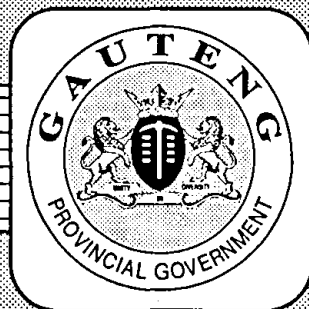


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GENERAL NOTICE

NOTICE 469 OF 1998
FINANCE AND ECONOMIC AFFAIRS

SPRINGS TOWN COUNCIL
STREET TRADING BY-LAWS

The Member of the Executive Council for Finance and Economic Affairs hereby publishes for public information by-laws regarding street trading, which he has approved in terms of section 6 (A) of the Businesses Act, 1991 (Act No. 71 of 1991).

P. J. MOLEKETI
MEC: Finance and Economic Affairs

1. INTERPRETATION :

[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 and "*officer*" shall have a corresponding meaning;
- (ii) "*Council*" means the City Council of Springs;
- (iii) "*garden or park*" means a garden or park to which the public has a right or access;
- (iv) "*goods*" includes a living thing or any transferable interest;
- (v) "*litter*" includes any container or other matter which has been discarded, abandoned or left behind by a person trading or his customers;
- (vi) "*national monument*" means a building declared to be a national monument under the National Monuments Act, 1969 (Act. No. 28 of 1969);
- (vii) "*officer*" means a police official;
- (viii) "*prohibited area*" means any place declared or to be declared under Section 6A(2) of the Act by resolution of the Council to be an area in which street trading may be prohibited (see Schedule B);
- (ix) "*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 includes goods in which he trades;
- (x) "*public building*" means a building occupied solely by the State or the Council;
- (xi) "*public place*" means a public place as defined in Section 2 of the Local Government Ordinance, 1939 (Ord. 17 of 1939);
- (xii) "*public road*" means a public road as defined in Section 1 of the Road Traffic Act, 1989 (Act. No. 29 of 1989);
- (xiii) "*restricted area*" means any place declared under Section 6A(2) of the Act by resolution of the Council to be an area in which street trading may be restricted (See Schedule B);
- (xiv) "*sell*" includes supply to and also -
 - (a) exchange or hire,
 - (b) store, expose, offer or prepare for sale, and "*sale*" has a corresponding meaning;
- (xv) "*services*" include any advantage or gain for consideration or reward;

- (xvi) "*sidewalk*" means a sidewalk as defined in Section 1 of the Road Traffic Act, 1989 (Act. No. 29 of 1989), and "*pavement*" has a corresponding meaning;
- (xvii) "*the Act*" means the Business Act, 1991 (Act. No. 71 of 1991), as amended;
- (xviii) "*trade*" means to sell goods or services in a public road or public place, and "*trading*" has a corresponding meaning;
- (xix) "*verge*" means a verge as defined in Section 1 of the Road Traffic Act (Act. No. 29 of 1989), and any word or expression to which a meaning has been assigned in the Business Act, 1991 (Act. No. 71 of 1991) and "*pavement*" has a corresponding meaning.

[2] For the purposes of these By-Laws a single act of selling in a public road or public place shall constitute trading.

[3] For the purpose of these By-Laws any reference to the male gender shall *ipso facto* include the female gender and vice versa.

2. **RIGHT TO TRADE :**

Subject to the provisions of Sections 3 and 4 hereof, as well as the provisions contained in any other law, street trading is freely permitted except in so far as such trading is restricted or prohibited by undermentioned Sections 5 to 7 (inclusive).

