

EMAKHAZENI LOCAL MUNICIPALITY



STREET TRADING BY-LAW

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1. Notice

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Sections 156 and 162 of the Constitution of the Republic of South Africa Act, 108 of 1996, that Emakhazeni Local Municipality resolved to adopt the following Street

Trading By-laws, with effect from the date of publication. This by-laws are entitled the Emakhazeni Local Municipality Street Trading By-Law.

2. Definitions/ Interpretation

2.1. Unless it is clear that the context shows otherwise, in these by-laws-

"Authorised official" means –

- (a) an official of the municipality who has been authorised by it to administer, implement and enforce the provisions of this by-law;
- (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996] by Emakhazeni Local Municipality.
- (c) a member of the police service, as defined in terms of Section 1 of the South African Police Service Act, 1995 [Act No. 68 of 1995]; or
- (d) a peace officer, contemplated in terms of Section 334 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];
- (e) An Environmental Health Practitioner means an official appointed by the Council, and who is duly registered as an environmental health practitioner with the Health Professions Council of South Africa in terms of section 33(1) of the medical, Dental and Supplementary Health Services Professions Act, 1974(Act No. 56 of 1974).
- (f) A Fire Officer as contemplated in the Fire Brigade Services Act, 99 of 1987

"Act" means the Mpumalanga Businesses Act, 1996 (Act 2 of 1996);

"Council" is the Council of the Emakhazeni Local Municipality established in terms of Local Government: Municipal Structures Act (name, numbers and date of the legislation in terms of which the Municipality was established);

"Formal trader" means any natural or juristic person selling goods for profit whether or not such good have been manufactured by same person or sourced from other entities;

"Garden or park" means a garden or park to which the public has a right of access;

"Goods" means any movable property, and includes a living thing;

"foodstuff" means any article or substance, except a drug, as defined in the Drugs and Drug Trafficking Act, 1992 [Act No. 140 of 1992], ordinarily eaten or drunk by persons, or purporting to be suitable, or manufactured or sold for, human consumption, and includes any part or ingredient of any such article or substance, or any substance used, or intended or destined to be used, as a part or ingredient of any such article or substance;

"Hawkers association" means an association or a committee representing a group of individuals who are conducting business by using a vehicle, a trailer, a caravan or any other moveable structure in a street or at any other place accessible to the public.

"foodstuff" means any article or substance, except a drug, as defined in the Drugs and Drug Trafficking Act, 1992 [Act No. 140 of 1992], ordinarily eaten or drunk by persons, or purporting to be suitable, or manufactured or sold for, human consumption, and includes any part or ingredient of any such article or substance, or any substance used, or intended or destined to be used, as a part or ingredient of any such article or substance;

“Informal Trading” means the conducting of business which, with the consent of the Municipality after consultation with the surrounding owners or other business owners. The business may be carried on by using a vehicle, a trailer, a caravan or any other moveable structure, in a street or at any other place accessible to the public. Subject to such requirements lay down by the Municipality.

“Kerb line” means a kerb line as defined in Section 1 of the National Road Traffic Act, 1996;

“Litter” is anything that has been discarded or abandoned by a street trader or her/his customers;

“Litter” is anything that has been discarded or abandoned by a street trader or her/his customers;

“Mpumalanga Trading hours Act” means the Mpumalanga Trading Hours Act, Act 5 of 1999.

“Mpumalanga Business Act” means

“Municipality” is either the body referred to in Section 2 of the Local Government: Municipal Systems Act 32 of 2000, or the area determined in terms of local Governments: Municipal Demarcation Act 27 of 1998;

“Municipal service” is any system conducted by or on behalf of the Municipality and that is related to refuse, sewerage, storm-water, electricity or water;

“Nuisance” includes, but is not limited to, an act or omission which is offensive, injurious or dangerous to health, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the public at large;

“Property” in relation to a street trader, is anything used in the connection with the carrying on of her/his business;

“Public Monument” means any one of the "public monuments and memorials", as defined in terms of Section 2 of the National Heritage Resources Act, 1999 [Act No. 25 of 1999];

“Public place” has the meaning given to it in the local Government Ordinance, 1939;

“Public roads” has the meaning given to it in the National Roads Traffic Act 93 of 1996;

“Roadway” has the meaning given to it in the National Road Traffic Act 93 of 1996;

“Sell” includes –

- a) offer to sell;
- b) exchange or hire out;
- c) display for sale;
- d) prepare for sale; and
- e) provide a service for reward;

