiative to amend the By-laws for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Walker;
- (b) that the decision to amend the above-mentioned By-laws as well as the proposed proclamation of the sites attached be advertised for public comment (internally and externally), before a final decision is made by Council; and
- (c) that the amendment to the various By-laws and all trading sites except the portion of Die Braak along Blom Street, be advertised for public and internal comment whereafter same be re-submitted to Council.
- (d) that the Beyers alley in the CBD (Eikestad Mall) also be included in partnership with land owners.

**(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
TO ACTION)**

17TH COUNCIL MEETING: 2014-01-16: ITEM 7.7**RESOLVED** (nem con)

- (a) that Council support the initiative to amend the By-laws for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar or Walker;
- (b) that the decision to amend the above-mentioned By-laws as well as the proposed proclamation of the sites attached be advertised for public comment (internally and externally), before a final decision is made by Council; and
- (c) that the amendment to the various By-laws and all trading sites except the portion of Die Braak along Blom Street, be advertised for public and internal comment whereafter same be re-submitted to Council.
- (d) that the Beyers alley in the CBD (Eikestad Mall) also be included in partnership with land owners.

**(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
TO ACTION)**

APPENDIX 1 BY-LAWS

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 Proventz Street, Stiebeul Street, Le Roux Road and Boonzaier 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.

L5590

MUNISIPALITEIT VIR DIE GEBIED VAN FRANSCHHOEK:
VERKLARING VAN PLEKKE WAAR DIE DRYF VAN DIE
BESIGHEID VAN STRAATHANDELAAR, VENTER OF SMOUS
VERBOD WORD

Kennis geskied hierna ingevolge artikel 6(A)(2) van die Wet op Besigheide, 1991, dat die Raad dit voorweg om Lambrechtstraat, Huguenotweg, Hoorweg, Reservoirstraat-Oos en Wes, Krugerstraat, La Proventzstraat, Stiebeulstraat, Le Rouxweg en Boonzaierweg in Franschhoek, soos aangedui op die planne wat ter insae lê en insluit aangrensende sypaadjies, tot gebiede te verklaar waarin die dryf van die besigheid van straat-handelaar, venter of smous verbied word, uitgesonderd die staanplekke getmerk 1 tot 13 op genoemde planne wat ter insae lê.

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

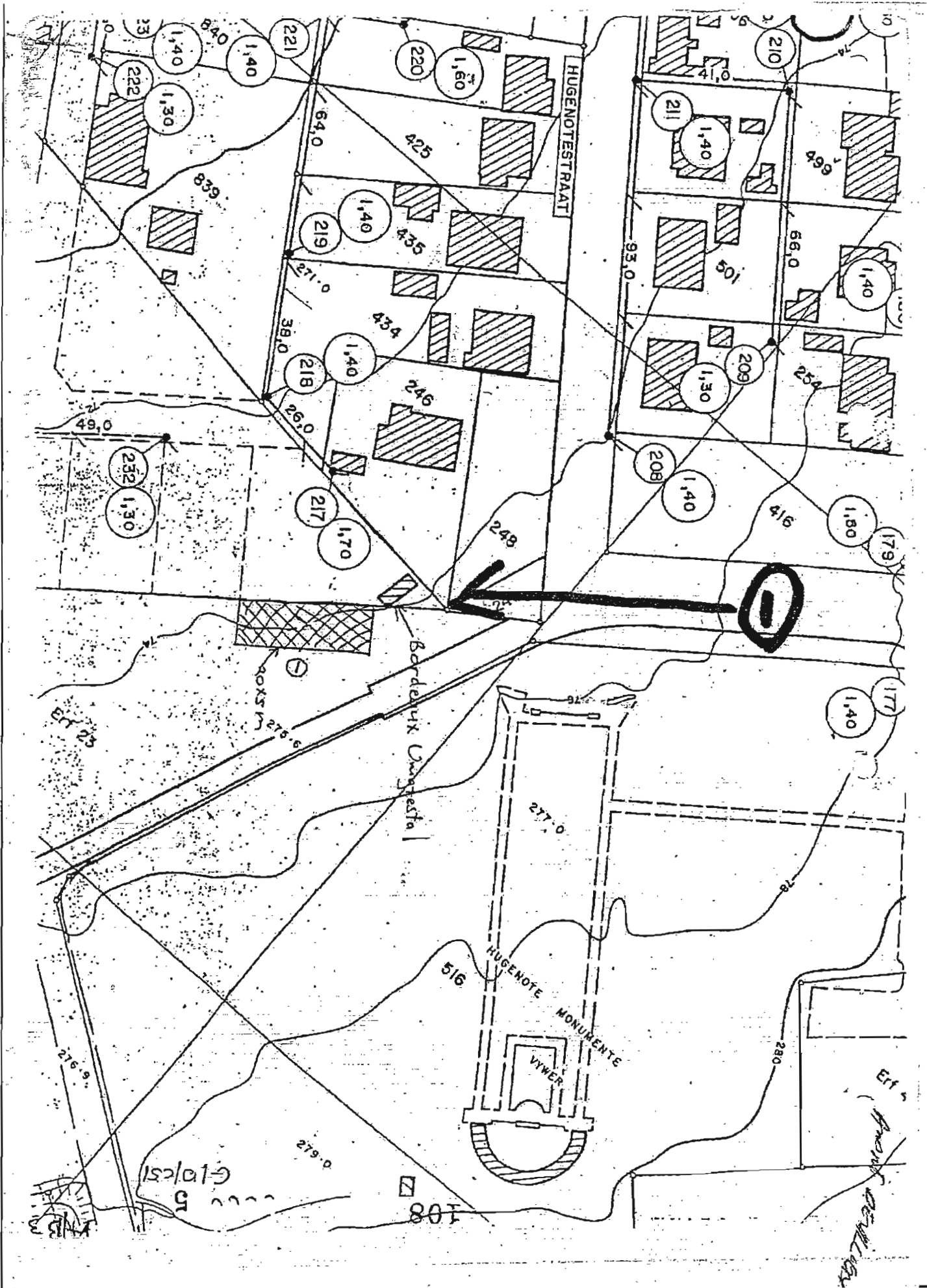
- 1. Die bedryf van die besigheid van straat-handelaar, venter of smous te orden, ten einde dienslewering aan hierdie besigheide te vergemaklik (vullisverwydering/optel van rommel).
- 2. Sypaadjies, voerwaaingange en straat-hoeke oop te hou ten einde voetgangerverkeer onbelemmer te laat vloei.

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

5 April 1997.

L5390

Provinsiale Koerant 11 April 1997. R90.00



HUGENOTESTRAAT

Bordeux Congesta

HUGENOTE MONUMENTE
VYWER

221 1,40 220 1,60

219 1,40 218 1,40 217 1,70

232 1,30

210 211 1,40

209 1,30 208 1,40

177 1,40

108

G10/csi

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

Dra van skriftelike goedkeuring

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

Gelde

8. Die raad stel die gelde vas wat aan hom betaalbaar is vir die verhuur van stalletjies of gebiede onder sy beheer vanwaar die bedryf van die besigheid van straat-handelaar, venter of smous toelaatbaar is.

Delegasie

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

Misdrywe en straffe

10. Enige persoon wat —

- (a) enige bepalinge van hierdie verordening oortree of verslum om daaraan te voldoen of aan enige voorwaarde wat daarkragtens gestel is; of
- (b) enige beampte of werknemer van die raad draig, hinder of belemmer in die verrigting van sy plig of werksaambede ingevolge of kragtens hierdie verordening; of
- (c) meï opset, valte of misdie/donde inligting aan 'n beampte of werknemer van die raad gee.