3. **GENERAL CONDUCT :**

A person shall -

- (a) not place his property on a verge or public place except for the purpose of commencing to trade;
- (b) ensure that his property does not cover an area of a public road or public place which is greater in extent than 6m² unless written permission for a greater area is obtained from the Council;
- (c) not place or stack his property in such a manner that it constitutes a danger to any person or is likely to injure any person, and/or property;
- (d) not obstruct access to a fire hydrant;
- (e) on conducting business for the day, remove his property to a place which is not part of a public road or public place;
- (f) not display his goods or other property on a building or other private property, without the consent of the owner, occupier or person in control of such building or property;
- (g) upon request by an authorised official or an employee or agent of any supplier of telecommunication or electricity or other services, move his 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 post, 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 damage a building or vehicle or any street furniture referred to in paragraph (h);
- (j) not store his property in a manhole or stormwater drain;

- (k) not erect an unsightly structure from which to trade;
- (l) not display any advertising sign on or from his property without written consent of the Council in accordance with the advertising By-Laws.

4. **CLEANLINESS :**

A person trading shall -

- (a) keep the area or site occupied by him for the purpose of such business in a clean and sanitary condition;
- (b) keep his property in a clean and sanitary condition;
- (c) properly dispose of litter generated by his business;
- (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 the area or site occupied by him for the purpose of trade is free of litter;
- (f) in the case of a vendor of foodstuffs, 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 business and to prevent any smoke, fumes, odours or noise emanating from his activities from becoming a nuisance;
- (g) on request by an authorised official, employee or agent of the Council, move his property temporarily so as to permit the cleansing of the surface of the area or site where he is trading;
- (h) take such precautions as may be necessary to prevent any noise emanating from his activities from becoming a nuisance.

5. **OBSTRUCTION OF PEDESTRIANS :**

No person shall trade in a place where -

- (a) it obstructs access to street furniture such as a bus passenger bench or shelter or queuing line, refuse disposal bin or other facility intended for the use of the general public;
- (b) it obstructs the visibility of a display window in business premises, if the person carrying on business in the premises concerned objects thereto;
- (c) it obstructs access to an entrance to or exit from a building or automatic bank teller machine;
- (d) it obstructs access to a pedestrian crossing;
- (e) it obstructs access to any vehicle;
- (f) it leaves less than one comma five (1,5) metres in width of a sidewalk clear for pedestrian use; or it in any other manner substantially obstructs pedestrians in their use of a sidewalk and pedestrians to be seen to include disabled people, be it people in wheelchairs or blind people or otherwise disabled.

6. OBSTRUCTION OF VEHICULAR TRAFFIC :

No person shall trade in 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 any road traffic sign or any marking, notice or sign displayed or made in terms of these or any other By-Laws; or
- (d) it interferes in any way with any vehicle that may be parked alongside such place;
- (e) it obscures or impedes the view of any road user to see any signs, traffic sign, or any other road user.

7. RESTRICTIONS ON TRADING AND TRADING AREAS :

No person shall trade -

- (a) in any prohibited area specified in Schedule B, with the exception of those free trading areas specified in Schedule C;
- (b) in any restricted area, which may be specified in any other Schedule, in contravention to the restrictions set out in that Schedule(s).

8. SIGNS INDICATING RESTRICTIONS AND AREAS :

The Council may -

- (a) by resolution after consultation with the Street Trading Forum, prescribe signs and markings or other devices indicating :
 - (i) specified hours, places, goods or services in respect of which street trading is restricted;
 - (ii) the location or boundaries of a restricted area;
 - (iii) the boundaries of a stand or area set apart for the purpose of street trading under Section 6A(3)(b) of the Act;
 - (iv) the fact that any such stand or area has been let or otherwise allocated;
 - (v) any restrictions or prohibition against trading in terms of these By-Laws;
 - (vi) the location of boundaries of a prohibited area;
- (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.

9. REMOVAL AND IMPOUNDMENT :

[1] An authorised official or officer may remove and impound any goods, article, receptacle, vehicle or structure -

- (a) which he reasonably suspects is being used or intended to be used or has been used in or in connection with street trading in contravention of these By-Laws;

(b) which he finds at a place where street trading is restricted in terms of the aforementioned Sections 5 to 7 (inclusive) and which, in his opinion, constitutes an infringement of any such section.

[2] No removal or impoundment envisaged in subsection [1] shall take place, unless reasonable notice has been given for the removal of the goods provided for therein, provided that such notice shall not be less than two hours.