“Sidewalk” has the meaning given to it in the National Road Traffic Act 93 of 1996;

“Street trader” is a person selling goods or offering a service for reward in a public place or public road;

“Street trading” is the selling goods or offering a service for reward in a public place or a public road;

“Town” is the Municipality of Emakhazeni, comprising of Emakhazeni/Siyathuthuka, Dulls room/Sakhelwe, Entokozweni/Entokozweni and Emgwenya/Waterval Boven;

“Trade” means to sell goods or services in a public road or public place, and “trading” has a corresponding meaning;

“Caravan” means an enclosed vehicle which is designed or adapted solely to live in and which is drawn by another vehicle and as defined by the National Road Traffic Act, Act 93 of 1996.

“Trailer” means A trailer means a vehicle which is not self propelled and which is designed and adapted to be drawn by a motor vehicle as defines in the National Road Traffic Act, Act 93 of 1996.

“Trading permit” means a document issued by

“Vehicle” includes, but is not limited to –

- a) a self-propelled vehicle;
- b) a trailer; and
- c) a hand-drawn vehicle;

a reference to a street trader also includes an employee of such a trader; the selling of newspapers or any other item authorized by the Municipality, on the street, does not constitute street trading;

"Verge" means a verge as defined in Section 1 of the National Road Traffic Act, 1996;

“Mpumalanga Business Act” means

For the purpose of these by-laws a single act of selling or offering services in a public road or space shall constitute trading.

“once-off event” means an event that occurs only occasionally and not on a daily basis;

3. Objective

The objects of these by-laws are to –

- 3.1. Support and encourage street trading as a way of enhancing the Municipality’s existing formal economic activities; and
- 3.2. Manage street trading in such a way that acceptable standards of public health, pedestrian safety and a free flow of traffic are maintained.

4. Freedom to Trade

Subject to the provisions 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 Section 5 to 12 inclusive and Sections 14 and 15 of these bylaws, with the provision that no persons other than person with permanent residence in South Africa or South African citizens may trade in accordance with these by-laws.

5. Non-discrimination

- 5.1. These by- law is applied in such a way as not to discriminate between persons on the grounds of race or gender.
- 5.2. These by-law applies in such a way as to respect and protect all people’s rightsto dignity and freedom of trade, occupation and profession.

6. Application of By-Laws

These by-law applies to all persons engaging in street trading or applying to engage in the street trading in the jurisdiction of Emakhazeni Local Municipality, regardless of whether they live within the Municipality's area of jurisdiction or not.

7. Areas prohibited for street trading

7.1 For the purposes of street trading, the municipality has –

7.1.1. Prohibited areas;

Prohibited areas are those places in which street trading is prohibited and that is declared as such by the Council; or

7.1.2. Restricted Areas;

Restricted areas are those places in which street trading is restricted and that is declared as such by the Council;

7.1.3. The Municipality may indicate on a trading permit or display signs or markings to indicate-

- a) the hours during which street trading may take place ;
- b) The Municipality may determine trading hour in line with the Mpumalanga trading hours Act no. 5 of 1999.
- c) the boundaries of the areas where street trading may take place or where it is prohibited;
- d) the boundaries of individual stands;
- e) Placing properties on verge/public place without permission
- f) the goods and services which may be traded in;

7.2 In addition to the areas declared as prohibited by the Council in terms of Section 7 of these by-laws, street trading is also prohibited in the following place-

7.2.1. on a stand, if the person is not in possession of proof of her/his permission from the Municipality to trade there;(on an empty stand or ERF He/she is not in position, is not in ownership of ERF is not allowed to trade on the property)

7.2.2. adjacent to –

- a) a building belonging to or solely occupied by the State or the Municipality;
- b) a place of worship;
- c) a building declared a national monument in terms of the National Monuments Act 28 of 1969
- d) in a garden or park, except with the written approval of the Municipality;

- e) Adjacent to a building where business of the same nature is being carried on, unless the person carrying on the business consent to the street trading.
- f) adjacent to a building used for residential purpose, unless the owner or person in control or the occupants consent to the street trading ;
- g) at place where
 - i. it obstructs a road traffic sign, road marking, a notice or demarcated parking areas.
 - ii. it obstructs vehicular traffic or access to motor vehicles;
 - iii. it obstructs the view of a road or any traffic on such a road;
 - iv. It obstructs pedestrian traffic in the use of a sidewalk; causing a nuisance or a health hazard.
 - v. it obstructs the entrance to or exit from a building, arcade or mall
 - vi. it obstructs facilities for pedestrian or vehicular traffic, including, but not limited to pedestrian crossings, parking bays and loading bays and loading bays;
 - vii. it obstructs facilities for the use of the general public, including , but not limited to bus shelters; benches and refuse bins;
 - viii. it obstructs access to an automatic teller machine (ATM) banks, post office ;and
 - ix. within a radius of 5 meters of a fire hydrant.

