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INHOUD

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**SWARTLAND MUNICIPALITY
BY-LAW RELATING TO EVENTS**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Swartland Municipality enacts as follows:

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CHAPTER 1

DEFINITIONS AND APPLICATION

1. Definitions

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates –

“authorised official” means a person appointed as such in terms of section 13(1); “Council” means the municipal council of Swartland municipality;

“event” means any public gathering of a category as set out in Schedule A, in a street or at a public place or any other venue to which the public has access for the purpose of an event, including –

- (a) a sporting, recreational or entertainment event, including live acts;
- (b) an educational, cultural or religious event;
- (c) a business event including any marketing, public relations, promotional or exhibition event;
- (d) a charitable event, including any conference or organisational or community event;
- (e) filming which is of such a nature that it may have an effect on traffic or pedestrians or that it may draw spectators; or

**SWARTLAND MUNISIPALITEIT
VERORDENING INSAKE GELEENTHEDE**

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden Swartland Munisipaliteit as volg:

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HOOFSTUK 1

DEFINISIES EN TOEPASSING

1. Woordomskrywings

In hierdie verordening, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, het die volgende woorde die volgende betekenis –

“belanghebbende” enige persoon, organisasie of liggaam wat geaffekteer word deur, of 'n rol te speel het in die bestuur of hou van 'n geleenthed;

“doelmatig-geboude venue” 'n venue wat gesoneer is, gebou en geskik is vir die hou van spesifieke geleenthede;

“gelde” die aansoekfooi of depositos wat gehef word ingevolge die munisipaliteit se Tariefbeleid;

“geleenthed” enige openbare byeenkoms van 'n kategorie soos aangedui in Bylae A in 'n straat of openbare plek of venue waartoe die publiek toegang het vir die doel van 'n geleenthed insluitend –

- (a) 'n sport-, ontspannings- of vermaaklikheidsgeleenthed, insluitende lewendige optredes;
- (b) opvoedkundige-, kulturele of geestelike geleenthede;
- (c) 'n besigheidsgeleenthed, insluitend bemarkings- en openbare skakelingsgeleenthede en promosies of uitstellings;

<p>(f) any other similar event;</p> <p>“event organiser” means a person who applies to hold an event in terms of section 4, whether in personal capacity or on behalf of another person, body or organisation;</p> <p>“fees” means the application fees or deposits determined in terms of the municipality’s Tariff Policy;</p> <p>“interested person” any person, organisation or institution that may be affected by, or may play a role in the management or presentation of an event;</p> <p>“municipal manager” means the person appointed as municipal manager for the municipality in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or his or her delegate;</p> <p>“municipality” means the municipality of Swartland, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorized agent or any employee 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;</p> <p>“National Building Regulations” means the regulations promulgated under GN R2378 of 12 October 1990, in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);</p> <p>“public place” means any land, building or facility, or any portion thereof, including any apparatus therein or thereon, owned or controlled by the municipality, to which the public has access, whether on payment of admission fees or not;</p> <p>“purpose-built venue” means a venue zoned, built and suitable for the holding of specific events;</p> <p>“SANS” means the South African National Standards contemplated in section 2 of the Standards Act, 1993 (Act 29 of 1993), and SANS followed by any number means a reference to a SANS code of practise, specification or standard of the corresponding number;</p> <p>“structures” means any structure included in the definition of “building” as defined in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);</p> <p>“venue” means any area or place other than a purpose-built venue, for the purposes of hosting an event, where seating or standing spectator capacity is provided and within which other permanent or temporary structures may be erected;</p> <p>“venue owner” means any person or juristic person who, directly or indirectly, owns, leases, rents, acquires, or exercises the powers of an owner or occupier of a venue.</p>	<p>(d) ’n liefdadigheidsgeleentheid, insluitende enige konferensie, organisasie- of gemeenskapsgeleentheid;</p> <p>(e) verfilming wat van so ’n aard is dat dit ’n effek kan hê op verkeer of voetgangers of dat dit toeskouers kan lok; of</p> <p>(f) enige ander soortgelyke geleentheid;</p> <p>“geleenheidsorganiseerder” enige persoon wat ’n aansoek in terme van artikel 4 indien om ’n geleentheid aan te bied ongeag of dit in ’n persoonlike hoedanigheid of ten behoeve van enige ander persoon, liggaam of organisasie is;</p> <p>“gemagtigde beambte” ’n persoon as sulks aangestel ingevolge artikel 13(2);</p> <p>“munisipale bestuurder” die persoon aangestel as die munisipale bestuurder van die munisipaliteit ingevolge artikel 54A van die Munisipale Stelselwet, 2000 (Wet 32 van 2000) of sy of haar gedelegeerde;</p> <p>“munisipaliteit” die Swartland Munisipaliteit daargestel ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik aangestelde agent of enige amptenaar wat ingevolge hierdie verordening optree uit hoofde van ’n bevoegdheid van die munisipaliteit wat gedelegeer is aan sodanige politieke struktuur, politieke ampsbekleder, raadslid, agent of amptenaar;</p> <p>“Nasionale Bouregulasies” die regulasies afgekondig per GK R2378 van 12 Oktober 1990 ingevolge die Wet op Nasionale Bouregulasies en Boustandarde, 1977 (Wet 103 van 1977);</p> <p>“openbare plek” enige grond, gebou of fasiliteit of enige deel daarvan, insluitende enige apparaat daarin of daarop, wat deur die munisipaliteit besit of beheer word en waartoe die publiek toegang het ongeag of toegangsgeld gehef word al dan nie;</p> <p>“Raad” die raad van Swartland Munisipaliteit; en</p> <p>“SANS” beteken die Suid-Afrikaanse Nasionale Standaarde bedoel in artikel 2 van die Wet op Standaarde, 1993 (Wet No. 29 van 1993), en SANS gevvolg deur enige nommer beteken ’n verwysing na ’n SANS praktykkode, spesifikasie of standaard van die ooreenstemmende nommer.</p> <p>“struktuur” enige struktuur ingesluit in die definisie van “gebou” in artikel 1 van die Wet op Nasionale Bouregulasies en Boustandarde, 1977 (Wet 103 van 1977);</p> <p>“venue” enige gebied of plek, uitgesonderd ’n doelmatig geboude venue, vir die doeleindes van aanbieding van ’n geleentheid, en wat voorsiening maak vir sit- of staanplekke vir toeskouers, en waarop ander tydelike of permanente strukture opgerig mag word;</p> <p>“venue eienaar” enige persoon of regspersoon wat, direk of indirek, ’n plek wat gebruik word vir geleenthede besit, verhuur, huur, bekom of die bevoegdhede uitoefen van ’n eienaar of okkuperdeer;</p>
<h2>2. Application</h2> <p>(1) Subject to section 11 this by-law applies to any event held within the area of jurisdiction of the municipality.</p> <p>(2) In the event of a conflict between this by-law and any other by-law of the municipality, this by-law prevails regarding the management and holding of events.</p>	
<p style="text-align: center;">CHAPTER 2</p> <p style="text-align: center;">APPLICATION PROCESS, REQUIREMENTS AND ENFORCEMENT</p> <h2>3. Prohibition</h2> <p>Subject to section 11, no person may hold an event without the permission of the municipality.</p> <h2>4. Application procedure and information</h2> <p>(1) A person who wants to hold or organise an event must apply in writing to the municipality for permission to do so.</p>	
<p style="text-align: right;">HOOFSTUK 2</p> <p style="text-align: right;">AANSOEKPROSEDURE, VEREISTES EN AFDWINGING</p> <h2>3. Verbod</h2> <p>Onderworpe aan artikel 11, mag geen persoon ’n geleentheid aanbied sonder goedkeuring van die munisipaliteit nie.</p> <h2>4. Aansoekprosedure en infligting</h2> <p>(1) ’n Persoon wat ’n geleentheid wil aanbied of reël moet by die munisipaliteit aansoek doen om goedkeuring.</p>	

(2) The application must be accompanied by the applicable fees or deposit as determined by the municipality and must include the following information –

- (a) the name of the event organiser;
- (b) type of event;
- (c) the proposed venue for the event, including an erf number or property description;
- (d) a site layout plan indicating seating, structures and facilities;
- (e) the proposed days and hours of operation for the event;
- (f) a copy of an agreement with a sub-contractor where such sub-contractor will be involved at the event;
- (g) the services to be rendered by the municipality if applicable;
- (h) a copy of the agreement with the venue owner, unless the applicant is the venue owner;
- (i) the maximum number of attendees, including staff, to be allowed at the event;
- (j) the proposed security plans for the event, including the number of security personnel and their qualifications;
- (k) the proposed medical and safety plans for the event as prescribed by the Regulations Relating to Emergency Medical Services at Mass Gathering Events promulgated under the national Health Act, 2003 (Act 61 of 2003) per GN R1023 dated 28 October 2015;
- (l) the proposed noise control plans for the event, dust control, including volume levels of music, power of the music system and power insulation inside the building where applicable;
- (m) the proposed parking and traffic plans for the event;
- (n) arrangements with the West Coast District Municipality with regard to food safety control at the event;
- (o) evidence that appropriate public liability insurance cover is in place for the event;
- (p) waste management plans;
- (q) spectator and access control measures;
- (r) written approval from the venue owner or venue manager to the applicant authorising the event organiser to host the event; or
- (s) any other information as may be requested by the municipality.

(3) Depending on the type and size of the event, the municipality may waive some of the information requirements listed in subsection (2)(a) to (s). The various sizes and timeframes applicable to events are set out in Schedule A.

(4) The municipality must approve or refuse an application within the timeframes set out in Schedule A.

(5) If an application is refused, written reasons must be furnished for such refusal.

(6) The granting of permission does not exclude any person of the obligation to comply with any other legislation.