[3] The disposal of any goods, article, receptacle, vehicle or structure removed and impounded as contemplated in subsection [1], and the liability of any person for the expenses incurred in connection with such removal, impoundment and disposal, shall be in accordance with the procedures set out in Schedule A.

10. **OFFENCES :**

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

11. **PENALTIES :**

Any person who is guilty of an offence in terms of these By-Laws shall on conviction be liable to a fine not exceeding R 2 000,00, or to imprisonment for a period not exceeding six months.

12. **VICARIOUS RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS :**

When an employee of a person conducting the business of street trading does or omits to do any act which would be an offence in terms of these By-Laws for that person to do or omit to do, that person shall be deemed himself to have done or omitted to do the act, unless he satisfied the court that -

- (a) he neither connived at nor permitted the act or omission by the employee concerned;
- (b) he took all reasonable steps to prevent the act or omission;
- (c) an act or omission, whether lawful or unlawful, of the nature charged on no condition or under no circumstance fell within the scope of the authority or employment of the employee concerned, and the fact that the said person issued instructions whereby an act or omission of that nature shall not in itself be sufficient proof that he took all reasonable steps to prevent the act or omission.

13. **VICARIOUS RESPONSIBILITY OF EMPLOYEES :**

When a person carrying on the business of street trading is by virtue of Section 12 above, liable for an act or omission by the employee of that person, that employee shall also be liable as if he were the person on the business concerned.

14. **REPEAL OF BY-LAWS :**

The following existing By-Laws relating to Licenses and Business Control, published under Administrator's Notice 1 of 2 January 1963, are hereby repealed :

- (i) Section 71, except for the definition of "stand";
- (ii) Sections 87, 88 and 89;
- (iii) Schedules 7, 8, 9, 10 and 11.

SCHEDULE A :PROCEDURES AND RESPONSIBILITIES REGARDING REMOVAL AND IMPOUNDMENT AS CONTEMPLATED IN SECTION 9 OF THESE BY-LAWS :

1. *An authorised official shall compile an inventory of all seized objects, and a copy thereof is to be handed over to the person from whose possession or control such objects were seized, if such person is present, reflecting any instructions if applicable.*
2. *Perishable goods not claimed within 3 days of seizure by the lawful owner shall be disposed of in accordance with the Health Act. Act 63 of 1977 (Regulation 1128 of 24 May 1991).*
3. (a) *The Council shall publish not less than twice a year a notice in an English and Afrikaans newspaper circulating in the area of jurisdiction of Springs containing the following information relating to objects removed :*
 - (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 owners 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 may be destroyed if of no commercial value, or sold by public auction and the proceeding of such action retained by the Council to defray its cost.*
- (b) *The Council may sell by public auction any object unclaimed from it more than three months after a notice contemplated in subsection (3)(a)(iii) above, has been published in respect of such object, and may retain the proceeds of such action or may destroy such object if it is of no commercial value.*
- (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 subsection (1) above, or for the sale thereof by public auction, and the owner of such object shall have no claim or right of redress against the Council should such object be handed out in good faith to a person other than the owner thereof.*
- (d) (i) *If any object contemplated in subsection (1) above, is attached to an immovable property or fixture and such object is under the apparent control of a person present thereat, an authorised official may order such person to remove the object.*
 - (ii) *When any person fails to comply with an order to remove an object referred to in subsection (3)(d)(i) above, an authorised official may take such steps as may be necessary to remove the object.*

SCHEDULE B :RESTRICTION ON TRADING AREAS AS CONTEMPLATED IN SECTION 7 OF THESE BY-LAWS:

1. *No person shall trade :*
 - (i) *On the verge contiguous to any national monument, place of worship or public building;*
 - (ii) *Within 5 metres from street intersections and/or 2 metres from corners of buildings;*
 - (iii) *In any residential area or from any public open space as defined by the Town Planning Scheme in operation, except on or from those sites which may be approved by Council;*
 - (iv) *Within 10 metres from the entrances to banks and/or banking agencies and/or automatic bank teller machines;*
 - (v) *In or from the pedestrian walkway being part of Sixth Street road reserve between Erven 1946 and 1978, Springs, that is currently the lane between Volkskas and Standard Bank.*
2. *Trade is further restricted to stands or sites or areas set apart or otherwise established by Council for street trading purposes, being the following areas :*
 - 2.1 *Springs CBD, as defined by the Town Planning Scheme :*
 - (i) *Erven 215, 216, 217 and 218, Springs, being the "The Old Woolworths Parking Area" between First and Second Street;*
 - (ii) *The Palm Springs Parking Areas, being part of Erf RE/1960, between the parking area and the Palm Springs building, as demarcated.*

