

The By-laws Relating to Licences and Business Control of the Greater Johannesburg Transitional Metropolitan Council, published under Administrator's Notice 1034 dated 4 August 1982, as amended, are hereby further amended as follows:

1. By the substitution in section 66 (3) for the figure "R55,00" of the figure "R60,00".
2. By the substitution in section 152 (a) and 152 (b) for the figure "R13,00" of the figure "R20,00".
3. By the substitution in item (4) of Schedule 1 for the figure "R40,00" of the figure "R70,00".
4. By the substitution in item (3) of Schedule 1 for the figure "R20,00" of the figure "R30,00".
5. By the substitution in item (5) of Schedule 1 for the figure "R10,00" of the figure "R15,00".
6. By the substitution in item (6) of Schedule 1 and item (3) of Schedule 12 for the figure "R10,00" of the figure "R15,00".

**PROF. NICKY PADAYACHEE, Chief Executive Officer**

Metropolitan Centre, Braamfontein, P.O. Box 1049, Johannesburg, 2000.

## LOCAL AUTHORITY NOTICE 1621

HEIDELBERG TOWN COUNCIL, GAUTENG

INCREASE IN COST OF SISTOLOGY TESTS

Notice is hereby given in terms of section 80 (B) of the Local Government Ordinance (Ordinance 17 of 1939) that the cost of the sistology test will be increased from R11,40 to R15,00 at the Heidelberg Town Council clinics as from 1 June 1998.

Any person who desires to record his/her objection to the said increase of tariffs shall do so in writing to the undermentioned within 14 days after the publication of this notice in the *Provincial Gazette*.

**H. G. HEYMANN, Chief Executive/Town Clerk**

Municipal Offices, P.O. Box 201, Heidelberg, Gauteng, 2400

## LOCAL AUTHORITY NOTICE 1623

SOUTHERN METROPOLITAN LOCAL COUNCIL OF THE GREATER JOHANNESBURG METROPOLITAN COUNCIL

STREET TRADING BY-LAWS

It is hereby notified in terms of Section 101 of the Local Government Ordinance, 1939, read together with Section 6A of the Business Act, 1991, that the Eastern Metropolitan Local Council of the Greater Johannesburg Metropolitan Council have adopted Street Trading By-laws as set out hereunder:

EASTERN METROPOLITAN LOCAL COUNCIL OF THE GREATER JOHANNESBURG METROPOLITAN COUNCIL

STREET TRADING BY-LAWS

INTERPRETATION

1. (1) In these By-laws, unless the context otherwise indicates—
  - (i) "authorised official" means an official of the Council authorised to implement the provisions of these By-laws;
  - (ii) "Council" means the SMSS of the GJMC.
  - (iii) "foodstuff" means foodstuff as defined in section 1 of the Foodstuff Cosmetic and Disinfectants Act, 1972 (Act No. 54 of 1972);
  - (iv) "garden of park" means a garden or park to which the public has a right to access;
  - (v) "goods" includes a living thing or any transferable interest;
  - (vi) "intersection" means an intersection as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989);
  - (vii) "litter" includes any container or other matter which has been discarded, abandoned or left behind by a person trading or by his or her customers;
  - (viii) "motor vehicle" means a motor vehicle as defined in the Road Traffic Act, 1989;
  - (ix) "national monument" means a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969);
  - (x) "pavement" means side-walk as defined in section 1 of the Road Traffic Act, 1989;
  - (xi) "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 businesses, and includes goods in which he or she trades;
  - (xii) "public building" means a building belonging to or occupied solely by the state or the Council;
  - (xiii) "public place" means a public place as defined in section 2 to the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);
  - (xiv) "public road" means a public road as defined in section 1 of the Road Traffic Act, 1989;
  - (xv) "roadway" means a roadway as defined in section 1 of the Road Traffic Act, 1989;

- (xvi) "sell" includes supply and also—
- (a) exchange or hire;
  - (b) store, process, expose, offer or prepare for sale; and "sale" or "selling" has a corresponding meaning;
- (xvii) "services" includes the performance of any work or labour or the use of skill for the benefit of another for consideration or reward;
- (xviii) "sidewalk" means a sidewalk as defined in section 1 of the Road Traffic Act, 1989;
- (xix) "the Act" means the Business Act, 1991, as amended (Act No. 71 of 1991);
- (xx) "trailer" means a trailer as defined in the Road Traffic Act, 1989;
- (xxi) "trade" means selling of goods or the offering or rendering of services in a public road or public place, and trading has a corresponding meaning.
- (xxii) "verge" means a verge as defined in section 1 of the Road Traffic Act, 1989;
- and any word or expression to which a meaning has been assigned in the Business Act, 1991, shall have a corresponding meaning in these By-laws.
- (2) For the purposes of these By-laws a single act of selling or offering or rendering of services in a public road or public place shall constitute trading.