8. Permission for Street Trading By-laws

- 8.1. Any person who wishes to trade as a street trader must apply to the Municipality for a permit to trade by completing the prescribed form that will be issued by the Municipality.
- 8.2. For permission to engage in street trading, the applicant must be a South African citizen in possession of an Identity Document issued by the Department of Home Affairs.
- 8.3. Foreign National must be in possession of a valid work permit or a business permit.
- 8.4. Preference shall be granted first to people who are permanent residents of Emakhazeni Local Municipality with a Municipal account.
- 8.5. The applicant shall complete the application form attached to this by-law as *Annexure A*.
- 8.6. The Municipality reserves the right to limit the number of street traders.
- 8.7. A permit to trade does not imply that upon expiry that such a permit will be renewed. Renewal of a permit shall depend on factors such as good behavior; co-operation between the trader and the Municipality, Co-operation between the trader and other trader, co-operation between the trader and the hawkers association that they belong to.
- 8.8. Traders who do not wish to belong to the hawkers association shall have their permit revoked.

- 8.9. Only one permit shall be issued to a person in the Emakhazeni area of Jurisdiction.
- 8.10. The Municipality shall determine the size and the location of the stand allocated for street trading and the types of goods or services allowed for the site.
- 8.11. Payment shall be made only upon approval by the Committee.
- 8.12. The municipality shall appoint the Municipal Manager as the Licensing officer and the Municipal Manager may delegate such duties to an Official who shall be appointed as the Licensing Officer for the purpose of :-
 - a. Processing the application forms
 - b. Receiving payments for applications
 - c. Capturing of fines
 - d. Receiving payments for fines
 - e. Coordinate and participate in the hawkers forums
 - f. And any other duties as they may be assigned from time to time by the Municipal Manager.
- 8.12.1. No traders may trade with herbs or traditional medicine informally or on the streets. Such must be in a formal business and must be registered under the relevant authority.

9. Establishment of a Business Licensing Committee of Council

- 9.1. The Municipality shall appoint a committee that will review every application and either grant or decline any application received.
- 9.2. The Committee shall be responsible for processing Business licenses and street trading permits.
- 9.3. The committee shall be chaired by an Honorable Councilor delegated by Council.
- 9.4. The Chief Licensing Officer shall serve as the Secretary of the Committee.
- 9.5. The Committee shall further comprise of the following persons:
 - 9.5.1.1.1. The Chairperson of the Emakhazeni Hawkers Association when processing the applications for street traders.
 - 9.5.1.1.2. The Secretary of the Emakhazeni Hawkers Association when processing applications for street traders.
 - 9.5.1.1.3. A Ward Councilor from the wards in which the applications are coming from.
 - 9.5.1.1.4. The Manager responsible for Planning and Development in the Municipality
 - 9.5.1.1.5. A representative from the Finance Department of the Municipality.
 - 9.5.1.1.6. The Senior Manager responsible for Community Development Services or a delegate.

- 9.5.1.1.7. A member from either the Municipality's By-Law Enforcement Unit or a Traffic Officer
- 9.5.1.1.8. The Committee may include a member of the South African Police Service
- 9.5.1.1.9. And any other person as Council or the Committee shall deem necessary to be part of the committee.