SCHEDULE C :**FREE TRADING AREAS AS CONTEMPLATED IN SECTION 7 OF THESE BY-LAWS :**

The following areas are free trading areas :

- (i) *All privately owned stands zoned for business in terms of the Town Planning Scheme in operation, with the explicit consent of the owner/landlord;*
- (ii) *The "Top Centre" and Taxi Rank in First Street, Springs;*
- (iii) *The Modal Transfer Facility;*
- (iv) *The Second Street Mall Shopping Complex.*

1. INTERPRETASIE :

- [1] In hierdie Verordeninge, behalwe waar anders aangedui deur die konteks -
- (i) beteken "*beampte*" 'n polisiebeampte;
 - (ii) beteken "*beperkte gebied*" enige plek wat ingevolge Artikel 6A(2) van die Wet deur 'n besluit van die Raad verklaar is as 'n gebied waarin straathandel beperk mag word (Sien Skedule B);
 - (iii) sluit "*dienste*" enige voordeel of wins om 'n vergoeding of beloning in;
 - (iv) beteken "*die Wet*" die Wet op Besighede, 1991 (Wet Nr. 71 van 1991), soos gewysig;
 - (v) beteken "*eiendom*", met betrekking tot 'n persoon wat 'n besigheid of straathandel bedryf, enige voorwerp, bewaarplek, voertuig of struktuur wat gebruik word of bedoel is om gebruik te word in verband met sodanige besigheid, en sluit goedere waarmee hy handel dryf in;
 - (vi) beteken "*gemagtigde amptenaar*" 'n amptenaar van die Raad wat gemagtig is om die bepalinge van hierdie Verordeninge te implimenteer en "*amptenaar*" het 'n ooreenstemmende betekenis;
 - (vii) sluit "*goedere*" 'n lewende ding of enige oordraagbare belang in;
 - (viii) beteken "*handel dryf*" om goedere of dienste te verkoop in 'n openbare pad of openbare plek, en "*handel*" het 'n ooreenstemmende betekenis;
 - (ix) beteken "*nasionale monument*" 'n gebou wat as 'n nasionale monument verklaar is ingevolge die Wet op Nasionale Gedenkwaardighede, 1969 (Wet Nr. 28 van 1969);
 - (x) beteken "*openbare pad*" 'n openbare pad soos omskryf in Artikel 1 van die Padverkeerswet, 1989 (Wet Nr. 29 van 1989);
 - (xi) beteken "*openbare gebou*" 'n gebou wat alleenlik deur die Staat of die Raad geokkupeer word;
 - (xii) beteken "*openbare plek*" 'n openbare plek soos omskryf in Artikel 2 van die Plaaslike Bestuursordonnansie, 1939 (Ord. 17 van 1939);
 - (xiii) beteken "*Raad*" die Stadsraad van Springs;
 - (xiv) beteken "*soom*" 'n soom soos omskryf in Artikel 1 van die Padverkeerswet, 1989 (Wet Nr. 29 van 1989), en enige woord of uitdrukking waaraan 'n betekenis toegeken is in die Wet op Besighede, 1991 (Wet Nr. 71 van 1991) en "*sypaadjie*" het 'n ooreenstemmende betekenis;
 - (xv) beteken "*sypaadjie*" 'n sypaadjie soos omskryf in Artikel 1 van die Padverkeerswet, 1989 (Wet Nr. 29 van 1989);

