

STREET TRADING POLICY FOR THE AMAHLATHI LOCAL MUNICIPALITY

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| Council Resolution Number: 06/2023/24 Ordinary Council Meeting | Approved Date: 28 June 2023 |
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CLLR. NP MLAHLEKI
SPEAKER OF COUNCIL

28/06/2024
DATE

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1. Interpretation / Definitions

| TERM | DEFINITION |
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| Act | means the Constitution of the Republic of South Africa and relevant Legislation. |
| Authorised Official | means an official of the Municipality authorised to implement the provisions of the Policy – Peace Officers, Traffic Officers, the South African Police Services and any Municipal Health Official designated by Amathole District Municipality to such purposes |
| Demarcated Stand | means a demarcated stand as envisaged in terms of section 7 (3) (b) (i) of the Act. |
| Garden or Park | means a garden or park to which the public has a right of access |
| Goods | shall include livestock, poultry or any movable commodity |
| Intersection | means an intersection as defined in section 1 of the National Road Traffic Act, 1996 Act No 93 of 1996. |
| Litter | includes any container waste material or other matter which has been discarded, abandoned or left behind by a person trading or his customes. |
| Municipality | means Amahlathi Local Municipality as described in section 2 of the Local Government Municipal Systems Act (Act No. 32 of 2000) and its area as determined from time to time in terms of the Local Government Municipal Demarcation Act (Act No. 27 of 1998) |
| Property | in selection to a person carrying on the business of street trading, means any article receptacle vehicle or structure used or intended to be used in connection with such business and includes goods in |

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| | which he trades. |
| Public Building | means a building dedicated for use by the public in the Municipality. |
| Public Road | means a public road as defined in section 1 of the National Road Traffic Act, 1996, (Act no. 93 of 1996) |
| Restricted Area | means area where street trading is prohibited for reasons of safety, heritage, cleanliness; unless specifically authorised: an off-limits area. |
| Roadway | means a road as declined in section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996) |
| Self | means includes supply and also – (a) exchange of hire (b) store, process, expose, offer or prepare for sale and "Sale" has a corresponding meaning. |
| Services | includes any lawful advantage or gain for consideration or reward offered in restricted area. |
| Sidewalk | means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996. |
| Verge | means a verge as defined in section 1 of the National Road Traffic Act 1996 and any word or expression to which a meaning has been assigned in the Amahlathi Business Act, 1996 shall have the meaning. |

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2. Freedom of Trade

Subject to the provision of sections 3 and 4 and any other relevant law, street trading is freely permitted except in so far as such trading is restricted or prohibited by sections 6 to 13 inclusive and section 15 and 16 of these Policies provided further, that no person who is not a South African Citizen shall be entitled to operate as a street trader unless he/she is in possession of a valid work permit.

3. Application to lease stand.

3.1 Any person who intends to carry on a business shall, on a prescribed form apply to the Council for the lease or allocation of a stand with facilities. If such application is successful:

- a. The applicant shall in respect of such a stand with facilities, enter into a lease agreement with the council at such rental as determined by Council from time to time;
- b. A token (permit) shall be issued to the applicant (hereinafter referred to as the Street Vendors") as proof of the person's right to occupy such stand or stand with facilities for purpose of carrying on business.

4. General Conduct

A person's reading shall:

- (a) be in a possession of a permit issued by Municipality;
- (b) not place his property on the roadway
- (c) ensure that his/her property does not cover an area of the sidewalk which is greater in extent than 1m x 2m and which on any sidewalk does not leave a space less than 2m for pedestrian traffic measured over the width thereof and any other public place not to an extent of twelve meters and,

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- (d) on concluding business for the day remove his/her property, except any temporary structure permitted by the Municipality to a place which is not part of a public road or public place.
- (e) Not display his/her goods on a building, or private property, without the written consent of the owner, occupier or person in control of such building or property,
- (f) Not 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 paragraph (i) or any Municipality property
- (g) Not trade nearer than 10m from a Bank or an automated teller machine
- (h) Not store his/her property in a manhole or storm water drain.
- (i) Not sell his/her goods in a street by constantly using megaphones, radios, loudspeakers, or constantly shouting or singing in a manner which shall constitute a nuisance or disturbance in the area
- (j) Taverns must be 100 m away from the Municipality;
- (k) They must not be near friendly N6 and CBD area, they must be at the back;

