

ANNEXURE “A”
EAST LONDON
INFORMAL STREET TRADING BY-LAW

INTERPRETATION

1. (1) In this by-law, unless the context otherwise indicates –

- (1) the “Act” means the Businesses Act, 1991 (Act 71 of 1991) as amended, and any word or expression to which a meaning has been assigned in the Businesses Act, 1991 (Act 71 of 1991) as amended, shall have that meaning;
- (ii) “authorized official” means an official or employee of the council authorized to implement the provision for these by-laws;
- (iii) “Council” means the East London City Council;
- (iv) “Code of Practice” means the specific requirements deemed by Council to be necessary for the safe and hygienic preparation, handling, sale and storage of foodstuffs;
- (v) “Foodstuffs” means foodstuffs defined in Section 1 of the Foodstuffs Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972 as amended);
- (vi) “garden or park” means a garden or park to which the public has a right of access;
- (vii) “goods” includes a living thing and any transferable interest;
- (viii) “litter” includes any container or other matter which has been discarded, abandoned or left behind by a person trading or his customers;
- (ix) “Mobile Vendor” means any person with or without a vehicle going from place to place for the purpose of preparing, serving displaying, distributing or delivering any goods, including foodstuffs;
- (x) “national monument” means any place declared or to be declared a national monument under the National Monument Act, 1976 (Act 28 of 1969) as amended;
- (xi) “prohibited area” means any area declared to be an area in which street trading is prohibited under section 6A of the Act;
- (xii) “property”, in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or structure used or

intended to be used in connection with such business, and goods in which he or she trades;

- (xiii) “public building” means a building occupied solely by the State or the council;
 - (xiv) “public place” means a public place as defined in the Municipal Ordinance, 1976 (Ordinance No. 20 of 1974);
 - (xv) “public road” means a public road as defined in section 1 of the road Traffic Act, 1989 (Act 29 of 1989) as amended;
 - (xvi) “restricted are” means any area declared by the Council to be an area in which street trading is restricted under section 6A (2) of the Act;
 - (xvii) “roadway” means a roadway as defined in section 1 of the Road Traffic Act, 1989 (Act 29 of 1979) as amended;
 - (xviii) “sell” includes supply exchange hire, store, expose offer and prepare for sale and “sale” has a corresponding meaning;
 - (xix) “sidewalk” means a sidewalk as defined in section 1 of the Road Traffic Act 1989 (Act 29 of 1989) as amended;
 - (xx) “Static Vendor” means any person setting up a stall for the purpose of selling or preparing any goods, including foodstuffs, from a static location;
 - (xxi) “trade” means sell goods or services and “trading has a corresponding meaning;
 - (xxii) “verge” means a verge as defined in section 1 of the Road Traffic Act, 1989 (Act 29 of 1989) as amended;
- (2) For the purpose of these by-laws a single act of selling shall constitute trading.

GENERAL CONDUCT

2. No person who trades shall –
- (a) place his or her property on a verge or public place except for the purpose of trade;
 - (b) allow his or her property to cover an area of a public road or public place which is greater in extent than 2 metres long and one metre wide;
 - (c) place or stack his or her in such a manner that it constitutes a danger to any person;

- (d) allow his or her property to exceed 1.5 meters in height;
- (e) obstruct access to a fire hydrant or any water reticulation facilities;
- (f) on concluding business for the day leave his or her property on a public road or in public place;
- (g) damage or deface any public road, public place or public property;
- (h) refuse or fail to remove his or her property upon request by an employee or agent of the Council or any supplier or Telecommunications, electrical or other services where it is necessary to carry out any work on a public road, in a public place or in connection with such services;
- (i) attach any object by any means to any building, structure, pavement, tree, parking meter lamp pole, electricity pole, telephone booth, post box, traffic sign, road name, sign board, traffic signal, bench or any other street furniture in or on public road or public place;
- (j) store his or her property in or on any municipal facility or property, including dust bins, bus benches or shelters;
- (k) make a fire at a place or in circumstances where it could harm any person or damage a building, vehicle or equipment or any street furniture referred to in paragraph (j);
- (l) trade in food commodities unless licensed therein in terms of the Businesses Act, 1991 (Act 71 of 1991) as amended and Health Act, 1977 (Act No. 63 of 1977) as amended;
- (m) fail to display conspicuously at all times;
- (n) display any item which transmits red, yellow or green light, within 19 metres of a traffic light.