- (xvi) beteken "tuin of park" 'n tuin of park waartoe die publiek 'n reg of toegang het;
 - (xvii) beteken "verbode terrein" enige plek wat verklaar is of wat verklaar sal word volgens Artikel 6A(2) van die Wet deur besluit van die Raad as synde 'n gebied waarin straathandel verbied mag word;
 - (xviii) sluit "verkoop" voorsien aan in, asook -
 - (a) ruil of verhuur,
 - (b) stoor, vertoon, aanbied of voorberei vir verkoop, en "verkoping" het 'n ooreenstemmende betekenis;
 - (xix) sluit "vullis" enige houer of ander voorwerp in wat weggegooi, verlaat of agtergelaat is deur 'n handeldrywende persoon of sy kliënte;
- [2] Vir doeleindes van hierdie Verordeninge geld 'n enkele handeling of verkoping in 'n openbare pad of openbare plek, as handel.
- [3] Vir doeleindes van hierdie Verordeninge sluit enige verwysing na die manlike geslag *Ipso facto* die vroulike geslag in en andersom.

2. **REG OM HANDEL TE DRYF :**

Onderhewig aan die bepalings van Artikels 3 en 4 hiervan asook die bepalings van enige ander wet, word straathandel vryelik toegelaat, behalwe in soverre sulke handel beperk is of verbied word deur ondergenoemde Artikels 5 tot 7 (insluitend).

3. **ALGEMENE GEDRAG :**

'n Persoon sal -

- (a) nie sy eiendom op 'n soom of publieke plek plaas nie, behalwe vir die doel om te begin handel dryf;
- (b) verseker dat sy eiendom nie 'n gedeelte van 'n openbare pad of openbare plek bedek wat groter as 6m² in omvang is nie, behalwe indien geskrewe toestemming vir 'n groter gedeelte van die Raad bekom is;
- (c) nie sy eiendom op so 'n manier plaas of stapel dat dit 'n gevaar vir enige persoon is nie of moontlik enige persoon, en/of eiendom sal beseer/beskadig nie;
- (d) nie toegang tot 'n brandkraan versper nie;
- (e) wanneer besigheid vir die dag bedryf word, sy eiendom na 'n plek verskuif wat nie deel is van 'n openbare pad of openbare plek nie;
- (f) nie sy goedere of enige eiendom op 'n gebou of enige privateiendom uitstal sonder die toestemming van die eienaar, okkupeerder of persoon in beheer van sodanige gebou of eiendom nie;
- (g) op versoek van 'n gemagtigde amptenaar of 'n werknemer of agent van enige voorsiener van telekommunikasie of elektrisiteits- of ander dienste, sy eiendom so verskuif, dat enige werk in verband met 'n openbare pad, openbare plek of enige sodanige diens uitgevoer kan word;
- (h) nie enige voorwerp op enige manier aan enige gebou, struktuur, sypaadjie, boom, parkeermeter, lamppaal, elektrisiteitspaal, telefoonhokkie, posbus, verkeerstek, bank of enige ander straattoebehore in of op 'n openbare pad of openbare plek koppel/vasheg nie;
- (i) nie vuur maak op 'n plek of onder omstandighede waar dit enige persoon kan beseer of skade aan 'n gebou of voertuig of enige straattoebehore berokken waarna in paragraaf (h) verwys word nie;

- (j) nie sy eiendom in 'n mangat of stormwaterdrein stoor nie;
- (k) nie enige onooglike struktuur oprig waarvandaan hy handel dryf nie;
- (l) nie enige advertensieteken op of vanuit sy eiendom uitstal sonder geskrewe toestemming van die Raad in ooreenstemming met die Advertensieregulasies nie.