5. Criteria and conditions

(1) The municipality must consider an application in terms of section 4 against the following criteria, where applicable –

- (a) the type and size of the event;
- (b) the impact of the event on municipal services, including services relating to noise control, air quality, traffic, parking, local amenities, public places, health and the environment;
- (c) whether the proposed use of the land complies with the applicable zoning scheme and any conditions there under; and

(2) Die aansoek moet vergesel wees van die toepaslike geldie of deposito soos bepaal deur die munisipaliteit, asook die volgende inligting –

- (a) die naam van die geleenthedsorganiseerder;
- (b) die tipe geleenthed;
- (c) die voorgestelde venue vir die geleenthed insluitend 'n erf nommer of eiendomsbeskrywing;
- (d) 'n perseel uitlegplan wat sitplekke, strukture en fasilitete aandui;
- (e) die voorgestelde dae en ure van die geleenthed;
- (f) indien 'n subkontrakteur by die geleenthed betrokke sal wees, 'n afskrif van die kontrak met die subkontrakteur;
- (g) die dienste wat deur die munisipaliteit voorsien moet word waarvan toepassing;
- (h) 'n afskrif van die ooreenkoms met die venue eienaar indien die aansoeker nie die eienaar is nie;
- (i) die maksimum aantal persone, insluitende personeel, wat tot die geleenthed toegelaat word;
- (j) die voorgestelde sekuriteitsplanne vir die geleenthed insluitende die aantal personeel en hul kwalifikasies;
- (k) die voorgestelde mediese en veiligheidsplanne vir die geleenthed soos voorgeskryf in die Regulasies insake Nood Mediese Dienste by Massabyeenkomste afgekondig ingevolge die Nasionale Gesondheidswet, 2003 (Wet 61 van 2003) per GK R1023 van 28 Oktober 2015;
- (l) die voorgestelde geraasbeheer planne, insluitende volume vlakke van musiek, krag van musiek stelsels en krag isolering binne geboue waarvan toepassing;
- (m) die voorgestelde parkeer- en verkeersplanne vir die geleenthed;
- (n) reëlings met die Weskus Distriksmunisipaliteit met betrekking tot voedselbeheer by die geleenthed;
- (o) bewys van toepaslike vrywaringsdekking,
- (p) 'n vaste afval bestuursplan;
- (q) toeskouerbeheer- en toegangsmaatreëls;
- (r) toestemming van die venue eienaar of venue bestuurder aan die applikant om die geleenthed te hou; of
- (s) enige ander inligting wat deur die munisipaliteit vereis mag word.

(3) Afhangend van die omvang van die geleenthed, mag die munisipaliteit afsien van sommige van die inligtingsvereistes gelys in subartikel (2)(a) tot (s). Die onderskeie kategorieë en tydsraamwerke van toepassing op geleenthede word uiteengesit in Bylae A.

(4) Die munisipaliteit moet 'n aansoek binne die tydperke uiteengesit in Bylae A goed- of afkeur.

(5) Waar 'n aansoek geweiер word, moet volledige skriftelike redes vir sodanige besluit voorsien word.

(6) Goedkeuring van 'n aansoek stel nie enige persoon vry van die verpligting om aan enige ander wetgewing te voldoen nie.

5. Kriteria en voorwaardes

(1) Die munisipaliteit moet 'n aansoek ingevolge artikel 4 ooreenkomsdig die volgende kriteria oorweeg, waar dit van toepassing is –

- (a) die aard en omvang van die geleenthed;
- (b) die uitwerking van die geleenthed op munisipale dienste, insluitend dienste met betrekking tot geraasbeheer, luggehalte verkeer, parkering, plaaslike geriewe, openbare plekke, gesondheid en die omgewing;
- (c) of die voorgestelde gebruik voldoen aan die toepaslike soneringskema en enige voorwaardes ingevolge daarvan; en

- (d) any other criteria that the municipality may determine.
- (2) The municipality may impose reasonable conditions in respect of the permit to protect the health and safety of the public, which conditions may include, but are not limited to –
- location and hours during which the event may be held;
 - sanitation and availability of potable water;
 - security and crowd management;
 - parking and traffic;
 - emergency and medical services;
 - cleaning of the premises and the surrounding area, and waste disposal;
 - insurance;
 - lighting;
 - fire services and safety;
 - compliance with the National Building Regulations and the municipality's By-law relating to Submission of Building Plans where applicable;
 - erection and removal of structures;
 - noise levels and air quality; and
 - food safety control.

6. Non liability

- (1) The municipality is not liable for any –
- damage to or loss of any property of the event organiser or any other person; or
 - costs incurred by an event organiser or any third party, arising from the planning for, or marketing of an event, the submission of an application for permission, refusal, revocation or suspension of permission.
- (2) The event organiser must ensure that the permission issued in terms of section 4 is available at the venue for inspection during the event.

7. Holding of event

- (1) An event organiser may not advertise an event before the municipality has approved the application.
- (2) An event organiser whose application has been approved in terms of section 4 is responsible for the event and must ensure –
- that the event complies with this by-law, the conditions imposed by the municipality and any other applicable legislation;
 - that the event complies with the requirements of SANS 10366:2012 in so far it relates to safety and health at the event;
 - that the conduct of persons attending the event and the activities undertaken or carried out at the event do not have a negative impact on affected communities or persons during the event; and
 - compliance with any notice issued by an authorised official in terms of this by-law.

8. Compliance notice

- (1) If an event organiser has contravened a provision of this by-law or of any other applicable law, or a condition of the permission issued, or where circumstances have arisen that have the potential of leading to a contravention of any such provision or condition, an authorised official may issue a compliance notice to the event organiser.

- (d) enige ander kriteria wat die munisipaliteit mag bepaal.
- (2) Die munisipaliteit mag redelike voorwaardes stel om die gesondheid, veiligheid en welsyn van die publiek te beskerm en sluit in, maar is nie daar toe beperk nie –
- ligging en ure waartydens die geleentheid gehou mag word;
 - sanitasie en die beskikbaarheid van drinkbare water;
 - sekuriteit en skarebestuur;
 - parkering en verkeersaangeleenthede;
 - nood- en mediese dienste;
 - skoonmaak van die perseel en omliggende gebied en wegdoening met afval;
 - versekerings;
 - beligting;
 - brandweerdienste en veiligheid;
 - voldoening aan die bepalings van die Nasionale Bouregulassies asook die munisipaliteit se Verordening Betreffende die Indiening van Bouplanne waarvan toepassing;
 - oprigting en verwydering van strukture;
 - geraasvlakte en luggehalte; en
 - voedselveiligheidsbeheer.

6. Nie-aanspreeklikheid

- (1) Die munisipaliteit is nie aanspreeklik vir –
- skade aan of verlies van enige eiendom van die geleentheidsorganiseerder of enige ander persoon nie; of
 - koste aangegaan deur die geleentheidsorganiseerder of enige derde party ten opsigte van beplanning of bemarking van die geleentheid, die indiening van 'n aansoek, die weiering, intrekking of opskorting van 'n goedkeuring nie.
- (2) Die geleentheidsorganiseerder moet verseker dat die goedkeuring uitgerek ingevolge artikel 4 by die venue beskikbaar is vir inspeksie.

7. Aanbied van 'n geleentheid

- (1) 'n Geleentheidsorganiseerder mag nie 'n geleentheid adverteer voordat die munisipaliteit 'n aansoek goedgekeur het nie.
- (2) 'n Geleentheidsorganiseerder wie se aansoek ingevolge artikel 4 goedgekeur is, is verantwoordelik vir die geleentheid en moet verseker –
- dat die geleentheid voldoen aan die bepalings van hierdie verordening, die voorwaardes opgelê deur die munisipaliteit en enige ander toepaslike wetgewing;
 - dat die geleentheid voldoen aan die vereistes van SANS 10366: 2012 vir sover dit betrekking het op die vereistes ten opsigte van gesondheid en veiligheid van geleenthede;
 - dat die gedrag van persone wat 'n geleentheid bywoon en die aktiwiteite onderneem of uitgeoefen tydens die geleentheid nie 'n negatiewe uitwerking het op geaffekteerde gemeenskappe of persone tydens sodanige geleentheid nie; en
 - dat aan enige kennisgewing van voldoening uitgerek deur 'n gemagtigde beambte ingevolge hierdie verordening voldoen word.

8. Kennisgewing van voldoening

- (1) Indien 'n bepaling van hierdie verordening deur 'n geleentheidsorganiseerder oortree word of waar 'n toestand ontstaan het wat die potensiaal het om te lei tot 'n oortreding van hierdie verordening of enige ander wet, mag die gemagtigde beambte 'n kennisgewing van voldoening aan die geleentheidsorganiseerder of sy verteenwoordiger uitreik.

- (2) A notice in terms of subsection (1) must be served on the event organiser or his or her representative and must state –
- the provision of this by-law or any other law, or the condition of the permission issued, that has been contravened or would have been contravened if the circumstances that have arisen were allowed to continue;
 - the measures that must be taken to rectify the contravention;
 - the time period for compliance with the notice; and
 - the event organiser's right to make representations with regard to the alleged non-compliance;

(3) If a person fails to comply with a notice served in terms of subsection (1), the municipality may take any steps necessary to rectify the contravention or the circumstances that have arisen, at the cost of the event organiser.

9. Inspections and right of access

(1) An authorised official may, before, during or after the holding of an event, conduct inspections of the venue to determine compliance with this by-law.

(2) Such official has a right of access to any venue where an event is held, is to be held or has been held for the purposes of –

- ascertaining whether any provision of this by-law has been contravened;
- enforcing compliance with this by-law; or
- considering an application and determining conditions for approval.

