

LOCAL AUTHORITY NOTICE 207
QUEENSTOWN TRANSITIONAL LOCAL COUNCIL

**BY-LAW FOR THE SUPERVISION AND CONTROL OF THE CARRYING ON OF
BUSINESS OF STREET VENDOR, PEDLAR AND HAWKER**

PREAMBLE

WHEREAS it is recognised that there is a need to create an environment in which the carrying on of the business of informal trading is permitted in public streets and public places subject to the rights of all citizens as contained in the constitution of the Republic of South Africa and the provisions of the Businesses Act, 1991 (Act 71 of 1991);

AND WHEREAS it is recognised that all active participants in the Eastern Cape economy are committed to creating conditions that will make street trading commercially viable and contribute to the economic activity and growth of the Eastern Cape economy;

AND WHEREAS local Government shall create an enabling environment for informal trading by the creation of an annual budget reflecting the estimates of revenue and expenditure relating specifically to the provisions of basic services and infrastructure;

AND WHEREAS there shall be a concomitant duty on the informal sector to participate fully in the economic growth of the Province and contribute to the tax base of the Province;

NOW THEREFORE this by-law is promulgated to facilitate the carrying on of that business and to provide for matters incidental thereto.

DEFINITIONS

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

"litter" means any receptacle, container or other object or matter discarded or abandoned by a street trader or his or her customers;

"local authority" means the local authority of Queenstown and includes a committee or employee of the local authority exercising powers or performing duties or functions delegated by the local authority;

"nuisance" means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to at any time been declared or rendered a public place by the local authority or another competent authority;

"officer" means -

- a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act 29 of 1989);
- b) a member of the Force as defined in section 1 (1) of the Police Act, 1989 (Act 7 of 1958)
- c) a peace officer contemplated by section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), or
- d) an Environmental Health Officer in service of the Council.

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