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

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

Carrying of written approval

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

Charges

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

Delegation

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

Offences and penalties

10. Any person who —

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

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

P.K. 386/1996

13 September 1996

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

**MUNISIPALITEIT VIR DIE GEBIED VAN FRANSCHHOEK:
VERORDENING VIR DIE TOESIG EN BEHEER OOR DIE
BEDRYF VAN DIE BESIGHEID VAN STRAATHANDELAAR,
VENTER OF SMOUS**

Woordomsnywing

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

"beampie" —

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

13 September 1996

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

**MUNICIPALITY FOR THE AREA OF FRANSCHHOEK:
BY-LAW FOR THE SUPERVISION AND CONTROL OF THE
CARRYING ON OF THE BUSINESS OF STREET VENDOR,
PEDLAR OR HAWKER**

Definitions

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

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

"goods" means any wares, articles, receptacles, vehicles or structures;

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

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

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

"oortas" enige gedrag wat 'n stand van sake of toestand inbring of kan meebring wat 'n bron van gevaar vir die persoon of eiendom van ander inhoud, of wat wesenlik met hulle gewone gerief, gemak, rust of vrede inmeng;

"oponbare pad" enige pad, straat, deurgang of enige ander plek (betsy '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 spoor 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;

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

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

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

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

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

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

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

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

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

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

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

Verbod en beperkinge op die bedryf van besigheid

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

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

(b) op 'n soom aangrensend aan —

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

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

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

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

"officer" means —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prohibition of and Restriction on the carrying on of business

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

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

(b) on a verge contiguous to —

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

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

Algemeen

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

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

Generel

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

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

Skidelikheid van besighelidsplek en beskerming van openbare gesondheid

4. (1) Niemand wat die besigheid van straathandelaar, venter of smous bedryf, mag —
- (a) enige vuilnis, rommel of afvalmateriaal op enige grond of perseel, in enige mangat of stormwaterloop, of op enige openbare pad of openbare plek, behalwe in 'n vuilnishouer wat deur die Raad goedgekeur is, ophoop, stort, opberg of plaas, of vervoersak of toelaat dat dit daar opgehoop, gestort, opgeberg of geplaat word nie;
- (b) die gebied of terrein wat hy vir die doel van sodanige besigheid okkipeer, in 'n vuil en/of onhygieniese toestand hou nie;
- (c) sy goedere in 'n vuil en/of onhygieniese toestand hou nie;
- (d) tensy skriftelike goedkeuring vooraf deur die Raad verleen is wat horn van die bepallings van hierdie paragraaf vrystel, versuim om alle rommel, verpakkingsmateriaal, voorraad, en toerusting van watter aard ook al wat in verband met sodanige besigheid gebruik word, daagliks na afloop van handel-drywe van enige openbare pad of openbare plek te verwyder nie, en
- (e) sy besigheid op sodanige wyse bedryf dat dit 'n gevaar of bedriging vir die openbare gesondheid of openbare veiligheid is nie.
- (2) Sodanige persoon moet op versoek van 'n beampte of bevoegde gemagtigde werknemer van die Raad ongtiens waarna artikel 4(1) verwys verduif of verwyder sodat die gebied of terrein skoongeraak kan word.

Verwydering en skuit

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

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

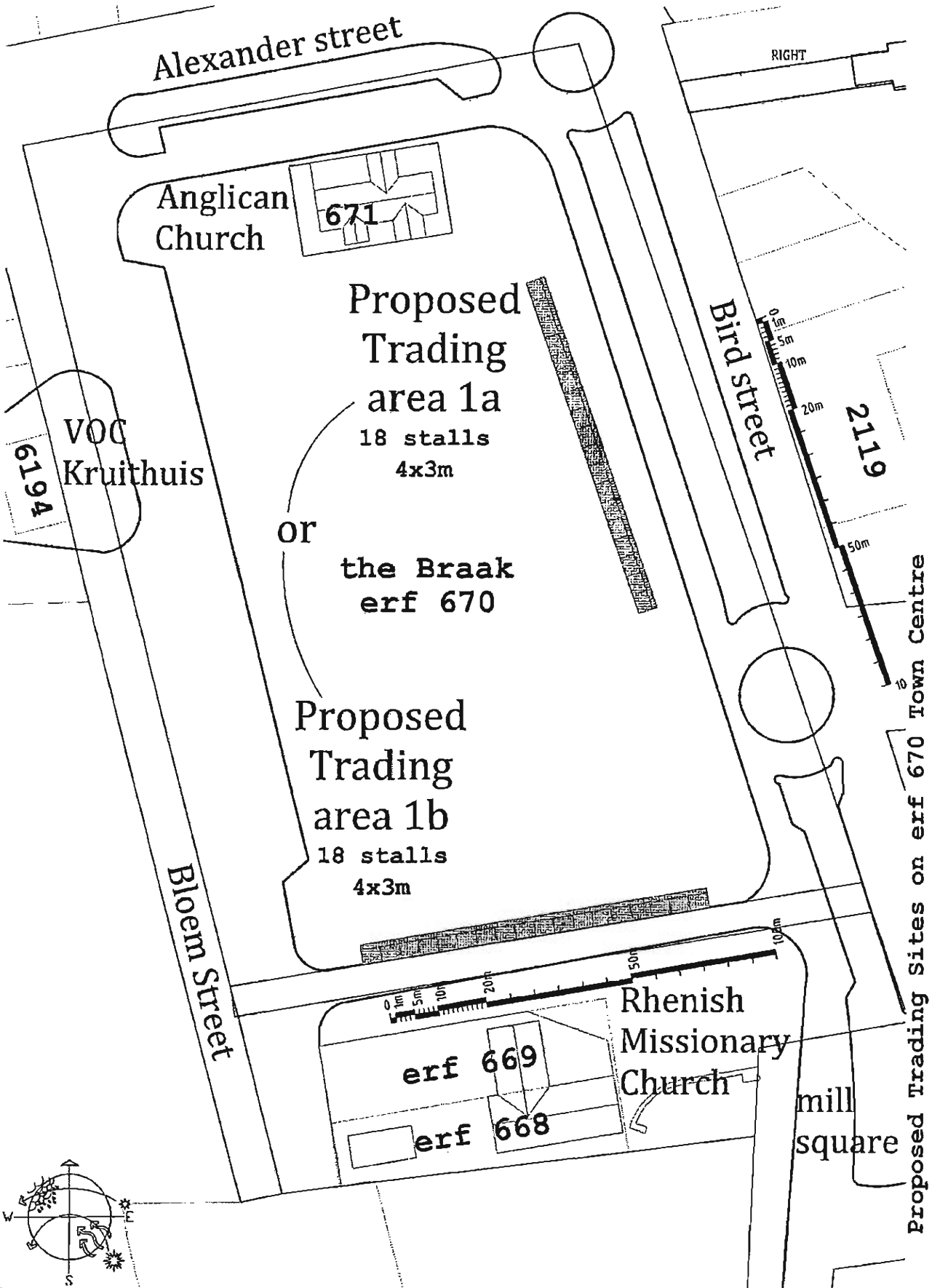
Cleanliness of place of business and protection of public health