10. Suspension and revocation of permit

(1) The municipality may –

- if an event organiser has failed to comply with a compliance notice issued in terms section 8, by notice in writing to the event organiser or his or her representative –
 - suspend the permission to hold the event until the event organiser has complied with the compliance notice; or
 - revoke the permission and take any necessary steps relating to the revocation, and recover the costs from the event organiser.
- if action has been taken in terms of subsection (1), withhold any deposit paid by the event organiser as security for the payment of the costs.
- in the event of emergency or where life or property is endangered, the municipality may without notice revoke permission to host the event.

11. Exclusions

(1) The permission requirement contained in this by-law does not apply to the following –

- funerals;
- events held at a purpose-built venue or the grounds of any school, or at any playground, place of worship, hotel, conference centre, stadium, sports field, arena, auditorium or similar permanent place of assembly, when used for events normally held in such venue;
- events regulated by the Safety at Sports and Recreational Events Act, 2010 (Act 2 of 2010) or the Regulation of Gatherings Act, 1993 (Act 205 of 1993); and
- where land use rights have been granted in terms of the municipality's scheme regulations to host events.

- 'n Kennisgewing uitgereik ingevolge subartikel (1) moet vermeld –
 - die bepaling van hierdie verordening, of van enige ander wetgewing, of 'n voorwaarde van die goedkeuring wat oortree is of oortree sal word indien die toestand toegelaat word om voort te duur;
 - die maatreëls wat geneem moet word om die toestand reg te stel;
 - die tydsduur vir voldoening aan die kennisgewing; en
 - die geleentheidsorganiseerder se reg om vertoe te rig ten opsigte van beweerde nie-nakoming;

(3) Indien 'n persoon op wie 'n kennisgewing beteken is ingevolge subartikel (1) versuim om aan die vereistes van die kennisgewing te voldoen, mag die munisipaliteit sodanige stappe neem as wat nodig is om die toestand op die koste van die geleentheidsorganiseerder reg te stel.

9. Inspeksies en reg van toegang

(1) 'n Gemagtigde beampte mag die venue by ontvangs van 'n aansoek of gedurende of na die hou van 'n geleentheid inspekteer ten einde te bepaal of daar aan die bepalings van hierdie verordening voldoen word.

(2) Sodanige beampte het 'n reg van toegang tot enige venue ten einde –

- te bepaal of die bepalings van hierdie verordening oortree word;
- voldoening aan die bepalings van hierdie verordening af te dwing; of
- 'n aansoek te oorweeg of om voorwaardes vir goedkeuring te bepaal.

10. Opskorting en intrekking van permit

(1) Die munisipale bestuurder mag –

- waar die geleentheidsorganiseerder versuim om aan 'n kennisgewing van voldoening uitgereik ingevolge artikel 8 te voldoen, met skriftelike kennis aan die geleentheidsorganiseerder of sy of haar verteenwoordiger –
 - die goedkeuring vir die hou van die geleentheid opskort totdat die geleentheidsorganiseerder aan die kennisgewing voldoen; of
 - die goedkeuring intrek en sodanige stappe neem as wat nodig is met betrekking tot die intrekking en die koste in verband daarmee van die geleentheidsorganiseerder verhaal;
- waar stappe ingevolge subartikel (1) geneem is, enige deposito wat deur die geleentheidsorganiseerder betaal is terughou as sekuriteit vir die betaling van sodanige koste;
- in 'n noodgeval, of wanneer lewe of eiendom bedreig word, sonder kennisgewing die goedkeuring vir die hou van 'n geleentheid intrek.

11. Uitsluitings

(1) Die goedkeuringsvereiste in hierdie verordening is nie op die volgende van toepassing nie –

- begrafnisse;
- geleenthede gehou by 'n doelmatig-geboude venue of die gronde van enige skool, speelgrond, plek van aanbidding, hotel, konferensiesentrum, stadion, sportveld, arena, ouditorium of soortgelyke venue wanneer dit gebruik word vir geleenthede wat normaalweg daarin gehou word; en
- geleenthede wat deur die Wet op Veiligheid by Sport en Ontspanningsgeleenthede, 2010 (Wet 2 van 2010) en die Wet op Reëling van Byeenkomste, 1993 (Wet 205 van 1993) gereguleer word;
- waar grondgebruiksregte ingevolge die munisipaliteit se skemaregulasies toegestaan is vir die hou van geleenthede.

- (2) The exclusion in subsection (1)(b) does not apply to events or parts of events which –
- are held outside the venue concerned;
 - by their nature, size or impact fall outside the normal use parameters for the venue; or
 - where the erection of additional temporary structures for the event would require permission in terms of the National Building Regulations.

CHAPTER 3

GENERAL PROVISIONS

12. Agreements and partnerships

The municipality may, subject to any other law, enter into an agreement or partnership with an event organiser for the holding and management of an event.

13. Appointment of authorised official

(1) The municipality may appoint any employee of the municipality as an authorised official to enforce this by-law.

(2) Such official must be issued with an appointment certificate which must be produced on demand.

14. Exemption

Notwithstanding the provisions of this by-law, the municipality may exempt any person or categories of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

15. Offences and Penalties

(1) A person is guilty of an offence if that person –

- organises or presents an event in contravention of section 3;
- fails to comply with any of the conditions imposed in terms of section 5(2);
- contravenes sections 4(1), 7(1), and 11(2);
- fails to comply with a notice issued in terms of sections 8(1);
- fails to comply with a request or directive of an authorised official, or hinders, interferes with or obstructs an authorised official, a private security service provider, a member of the event safety and security planning committee, an access control officer, a peace officer or a member of the emergency or essential services in the carrying out of their duties;
- undertakes construction of any kind or makes alterations at a venue without approval in terms of the National Building Regulations;
- damages or destroys any movable or immovable property inside a stadium or venue or along a route or its respective precincts;
- engages in indecent, violent or intimidating behaviour inside a stadium or venue including using obscene language; or
- furnishes false information relating to an application in terms of this by-law;

(2) A person convicted of an offence in terms of this by-law, is liable to –

- a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
- in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

- (2) Die bepalings van subartikel (1)(b) geld nie ten opsigte van geleenthede wat –
- buite die betrokke venue gehou word nie;
 - deur die aard of grootte daarvan buite die normale bestek van die venue val nie; of
 - waar die oprigting van addisionele strukture vir die betrokke geleenthed goedkeuring ingevolge die Nasionale Bouregulasies vereis nie.

HOOFSTUK 3

ALGEMENE BEPALINGS

12. Ooreenkomste en vennootskappe

Die munisipaliteit mag onderhewig aan die bepalings van enige wet, ooreenkomste of vennootskappe met geleentheidsorganiseerders aanvaan wat nodig is vir die aanbieding en bestuur van 'n geleenthed.

13. Aanstelling van gemagtigde beamppe

(1) Die munisipaliteit mag enige beamppe in diens van die munisipaliteit as gemagtigde beamppe aanstel om die bepalings van hierdie verordening af te dwing.

(2) Sodanige gemagtigde beamppe moet van 'n aanstellingsertifikaat voorsien word wat op aanvraag getoon moet word.

14. Vrystelling

Nieteenstaande die bepalings van die verordening, mag die munisipaliteit enige persoon of kategorie van persone vrystel van enige of al hierdie vereistes en mag dit enige ander vereistes opleg wat nodig mag wees.

15. Oortredings en strawwe

(1) 'n Persoon is skuldig aan 'n misdryf indien daardie persoon –

- 'n geleenthed reël of aanbied teenstryding met artikel 3;
- versuum om te voldoen aan enige van die voorwaardes opgelê ingevolge artikel 5(2);
- artikels 4(1), 7(1), en 11(2) oortree;
- versuum om te voldoen aan 'n kennisgewing uitgereik ingevolge artikel 8(1);
- versuum om te voldoen aan 'n versoek of opdrag van 'n gemagtigde beamppe, of sodanige beamppe, of 'n lid van 'n privaat sekuriteitsdiens, 'n lid van die geleentheidskomitee vir veiligheid en sekuriteit, 'n toegangsbeheerbeamppe, 'n vredesbeamppe of 'n lid van die nood- of essensiële dienste, belemmer of verhinder in die uitvoering van hulle pligte;
- konstruksie van enige aard onderneem of veranderings aanbring aan 'n venue sonder goedkeuring ingevolge die Nasionale Bouregulasies;
- enige roerende of onroerende eiendom beskadig in 'n stadion of venue of langs 'n roete in en om die onmiddellike omgewing van die venue;
- hom- of haarself skuldig maak aan onsedelike, gewelddadige of intimiderende gedrag binne 'n stadion of venue, insluitend die gebruik van onwelvoeglike taal; of
- valse inligting verstrek met betrekking tot 'n aansoek ingevolge hierdie verordening;

(2) 'n Persoon wat skuldig bevind word aan 'n oortreding ingevolge hierdie verordening is onderhewig aan –

- 'n boete of gevangenisstraf, of sodanige boete of gevangenisstraf, of beide sodanige boete en sodanige gevangenisstraf; en
- in die geval van 'n voortgesette misdryf, 'n bykomende boete of 'n bykomende tydperk van gevangenisstraf of sodanige bykomende gevangenisstraf sonder die opsie van 'n boete of beide sodanige bykomende boete en gevangenisstraf vir elke dag waarop sodanige misdryf voortduur; en

- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

16. Appeal

(1) An event organiser may appeal to the municipal manager against a decision where his or her application to hold an event has been declined.

(2) Such an appeal must be lodged in writing with the municipal manager within a period as indicated in Schedule A in relation to the type of event concerned.

(3) An appeal lodged in terms of this section must be considered and decided within such time as indicated in Schedule A in relation to the type of event concerned.

(4) Any member of the public who feels aggrieved by a decision of the municipality to grant permission for an event may lodge an appeal in writing to the municipal manager within 24 hours of the taking of the decision.

(5) The municipal manager may delegate any official of the municipality to consider and decide on an appeal in terms of this section.

