

DRAKENSTEIN MUNISIPALITEIT

Drakenstein 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 Munisipale Stelsels Wet (Wet 32 van 2000) soos gewysig, die volgende verordening aanvaar, soos aangedui in die onderstaande skedule:

SKEDULE

VERORDENING NR. 14/2007: INFORMELE HANDEL

Woordomskrywing

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in; sluit die enkelvoud die meervoud in en omgekeerd; geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste; en tensy dit uit die samehang anders blyk, het enige woord of uitdrukking waaraan 'n betekenis in die Wet op Besighede, 1991 (Wet 71 van 1991), geheg is, die betekenis aldus toegeken wanneer dit in hierdie verordening gebruik word, en beteken –

“beampte” –

- (a) 'n verkeersbeampte aangestel kragtens artikel 3A van die Nasionale Padverkeerswet, 1989 (Wet 93 van 1996);
- (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);

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

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

“munisipale diens” 'n diens wat deur 'n munisipaliteit ingevolge sy bevoegdhede en funksies voorsien word, of voorsien kan word, aan of tot voordeel van die plaaslike gemeenskap, ongeag of-

- (a) die diens voorsien word, of voorsien staan te word deur die munisipaliteit deur 'n interne meganisme beoog in artikel 76, of deur hom te begeef in 'n eksterne meganisme beoog in artikel 76; en
- (b) gelde, kostes of tariewe ten opsigte van die diens gehê word al dan nie;

DRAKENSTEIN MUNICIPALITY

Drakenstein 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) as amended, has made the By-Law set out in the schedule below:

SCHEDULE

BY-LAW NO. 14/2007: INFORMAL TRADE

Definitions

1. In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and vice versa; the Afrikaans text shall prevail in the event of an inconsistency between the different texts; and, 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 have that meaning, and –

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

“municipal service” means a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether –

- (a) such a service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 or by engaging an external mechanism contemplated in section 76; and
- (b) fees, charges or tariffs are levied in respect of such a service or not;

“municipality” means the Municipality of Drakenstein established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“nuisance” means any conduct which brings about or

“munisipaliteit” die munisipaliteit van Drakenstein gestig ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 117 van 1998, Provinsiale Kennisgewing 488 van 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleeder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ‘n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleeder, raadslid, agent of werknemer;

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

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

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

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

“soom” daardie gedeelte van ‘n pad, straat of deurgang wat nie die ryvlak is nie;

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

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

Verbod op die bedryf van besigheid

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

- (a) in ‘n tuin of park onder die beheer van die munisipaliteit en waartoe die publiek ‘n reg van toegang het, tensy sodanige gebied deur die munisipaliteit ingevolge artikel 6A(3)(b) van die

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 the ordinary comfort, convenience, peace or quiet of other people;

“officer” means –

- (a) a traffic officer appointed under section 3A of the National Road Traffic Act, 1996 (Act 93 of 1996);
- (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);

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

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

- (a) 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;

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

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

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

Prohibition of and restriction on the carrying on of business

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

Wet vir daardie doel gereserveer en afgebaken is;

- (b) op 'n soom aangrensend aan –
 - (i) 'n gebou wat behoort aan of geokkupeer word slegs deur die Staat of munisipaliteit;
 - (ii) 'n kerk of ander plek van aanbidding, of
 - (iii) 'n gebou wat kragtens die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999) tot erfenisterrein verklaar is;
- (c) in 'n gebied wat ingevolge artikel 6A(2)(a) van die Wet deur die munisipaliteit verklaar is tot 'n gebied waar die bedryf van die besigheid van straathandelaar, venter of smous –
 - (i) verbied is, of
 - (ii) in stryd met enige beperking wat deur die munisipaliteit ingevolge daardie artikel ten opsigte van sodanige gebied opgelê is;
- (d) op 'n plek waar –
 - (i) dit toegang tot 'n brandkraan versper.
 - (ii) dit toegang tot enige ingang tot of uitgang uit 'n gebou versper.
 - (iii) dit voetgangers verhoed om 'n sypaadjie te gebruik, of hulle weselik belemmer in die gebruik daarvan;
 - (iv) dit 'n versperring op 'n ryvlak veroorsaak;
 - (v) dit toegang tot parkeer- of laai-inhamme of ander geriewe vir voertuigverkeer beperk:
- (e) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir woondoeleindes gebruik word, indien die eienaar, bewoner of persoon in beheer van die gebou daarteen beswaar maak:
- (f) op 'n plek waar –
 - (i) dit toegang tot straattoebehore, bus-passiersbanke of -skuilings, toustanery, vullishouers of ander geriewe wat vir die gebruik van die algemene publiek bedoel is, versper;
 - (ii) dit die sigbaarheid van 'n vertoonvenster op 'n sakeperseel versper, indien die persoon wat sake in die betrokke sakeperseel doen, daarteen beswaar maak;
 - (iii) dit toegang tot 'n voetgangeroorgang versper;
 - (iv) dit toegang tot enige voertuig versper;
 - (v) dit enige padverkeersteken of enige merk, kennisgewing of teken wat ingevolge hierdie verordening vertoon word, versper; of