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

Removal and impoundment

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

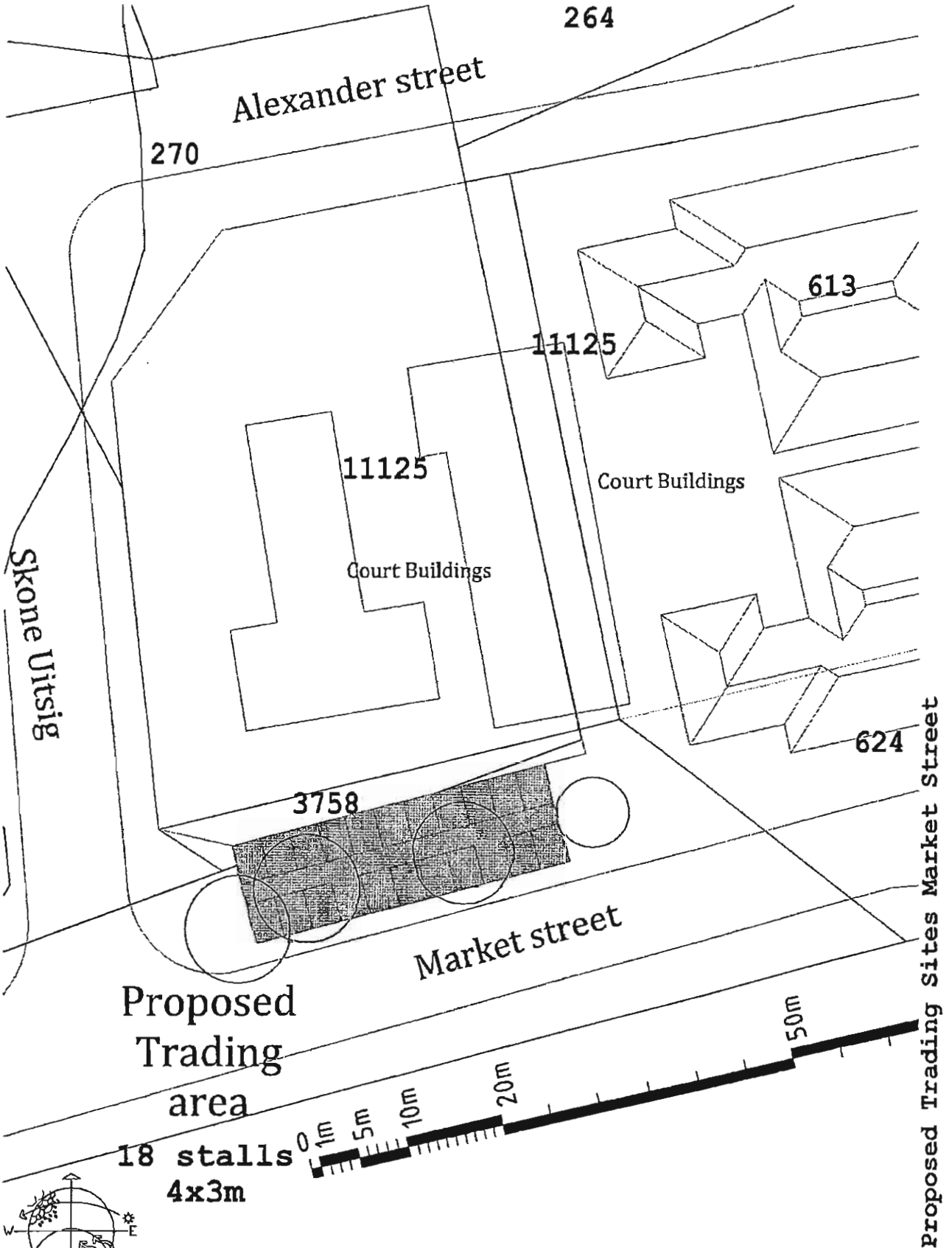
APPENDIX 3



Proposed Trading Sites on erf 670 Town Centre

October 2013

INFORMATIONAL TRADING SITES 10

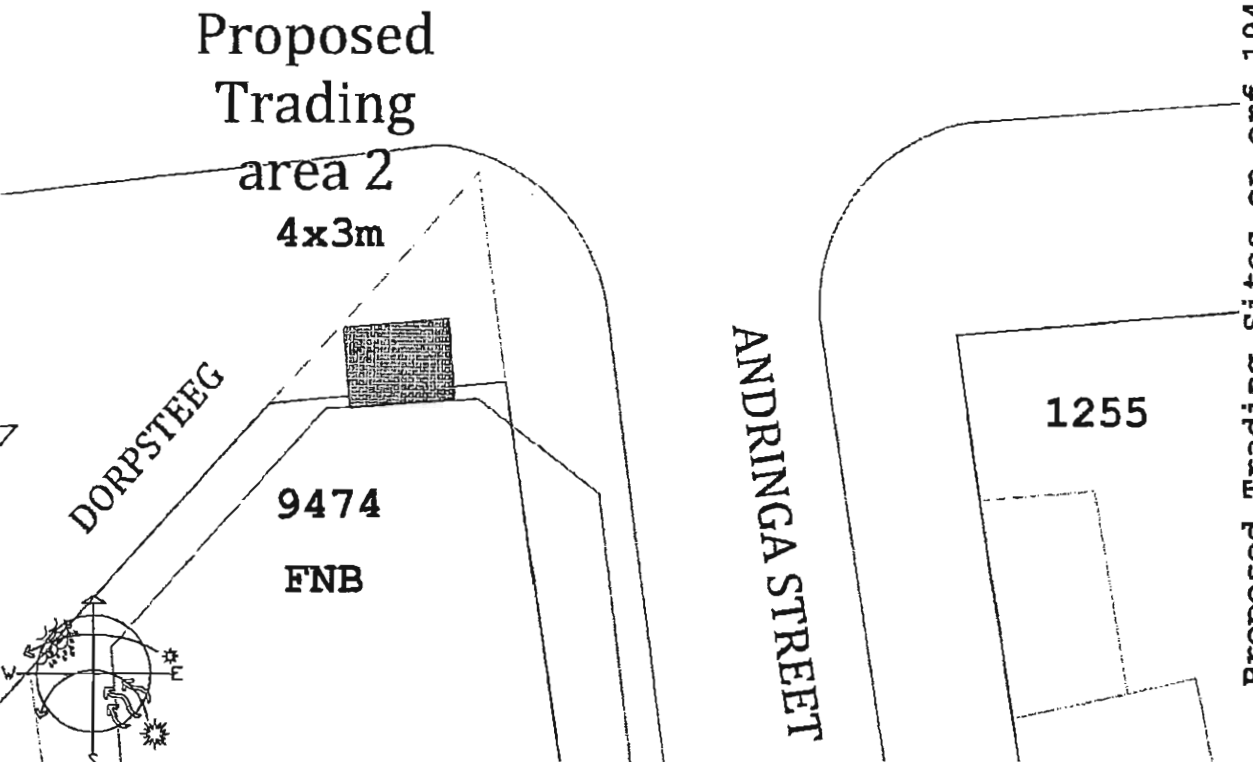
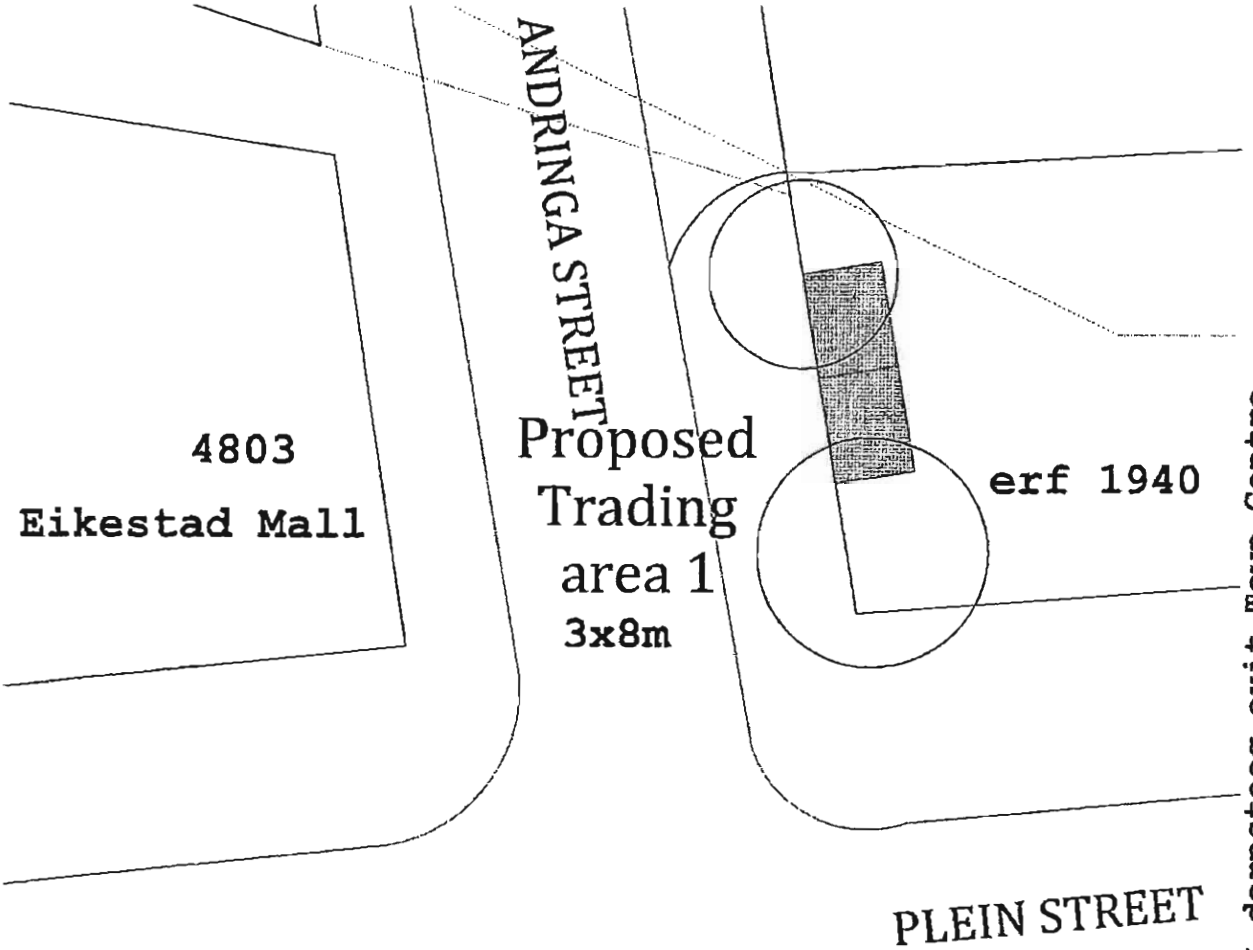