- 9.6. The committee as shall have the power to amend the applicants business activity.
- 9.7. The committee indicated in shall have the power to decline any application for reasons that will be indicated by the committee.
- 9.8. The Committee shall sit at least once per quarter or as and when necessary and as guided by the number of applications received.
- 9.9. The Manager Enforcement, Security and Public Safety shall submit a list of all received applications received to Council. The list shall contain but not limited to the following information:
 - 9.9.1. Name and Surname of the permit holder
 - 9.9.2. The residential address of the permit holder
 - 9.9.3. Type of business
 - 9.9.4. Services rendered or items to be sold
 - 9.9.5. Final outcome of the application
 - 9.9.6. Where necessary, the reasons why the application was declined by the committee
 - 9.9.7. The payment received.
- 9.10. If the application is successful : –
 - 9.10.1. She/he shall be allocated a stand
 - 9.10.2. An allocated stand may not exceed 2 meters in length and width
 - 9.10.3. A stand allocated for a mobile unit shall not exceed 6 meters in length and 3 meters in width.
 - 9.10.4. She/he concludes a lease agreement with the Emakhazeni Local Municipality at the rental amount that shall be determined by the Municipality, taking into account the size of the stand, the desirability of the location, and the level of services provided; and
 - 9.10.5. Proof of the permission to carry on street trading on a particular stand is issued to the applicant.
 - 9.11. The Business Licensing Committee shall recommend to Council the establishment of an appeals Committee.

10. Conduct of Street Traders

- 10.1. Street traders must, in the carrying on of their trade, adhere to the following requirements regarding their conduct.

- 10.1.1. street traders must always while carrying on her/his trading, be able to produce proof of the permission to carry on street trading as issued by the Emakhazeni Local Municipality.
- 10.1.2. If the street trading business is carried on in a public place or near a public road, a street trader may not sleep overnight at the place of business under any circumstances.
- 10.1.3. The street trader must ensure that the fire referred to in subsection does not harm any person or property.
- 10.1.4. A street trader may not create a nuisance or cause pollution of any kind to the public or environment;
- 10.1.5. A street trader may not damage the surface of a public road or place or any property, whether public or private.
- 10.1.7. A street trader may not create a danger to traffic or cause any disturbance to any vehicular traffic.
- 10.1.8. A street trader may not obstruct access to a municipal office of any other government buildings;
- 10.1.9. A street trader must by request of an authorized official or a supplier of other services, move her/his property to permit the carrying out of work related to that service; and
- 10.1.10. A street trader may not display her/his goods in such a way as to obstruct the visibility of a display window.
- 10.1.11. A Street trader may not sell on the roadway.

11. Cleanliness of a Place of Business

- 11.1. A street trader must, at the end of each trading day, remove everything that she/he utilized in connection with trading;
- 11.2. A street trader must keep the area he/she occupies for the purpose of trading as well as everything used in connection with trading, in a good state of repair, clean and free of litter;
- 11.3. A street trader must store or dispose of litter or waste in a refuse container.
- 11.4. Street traders must move the property/goods so as to permit the cleaning of the area by the Municipality's employees or contractors.
- 11.5. If a street trader prepares and/or sells food, in the requirements in subsections 10.1 to 10.3, she/he-
 - 11.4.1. Must apply for a certificate of acceptability from the Municipal Health Services;
 - 11.4.2. Must have the certificate mentioned in subsection 10. (a) Available while trading;
 - 11.4.3. must ensure that the food is prepared in a safe and hygienic manner; and

- 11.4.4. Must prevent spilling of fat, grease or oil onto a public road, drainage system or public place;

12. Door to Door traders

12.1 Door to door traders shall be required to have a trading permit from the municipality

11.2 door to door traders shall carry their trading permits at all times when conducting their business.

12. Formation of a Hawkers Association

12.1 Powers of Local authority - (a) Local authority may make by-laws regarding-

- 12.1.1. The supervision and control of carrying on of the business of hawkers or street vendors.
- 12.1.2. The restriction of carrying on of such business
- 12.1.3. Regulating the functionality of the Hawkers Association
- 12.1.4. Assist in the establishment of the association by providing secretarial work in its first meeting.
Offer advice regarding the composition or configuration of the association.

13. Composition of the structure

- 13.1.1. The association shall consist of members representing each of the four units of the Municipal area, i.e. Belfast/Siyathuthuka, Entokozweni/ Emthonjeni, Emgwenya and Dullstroom / Sakhelwe, known as the Executive Committee.
- 13.1.2. The chairpersons and Secretaries from each of the four (4) units shall form a Management body , which shall be known as the Emakhazeni Street Traders Association
- 13.1.3. The Executive of the sub-forum as well as the Management body shall comprise of hawkers or street vendors who are residents of South Africa by birth or naturalization.
- 13.1.4. Non-South African citizens shall participate on the activities of the sub-forums but cannot hold positions as Executive Members
- 13.1.5. Emakhazeni Local Municipality shall be represented in the meetings of the structure by an official responsible or any other delegated official and a Councillor responsible for that Ward.
- 13.1.6. In the absence of the Sub-forum the Municipality shall establish an interim body to oversee the work of the structure
- 13.1.7. The term of Office of the Sub-Forum as well as the Management Committee shall be for a period of three years.