**CLEANLINESS OF PLACE OF BUSINESS AND PROTECTION
OF PUBLIC HEALTH**

3. Any person who trades shall –
- (a) remove daily, from any public road or public place, at the end of each trading day or at the conclusion of trading, all goods, foodstuffs, movable structures, litter, packaging material, stock and equipment if whatsoever nature which are utilized in connection with or result from such business;
 - (b) carry on his or her business in such a manner as not to endanger or cause a threat to public health or public safety and shall conform with

the Council's "Code of Practice" pertaining to the preparation, handling, sale and storage of foodstuffs;

- (c) at the request of an authorized official of the Council move or remove anything so that the place of business may be cleaned;
- (d) keep the area or stand occupied by him or her for the purpose of his or her business and his or her property in a clean, sanitary condition and free of litter at all times;
- (e) or, take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure;
- (f) be charged a hiring fee and avail his/herself to a refuse collection service as determined by the Director of Community Services or his authorized representative and the applicable tariff be charged as determined by Council.

OBSTRUCTION OF PEDESTRIANS

4.(1) No person whilst trading –

- (a) obstructs access to public amenities such as a bus passenger bench, shelter or queuing lie, a refuse disposal bin, parking meter or other facility intended for the use of the general public;
 - (b) obstructs the view of a display business window;
 - (c) obstructs access to an entrance to or exit from a building, pedestrians arcade or mall;
 - (d) obstructs access to a pedestrian crossing
 - (e) obstructs access to or egress from any vehicle;
 - (f) obstructs pedestrians in their use of a sidewalk.
- (2) No continuous trading space may be longer than 4 metres.
- (3) There shall be at least 1.5 meters between such continuous trading spaces.

OBSTRUCTION OF VEHICULAR TRAFFIC

5. No person shall trade at a place which –

- (a) is within 5 metres of an intersection;
- (b) causes an obstruction on the roadway;
- (c) limits access to parking or loading bays or other facilities for vehicular traffic;
- (d) obscures any road traffic marking signals, signs, notice or sign displayed or made in terms of the Road Traffic Act 2989 (Act 29 of 1989) as amended;
- (e) interferes in any way with any vehicle that may be parked alongside such place;
- (f) prevents free access to parking meters, or a demarcated parking bay; or
- (g) is in the opinion of the director of Engineering Services or his authorized representative considered to be undesirable.