October 2013

02

INFORMAL TRADING SITES

Proposed Trading Sites Market Street

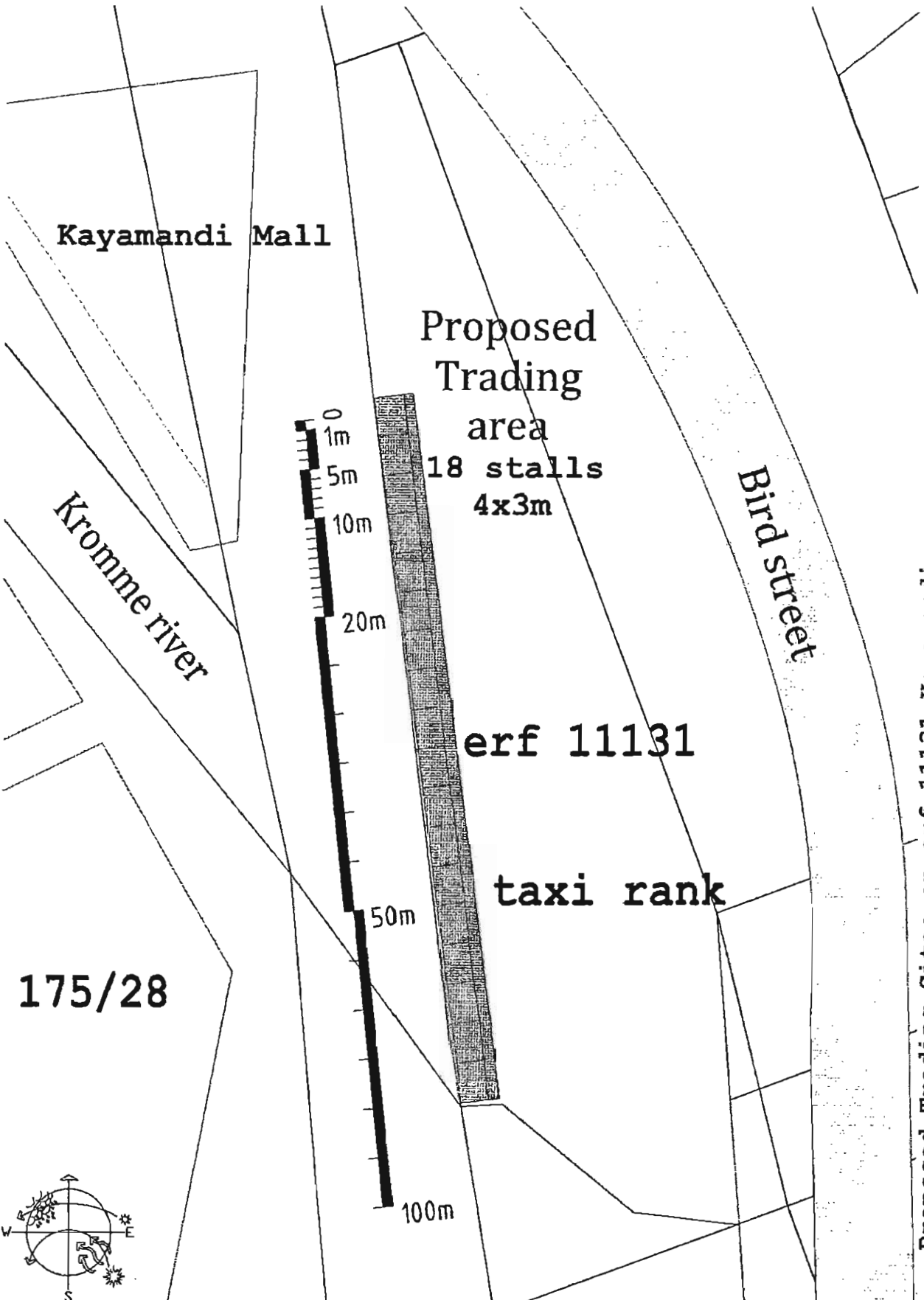


Proposed Trading Sites on erf 1940 & dorpssteeg exit Town Centre

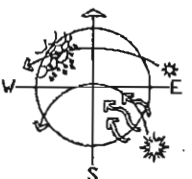
October 2013

03

INFORMATION TRADING SITES



Proposed Trading Sites on erf 11131 Kayamandi



October 2013

04

INFORMAL TRADING SITES

Bird str.

to Kayamandi Corridor

George Blake Ave

Proposed Trading area

5 stalls
4x3m

to Kayamandi Mall

erf R/175

175

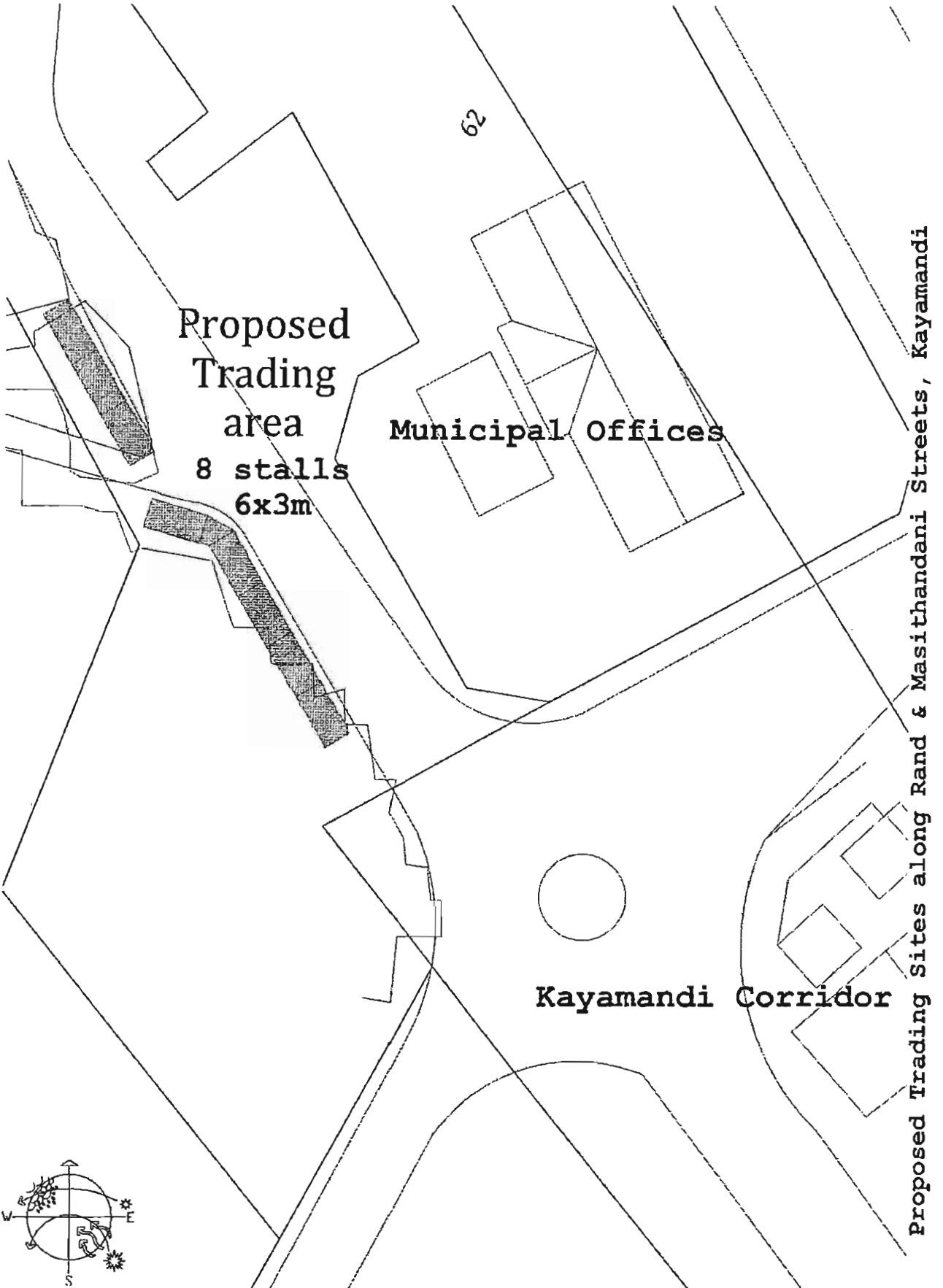
Proposed Trading Sites on erf R/175 Kayamandi