- (a) in a garden or park under the control of the municipality and to which the public has a right of access unless such area has been set apart and demarcated by the municipality for the 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 municipality;
 - (ii) a church or other place of worship; or
 - (iii) a building declared to be a national heritage site in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999);
- (c) in an area declared by the municipality 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 municipality 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 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 obstructs 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.

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

Algemeen

3. Geen persoon wat die besigheid van straathandelaar, venter of smous bedryf, mag te eniger tyd –

- (a) op enige wyse toegang tot enige munisipale diens versper nie:
- (b) op enige openbare pad of openbare plek –
- (i) by die plek van sodanige besigheid oornag, of
- (ii) enige struktuur (behalwe 'n toestel wat op dieselfde wyse werk as, en die vorm het van 'n sambreel) oprig met die doel om skuiling te verskaf; sonder die skriftelike goedkeuring van die munisipaliteit nie.
- (c) sodanige besigheid op 'n wyse bedryf nie wat –
- (i) 'n oorlas vir ander mense veroorsaak;
- (ii) die oppervlak van enige openbare pad of openbare plek of enige ander munisipale eiendom beskadig of skend; of
- (iii) 'n gevaar vir verkeer veroorsaak:
- (d) enige voorwerp op enige wyse aan enige gebou, struktuur, sypaadjie, boom, parkeermeter, lamppaal, elektrisiteitspaal, telefoonhokkie, posbus, verkeerstek, bank of enige ander straattoebehore in of op 'n openbare pad of openbare plek het nie;
- (e) 'n vuur maak op 'n plek of in omstandighede waar dit enige persoon kan beseer of 'n gebou of voertuig of enige straattoebehore in subartikel (d) bedoel, kan beskadig nie:
- (f) versuim of weier om enige goedere te verskuif of te verwyder nie, nadat hy versoek is om dit te doen deur die verskaffer van 'n telekommunikasiediens wat toegang tot sodanige diens vereis, of onderskeidelik deur 'n gemagtigde werknemer of agent van die munisipaliteit of 'n beamppte wat ingevolge artikel 4 of 5 van hierdie verordening optree.

Sindelikheid van besigheidsplek

4. Geen persoon wat die besigheid van

General

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

- (a) in any way obstruct access to any municipal service;
- (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 written approval of the municipality;
- (c) carry on such business in a manner which –
- (i) creates a nuisance to other people;
- (ii) damages or defaces the surface of any public road or public place or other municipality property; or
- (iii) creates a traffic hazard;
- (d) attach any object by any means to any building, structure, pavement, tree, parking meter, lamp-pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (e) make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in subsection (d);
- (f) fail or refuse to move or remove any goods, after having been requested to do so by the supplier of a telecommunication service who requires access to such service, or by an authorized employee or agent of the municipality or an officer respectively acting in terms of section 4 or 5 of this by-law.

Cleanliness of place of business

4. 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, storm water drain or on any public road or public place, other than in a refuse receptacle approved by the municipality;

straathandelaar, venter of smous bedryf, mag –

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

Verwydering en skut

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

- (a) wat hy redelikerwys vermoed vir of in verband met die bedryf van die besigheid van straathandelaar, venter of smous gebruik word of gebruik is; en
- (b) wat hy op 'n plek waar sodanige besigheid ingevolge artikel 5(a) tot (c) van hierdie verordening beperk of verbied word, vind en wat na sy of haar oordeel 'n oortreding van enige artikel daarvan is.

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

Removal and impoundment

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

- (a) which he or she reasonably suspects are being used or intended to be used or have been used, in or in connection with the carrying on of the business of street vendor, pedlar or hawker, and
- (b) when he or she finds at a place where such business is restricted or prohibited in terms of sections 2(a) to (c) of this by-law and which, in his or her opinion constitutes an infringement of any section thereof.