RESTRICTION OF TRADING IN CERTAIN PLACES

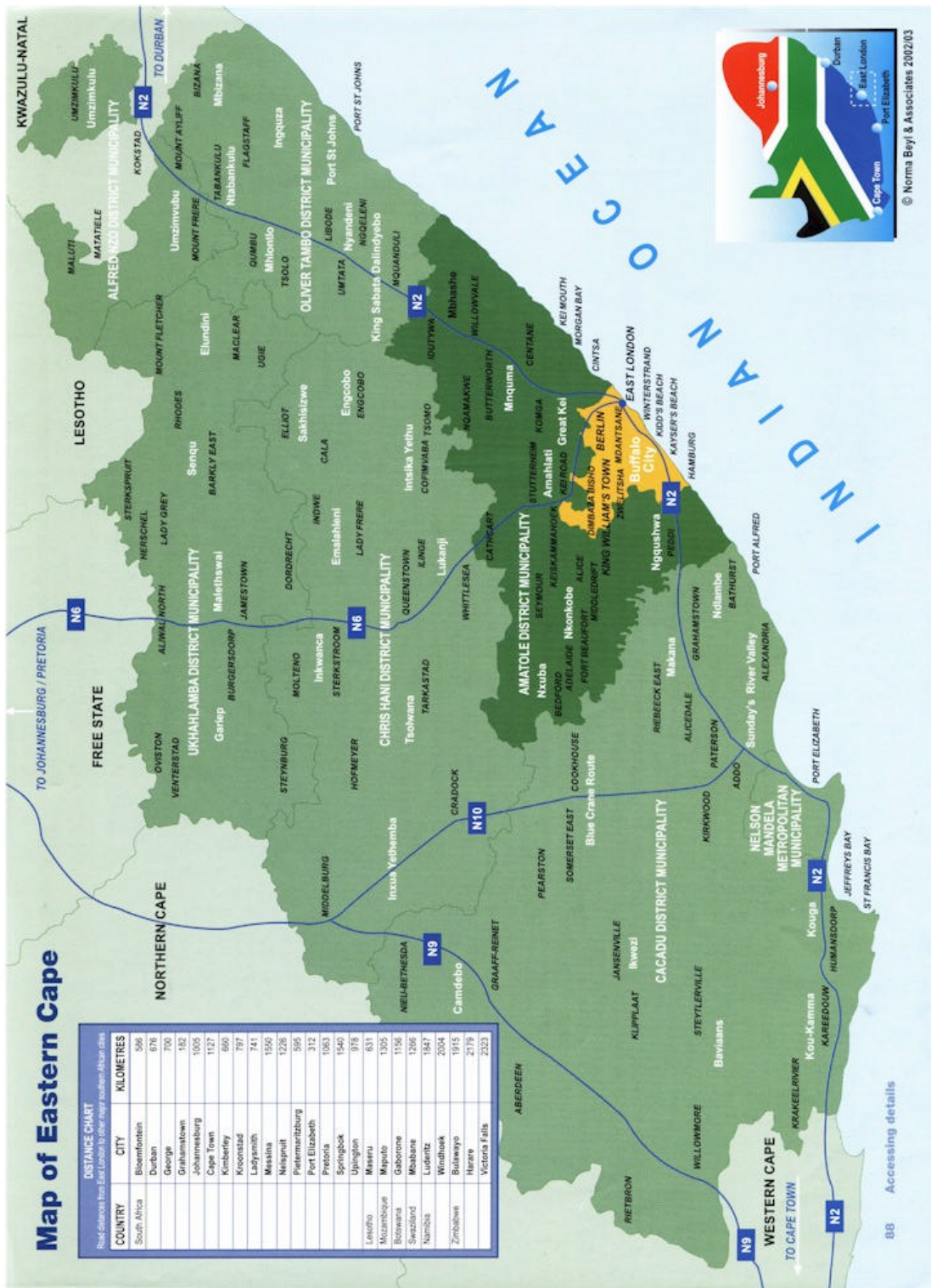
6. No person shall trade –
- (a) in a prohibited area as determined by the Council in terms of section 6(a)(I)(a)(iii)(cc) of the Act;
 - (b) on a verge contiguous to any place of worship, national monument or public building;
 - (c) next to a public road in front of a building used for residential purposes if the owner or person in control or any occupier of any part of the building facing onto such road has objected thereto; and
 - (d) in any part of a restricted area declared under section 6A(2)(a) of the Act where such trading is prohibited.

PROOF OF LEASE OR ALLOCATION

7. If the Council has let or otherwise allocated any stand or area set apart or otherwise established for street trading purposes, as contemplated in section 6A(3)(c) of the Act, no person may trade on such stand or in such area if she or he is not in possession of proof that she or he has hired such stand or area from the Council or that it has otherwise been allocated to him/her.

ANNEXURE "B"

MAP OF THE EASTERN CAPE



ANNEXURE "C"

STREET MAP OF EAST LONDON SHOWING THE CENTRAL BUSINESS DISTRICT