October 2013

03

FINAL FORMATS TRADING SITES

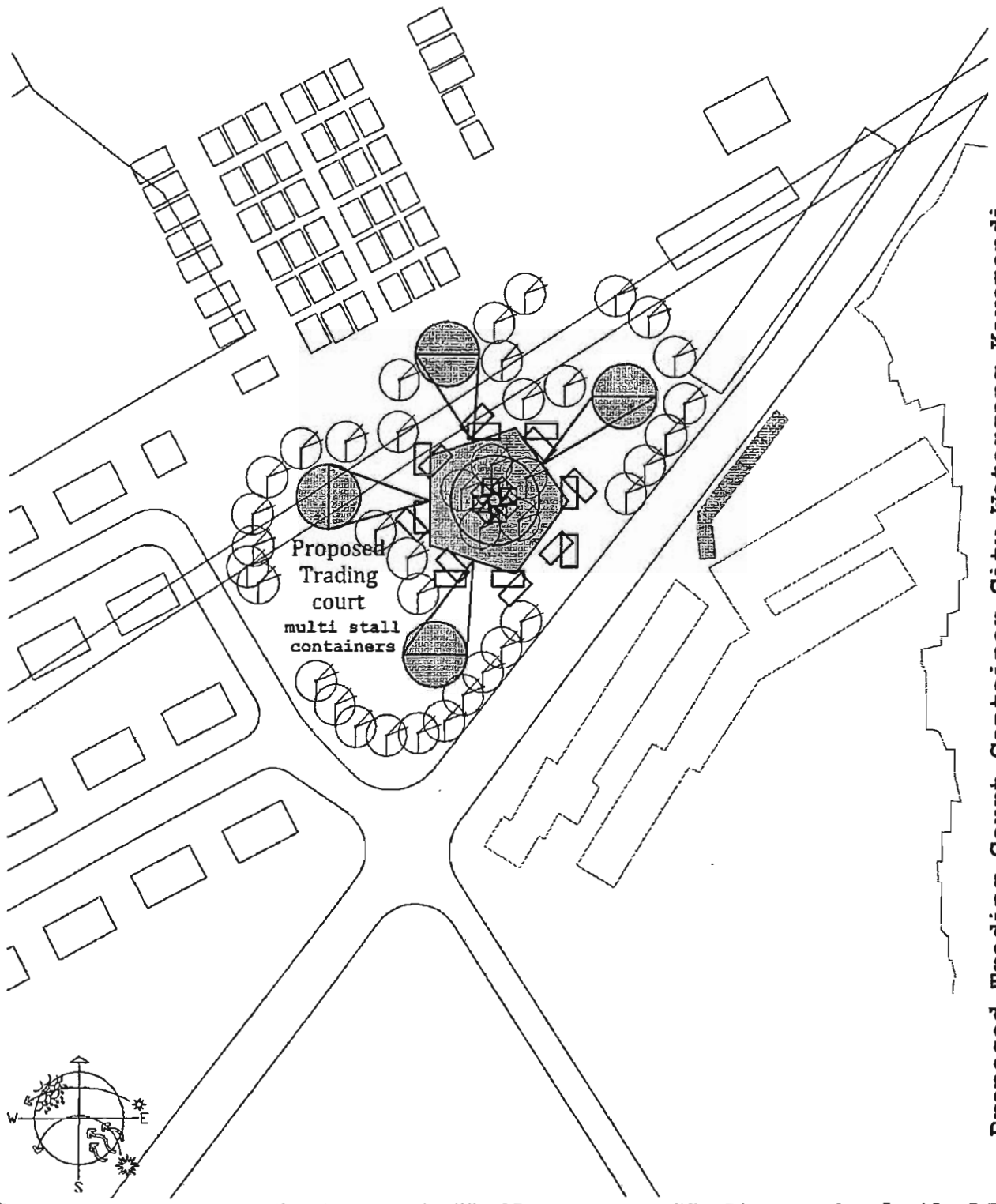


October 2013

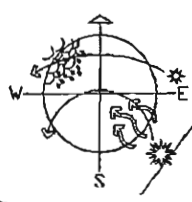
06



□ 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



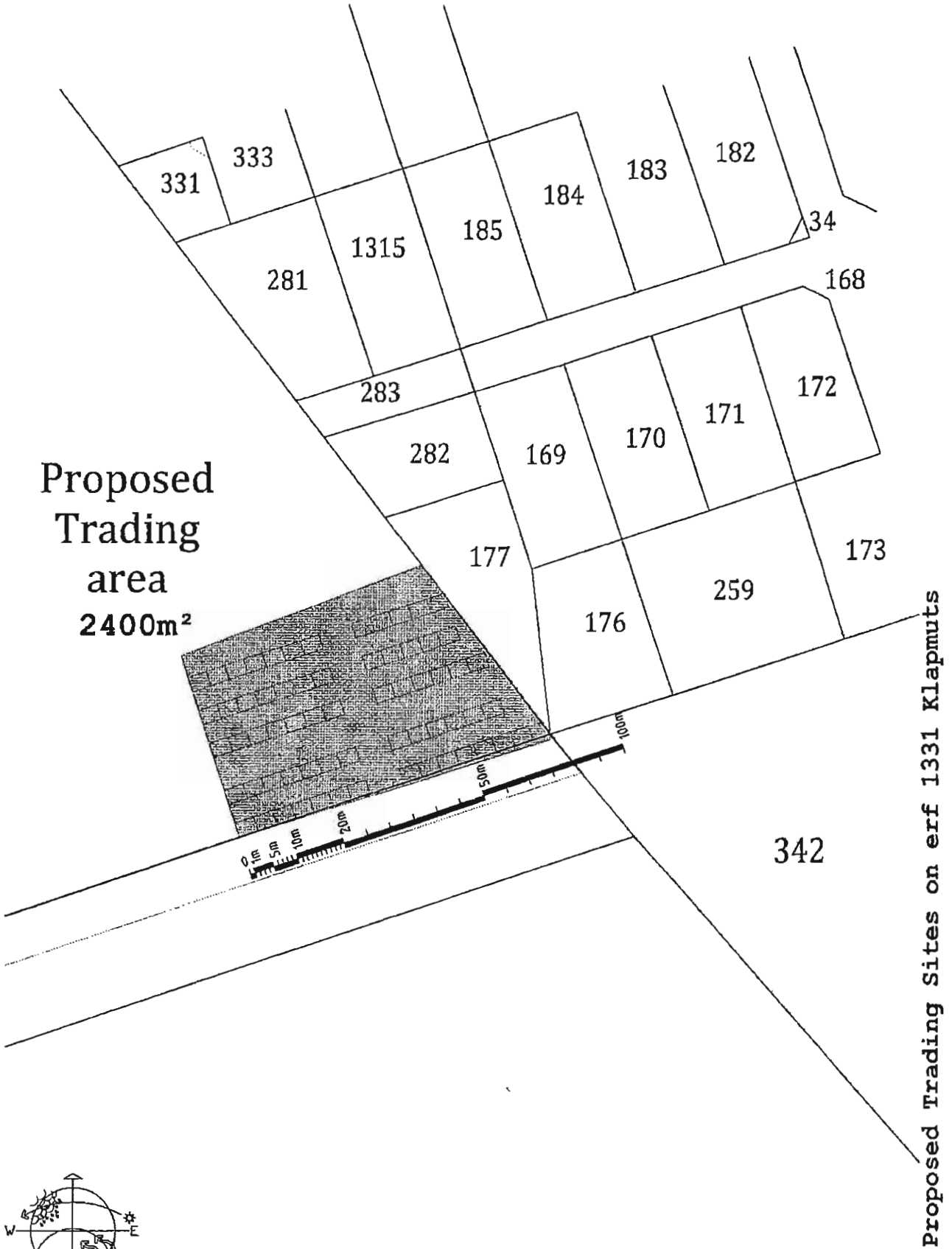
Proposed Trading Court Container City Watergang Kayamandi