#### FREEDOM TO TRADE

2. Subject to the provisions of sections 3 and 4 and except in so far as trading is restricted or prohibited by any law any person may trade on a public road.

#### GENERAL CONDUCT

3. A person trading shall—
- (a) not place his or her property on a roadway or public place with the exception of his or her motor vehicle or trailer from which trade is conducted provided that such vehicle or trailer does not obstruct pedestrian and traffic movement and complies with the provisions of the Road Traffic Act, 1989;
  - (b) ensure that his or her property does not cover an area of a public road or public place which is greater in extent than 6 square metres (with a maximum length of 3 metres) or unless otherwise approved by the Council and which on any sidewalk does not leave a space less than 1,5 metres for pedestrian traffic measured over the width thereof;
  - (c) not place or stack his or her property in such a manner that it constitutes a danger to any person or property or is likely to injure any person or cause damage to any property;
  - (d) not obstruct access to a fire hydrant;
  - (e) on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
  - (f) not display his or her goods or other property on or in a building or other private property, without the consent of the owner, occupier or person in control of such building or property;
  - (g) on request by an authorised official of the Council or 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;
  - (h) not attach any object by any means to any building, structure, pavement, tree, parking meter, lamp pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
  - (i) not make a fire at a place or in circumstances where it could harm any person or property or any street furniture referred to in paragraph (h) or any other Council property;
  - (j) not store his or her property in a manhole, storm water drain, public toilet, bus shelter or in a tree.

#### CLEANLINESS

4. A person trading shall—
- (a) keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
  - (b) keep his or her property in a clean, sanitary and well maintained condition;
  - (c) dispose of litter generated by his or her business in whatever receptacles provided by the Council for the public or at the dumping sites of the Council;
  - (d) not dispose of litter in a manhole, stormwater drain or other place not intended for the disposal of litter;
  - (e) ensure that on completion of business for the day of the area or site occupied by him or her for the purposes of trade is free of litter;
  - (f) take such precautions as may be necessary to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his or her business;
  - (g) prevent any smoke, fumes or other substance, odours and noise emanating from his or her activities that cause a nuisance or pollution of any kind;
  - (h) on request by an authorised official, employee or agent of the Council move his or her property so as to permit the cleansing of the surface of the area or site where he or she is trading;

#### OBSTRUCTION OF PEDESTRIANS

5. No person shall trade at a place where such trading—
- (a) obstructs access to or the use of street furniture such as a bus passenger bench or shelter or queuing line, a refuse disposal bin or other facility intended for the use of the general public;

- (b) obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
- (c) obstructs access to any vehicular or pedestrian entrance to or exit from a building;
- (d) obstructs access to a pedestrian crossing;
- (e) obstructs access to any motor vehicle;
- (f) in any other manner obstructs pedestrians in their use of the sidewalk;
- (g) obstructs access to an automatic bank teller machine.

**OBSTRUCTION OF VEHICULAR TRAFFIC**

6. No person shall trade at a place where such trading—
- (a) Causes an obstruction on a roadway;
  - (b) limits vehicular access to parking or loading bays or other facilities for vehicular traffic;
  - (c) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of these by-laws or any other law;
  - (d) interferes in any way with any vehicle that may be parked alongside such place; or
  - (e) obscures or impedes the view of a road or traffic on such road of any road user.

**TRADING NEAR RESIDENTIAL BUILDINGS**

7. No person shall trade in that portion of a public road contiguous to a building used exclusively for residential purposes if—
- (a) the owner, person in control or any occupier of any part of the building facing onto such road has objected thereto; and
  - (b) such objection has been made known to such person trading by an authorised official.

**VICARIOUS RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS**

8. When an employee of a person trading contravenes a provision of these By-laws (whether by act or omission) the employer shall be deemed to have committed such contravention himself or herself unless such employer satisfies the court that—
- (a) he or she neither connived at nor permitted such contravention and
  - (b) he or she took reasonable steps to prevent such contravention (provided that the fact that the employer issued instructions prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps).

**TRADING RESTRICTED TO SPECIFIED HOURS IN CERTAIN PLACES**

9. No person shall trade—
- (a) on a verge contiguous to any place of worship, national monument or public building; or
  - (b) in an area declared as restricted by the Council;
- outside the hours specified in relation to such verge or area.

**OFFENCES**

10. Any person who contravenes a provision of these By-laws shall be guilty of an offence.

**PENALTIES**

11. Any person who is guilty of an offence in terms of these By-laws shall on conviction be liable to a fine, or to imprisonment for a period exceeding three months.

**TRADING RESTRICTED TO SPECIFIED GOODS OR SERVICES IN CERTAIN PLACES**

12. No person shall trade—
- (a) on a verge contiguous to any place of worship, national monument or public building; or
  - (b) in any area declared restricted by the Council: other than in the goods or services specified in relation to such verge or area.