5. Cleanliness

A person trading shall –

- (a) Keep the area or site occupied by him/her for the purpose of such business in a clean and sanitary condition,
- (b) Keep his/her property in a clean and sanitary condition,
- (c) Dispose of litter generated by his/her business in whatever receptacle provided by the Municipality for the public or at the Municipality's dumping sites;
- (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (e) On request by an employee or agent of the Municipality, move his/her property to permit the cleansing of the surface area or site where he/she is trading,

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- (f) Ensure food preparation, handling and selling is in accordance with the relevant legislation, Sections and Regulations.
- (g) Not permitted to pee" in town
- (h) The council may, by resolution and in terms of section 6A (2) of the Policy, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited and must, to enable compliance therewith, prescribe or make signs, markings or other devices in indicating:
 - i. Specified hours, places, goods or services in respect of which street trading is restricted or prohibited;
 - ii. The locations of boundaries of restricted or prohibited areas;
 - iii. The boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
 - iv. The fact that any such stand or area has been let or otherwise allocated and;
 - v. Any restricted or prohibition against street trading in terms of these Policies;
 - vi. The council may display any such sign, making or device in such a position and manner as will indicate any restriction and or the location or boundaries of the area or stand concerned;
 - vii. Any sign erected in terms of these Policies or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned and;
 - viii. Any sign may be amended from time to time and displayed by the Council for the purpose of these Policies and shall have the same effect as a road sign in terms of the National Road Traffic Act, 1996,

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6. Obstruction of Pedestrian

No person shall trade at a place where such trading –

- (a) Obstruct access to or the use of street furniture such as a bus passenger bench or shelter, a refuse disposal bin or other facility including a queuing line intended for the use of the general public;
- (b) Interferes in any way with any vehicle that may be parked along side such place;

7. Trading restricted to specified hours in certain places

No person shall trade –

- (a) on a verge contiguous to any place of worship, national monument or public building, or

8. Trading restricted to specified good or service in certain places

No person shall trade –

- (a) on a verge contiguous to any place of worship, national monument or public building, financial institutions, or

9. No trading near certain public buildings, places of worship and national monuments

No person shall trade on a verge contiguous to any place of worship, national monument or public building,

10. Tariffs

- (1) The Municipality may impose tariffs or fees for street trading or hawking
- (2) Tariffs or fees may be amended by resolution by the Municipality

11. Offences

Any person who –

- (a) Contravene or fails to comply with a provision of this policy or a direction issued by the Municipality in terms of this policy;

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- (b) Obstructs or hinders any person in the executive of any power or in the performance of any duty or function in terms of any provision of these by – laws
- (c) Furnishes false incorrect or misleading information when applying for permission from the Municipality in terms of provision of these by laws is guilty of an offence.

12. **Penalties**

A written notice will be issued by the Municipality, and served on the person concerned, requesting the discontinuance of such offence within a stipulated time, depending on urgency of the matter.

Any person who is guilty of an offence in respect of this policy is on conviction liable to a fine not exceeding R3 000.00 adjusted in terms of the adjustment of Fines Act or to imprisonment for a period not exceeding six (6) month

If the matter is taken to Court of Law, the losing party will pay for the court proceedings.

13. **Restricted Conduct**

A person carrying on the business of a street trader –

- (a) may not sleep overnight at the place of such business;
- (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the council;
- (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement and complies with the provisions of the National Road Traffic Act 1996;
- (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an

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unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;

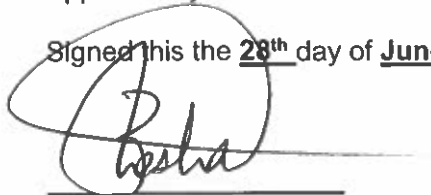
- (e) may not trade on a sidewalk where the width of such sidewalk is less than four metres;

14. Adoption And Approval Of The Policy By Council

This policy is adopted and approved by Amahlathi Local Municipality Council for implementation from (Effective Date) 01 July 2024

Approved by Resolution Number 6 of 9.2 on this the 28th day of June 2024.

Signed this the 28th day of June 2024.



DR Z. SHASHA
MUNICIPAL MANAGER

DATE



CLLR N. MLAHLEKI
SPEAKER OF COUNCIL

DATE

28/06/2024

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