October 2013

07

PRELIMINARY TRADING SITES

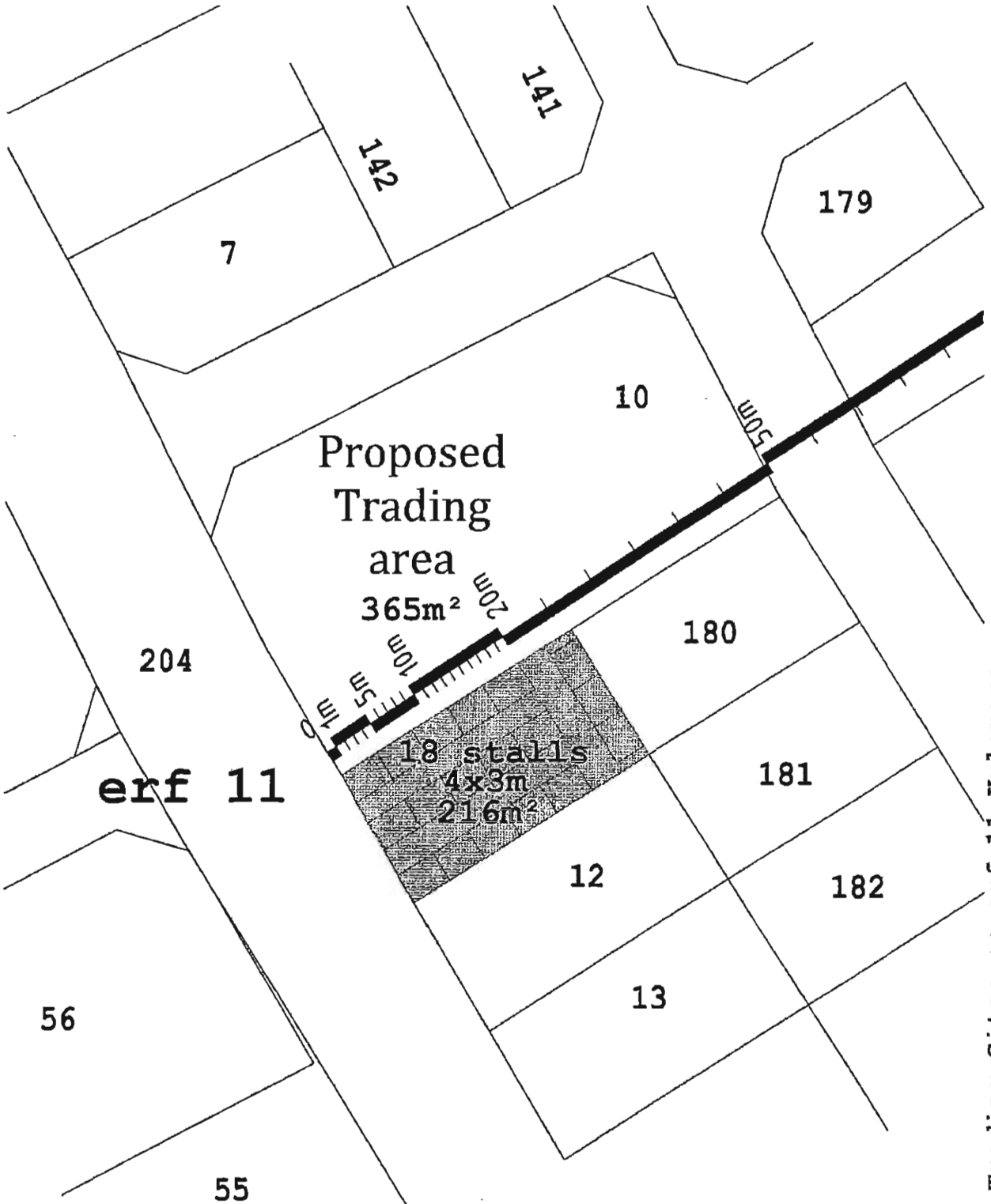


October 2013



08

INFORMAL TRADING SITES



Proposed Trading Sites on erf 11 Kylemore

October 2013

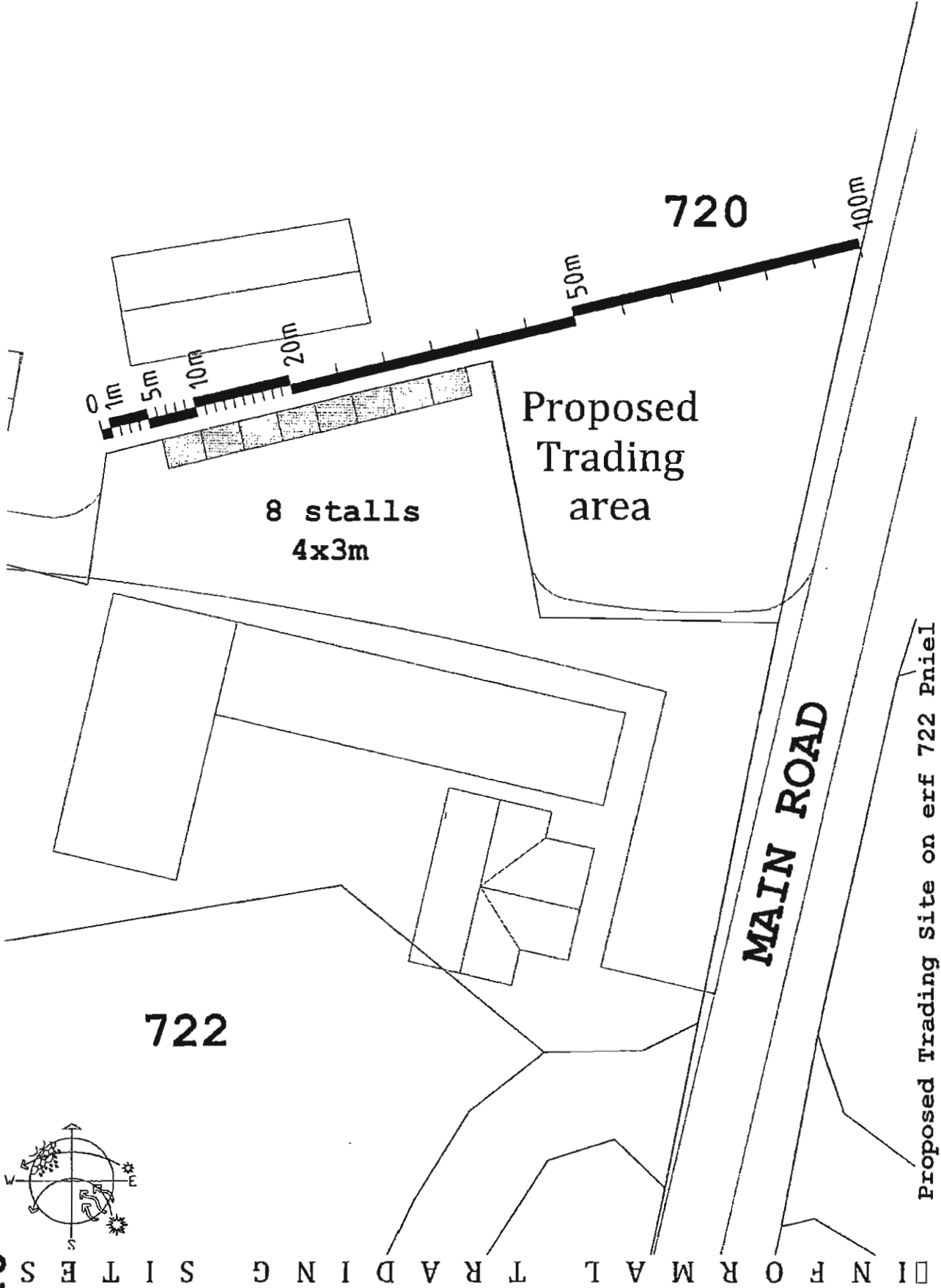


09

FINAL TRADING SITES

October 2013

10



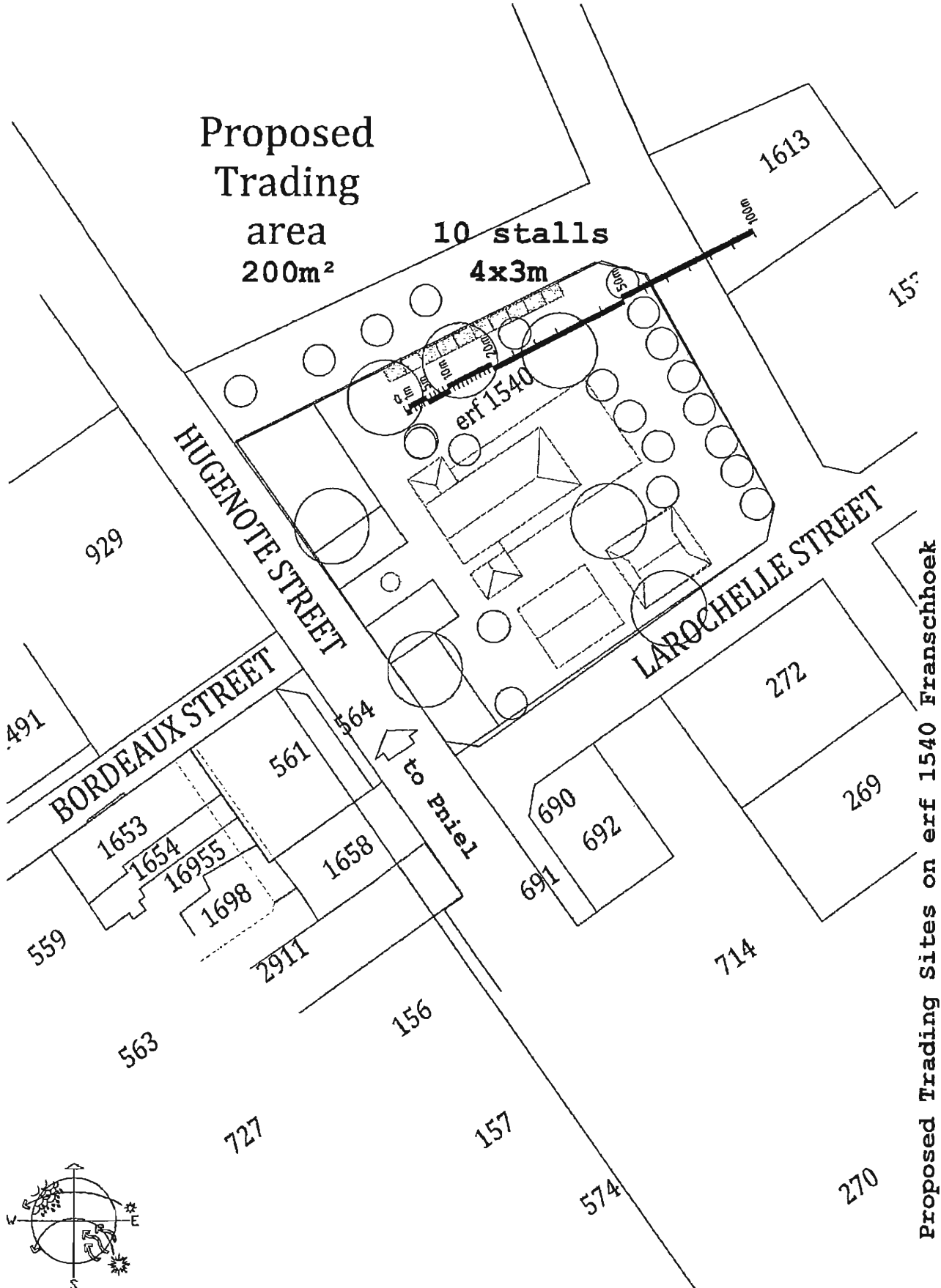
INFORMAL TRADING SITES

Proposed Trading Site on erf 722 Pniel

Proposed Trading area

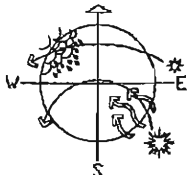
200m²

10 stalls
4x3m

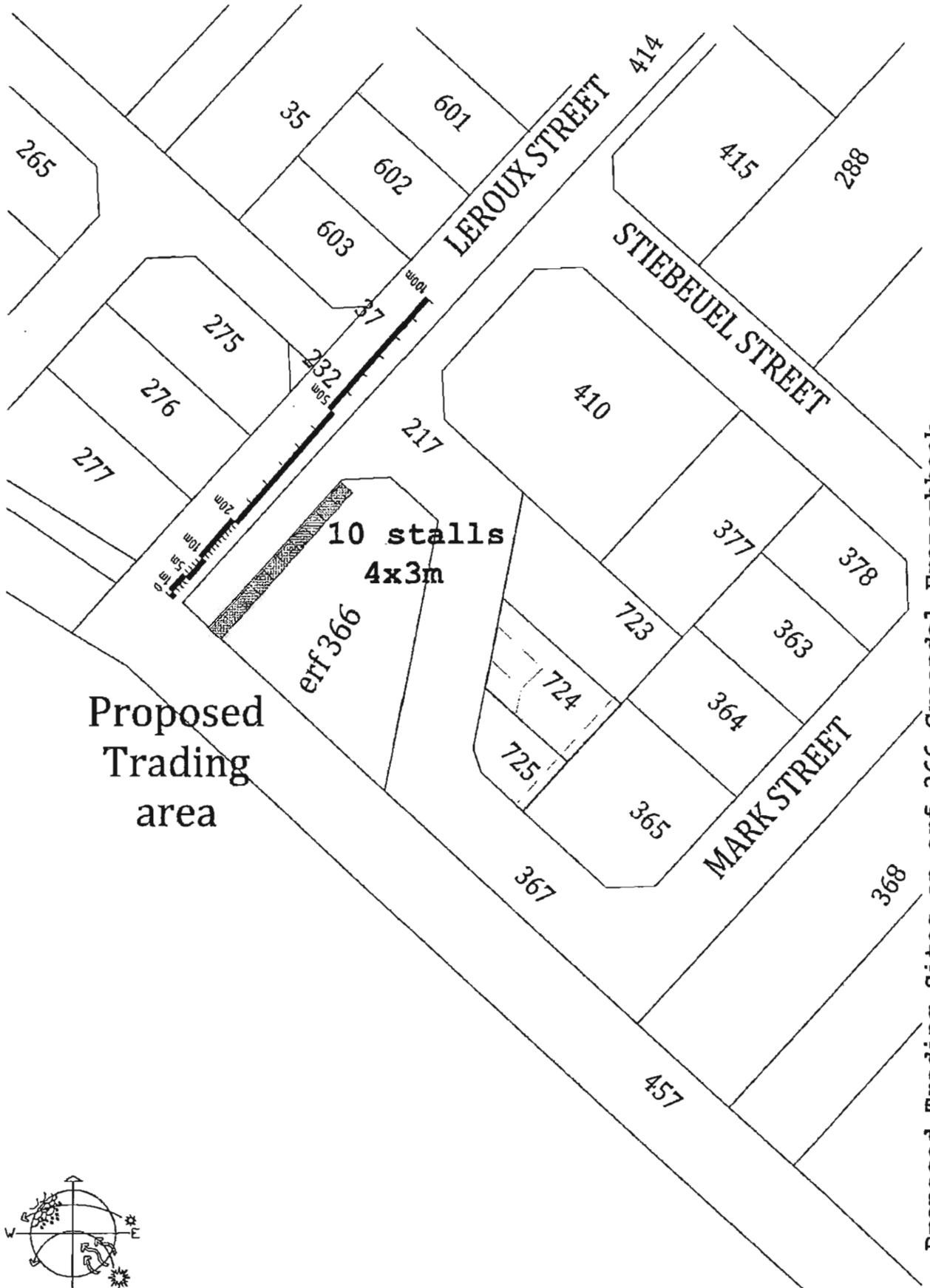