17. Short title and commencement

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

SCHEDULE A

(Section 4(3))

CATEGORIES AND TIMEFRAMES APPLICABLE TO EVENTS

Category	Number of attendees	Minimum time before an event to submit an application	Minimum time for municipality to respond	Appeal to be lodged by applicant within:	Appeal to be decided within:
Small	50–2000	15 working days	10 working days	24 hours of receipt of notice of refusal	24 hours of receipt of appeal
Medium	2001–5000	20 working days	15 working days	48 hours of receipt of notice of refusal	48 hours of receipt of appeal
Large	5001–10 000	25 working days	20 working days	48 hours of receipt of notice of refusal	Within 3 working days of receipt of appeal
Very large	10 001 and above	60 working days	40 working days	48 hours of receipt of notice of refusal	Within 5 working days of receipt of appeal

- (c) 'n verdere bedrag gelyk aan enige koste en uitgawes wat die hof bevind deur die munisipaliteit aangegaan is weens sodanige oortreding of versuim.

16. Appèl

(1) 'n Geleenheidsorganiseerder mag by die municipale bestuurder appèl aanteken teen 'n besluit om 'n aansoek vir die hou van 'n geleenthed te weier.

(2) Sodanige appèl moet skriftelik by die municipale bestuurder inge-dien word binne die tydperk aangedui in Bylae A ten opsigte van die betrokke geleenheid.

(3) 'n Appèl ingedien ingevolge hierdie artikel moet oorweeg en besluit word binne die tydperk aangedui in Bylae A ten opsigte van die betrokke geleenheid.

(4) Enige person wat veronreg voel deur 'n besluit om 'n geleenthed goed te keur, mag skriftelik by die municipale bestuurder appèl aanteken binne 24 uur na die neem van sodanige besluit.

(5) Die municipale bestuurder mag die bevoegdheid om oor 'n appèl ingevolge hierdie artikel te besluit, aan enige beampie deleger.

17. Kort titel en inwerkingtreding

Hierdie verordening staan bekend as die Verordening insake Geleentheide en tree in werking by publikasie daarvan in die Provinciale Koerant.

BYLAE A

(Artikel 4(3))

KATEGORIE EN TYDSRAAMWERKE VAN TOEPASSING OP GELEENTHEDE

Kate-gorie besoekers	Aantal	Minimum tydperk waarbinne 'n aansoek ingedien moet word voor geleenheid	Minimum tyd waarbinne munisipaliteit moet reageer	Appèl deur applikant ingedien te word binne:	Appèl aangehoor te word binne:
Klein	50–2000	15 werksdae	10 werksdae	24 uur vanaf ontvangs van kennisgewing van weiering	24 uur vanaf ontvangs van appèl
Medium	2001–5000	20 werksdae	15 werksdae	48 uur vanaf ontvangs van kennisgewing van weiering	48 uur vanaf ontvangs van appèl
Groot	5001–10 000	25 werksdae	20 werksdae	48 uur vanaf ontvangs van kennisgewing van weiering	Binne 3 dae vanaf ontvangs van appèl
Baie groot	10 001 en meer	60 werksdae	40 werksdae	48 uur vanaf ontvangs van kennisgewing van weiering	Binne 5 dae vanaf ontvangs van appèl

SWARTLAND MUNICIPALITY
INFORMAL TRADING BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Swartland Municipality enacts as follows:

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SCHEDULE 1: IMPOUNDED PROPERTY REGISTER

SCHEDULE B: FOOD TEMPERATURES

1. Definitions

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

“authorised officer” means –

- (a) a traffic officer appointed under section 3 of the Road Traffic Act, 1996 (Act 93 of 1996);
- (b) a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a peace officer contemplated by section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), or
- (d) an official of the municipality authorised to implement the provisions of this by-law;

“best available method” means a method which is practical and necessary for the protection of food against contamination or spoilage, having due regard to local conditions and circumstances whether at food premises or elsewhere, the prevailing extent of established practice and the financial implications thereof;

SWARTLAND MUNISIPALITEIT:
VERORDENING INSAKE INFORMELE HANDEL

Kragtens die bepaling van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden Swartland Munisipaliteit as volg:

Inhoudsopgawe

1. Definisies
2. Vryheid van handel
3. Verbode gedrag
4. Sindelikheid en gesondheid
5. Obstruksie van voetgangers
6. Handel naby residensiële persele
7. Handel naby sekere sakepersele
8. Obstruksie van voertuigverkeer
9. Beperkings op grootte en gewig van voertuie
10. Handel in tuine en parke
11. Handel naby openbare geboue, plekke van aanbidding en nasionale monumente
12. Beperkte gebiede
13. Verbode gebiede
14. Verwydering en skut
15. Register van geskutte eiendom
16. Berging en wegdoening met geskutte eiendom
17. Verkoop van geskutte eiendom
18. Middellike aanspreeklikheid
19. Vrystellings
20. Appèl
21. Skakelforums
22. Misdrywe en strawwe
23. Herroeping van verordeninge
24. Kort titel en inwerkingtrede

BYLAE A: REGISTER VAN GESKUTTE EIENDOM

BYLAE B: VOEDSEL TEMPERATURE

1. Definisies

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

“afval” enige houer of ander voorwerp of materiaal wat 'n informele handelaar of sy of haar klante weggooi, vergeet of agterlaat;

“beperkte gebied” enige plek wat ingevolge artikel 6A(2) van die Wet deur 'n besluit van die munisipaliteit as 'n gebied waar informele handel beperk kan word, verstaanbaar is of nog verstaanbaar moet word;

“diens” ook enige wins of voordeel teen vergoeding of beloning;

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

“eiendom”, met betrekking tot 'n informele handelaar, geld, goedere, artikels, 'n houer, voertuig of enige struktuur;

“gemagtigde beampete” –

- (a) 'n verkeersbeampte aangestel kragtens artikel 3 van die Wet op Padverkeer, 1996 (Wet 93 van 1996);
- (b) 'n lid van die Suid-Afrikaanse Polisiediens soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet 68 van 1995);

"foodstuff" means a foodstuff as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act 54 of 1972);

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

"informal trading" means the selling of any goods or the supply or offer to supply any service for reward as an informal trader in a public road or public space, but does not include the sale of newspapers only;

"litter" means any receptacle, container or other object or matter discarded, abandoned or left behind by an informal trader or his or her customers;

"municipality" means the Swartland Municipality established in terms of the Municipal Structures Act, 117 of 1998 and includes any political structure, political office bearer, 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 to such political structure, political office bearer, agent or employee;

"national monument" means a building declared to be a national monument under the National Heritage Resources Act, 1999 (Act 25 of 1999);

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

"perishable food" means any foodstuff which on account of its composition, ingredients, moisture content and or pH value and of its lack of preservatives and suitable packaging is susceptible to uninhibited increase in microbes thereon or therein if the foodstuff is kept within the temperature spectrum of 4 C to 65 C, excluding vegetables and fruit;

"prohibited area" means any place declared or to be declared under section 6A(2) of the Act by resolution of the municipality to be an area in which street trading may be prohibited;

"property" in relation to an informal trader, means money, goods, articles, a receptacle, a vehicle or any structure;

"public building" means a building occupied solely by the state or the municipality;

"public place" means any square or open space which –

- (a) at any time has been declared or rendered such by the municipality or any other competent authority, or
- (b) have been zoned as public place or public open space in terms of any town planning scheme regulations promulgated by the municipality or any competent authority;

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

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk, and
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge;

"restricted area" means any place in the municipality which has been declared under section 6A(2) of the Act by resolution of the municipality to be an area in which street trading may be restricted;

(c) 'n vredesbeampte beoog by artikel 334 van die Strafproseswet, 1977 (Wet 51 van 1977); of

(d) 'n beampte van die munisipaliteit wat gemagtig is om die bepalings van hierdie verordening toe te pas;

"informele handel" die verkoop van enige goedere of die verskaffing of aanbod om dienste teen vergoeding te verskaf as 'n informele handelaar in 'n openbare pad of openbare ruimte, maar sluit nie die verkoop van slegs koerante in nie;

"informele handelaar" 'n persoon wat die besigheid van informele handelaar, venter of smous bedryf en sluit dit 'n werknemer van so 'n persoon in, en vir die toepassing van hierdie verordening sluit dit so 'n persoon in wat in 'n openbare pad of openbare plek handel dryf;

"munisipaliteit" die Swartland Munisipaliteit daargestel ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik aangestelde agent of enige amptenaar wat ingevolge hierdie verordening optree uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer is aan sodanige politieke struktuur, politieke ampsbekleder, raadslid, agent of amptenaar;

"nasionale monument" 'n gebou wat kragtens die Wet op Nasionale Erfenisshulpbronne, 1999 (Wet 25 van 1999) tot 'n nasionale monument verklaar is;

"oorlas" enige optrede wat 'n toedrag van sake of toestande meebring of kan meebring wat 'n bron van gevaar is vir ander of hul eiendom of wat wesenlik met hul gewone gemak, gerief, vrede of rus inmeng;

"openbare gebou" 'n gebou wat slegs deur die staat of die munisipaliteit geokkuper word;

"openbare pad" enige pad, straat of deurgang of enige ander plek hetsy 'n deurgang al dan nie wat gewoonlik deur die publiek gebruik word of waartoe die publiek die reg van toegang het en ook –

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige voetpad, sypaadjie of soortgelyke voetgangergedeelte van 'n padreserwe;
- (c) enige brug, pont of drif waarvoor of waardeur enige sodanige pad, straat of deurgang loop;
- (d) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat, deurgang, voetpad of sypaadjie, en
- (e) enige perseel, met of sonder geboue of strukture daarop, wat gebruik word of daargestel is as 'n openbare parkeerarea of openbare parkeerplek vir die parkering van motorvoertuie ongeag of toegang tot sodanige parkeerplek of parkeerarea gratis is al dan nie;