13.2. Roles and Responsibilities the association

- 13.2.1. It Acts as a recommendation making body and the Management structure of the sub-forums
- 13.2.2. It issues and send directives to the sub-forums
- 13.2.3. It has powers in appropriate circumstances to delegate some of its duties and powers to the subforum

- 13.2.4. Subject to the guidelines issued by the Municipality, it shall determine the sitting of meetings of the subforum
- 13.2.5. Its Members shall be obliged to uphold the guidelines of the structure
- 13.2.6. Members shall be responsible to ensure that all decisions are taken in the best interests of structure;
- 13.2.7. Members are responsible to ensure that their roles are carried out effectively and without any ambiguity;
- 13.2.8. Its responsible to oversee the functions of their sub-forum

14. Calling of Meetings

14.1. Members of the Management Committee or the Executive body shall make a determination about the sequence of the meetings of the subcommittee's as well as the sequence of its own meeting.

14.2 The chairperson and the secretary of the subforums are eligible to sit at the Management Committee (Higher structure)

14.3 Emakhazeni Local Municipality shall be represented in the meetings of the structure by an official responsible or any other delegated official and a councillor responsible for that Ward

15. Removal and Impoundment

15.1 A street trader who does not, at the end of each trading day, remove everything that she/he utilized in connection with trading

15.2. A street trader who carry on her/his trade in such a way that it is a danger to safety or the environment

15.3. Stacks property /goods in such a manner that constitute a danger to any person or property or likely to cause injury to a person or property

15.4. A street trader who does not keep the area he/she occupies for the purpose of trading as well as everything used in connection with trading, in a good state of repair, clean and free of litter

15.5. street trader who stores or does not dispose of litter in a refuse receptacle approved or provided by the Municipality.

15.6. A street trader who, at the request of an employee of the Municipality, does not move or remove anything utilized in connection with her/his trading, so that the place of business may be cleaned; and

15.7. A street trader who has been granted a permit or license in line with this by-law and does -

15.6.1. not in possession of a certificate of acceptability from the Municipal Health Services

15.6.2. not have the certificate stated in Section 12.6.1 while trading available while trading;

15.6.3. not ensure that the food is prepared in a safe and hygienic way; and

15.6.4. allows the spilling of fat, grease of oil onto a public road or public place.

15.6.5. Such a trader's goods may be confiscated or impounded

- 12.6.7. A Law Enforcement Officer is authorized employee of the Municipality may remove and impound anything-
- a) which she/ he reasonably suspects is or was used in connection with a street trader's business, and
 - b) which is found at a place where the carrying on-of a street trader's business is restricted or prohibited in terms of these by-laws and which, in her/his option, infringes the prohibition or restriction, whether or not the goods are in the possession or under the control of anyone at the time of impoundment or removal.
- 15.8. Before removing and impounding anything in terms of sub-section 12, the Municipality must give the street trader or the person under whose control the goods are, written details of the alleged infringements and reasonable notice to remove the goods.
- 15.9. If the goods are removed and impounded, the authorized employee must, except where goods have been left or abandoned, issued a receipt for the goods impounded and removed to the person who appears to be in control of the goods, which receipt must-
- 15.8.1. itemized the property to be removed and impounded.
 - 15.8.2. provide the address where the impounded property will be kept, and the period thereof.
 - 15.8.3. state the conditions for the release of the impounded property.
 - 15.8.4. state the terms and conditions relating to the sales of unclaimed property in a public auction; and
 - 15.8.5. provide the name and address of the council official to whom any representations regarding the impoundment may be made, and the date as well as the time by which this must be marked and kept safe.
- 15.10. After criminal proceedings are finalized or a fine has been paid, the owner may claim her/his goods by submitting proof of ownership to the satisfaction of the Municipality
- 15.11. At least twice a year, the Municipality shall publish a notice in two languages in a newspaper circulating in the Municipality or a short message service, face book or WhatsApp, containing –
- 15.11.1. A description of the goods removed in terms of subsection 12
 - 12.10.2. the address where the goods were found.
 - 12.10.3. if known, the owner's names.
 - 12.10.4. an indication that the owners may claim their goods by proof of ownership of the satisfaction of the Municipality; and
 - 12.10.5. an indication that if the goods are not claimed within three months from the date of publication of the notice, it will be destroyed if it is of no commercial value and if it has value, it will be sold by public auction and the proceeds retained by the Municipality to cover its costs.
- 15.12. If the goods are not claimed within three months from the date of publication of the notice, it will be sold by the public auction and the proceeds retained by the pound master Municipality to cover its costs.