**TRADING RESTRICTED TO DEMARCATED STANDS OR AREAS IN CERTAIN AREAS**

13. No person shall trade—
- (a) on a verge contiguous to any place of worship, national monument or public building; or
  - (b) in any area declared restricted by the Council:
- Outside a stand or area set apart and demarcated for trading purposes as specified in respect of such verge or area.

**NO TRADING IN STANDS OR AREAS WHICH HAVE BEEN LET EXCEPT BY THE LESSEE**

14. If the Council has let or otherwise allocated any stand or area set apart or demarcated or otherwise established for street trading purposes, no person may trade on such stand or in such area if he or she is not in possession of proof that he or she has hired such stand or area from the Council, or that it has otherwise been allocated to him or her.

**NO TRADING NEAR CERTAIN PUBLIC BUILDINGS, PLACES OR WORSHIP AND NATIONAL MONUMENTS**

15. No person shall trade, on a verge contiguous to any place of worship, national monument or public building specified by Council resolution, unless he or she obtains the written consent of the Council, which consent shall not unreasonably be withheld.

**NO TRADING IN PROHIBITED AREAS**

16. No person shall trade in any area declared as prohibited by Council resolution.

**SIGNS INDICATING RESTRICTED AND PROHIBITED AREAS**

17. The Council may—

(a) by resolution after consultation with all interested parties, prescribe or make signs, markings or other devices approved by the Premier indicating—

- (i) specified hours, places, goods or services in respect of which street trading is restricted;
- (ii) the locations of boundaries of a restricted area;
- (iii) the boundaries of a stand or area set apart from the purposes of the carrying on of the business of street trading;
- (iv) the fact that any such stand or area has been let or otherwise allocated;
- (v) any restriction or prohibition against trading in terms of these By-Laws;
- (vi) the location of boundaries of a prohibited area; and

(b) display any such sign, marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area or stand concerned;

(c) the signs may be amended from time to time and displayed by the Council for the purposes of these By-laws.

**REMOVAL AND IMPOUNDMENT**

18. (1) An authorised official may in writing require any person to remove any goods, article, receptacle, vehicle or structure—

(a) which he or she reasonably suspects is being used or intended to be used or has been used in or in connection with street trading; and

(b) which he or she finds at a place where street trading is restricted or prohibited and which, in his or her opinion, constitutes an infringement of any such restriction or prohibition.

(2) Should the person trading as contemplated in sub-section (1) fail to remove such goods, article, receptacle, vehicle or structure within 48 hours of being requested to do so, they may be removed and impounded by the authorised official.

(a) The Council shall publish not less than twice a year a notice in the official languages in a newspaper circulating in the Johannesburg Metropolitan area, containing the following information relating to objects removed in terms of sub-section (1):

(i) a description of the object, the address where the object is stored and if known, the name of the owner;

(ii) that such object may be claimed by the owner thereof on production of proof of ownership to the satisfaction of the Council;

(iii) that any object which has not been claimed within a period of three months from the date of publication of such notice will be destroyed if of no commercial value, or sold by public auction and the proceeds of such auction retained by the Council to defray its costs.

(2) (b) The Council may sell by public auction any object unclaimed from it more than three months after a notice contemplated in subparagraph (a) (iii) has been published in respect of such object, and may retain the proceeds of such auction or may destroy such object if it is of no commercial value.

(2) (c) The Council shall not be liable for compensation to any person for damages arising out of the damage to or the loss of any object removed in terms of sub-section (1) or the sale thereof by public auction, and the owner of such object shall have no claim or right or redress against the Council should such object be handed over in good faith to a person other than the owner thereof.

(d) (i) If any object is attached to any immovable property or a structure contemplated in sub-section (1), and such object is under the apparent control of a person present thereat, any authorised official of the Council may order such person to remove the object, and if such person refuses or fails to remove the object, he or she shall be guilty of an offence.

(ii) When any person fails to comply with an order to remove an object referred to in subparagraph (i), any authorised official of the Council may take such steps as may be necessary to remove the object.

**C. NGCOBO, Chief Executive Officer, Southern Metropolitan Local Council**

**LOCAL AUTHORITY NOTICE 1624****NORTHERN METROPOLITAN LOCAL COUNCIL OF THE GREATER JOHANNESBURG METROPOLITAN COUNCIL****STREET TRADING BY-LAWS**

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**EASTERN METROPOLITAN LOCAL COUNCIL OF THE GREATER JOHANNESBURG METROPOLITAN COUNCIL****STREET TRADING BY-LAWS****Interpretation**

1. (1) In these By-laws, unless the context otherwise indicates—

(i) "authorised official" means an official of the Council authorised to implement the provisions of these By-laws;

(ii) "Council" means the NMSS of the GJMC.

(iii) "foodstuff" means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

(iv) "garden of park" means a garden or park to which the public has a right to access;

(v) "goods" includes a living thing or any transferable interest;

(vi) "intersection" means an intersection as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989);