"openbare plek" enige plein of oop ruimte wat –

- (a) te enige tyd deur die munisipaliteit of enige ander bevoegde owerheid tot sodanig gemaak of verklaar is, of
- (b) as openbare plek of openbare oop ruimte gesoneer is ingevolge enige dorpsaanlegskemaregulasies afgekondig deur die munisipaliteit of enige ander bevoegde owerheid;

"ryvlak" die gedeelte van 'n pad, straat of deurgang wat vir voertuigverkeer verbeter, gebou of bedoel is en wat tussen die kante van die ryvlak is;

"sypaadjie" daardie gedeelte van 'n pad wat bedoel is vir die uitsluitlike gebruik deur voetgangers en sluit in die padreserwe of deurgang wat nie die ryvlak is nie;

"verbode gebied" enige plek wat ingevolge artikels 6A(2) van die Wet wat deur 'n besluit van die munisipaliteit as 'n gebied waarin informele handel verbied word, verklaar is of nog verklaar moet word;

"roadway" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;

"sell" includes selling of goods or the supply or offering to supply a service and also –

- (a) exchange or hire; and
- (b) store, expose, offer or prepare for sale, process or display for sale, and "sale" has a corresponding meaning;

"service" includes any advantage or gain for consideration or reward;

"sidewalk" means that portion of a road intended for the exclusive use of pedestrians and includes a road reserve or thoroughfare which is not the roadway;

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

2. Freedom of trade

Street trading is, unless specifically stated otherwise in this by-law and subject to the provisions of this by-law, freely permitted in all public streets and public places in the area of jurisdiction of the municipality.

3. Prohibited conduct

A person carrying on the business of informal trader –

- (a) may not, if the business is carried on in a public road or public place, –
 - (i) sleep overnight at the place of the business; or
 - (ii) erect a structure for the purpose of providing shelter, without the approval of the municipality.
- (b) may not place his or her property on a public road or public place except for the purpose of conducting trade;
- (c) must ensure that his or her property does not cover an area of a public road or public place which is greater than 3m in length or 3m in width, or such greater area as determined by the municipality;
- (d) may not place or stack his or her property in such a manner that it obstructs or constitutes a danger to a person or is likely to injure a person;
- (e) may not obstruct access to a fire hydrant or any other designated facility or area demarcated solely for the use of emergency vehicles and municipal services;
- (f) must on concluding business for the day, remove his or her property to a place which is not part of a public road or public place;
- (g) may not display his or her goods or other property in a building or other private property, without the consent of the owner, occupier or person in control of such building or property;
- (h) may not carry on the business of informal trader on a sidewalk adjacent to a church or other place of worship or a building declared to be a national monument;
 - (i) must, at the request of an employee or agent of the municipality or any supplier of telecommunication or electricity or other services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
 - (j) may not attach any object by any means to a 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;
 - (k) may not make a fire at a place or in circumstances where it could harm a person or damage a building or vehicle or street furniture;

"verkoop" sluit in die verkoop van goedere of die voorsiening of aanbod om 'n diens te voorsien asook –

- (a) uitruil of huur; en
- (b) stoor, vertoon, aanbied of voorberei vir verkoop, verwerk of uitstal en het "te koop aanbied" dieselfde betekenis;

"voedingsmiddel" 'n voedingsmiddel soos omskryf in artikel 1 van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet 54 van 1972).

2. Vryheid van handel

Informele handel word, tensy spesifiek anders aangedui in hierdie verordening en behoudens die bepalings van hierdie verordening, vryelik toegelaat in alle openbare paaie en openbare plekke in die regsgebied van die munisipaliteit.

3. Verbode gedrag

'n Persoon wat die besigheid van informele handelaar bedryf –

- (a) mag nie, waar die besigheid in 'n openbare pad of openbare plek bedryf word –
 - (i) oornag op die plek van die besigheid, of
 - (ii) 'n struktuur oprig met die doel om beskutting te voorsien, sonder die toestemming van die munisipaliteit nie;
- (b) mag nie sy of haar eiendom plaas op 'n openbare pad of openbare plek nie, behalwe met die doel om handel te dryf;
- (c) moet verseker dat sy of haar eiendom op 'n openbare pad of openbare plek nie 'n oppervlakte van meer as 3m lank en 3m breed beslaan nie, of sodanige groter area soos deur die munisipaliteit ten opsigte van enige spesifieke perseel bepaal is nie;
- (d) mag nie sy of haar eiendom op so 'n wyse plaas of stapel dat dit 'n obstruksie of gevaar inhou vir 'n persoon of waarskynlik 'n persoon kan beseer nie;
- (e) mag nie toegang tot 'n brandkraan of enige ander aange wysde fasiliteit of gebied versper en wat vir nooddienste afgebaken is nie;
- (f) moet daagliks na afloop van sy of haar besigheid sy of haar eiendom verwyder na 'n plek wat nie deel is van 'n openbare pad of openbare plek nie;
- (g) mag nie sy of haar goedere of ander eiendom uitstal in 'n gebou of op ander privaat eiendom nie, tensy die eienaar, inwoner of persoon in beheer van so 'n gebou of eiendom sy toestemming daar toe verleen het;
- (h) mag nie die besigheid van informele handelaar bedryf op 'n sypaadjie aangrensend aan 'n kerk of ander plek van aanbidding nie, of 'n gebou wat tot 'n nasionale gedenkwaardigheid verklaar is nie;
- (i) moet op versoek van 'n werknemer of agent van die munisipaliteit of enige ander voorsieder van telekommunikasie of elektrisiteit of enige ander diens, van sy of haar eiendom skuif sodat enige werk in verband met 'n openbare pad, openbare plek of enige ander diens verrig kan word;
- (j) mag geen voorwerp op enige wyse aan 'n gebou, struktuur, sypaadjie, boom, parkeermeter, lampaal, elektrisiteitspaal, telefoonhokkie, posbus, verkeersteken, bank of enige ander strattoebehore in of op 'n openbare pad of openbare plek heg nie;
- (k) mag nie 'n vuur maak op 'n plek of in omstandighede waar dit 'n persoon kan benadeel nie of 'n gebou of voertuig of enige strattoebehore kan beskadig nie;

- (l) may not store his property in a manhole or storm water drain;
- (m) may not carry on the business in a manner as to -
 - (i) damage or deface the surface of a public road or a public place or public or private property, or
 - (ii) create a traffic hazard.
- (n) must provide sufficient approved waste receptacles;
- (o) may not carry on the business of informal trader without being in possession of written proof that he or she hired, or was otherwise allocated that stand or area by the municipality in an area set aside by the municipality in terms of section 6A(3)(b) of the Act ; and
- (p) may not carry on the business of informal trader in contravention of the terms and conditions of the lease or allocation to him or her of a unit in terms of section 6A(3)(c) of the Act;
- (q) may not obstruct the visibility of a display window on business premises, if the person carrying on business in the business premises concerned objects thereto.

4. Cleanliness and health

- (1) Every informal trader –
 - (a) must keep the area or site occupied by him or her in a clean and sanitary condition;
 - (b) must keep his property in a clean and sanitary condition;
 - (c) must properly dispose of litter generated by his business;
 - (d) may not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
 - (e) must ensure that on completion of street trading for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
 - (f) must, in the case of the sale of foodstuffs, take such precaution as may be necessary to prevent the spilling of fat, oil or grease onto a public road or public place and prevent any smoke, fumes or odours emanating from his activities from becoming a nuisance;
 - (g) must, on request by an authorised officer, move his or her property in order to permit the cleaning of the surface of the area or of the site where he or she is trading.
- (2) The municipality must –
 - (a) ensure that the sites occupied by informal traders are cleaned and sanitised on a regular basis; and
 - (b) ensure that refuse receptacles are emptied on a regular basis in order to facilitate the cleaning of trading sites.

5. Obstruction of pedestrians

An informal trader may not carry on business where it –

- (a) obstructs access to street furniture such as bus passenger benches or shelter or queuing lines, refuse disposal bins and other facilities intended for the use of the general public;
- (b) obstructs access to an entrance to or exit from a building or an automatic bank teller machine;
- (c) obstructs access to a pedestrian crossing;
- (d) obstructs access to a vehicle;
- (e) in any other manner substantially obstructs pedestrians in their use of a sidewalk.

- (l) mag nie sy of haar eiendom in 'n mangat of stormwaterriool bêre nie;
- (m) mag nie sy of haar besigheid op so 'n wyse bedryf dat dit –
 - (i) die oppervlak van 'n openbare pad of 'n openbare plek of openbare of private eiendom beskadig of skend nie, of
 - (ii) 'n gevaar vir verkeer veroorsaak nie;
- (n) moet voldoende goedgekeurde afvalhouers voorsien;
- (o) mag nie die besigheid van informele handelaar bedryf sonder om in besit te wees van skriftelike bewys dat hy of sy daardie staanplek of gebied gehuur het van, of dat dit andersins aan hom of haar toegewys is deur die munisipaliteit, in 'n gebied gereserveer of afgebaken vir die bedryf van informele handel ingevolge artikel 6A(3)(b) van die Wet nie;
- (p) mag nie die besigheid van informele handelaar bedryf instryd met die bedinge en voorwaarde van die huurkontrak of toewysing aan hom of haar van 'n eenheid ingevolge artikel 6A(3) van die Wet nie;
- (q) mag nie die sigbaarheid van 'n vertoonvenster van 'n sakeperseel versper indien die persoon wat besigheid op die betrokke sakeperseel bedryf, daarteen beswaar maak nie.