(2) An officer so acting shall –

- (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded; and
- (b) forthwith deliver such goods to the municipality.

- (2) 'n Beampte wat aldus optree, moet –
- (a) 'n kwitansie vir enige goedere wat aldus verwyder en geskut word, aan die persoon wat die besigheid van straathandelaar, venter of smous bedryf, uitreik; en
 - (b) onverwyld sodanige goedere aan die munisipaliteit oorhandig.
- (3) (a) Die eienaar van enige goedere wat ingevolge subartikel (1) verwyder en geskut is, is aanspreeklik vir enige uitgawes wat deur die munisipaliteit aangegaan is in verband met die verwydering en skut van sodanige goedere, en die munisipaliteit kan sodanige goedere behou totdat alle sodanige uitgawes betaal is of met sodanige goedere handel soos beoog by artikel 6 van hierdie verordening.
- (b) 'n Sertifikaat uitgereik deur die munisipaliteit word geag bewyse te wees van enige uitgawes wat die munisipaliteit aangegaan het in verband met die verwydering en skut van enige goedere.
- (c) Die munisipaliteit is nie aanspreeklik vir enige verlies of diefstal van of skade aan enige goedere wat verwyder en geskut is ingevolge hierdie artikel nie.

Beskikking oor geskutte goedere

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

- (3) (a) The owner of any goods which have been removed and impounded in terms of subsection (1) shall be liable for any expenses incurred by the municipality in connection with the removal and impoundment of such goods, and the municipality may keep such goods until all such expenses have been paid or deal with such goods as is contemplated by section 6 of this by-law.
- (b) A certificate issued by the municipality shall be deemed to be proof of any expenses that the municipality has incurred in connection with the removal and impoundment of any goods.
- (c) The municipality shall not be liable for any loss or theft of or damage to any goods removed and impounded in terms of this section.

Disposal of Impounded goods

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

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

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

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

Afgebakende staanplekke of gebiede

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

Dra en vertoon van skriftelike goedkeuring

8. Enige persoon wat die besigheid van

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

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

Demarcated stand or areas

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

Carrying and exhibiting of written approval

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

Signs indicating restricted or prohibited areas

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

Charges

10. The municipality may 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 business of street vendor, pedlar or hawker is permissible.

Offences and penalties

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

Tekens wat beperkte of verbode gebiede aandui

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

Gelde

10. Die munisipaliteit mag die gelde vasstel wat aan hom betaalbaar is vir die verhuring van staanplekke of stalletjies binne afgebakende gebiede onder sy beheer van waar die dryf van die besigheid van straathandelaar, venter of smous toelaatbaar is.

Misdrywe en strawwe

11. Enige persoon wat –

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

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

Herroeping van Verordeninge

12. Die verordeninge uiteengesit in Bylae A word hiermee herroep in die mate soos aangedui in die derde kolom daarvan.

Kort titel en inwerkingtrede

13. Hierdie verordening heet die Verordening insake Informele Handel en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

11. Any person who –

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

- (c) deliberately furnishes false or misleading information to an officer or an employee of the Municipality;

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

Repeal of by-laws

12. The by-laws listed in Annexure A are hereby repealed to the extent indicated in column three thereof.

Short title and commencement

13. This by-law shall be known as the By-law relating to Informal Trade and comes into operation on the date of publication thereof in the Provincial Gazette.

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ANNEXURE A

BY-LAWS OF THE DISESTABLISHED MUNICIPALITY OF PAARL VERORDENINGE VAN DIE AFGESKAFTE MUNISIPALITEIT VAN PAARL		
PN/PK No.	Short title/Kort titel	Extent of repeal/ Mate van herroeping
526/1985	Hawkers & Pedlars/Venters en Smouse	The whole/ Die geheel
391/1996	Hawkers/Smouse	The whole/Die geheel
BY-LAWS OF THE DISESTABLISHED MUNICIPALITY OF WELLINGTON VERORDENINGE VAN DIE AFGESKAFTE MUNISIPALITEIT VAN WELLINGTON		
284/1951	Hawkers/Smouse	The whole/Die geheel
BY-LAWS APPLICABLE TO GOUDA VIA THE DISESTABLISHED MUNICIPALITY OF TULBAGH VERORDENINGE VAN TOEPASSING OP GOUDA VIA DIE AFGESKAFTE TULBAGH MUNISIPALITEIT		
223/1960	Hawkers and Pedlars/Venters en Smouse	The whole/Die geheel
332/1997	Informal trade/Informele Handel	The whole/Die geheel