- 15.13. If the goods are perishable, it will only be kept for 24 hours from removal and impoundment and then destroyed.
- 15.14. The Municipality is not liable for any loss of or damage to goods arising out of its removal and impoundment or as a result of the goods being sold by public auction, subject to fair administration procedures.
- 15.15. The owner of the goods does not have any claim or redress against the Municipality if the goods pass to a person other than the owner.

16. Vicarious Liability

- 16.2. If an employee of a street trader commits an offence in terms of these by-laws, the street trader is deemed to have committed the offence herself/himself and shall be liable unless she/he proves that –

16.1.1. In committing the offence, the employee was acting without her/his permission or knowledge

16.1.2. he/she took all reasonable steps to prevent the employee from committing the offence; and

16.1.3. the offence was not committed within the scope of the employee's authority or the course of the employee's employment.

16.1.4. If a street trader is liable in terms of subsection 12.1 for an offence committed by her/his employee is also liable for that offence.

- 16.3. If a street trader is liable in terms of subsection 12.1 for an offence committed by her/his employee is also liable for that offence.

17. Appeals Procedure

- 17.1 A person whose rights are affected by a decision taken by –

17.1.1. The Council; or An employee of an Emakhazeni Local Municipality in terms of a power or duty delegated to it/them, or by the Business Licensing Committee may appeal against the decision.

17.1.2. The appeal is lodged by giving written notice of the appeal and the reasons to the Municipal Manager within 21 days after the date of notification of the decision.

17.1.3. The Appeal's Committee shall consider the appeal and shall confirm or revoke the decision that was taken, it may not detract from any rights that accrued as a result of the decision; and

17.1.4. An appeal authority shall start with an appeal within six weeks and take a decision within a reasonable period.

18. Offences and Penalties

- 18.1. A person commits an offence in the terms of these by-laws if she/he –

18.1.1. Contravenes or fail to comply with a provision of these by-laws or an approval or condition granted or imposed in terms of these by-laws.

18.1.2. Disregards any notice, sign or marking displayed for the purpose of these by-laws.

18.1.3. Makes a false statement or furnishes false or misleading information to an authorized employee; or

18.1.4. Threatens or prevents an authorized employee to exercise his powers or duties in terms of these by-laws.

18.1.5. Failure to comply with the direction of a Peace Officer, a By-Law enforcement Officer, a Traffic Officer or a Police Officer.

18.2. The Municipality must give written details of the alleged offence and provide reasonable notice to the person who allegedly committed this offence to remedy the behavior; alternatively where circumstances dictate a fine may be issued, and if the fine is not paid then summons must be issued to appear in court.

18.3. a person who commits an offence in terms of these by-laws and is convicted, is liable to an appropriate fine or to such community service as imposed by the presiding officer.

19. Repeal of By-laws

The following By-Laws are hereby repealed:

19.1. By-Laws of Belfast Town Council

19.2. By-Laws of Dullstroom Town Council

19.3. By-Laws of Machadodorp Town Council

19.4. By-Laws of Waterval Boven Town Council

19.5. By-Laws of Machadodorp Town Council

19.6. By-Laws of Highlands Municipality

19.7. By-Laws of Emakhazeni Local Municipality

20. Short title and commencement

This By-Law is called the Emakhazeni Local Municipality : Street Trading By-law and takes effect on the date of publication in the Provincial Gazette.