4. Sindelikheid en gesondheid

- (1) 'n Informele handelaar –
 - (a) moet die gebied of plek wat deur hom of haar geokkupeer word in 'n skoon en higiëniese toestand laat;
 - (b) moet sy of haar eiendom in 'n skoon en higiëniese toestand hou;
 - (c) moet afval wat deur sy of haar besigheid gegenereer is na behore verwyder;
 - (d) mag nie sy of haar vullis in 'n mangat, stormwaterriool of ander plek wat nie vir die wegdoening van afval bedoel is, stort nie;
 - (e) moet daagliks verseker dat na die afloop van besigheid, alle afval vanaf die gebied deur hom of haar gebruik, verwyder is;
 - (f) in die geval van handel in voedingsmiddels, die nodige voorschotmaatreëls tref om te verhoed dat enige vet, olie of ghries op 'n openbare pad of openbare plek gemors word en verhoed dat enige rook,vlamme of reuke wat afkomstig is vanaf sy of haar bedrywigheide 'n oorlas veroorsaak;
 - (g) op versoek van 'n gemagtigde beample, sy of haar eiendom verskuif sodat die oppervlakte van die gebied of staanplek waar handel gedryf word, skoongemaak kan word.
- (2) Die munisipaliteit moet –
 - (a) verseker dat persele waar informele handelaars handel dryf op 'n gereeld grondslag skoongemaak en gereinig word; en
 - (b) verseker dat afvalhouers op 'n gereeld grondslag leeggemaak word ten einde die skoonmaak van handelspersele te vergemaklik.

5. Obstruksie van voetgangers

'n Informele handelaar mag nie handel dryf nie op 'n plek waar –

- (a) dit toegang tot straattoebehore, soos banke of skuilings of toustaanplekke of vullishouers en ander geriewe wat vir die gebruik van die algemene publiek bedoel is, belemmer nie;
- (b) dit die ingang tot of uitgang van 'n gebou of 'n outomatiese banktellermasjien versper nie;
- (c) dit toegang tot 'n voetstoegang belemmer nie;
- (d) dit toegang tot 'n voertuig belemmer nie;
- (e) dit op enige ander wyse voetgangers se gebruik van 'n sypaadjie wesenlik belemmer nie.

6. Trading near residential premises

An informal trader may not trade in that half of a public road adjacent to premises used for residential purposes if –

- (a) the owner, person in control or an occupier of the premises has objected thereto; and
- (b) an authorised official has made known such objection to the informal trader.

7. Trading near certain business premises

An informal trader may not trade on a sidewalk adjacent to any part of a building in which business is being carried on by a person who sell goods of the same nature or of a similar nature to goods being sold by the informal trader, without the consent of that person.

8. Obstruction of vehicular traffic

An informal trader may not trade at a place where –

- (a) it causes an obstruction on a roadway;
- (b) it limits access to parking or loading bays or other facilities for vehicular traffic;
- (c) it obscures a road traffic sign, marking, notice or sign displayed or made in terms of this by-law, or a marking, notice or road traffic sign displayed in terms of the Road Traffic Act, 1996 (Act 93 of 1996) or the regulations promulgated there under; or
- (d) it interferes in any way with any vehicle that may be parked alongside such place.

9. Restrictions on dimensions and mass of vehicles

An informal trader may not for the purpose of trading in a public road or public place, park any cart, trolley, trailer or similar vehicle on a sidewalk which exceeds –

- (a) 1,5m in height, 2m in length or 1m in width;
- (b) 200 kg in mass.

10. Trading in gardens and parks

An informal trader may not carry on business in a garden or park to which the public has the right of access except with the written approval of the municipality, which approval shall not be unreasonably withheld and may be granted subject to certain conditions.

11. Trading next to public buildings, places of worship and national monuments

An informal trader may not trade on a sidewalk adjacent to –

- (a) a building belonging to or occupied solely by the state or the municipality;
- (b) a church or some other place of worship; and
- (c) a building declared to be a national monument under the National Heritage Resources Act, 1999 (Act 25 of 1999).

12. Restricted areas

An informal trader may not trade in contravention of conditions determined in an area declared or to be declared in terms of section 6A(2)(a) of the Act to be an area in which the carrying on of the business of informal trader is restricted.

13. Prohibited areas

An informal trader may not trade in an area declared or to be declared in terms of section 6A(2)(a) of the Act as an area in which the carrying on of the business of informal trader is prohibited.

6. Handeldryf naby residensiële persele

'n Informele handelaar mag nie handel dryf nie op daardie helfte van 'n openbare pad wat aangrensend is aan 'n perseel wat vir residensiële doeleinades gebruik word, indien –

- (a) die eienaar, persoon in beheer of 'n bewoner van die perseel daarteen beswaar maak; en
- (b) die gemagtigde beampete sodanige beswaar aan die informele handelaar bekend gemaak het.

7. Handeldryf naby sekere besigheidsperselle

'n Informele handelaar mag nie handel dryf nie op 'n sypaadjie aangrensend tot enige deel van 'n gebou waarin besigheid bedryf word deur 'n persoon wat goedere verkoop van dieselfde aard of soortgelyke aard as die goedere wat verkoop word deur die informele handelaar, sonder goedkeuring van daardie persoon nie.

8. Obstruksie van voertuigverkeer

'n Informele handelaar mag nie handel dryf nie op 'n plek waar –

- (a) dit 'n obstruksie in 'n ryvlak veroorsaak nie;
- (b) dit toegang tot parkeer- of laaiplekke of ander geriewe vir voertuigverkeer beperk nie;
- (c) dit 'n padverkeersteken of 'n merk, kennisgewing of teken wat ingevolge hierdie verordening of 'n merk, kennisgewing of padverkeersteken kragtens die Padverkeerswet, 1996 (Wet 93 van 1996) of die regulasies daarvan kragtens aangekondig, vertoon word, versper; of
- (d) dit op enige wyse met enige voertuig wat langs sodanige plek parkeer is, inmeng nie.

9. Beperkings op grootte en massa van voertuie

Vir die doeleinades van handel dryf in 'n openbare pad of openbare plek mag 'n informele handelaar nie 'n karretjie, trollie, sleepwaentjie, of soortgelyke voertuig wat die volgende afmetings oorskry, op 'n sypaadjie parkeer nie –

- (a) 1,5m in hoogte, 2m in lengte of 1m in breedte;
- (b) 200 kg in massa.

10. Handel dryf in tuine en parke

'n Informele handelaar mag nie handel dryf in 'n tuin of park waartoe die publiek die reg op toegang het nie, behalwe met die goedkeuring van die munisipaliteit, en goedkeuring mag nie onredelik geweier word nie en kan onderworpe aan sekere voorwaardes verleen word.

11. Handeldryf langs sekere openbare geboue, plekke van aanbidding of nasionale monumente

'n Informele handelaar mag nie handel dryf op 'n sypaadjie aangrensend aan –

- (a) 'n gebou wat behoort aan of geokkupeer word slegs deur die staat of die munisipaliteit;
- (b) 'n kerk of ander plek van aanbidding; en
- (c) 'n gebou wat kragtens die Wet op Nasionale Erfenisbron, 1999 (Wet 25 van 1999), tot 'n nasionale gedenkwaardigheid verklaar is nie.

12. Beperkte gebiede

'n Informele handelaar mag nie teenstrydig met voorwaardes handel dryf in 'n gebied wat ingevolge artikel 6A(2)(a) van die Wet verklaar is of verklaar gaan word tot 'n gebied waar die bedryf van die besigheid van informele handelaar beperk is nie.

13. Verbode gebiede

'n Informele handelaar mag nie handeldryf wat ingevolge artikel 6A(2)(a) van die Wet verklaar is of verklaar gaan word tot 'n gebied waar die bedryf van die besigheid van informele handelaar verbode is nie.

14. Removal and impoundment

(1) If an informal trader fails or refuses to comply with a written request, the content of which has been explained to him or her, to move or remove his or her property, or leaves such property unsupervised for a period of more than 24 hours, an authorised officer may remove and impound property –

- (a) which he or she reasonably suspects is being used or is intended to be used or has been used in or in connection with informal trading; and
- (b) which he or she finds at a place where informal trading is restricted or prohibited in terms of this by-law and which, in his or her opinion, constitutes an infringement of this by-law.

(2) Any authorised officer acting in terms of subsection (1) must, except in the case of property that have been left or abandoned, –

- (a) issue a receipt to the person carrying on the business of informal trader for any property so removed and impounded, which receipt must contain the following information –
 - (i) the address where the impounded property will be kept and the period it will be kept;
 - (ii) the conditions for the release of the impounded property; and
 - (iii) that unclaimed property will be sold by public auction, and
- (b) forthwith deliver any such property to the municipality.

(3) The owner of property which has been removed and impounded in terms of subsection (1) shall, subject to the provisions of sections 16 and 17, be liable for any expenses incurred by the municipality in connection with the removal and impoundment thereof and the municipality may keep such property until all such expenses have been paid, or deal with such property as contemplated in sections 16 and 17.

(4) A certificate issued under the hand of the Chief Financial Officer of the municipality or any person authorised thereto shall be deemed to be proof of any expenses that the municipality has incurred in connection with the removal and impoundment of any property.

15. Impounded property register

The municipality must –

- (a) maintain a register containing the information contemplated in Schedule A, which must be available for public inspection at all reasonable times; and
- (b) complete the impounded property register immediately upon the acceptance thereof into the place of safekeeping and storage set aside for this purpose.

16. Storage and disposal of impounded property

(1) Property removed and impounded in terms of section 14 must be stored in a safe place by the municipality, provided that –

- (a) vegetables and fruit must be stored according to the best available method to prevent such property to become unsound for human consumption or contaminated; and
- (b) perishable food must be stored as prescribed in regulation 8(4)(a) of the Regulations Governing General Hygiene Requirements For Food Premises and the Transport of Food, R962 of 12 November 2012, as depicted in Schedule B.