4. SINDELIKHEID :

'n Persoon wat handel dryf sal -

- (a) die gebied of terrein wat deur hom geokkupeer word vir doeleindes van sodanige besigheid in 'n skoon en higiëniese toestand hou;
- (b) sy eiendom in 'n skoon en higiëniese toestand hou;
- (c) vullis wat deur sy besigheid veroorsaak word, behoorlik verwyder;
- (d) nie van enige vullis ontslae raak in 'n mangat, stormwaterdrein of enige plek wat nie bedoel is vir die verwydering van vullis nie;
- (e) verseker dat die gebied of terrein wat deur hom geokkupeer is vir die doeleindes van handel na voltooiing van sy besigheid vir die dag vry van vullis is;
- (f) ingeval van 'n verkoper van voedsel, sodanige voorsorgmaatreëls tref as wat nodig mag wees om die mors daarvan of enige vet, olie of ghries tydens sy handel op 'n openbare pad of openbare plek te voorkom en om te voorkom dat enige rook, dampe, reuke of geraas wat afkomstig is van sy aktiwiteite 'n oorlas word;
- (g) op versoek van 'n gemagtigde amptenaar, werknemer of agent van die Raad, sy eiendom tydelik verskuif sodat die oppervlak van die gebied of terrein waar hy handel dryf skoon gemaak kan word;
- (h) sodanige voorsorgmaatreëls tref as wat nodig mag wees om te voorkom dat enige geraas wat van sy aktiwiteite afkomstig is, 'n oorlas word.

5. OBSTRUKSIE VAN VOETGANGERS :

Geen persoon sal op 'n plek handel dryf waar -

- (a) dit toegang tot straattoebehore soos 'n buspassasiersbank of afdak of 'n toustaanry, vullisblik of enige ander fasiliteit wat bedoel is vir die gebruik van die algemene publiek, belemmer nie;
- (b) dit die sigbaarheid van 'n uitstalvenster op besigheidspersede belemmer indien die persoon wat op die betrokke perseel besigheid doen daarteen beswaar maak;
- (c) dit toegang tot 'n ingang of uitgang van 'n gebou versper;
- (d) dit toegang tot 'n voertoegang belemmer;
- (e) dit toegang tot enige voertuig versper;
- (f) dit minder as een komma vyf (1,5) meter breedte van 'n sypaadjie ooplaat vir gebruik deur voetgangers; of as voetgangers op enige ander manier wesenlik belemmer in hulle gebruik van 'n sypaadjie en voetgangers moet gesien word as insluitende gestremde mense, of dit nou mense in rolstoel is of blinde mense of ander gestremde mense.

6. OBSTRUKSIE VAN VOERTUIGVERKEER :

Geen persoon sal handel dryf op 'n plek waar -

- (a) dit 'n hindernis op 'n ryvlak is nie;
- (b) dit toegang tot parkeerplek of laaisones of ander fasiliteite vir voertuigverkeer beperk nie;
- (c) dit enige padverkeerstekens of enige merkteken, kennisgewing of teken wat vertoon word of gegee word kragtens hierdie of enige ander Verordeninge, verberg nie;
- (d) dit enige voertuig wat langs sodanige plek geparkeer mag wees op enige wyse belemmer nie;
- (e) dit die sig van enige padgebruiker belemmer of hinder met betrekking tot enige tekens, padteken, of enige ander padgebruiker nie.

7. BEPERKINGS OP HANDEL EN HANDELSGEBIEDE :

Geen persoon sal handel dryf -

- (a) in enige verbode gebiede gespesifiseer in Skedule B nie, behalwe in diesulke vrye handelsgebiede soos gespesifiseer in Skedule C;
- (b) in enige beperkte gebied, wat in enige ander Skedule gespesifiseer mag wees, in stryd met die beperkings wat in daardie Skedule(s) uiteengesit is nie.

8. TEKENS WAT BEPERKINGS EN GEBIEDE AANDUI :

Die Raad mag -

- (a) deur middel van 'n besluit na konsultasie met die Straathandelaars-forum, tekens en merktekens of ander inrigtings voorskryf wat die volgende aandui:
 - (i) gespesifiseerde ure, plekke, goedere of dienste ten opsigte waarvan straathandel beperk is;
 - (ii) die ligging of grense van 'n beperkte gebied;
 - (iii) die grense van 'n erf of gebied wat opsygesit is vir doeleindes van straathandel volgens Artikel 6A(3)(b) van die Wet;
 - (iv) die feit dat sodanige erf of gebied verhuur is of andersins toegewys is;
 - (v) enige beperkings of verbod teen handel kragtens hierdie Verordeninge;
 - (vi) die ligging of grense van 'n verbode gebied; en
- (b) sodanige teken, merkteken of inrigting in so 'n posisie en op so 'n wyse vertoon, dat die beperkings of die ligging of grense van die betrokke gebied of erf aangewys word.