ANNEXURE A

APPLICATION FORM FOR PERMISSION TO ENGAGE IN THE STREET TRADING IN EMAKHAZENI LOCAL MUNICIPALITY



EMAKHAZENI LOCAL MUNICIPALITY

24 Scheepers Street
Emakhazeni, 1100
P.O Box 17
Emakhazeni, 1100

Tel: 013-253-7600
Fax: 013-253-2440/
013-253-1889

E-mail: municipality@emakhazenilm.co.za

OFFICE OF THE MUNICIPAL MANAGER

Enquiries : Mr. ZS NTIMANE (0861110110)

APPLICATION FOR A BUSSINESS PERMIT

PARTICULARS OF APPLICANT

1. FULL NAME & SURNAME : _____
2. IDENTITY/ PASSPORT NUMBER : _____
3. RESIDENTAIL ADRESS : _____
4. BUSINESS OPERATING ADDRESS : _____
5. CELL /TEL NUMBER : _____
6. WORK PERMIT IF APPLICABLE : _____
7. DATE OF APPLICATION : _____
8. NATURE OF BUSSINESS APPLIED FOR:

Tucksho p/ Spaza	Supermarket	Take away food	Fruits & vegetable	Street Vending/ Hawker	Other please specify

Applicants Signature : _____ Date: _____

Signature of designated Officer : _____ Date: _____

NB: Please attach the following documents (ID copy, Copy of Municipal Account for the business stand, Passport, Visa together with Asylum if applicant is a foreign national)

Official stamp _____

TARRIFF STRUCTURE FOR INFORMAL/ STREET TRADING APPLICATION

FOR THE YEAR 2025

Item No.	Business category	Applicable fees	
		1 year	1 day permit
1.	Street traders selling perishable goods items or prepared meals such as: Fruits and vegetables, Fish and Chips, prepared meals, fat cakes, atchar, and any other perishable food items. The trader may not sell any other item or provide any other service.	R120,00	R50.00
2.	Street traders trading in services such as shoe maker, shoe repairs ,second hand clothing, tailoring(sewing) of any items, cell phone repairs	R120,00	R60.00
3.	Street traders trading in services such as car wash, hair salon , crafts, and related	R 120,00	R60.00
4.	Informal and small business which do not sell food or perishable goods, i.e. (car wash, hair salon, small café, cell phone repair stores)	R120.00	R60.00
5.	Street trader providing services such as tyre repairs, selling of used tyres and rims, selling of motor parts such as wind shields, window glass tinting, steering wheel covers, seat covers and any other motor related excluding mechanical and electrical repairs.	R300.00	R80.00

6.	Street traders providing services such as welding works, selling gates and bugler proof,	R300.00	R70.00
7.	Street traders selling fertilizer, grass/ lawn, charcoal, fire wood with the exclusion of coal	R120.00	R50.00
8.	Food caravan	R200.00	R120.00
9.	Food trailer	R200.00	R120.00
10.	Any other vehicle trading in food	R200.00	R120.00
11.	Street trader trading in new or used clothing items	R120.00	R60.00
12.	Street traders trading in electronics with the exclusion of televisions, CCTV cameras, security items and any other electronics not used for music and data	R150.00	R70.00
13.	Street traders providing photography services	R120.00	R60.00
14.	Door to door traders	R100.00	R80.00

The annual increment of the above fees shall be determined by Council as per the Municipal Finance Management Regulations in line with the annual tariff structure of the Municipality. Council considers a budget review for every financial year which starts on the 1st of July and ends at the 30th of June of each calendar year.

FINES AND PENALTIES

Section contravened	Description of the offence	Fine	Offence code
Sect 7.1.3. (d)	Placing properties on verge/public place without permission	R400	EMST 001

Sect. 7.1.3. (c)	Conducting a business outside a demarcated area unless the area has been rezoned accordingly	R250	EMST 002
Sect. 15.3	Stacking property /goods in such a manner as to constitute a danger to any person or property or likely to cause injury to a person or property	R400	EMST 003
Sect. 10.1.11	Trading on a roadway	R400.00 plus withdrawal of the permit where a permit was issued	EMST 004
Sect. 18.1.5	Failure to comply with the direction of a Peace Officer, a By-Law enforcement Officer, a Traffic Officer or a Police Officer	R1500.00	EMST 005
Sect. 15.1.	Failure to remove goods excluding temporary structures after trading hours.	R300	EMST 006
Sect. 7.2.	Failing to abide by the request of the official of council to move his/her property so as not to obstruct a public road or public place, parking or driveways.	Withdrawal of permit for a minimum period of 12 months	EMST 007