(2) Any property removed and impounded in terms of section 14, may after the impoundment thereof be sold in terms of section 17, or in the case of perishable food and vegetables and fruit, be destroyed in consultation with a Health Officer designated in terms of the National Health Act, 2003 (Act 61 of 2003), provided that the property will at any time prior to its disposal be returned to the owner at the request of the owner and upon submission of proof of ownership thereof.

14. Verwydering en skut

(1) Indien 'n informele handelaar versuum of weier om te voldoen aan 'n skriftelike versoek, waarvan die inhoud aan hom of haar verduidelik is, om sy of haar eiendom te verskuif of te verwyder, of daardie eiendom vir 'n tydperk van meer as 24 uur sonder toesig laat, kan 'n gemagtigte beamppte eiendom verwyder of skut –

- (a) wat hy of sy redelikerwys vermoed gebruik word of bestem is om gebruik te word of gebruik is by of in verband met die bedryf van enige besigheid van informele handel; en
- (b) wat hy of sy by 'n plek vind waar informele handel beperk of verbied is ingevolge hierdie verordening en wat na sy of haar mening 'n oortreding van hierdie verordening is.

(2) Enige gemagtigte beamppte wat ingevolge subartikel (1) optree, moet, behalwe in die geval van eiendom wat sonder toesig gelaat is of agtergelaat is –

- (a) aan die persoon wat die besigheid van informele handelaar dryf 'n kwitansie uitrek vir enige eiendom wat aldus verwyder en geskut word, welke kwitansie die volgende inligting moet bevat –
 - (i) die adres waar en die tydperk waarvoor die geskutte eiendom gehou sal word;
 - (ii) die voorwaardes vir die aflossing daarvan; en
 - (iii) dat onopgeëiste eiendom by wyse van 'n openbare veiling verkoop sal word, en
- (b) onverwyld enige sodanige eiendom aan die munisipaliteit lewer.

(3) Die eienaar van enige eiendom wat ingevolge subartikel (1) verwyder en geskut is, is behoudens die bepalings van artikels 16 en 17 aanspreeklik vir enige uitgawes wat deur die munisipaliteit aangegaan is in verband met die verwydering en skut daarvan en die munisipaliteit kan sodanige eiendom behou totdat alle uitgawes betaal is of daar mee handel soos beoog in artikels 16 en 17.

(4) 'n Sertifikaat uitgereik onder die hand van die Hoof Finansiële Beamppte van die munisipaliteit of 'n persoon daartoe gemagtig, word geag bewys te wees van enige uitgawes wat die munisipaliteit aangegaan het in verband met die verwydering en skut van enige eiendom.

15. Beslagleggingsregister

Die munisipaliteit moet –

- (a) 'n register byhou wat die inligting, beoog by Bylae A bevat en wat te alle redelike tye vir publieke insae beskikbaar moet wees; en
- (b) die beslagleggingsregister onmiddellik met die aanvaarding van eiendom voltooi by die plek van veiligheid of bering wat vir hierdie doel daargestel is.

16. Bering van en wegdoening met geskutte eiendom

(1) Eiendom wat ingevolge artikel 14 verwyder en geskut is moet deur die munisipaliteit in veilige bewaring gehou word, met dien verstande dat –

- (a) groente en vrugte ingevolge die beste beskikbare metode geberg moet word om te voorkom dat dit ongeskik raak vir menslike gebruik of besmet raak; en
- (b) bederfbare voedsel geberg moet word soos voorgeskryf in regulasie 8(4)(a) van die Regulasies Insake Higiënevereistes Vir Voedselpersele en die Vervoer van Voedsel, R962 van 12 November 2012, soos aangedui in (a) Bylae B.

(2) Enige eiendom wat verwyder en geskut is ingevolge artikel 14, kan na die skut daarvan deur die munisipaliteit verkoop word onderhewig aan die bepalings van artikel 17, of in die geval van bederfbare goedere asook groente en vrugte vernietig word in oorleg met 'n Gesondheidsbeamppte aangewys ingevolge die Nasionale Gesondheidswet, 2003 (Wet 61 van 2003), met dien verstande dat die eiendom voor wegdoening aan die eienaar terugbesorg sal word by bewys van eienaarskap daarvan.

(3) In the case of a sale of such property, the proceeds thereof, less any expenses incurred by the municipality in connection with the removal and impoundment thereof, shall, upon presentation of the receipt contemplated in section 14(2)(a), be paid to the person who was the owner thereof when such property was impounded. If such owner fails to claim the said proceeds within three months of the date on which it was sold, it shall be forfeited to the municipality.

(4) The owner of any property, impounded in terms of section 14, who wishes to claim the return of such property must within a period of 21 days of the date of the impoundment thereof, apply to the municipality and must present the receipt contemplated in section 14(2)(a), failing which it may be sold in terms of section 17.

(5) If the owner of any property impounded in terms of section 14, claims the return thereof from the municipality and he or she is unable or refuses to refund any expenses incurred by the municipality in connection with the removal and impoundment thereof, it may be sold in terms of section 17.

(6) In the event of the proceeds of any sale of property contemplated in this section not being sufficient to defray any expenses incurred by the municipality in connection with the removal and impoundment thereof, the owner shall remain liable for the difference.

17. Sale of impounded property

(1) If the owner of impounded property fails to claim such property or pay the prescribed fees as determined by the municipality within 21 days of the impoundment thereof, the municipality must –

- (a) apply to a competent court for authority to sell the property; and
- (b) in the application contemplated in paragraph (a), provide the court with proof that an account as contemplated in subsection (2) was lodged with the owner.

(2) The account contemplated in subsection (1)(b) must include the fees and costs due in terms of this by-law.

(3) The court, whether the amounts set forth in the account contemplated in subsection (1)(b) are disputed or not, must –

- (a) summarily enquire into the matter;
- (b) enquire whether notice was given to the owner of the proposed sale of the property; and
- (c) make such order as it considers just and equitable, including an order –
 - (i) as to costs; and
 - (ii) on the process to be followed by the municipality in the sale of the impounded property.

(4) Employees and councillors of the municipality, or a family member, or a close associate of any municipal employee or councillor, may not purchase any property offered for sale in terms of this by-law, either personally or through any other person, directly or indirectly.

18. Vicarious responsibility

An informal trader shall be held responsible for any conduct by his or her employees that constitutes an offence in terms of this by-law, except where he or she satisfies the court that –

- (a) he or she neither connived at nor permitted the act or omission by the employee concerned;
- (b) he or she took all reasonable steps to prevent the act or omission; and
- (c) an act or omission, whether lawful or unlawful, of the nature charged on no condition or under no circumstances fell within the scope of the authority or employment of the employee concerned,

(3) In die geval van 'n verkooping van sodanige eiendom word die opbrengs daarvan, minus enige uitgawes wat die munisipaliteit aangegaan het in verband met die verwydering en skut daarvan, by aanbieding van die kwitansie beoog in artikel 14(2)(a) aan die persoon wat die eienaar daarvan was toe dit geskut is, betaal. Indien sodanige eienaar versuim om die opbrengs binne drie maande vanaf die datum waarop eiendom verkoop is, op te eis, word dit aan die munisipaliteit verbeur.

(4) Die eienaar van eiendom wat ingevolge artikel 14 geskut is wat die terugbesorging daarvan wil eis, moet binne 'n tydperk van 21 dae vanaf die datum waarop dit geskut is, by die munisipaliteit aansoek doen en moet die kwitansie beoog by subartikel 14(2)(a) aanbied, by versuim waarvan dit deur die munisipaliteit verkoop kan word ingevolge artikel 17.

(5) Indien die eienaar van eiendom wat ingevolge artikel 14 geskut is dit van die munisipaliteit terugeis en hy of sy nie in staat is om te betaal nie, of weier om enige uitgawes wat deur die munisipaliteit aangegaan is met betrekking tot die verwydering en skut daarvan te betaal, mag die eiendom ingevolge artikel 17 verkoop word.

(6) Ingeval die opbrengs van enige verkoping van eiendom beoog in hierdie artikel nie genoegsaam is om uitgawes wat die munisipaliteit in verband met die verwydering en skut daarvan aangegaan het te bestry nie, bly die eienaar aanspreeklik vir die verskil.

17. Verkoop van geskutte eiendom

(1) Indien die eienaar van geskutte eiendom versuim om dit op te eis, of die voorgeskrewe gelde soos deur die munisipaliteit bepaal binne 21 dae vanaf die skut daarvan te betaal, moet die munisipaliteit –

- (a) by die hof aansoek doen vir magtiging om die eiendom te verkoop; en
- (b) in die aansoek beoog by paragraaf (a), die hof voorsien van bewyse dat 'n rekeningstaat beoog by subartikel (2) aan die eienaar gelewer is.

(2) Die rekeningstaat beoog by subartikel (1)(b) moet die gelde en kostes wat verskuldig is ingevolge hierdie verordening, insluit.

(3) Die hof moet, ongeag of die bedrae in die rekeningstaat beoog by subartikel (1)(b) betwissel word of nie –

- (a) summier die saak ondersoek;
- (b) vasstel of die eienaar van eiendom in kennis gestel is deur die munisipaliteit; en
- (c) sodanige bevel maak wat dit as reg en haalbaar beskou, insluitend 'n bevel –
 - (i) ten opsigte van koste; en
 - (ii) rakende die proses wat die munisipaliteit moet volg ten opsigte van die verkoping van eiendom wat geskut is.

(4) Werknemers en raadslede van die munisipaliteit, of 'n familielid, of nabye verbintenis van enige munisipale werknemer of raadslid, mag nie enige eiendom wat te koop aangebied word kragtens hierdie verordening, hetsy persoonlik of deur enige ander persoon, direk of indirek, koop nie.