9. VERWYDERING EN BESLAGLEGGING :

- [1] 'n Gemagtigde amptenaar of beampte mag enige goedere, voorwerp, bewaarplek, voertuig of struktuur verwyder en daarop beslag lê -
 - (a) wat hy redelikerwys vermoed gebruik word of bestem is om gebruik te word of gebruik is in of in verband met straathandel in stryd met hierdie Verordeninge;

(b) wat hy op 'n plek vind waar straathandel beperk is kragtens bovermelde Artikels 5 tot 7 (insluitend) en wat, volgens sy mening, as 'n oortreding van so 'n artikel geld.

[2] Geen verwydering of beslaglegging wat beoog is in subartikel [1] hierbo, sal plaasvind tensy redelike kennisgewing vir die verwydering van die goedere waarvoor daarin voorsien word gegee is nie, mits sodanige kennisgewing nie minder as twee uur is nie.

[3] Die wegdoening van enige goedere, voorwerp, bewaarplek, voertuig of struktuur wat verwyder is en waarop beslag gelê is soos beoog in subartikel [1] hierbo, en die aanspreeklikheid van enige persoon vir die koste aangegaan in verband met sodanige verwydering, beslaglegging en wegdoening, sal in ooreenstemming met die prosedures wees soos uiteengesit in Skedule A.

10. OORTREDINGS :

Enige persoon wat 'n bepaling van hierdie Verordeninge oortree, sal aan 'n oortreding skuldig wees.

11. BOETES :

Enige persoon wat aan 'n oortreding skuldig is kragtens hierdie Verordeninge sal by skuldigbevinding aanspreeklik wees vir 'n boete van nie meer as R2 000,00 nie of gevangenisstraf vir 'n maksimum tydperk van ses maande.

12. MIDDELIKE AANSPREEKLIKHEID VAN PERSONE WAT BESIGHEID DOEN :

As 'n werknemer van 'n persoon wat besigheid in straathandel doen, enige handeling uitvoer of versuim om iets te doen wat kragtens hierdie Verordeninge vir daardie persoon 'n oortreding sou wees om uit te voer of te versuim, sal daardie persoon geag word as sou hyself daardie handeling uitgevoer of versuim het, tensy hy die hof tevrede stel dat -

- (a) hy die handeling of versuim deur die betrokke werknemer nòg onder 'n geheime verstandhouding veroorloof het nòg toegelaat het;
- (b) hy alle redelike stappe geneem het om die handeling of versuim te voorkom;
- (c) 'n handeling of versuim, of dit wettig of onwettig is, waarvan hy beskuldig word op geen voorwaardes of onder geen omstandighede binne die bestek van die gesag of aanstelling van die betrokke werknemer geval het nie, en die feit dat die genoemde persoon opdrag gegee het waarvolgens 'n handeling of versuim van daardie aard nie opsigself voldoende bewys sal wees dat hy alle nodige stappe geneem het om die handeling of versuim te voorkom nie.

13. MIDDELIKE AANSPREEKLIKHEID VAN WERKNEMERS :

As 'n persoon wat besigheid doen in straathandel kragtens Artikel 12 hierbo, aanspreeklik is vir 'n handeling of versuim deur die werknemer van daardie persoon, sal daardie werknemer ook aanspreeklik wees asof hy die eienaar van die betrokke besigheid was.

14. HERROEPING VAN VERORDENINGE :

Die volgende bestaande Verordeninge met betrekking tot Lisensies en Besigheidskontrole, wat gepubliseer is onder Administrateurskennisgewing 1 van 2 Januarie 1963, word hiermee herroep:

- (i) Artikel 71, behalwe die definisie van "erf";
- (ii) Artikel 87, 88 en 89; *
- (iii) Skedules 7, 8, 9, 10 en 11.