Sect. 11.2 and 11.3.	Failing to keep the occupied area clean and in a hygienic condition	R200	EMST 008
Sect. 11.4. and 10.1.9.	Failing to move the property/goods so as to permit the cleaning of the area by the Municipality's employees or contractors	R500	EMST 009
Sect. 10.1.1 and 11.4.2..	Failure to produce a hawkers permit when requested to do so by the a Police Officer, By-Law Enforcement Officer, a Traffic Officer of the Municipality, or any other Official delegated to do so by the Municipality.	R1500.00	EMST 010
Sect. 7.1.3.b	Conducting a business outside the hours of trading that are determined by the Municipality and in line with the Mpumalanga trading hours Act no. 5 of 1999.	R200	EMST 011
Sect. 11.3. and 15.4.	Fouling and littering of public spaces (papers, bottles, cans, hair and cigarette butts, etc.)	R250	EMST 012
Sect. 18.1.1.	Violation of permitted conditions	R200	EMST 013
	Allowed other person or persons to consume alcohol in the premises	R250.00	EMST 014
	Promotion of goods or products without	R250	EMST 015

	permit/Licence		
	Allowed another person to use a permit not issued to the person by renting such permit, borrowing or any other arrangement.	R1000.00	EMST 016
	Trading with an expired licence/permit	R200 per day	EMST 017
	Trading with a deceased persons licence/ permit	R400.00	EMST 018
	Selling of harmful substances	R1500.00	EMST 019
	Trading while under the influence of alcohol	R200.00	EMST 020
	Playing music while trading	R100.00	EMST 021
	Trading with traditional herbs or medicines.	R300.00	EMST 022
	Selling goods to a driver of a vehicle and allowing the driver to stop on a roadway	R200.00	EMST 023
	Selling of drugs or any other substance as defined by the Drugs and Drug Trafficking Act, Act 140 of 1992	No Admission of Guilt and withdrawal of the permit for a maximum period of five years.	EMST 024
	Operating outside the conditions of business licence, failing to comply with conditions of a	R250.00	EMST 025

	licence/permit.		
	Trading without a trading permit	R300.00	EMST 026
	Being found in possession of stolen goods	No admission of guilt and withdrawal of the permit	EMST 027
	Door to door trading without a permit	R200.00	EMST 028
	Trading with alcohol	R500.00 plus confiscation of the alcohol	EMST 029
	Any authorized Officer may remove or impound any goods which he/she suspects is being used or intended to be used, in connection with street trading where street trading is restricted	R500.00 plus confiscation of goods.	EMST 030
	Failure to remove confiscated perishable items from the pound within seventy two hours from the time of confiscation.	Destroying of the goods	EMST 031
	Erecting any structure outside the boundaries of the business premises for the purpose of conducting business, without prior approval from the Municipality	R400.00	EMST 032
	Obstructing access to a fire hydrant or area demarcated solely for purposes of and use of emergency vehicles or	R2000.00	EMST 033

	services		
	when requested by an employee or agent of the Municipality or any supplier of telecommunications, electricity or other services, omit or neglect to move his or her property so as to permit the carrying out of any work with regard to a public place or any such service	R1000.00	EMST 034
	make a n open fire at the designated area or in circumstances where it could harm any person or cause air pollution	R300.00	EMST 035
	promote his/her business by using a megaphone, radio, loudspeaker, or by constant shouting or disturbance without prior written consent of the Municipality	R750.00	EMST 036
	fail to dispose of litter generated by his or her business in whatever receptacles approved by the Municipality and not dispose of litter in any street litter receptacle which is meant for use by pedestrians	R750.00	EMST 037
	fail to take such precaution measures to prevent the spilling or discharge onto a public place or municipal drainage system of any fat, oil, grease or any	R750.00	EMST 038

	hazardous substances which might be generated in the course of conducting his or her business and to prevent that any smoke, fume, outdoor or noise emanating from his or her activities become a nuisance		
	fail to have access to fire extinguishers or firefighting equipment as shall be prescribed by the Municipality; an	R1000.00	EMST 039
	fails to comply with a lawful written instruction by the Municipality to move or remove his or her property;	R2000.00	EMST 040
	deliberately furnished false or misleading information to an official or an employee of the Municipality; and/or	R2000.00	EMST 041
	threatens, resists, interferes with or obstructs a Police Officer, an official or employee of the Municipality in the performance of his or her powers, duties or functions under this By-la	R2500.00	EMST 042
	Failure to cooperate with other traders or causing fights or an exchange of words with other traders	R250.00	EMST 043

	Kept or stored food in an unhygienic or unacceptable manner.	R500.00	EMST 044
Sect. 18.1.3.	Provided an authorized Officer with incorrect or misleading information.	R1500.00	EMST 045