Proposed Trading Sites on erf 1540 Franschoek

October 2013



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



Proposed Trading area

10 stalls
4x3m

erf 366

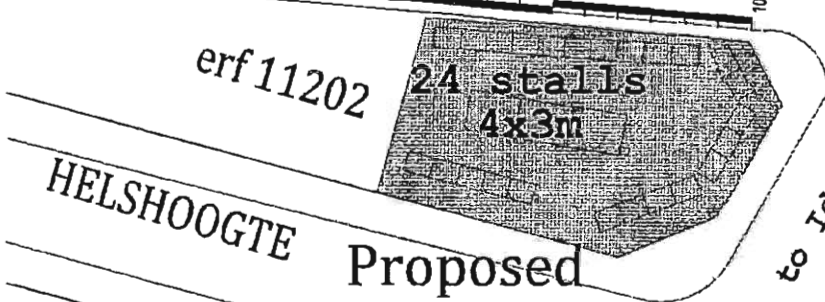
Proposed Trading Sites on erf 366 Groendal Franschhoek



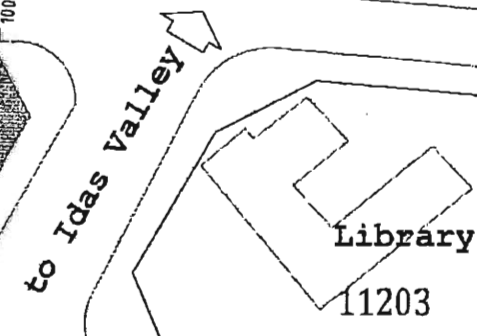
October 2013

12

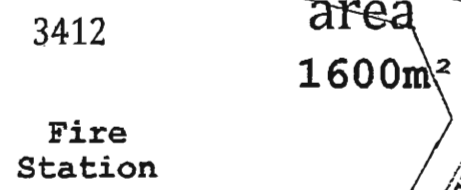
□ I N F O R M A T I O N T R A D I N G S I T E S



erf 11202
 HELSHOOGTE
 Proposed Trading area

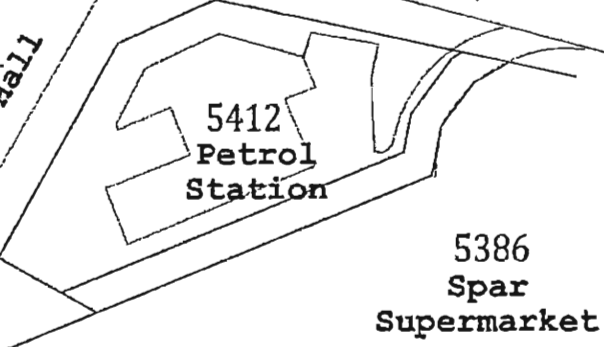


to Idas Valley