18. Middellike aanspreeklikheid

'n Informele handelaar sal verantwoordelik gehou word vir enige handeling deur sy of haar werknemers wat 'n misdryf ooreenkomsdig hierdie verordening uitmaak, behalwe indien hy of sy tot bevrediging van die hof kan aandui dat –

- (a) hy of sy nog toegestem het, nog toegelaat het dat daardie betrokke werknemer die handeling verrig of versuim om te verrig;
- (b) hy of sy alle redelike stapte gedoen het om sodanige handeling of versuim te verhoed;
- (c) enige handeling of versuim, hetsy wettig of onwettig, van die aard waarvoor hy of sy aangekla word, in geen omstandighede binne die bevoegdheid of werksverband van die betrokke werknemer gevall het nie;

and the fact that the informal trader issued instructions whereby an act or omission of that nature is prohibited shall not in itself be sufficient proof that he took all reasonable steps to prevent the act or omission.

19. Exemptions

(1) The municipality may grant exemption in writing from one or all of the provisions of this by-law provided that the municipality –

- (a) is satisfied that granting the exemption will not significantly prejudice the principle referred to in section 2; and
- (b) grants any exemption subject to conditions that promote the attainment of the principle referred to in section 2.

(2) The municipality may not grant an exemption under subsection (1) until it has –

- (a) taken reasonable measures to ensure that all persons whose rights may be adversely effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
- (b) provided such person with a reasonable opportunity to object to the application; and
- (c) duly considered and taken into account any objections raised.

20. Appeal.

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

21. Liaison forums

(1) The municipality may establish one or more liaison forums in a community for the purposes of –

- (a) creating conditions for a local community to participate in the affairs of the municipality; and
- (b) promoting informal trading;

(2) A liaison forum may consist of –

- (a) a member or members of an interest group, or an affected person;
- (b) a designated official or officials of the municipality; and
- (c) a councillor.

(3) The municipality may, when considering an application for an approval, or exemption certificate in terms of this by-law, request the input of a liaison forum.

(4) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit an input to the municipality for consideration.

22. Offences and penalties

(1) A person who contravenes or fails to comply with any of the provisions of sections 3, 4(1), 5, 6, 7, 8, 9, 10, 11, 12 and 13, commits an offence and shall, upon conviction, be liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

(2) It is an offence to –

- (a) furnish false information to an authorised officer in respect of any issue pertaining to this by-law;
- (b) to refuse to co-operate with the request of an authorised officer made in terms of this by-law; or

en die feit dat so'n informele handelaar opdrag gegee het ingevolge waarvan 'n handeling of versuim van daardie aard verbied word, sal nie opsigself voldoende bewys wees dat hy of sy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

19. Vrystellings

(1) Die munisipaliteit mag skriftelik tydelike vrystelling verleen van een of al die bepalings van hierdie verordening, met dien verstande dat die munisipaliteit –

- (a) tevrede is dat verlening van die vrystelling nie die beginsel soos beoog in artikel (2) beduidend sal benadeel nie; en
- (b) enige vrystelling verleen behoudens voorwaardes wat die beginsel waarna in artikel (2) verwys word, bevorder.

(2) Die munisipaliteit mag nie 'n vrystelling ingevolge subartikel (1) verleen alvorens dit –

- (a) redelike maatreëls geneem het om te verseker dat alle persone wie se regte nadelig geraak mag word deur die verlening van die vrystelling, insluitend maar nie beperk tot aangrensende grondeienaars of okkuperdeurs, bewus is van die aansoek om vrystelling en hoe om 'n afskrif daarvan te verkry;
- (b) aan sodanige persoon 'n redelike geleentheid gebied het om teen die aansoek beswaar aan te teken; en
- (c) enige besware wat geopper is behoorlik oorweeg en in aanmerking geneem het nie.

20. Appèl

'n Persoon wie se regte geraak word deur 'n besluit wat deur die munisipaliteit gedelegeer is mag teen sodanige besluit appelleer ingevolge artikel 62 die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) deur skriftelike kennisgewing van die appèl en die redes daarvoor binne 21 dae vanaf die datum van kennisgewing van die besluit, aan die munisipale bestuurder te gee.

21. Skakelforms

(1) Die Munisipaliteit mag skakelforms in 'n gemeenskap instel vir die doel om –

- (a) geleenthede vir die gemeenskap te skep om deel te neem aan die aangeleenthede van die munisipaliteit; en
- (b) informele handel te bevorder.

(2) 'n Skakelforum mag bestaan uit –

- (a) 'n lid of lede van 'n belanggroep, of geaffekteerde persoon;
- (b) 'n aangewese beampie of beampies van die munisipaliteit; en
- (c) 'n raadslid.

(3) Die munisipaliteit mag, wanneer 'n aansoek om toestemming, permit of vrystellingsertifikaat oorweeg word ingevolge hierdie verordening, die insette van 'n skakelforum versoek.

(4) 'n Skakelforum of enige persoon of persone bedoel in subartikel (2) mag op eie inisiatief, 'n inset aan die munisipaliteit vir oorweging stuur.

22. Misdryf en strawwe

(1) 'n Persoon wat enige van die bepalings van artikels 3, 4(1), 5, 6, 7, 8, 9, 10, 11, 12, en 13 oortree of versuim om daaraan te voldoen, begaan 'n misdryf en sal by skuldigbevinding aanspreeklik wees vir 'n boete of by gebrek van betaling, tot gevengenisstraf, of tot sodanige gevengenisstraf sonder keuse van 'n boete, of tot beide sodanige boete en sodanige gevengenisstraf, en in die geval van 'n herhaalde of voortgesette misdryf, tot 'n boete vir elke dag wat sodanige misdryf voortduur, of in geval van gebrek van betaling daarvan, tot gevengenisstraf.

(2) Dit is 'n misdryf om –

- (a) vals inligting aan 'n gemagtigde beampie te voorsien in verband met enige saak betreffende hierdie verordening.
- (b) te weier om op versoek van 'n gemagtigde beampie wat ingevolge hierdie verordening gerig is, saam te werk; of

- (c) to hinder or obstruct an authorised officer in the execution of his or her duties in terms of this by-law.
- (3) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.

23. Repeal of by-laws

The Swartland Municipality: By-law for the Supervision and Control of the Carrying on of the Business of Street Vendor, Pedlar and Hawker promulgated under PN 113 of 2005 on 8 April 2005 is hereby repealed as a whole.

24. Short title and commencement

This By-law shall be known as the Swartland Municipality: Informal Trading By-law and shall come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE A

Impounded Property Register

(Section 15)

An impounded property register must, at least, contain the following information –

1. Place where property are kept
2. Date of receipt of property
3. Number and description of property
4. Name and address of person who seized the property
5. Name and address of owner of property (where applicable)
6. Name and address or description of place where property were found
7. Distance between place where property were seized and the pound
8. Date of sale of property
9. Proceeds of sale of property
10. Name and address of purchaser
11. Excess amount (if any) paid to owner or municipality
12. Receipt number

SCHEDULE B

(Section 16(1)(b))

FOOD TEMPERATURES

Column 1 Category	Column 2 Type of food	Column 3 Required core temperature of food products that are stored
Frozen products	Ice cream and sorbet, excluding sorbet which is used for soft serve purposes	-18° C
	Any other food that is marketed as a frozen product	-12° C
Chilled products	Raw unpreserved fish, mollusks, crustaceans, edible offal, poultry meat and milk	+4° C
	Any other perishable food that must be kept chilled to prevent spoilage	+7° C
Heated products	Any perishable food not kept frozen or chilled	≥+65° C

- (c) om 'n gemagtigde beamppte te hinder of te dwarsboom in die uitvoering van sy of haar pligte.

(3) Versuim om te voldoen aan 'n kennisgewing, opdrag of instruksie waarna in hierdie verordening verwys word, verteenwoordig 'n voortgesette misdryf.

23. Herroeping van verordening

Die Swartland Munisipaliteit: Verordening insake die Toesig en Beheer oor die Bedryf van die Besigheid van Straathandelaar, Venter of Smous soos aangekondig per PK 113 van 2005 op 8 April 2005 word hiermee in geheel herroep.

24. Kort titel en inwerkingtredie

Hierdie Verordening staan bekend as die Swartland Munisipaliteit: Verordening insake Informele Handel en tree in werking op die datum van publikasie daarvan in die Provinciale Koerant.

BYLAE A

Beslagleggingsregister

(Artikel 15)

'n Beslagleggingsregister moet ten minste die volgende inligting bevat –

1. Plek waar eiendom gehou word
2. Datum van ontvangs van eiendom
3. Getal en beskrywing van eiendom
4. Naam en adres van persoon wat op eiendom beslag gelê het
5. Naam en adres van eienaar van eiendom (waar van toepassing)
6. Naam en adres of beskrywing van plek waar eiendom gevind is
7. Afstand tussen plek waar eiendom op beslag gelê is en die skut
8. Datum van verkooping van eiendom
9. Opbrengs van verkoopte eiendom
10. Naam en adres van koper
11. Oorskot bedrag (indien enige) aan die eienaar of munisipaliteit betaal
12. Kwitansie nommer

BYLAE B

(Artikel 16(1)(b))

VOEDSEL TEMPERATURE

Kolom 1 Kategorie	Kolom 2 Tipe voedsel	Kolom 3 Vereiste kerntemperatuur van produkte wat geberg word
Bevroere produkte	Roomys, en sorbet, uitgesluit sorbet wat as taaprooms gebruik word	-18°C
	Enige ander voedsel wat as bevroere produkte bemark word	-12°C
Verkoelde produkte	Rou ongepreserveerde vis, weekdier, skaaldier, eetbare afval, hoendervleis en melk	+4°C
	Enige ander bederfbare voedsel wat verkoel gehou moet word om bederwing te voorkom	+7°C
Verhitte produkte	Enige bederfbare voedsel wat nie verkoel of bevroe geberg word nie	≥+65°C