 to Kylemore



3412
 Fire Station
 1600m²

CLUVER
 to Town Hall



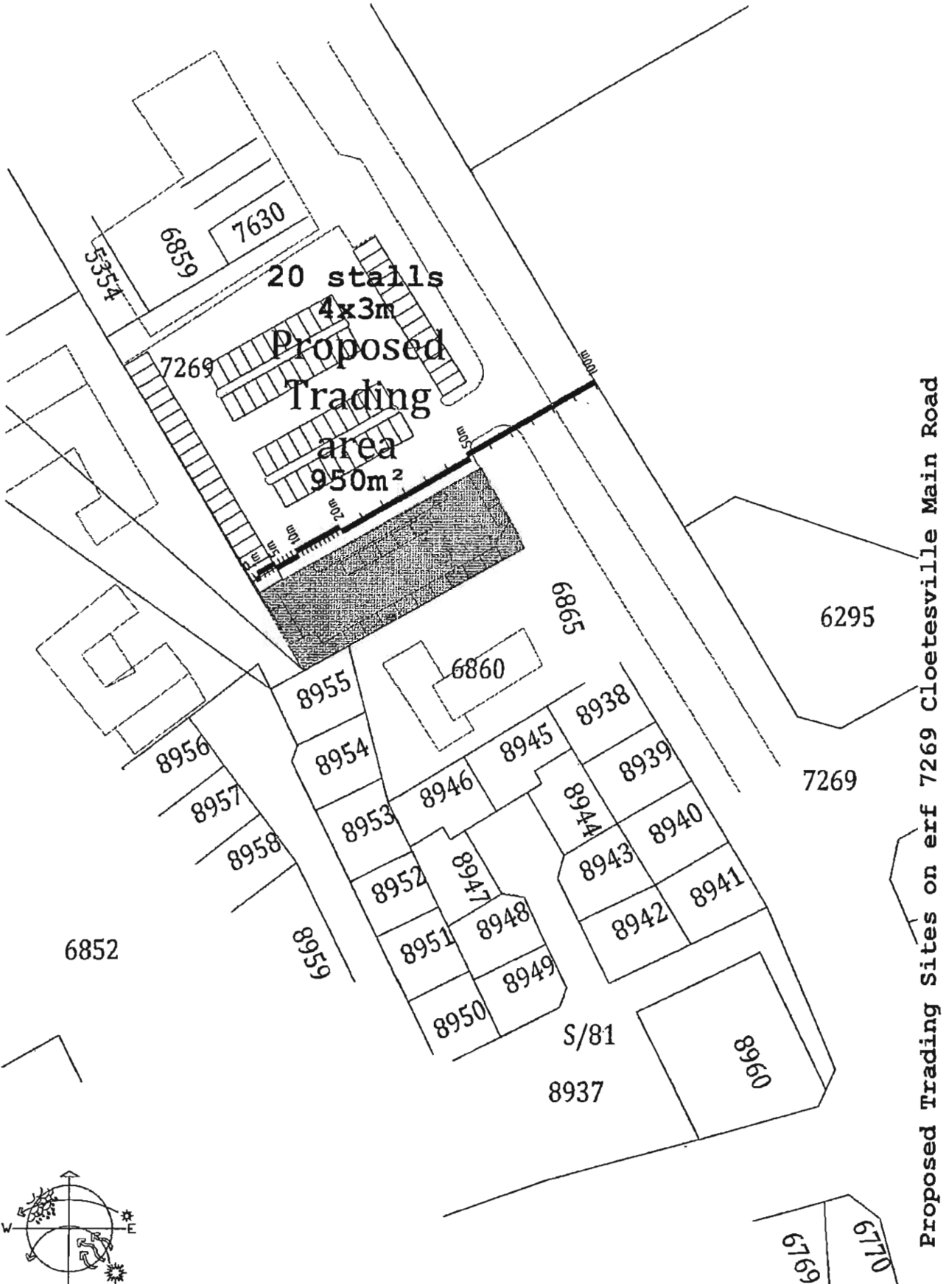
5412 Petrol Station
 5386 Spar Supermarket

Proposed Trading Site on erf 11202 Idas Valley

October 2013



13 SITES TO BE TRADING



Proposed Trading Sites on erf 7269 Cloetesville Main Road

October 2013

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FINAL TRADING SITES

APPENDIX 4



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 Hugenot 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