SKEDULE A:PROSEDURES EN VERANTWOORDELIKHEDE TEN OPSIGTE VAN VERWYDERING EN BESLAGLEGGING SOOS BEOOG IN ARTIKEL 9 VAN HIERDIE VERORDENINGE :

1. 'n Gemagtigde amptenaar sal 'n inventaris van alle voorwerpe waarop beslag gelê is, opstel en 'n afskrif daarvan sal aan die persoon gegee word vanuit wie se besit of beheer daar beslag gelê is op sodanige voorwerpe, as sodanige persoon teenwoordig is, welke afskrif enige instruksies sal weergee indien van toepassing.
2. Bederfbare goedere wat nie binne 3 dae van beslaglegging deur die wettige eienaar geëis word nie, sal weggedoen word in ooreenstemming met die Wet op Gesondheid, Wet 66 van 1977 (Regulasie 1128 van 24 Mei 1991).
3. (a) Die Raad sal nie minder as twee keer per jaar 'n kennisgewing publiseer in 'n Engelse en 'n Afrikaanse koerant wat in die jurisdiksiegebied van Springs sirkuleer en wat die volgende inligting met betrekking tot verwyderde voorwerpe sal bevat:
 - (i) 'n Beskrywing van die voorwerp, die adres waar die voorwerp bewaar word en, indien bekend, die naam van die eienaar;
 - (ii) Dat sulke voorwerpe deur die eienaar geëis mag word by vertoning van bewys van eienaarskap tot tevredenheid van die Raad;
 - (iii) Dat enige voorwerp wat nie binne 'n tydperk van drie maande vanaf die datum van publikasie geëis is nie, vernietig mag word indien dit geen handelswaarde het nie, of deur middel van openbare veiling verkoop mag word en die opbrengs van sodanige aksie sal deur die Raad gehou word om sy kostes te dek.
- (b) Die Raad mag enige voorwerp wat vir langer as drie maande nadat 'n kennisgewing soos beoog in sub-artikel (3)(a)(iii) hierbo, wat ten opsigte van sodanige voorwerp gepubliseer is, nie geëis is nie, deur openbare veiling verkoop en die opbrengs van sodanige handeling hou of sodanige voorwerp vernietig indien dit geen handelswaarde het nie.
- (c) Die Raad sal nie teenoor enige persoon aanspreeklik wees vir vergoeding van skade voortspruitend uit die skade aan of verlies van enige voorwerp wat verwyder is kragtens sub-artikel (1) hierbo, of die verkoping daarvan deur openbare veiling nie en die eienaar van sodanige voorwerp sal geen eis of reg tot vergoeding teen die Raad hê indien sodanige voorwerp te goeder trou aan 'n ander persoon as die eienaar daarvan oorhandig word nie.
- (d) (i) Indien enige voorwerp wat in sub-artikel (1) hierbo beoog word, aan onroerende eiendom of 'n vaste instelling vasgeheg word en sodanige voorwerp is onder die oënskynlike beheer van 'n persoon wat daar teenwoordig is, mag 'n gemagtigde amptenaar sodanige persoon beveel om die voorwerp te verwyder.
(ii) Wanneer enige persoon versuim om 'n bevel na te kom om sodanige voorwerp, waarna in sub-artikel (3)(d)(i) hierbo verwys word, te verwyder, mag 'n gemagtigde amptenaar sodanige stappe neem as wat nodig mag wees om die voorwerp te verwyder.

SKEDULE BBEPERKINGE OP HANDELSGEBIEDE SOOS BEOOG IN ARTIKEL 7 VAN HIERDIE VERORDENINGE :

1. *Geen persoon sal handel dryf -*
 - (i) *Op die soom aangrensend aan enige nasionale monument, plek van aanbidding of openbare gebou nie;*
 - (ii) *Binne 5 meter vanaf straatkruisings en/of 2 meter vanaf hoeke van geboue nie;*
 - (iii) *In 'n woongebied of vanaf enige openbare oop ruimte soos omskryf deur die Dorpsbeplanningskema wat in werking is behalwe op of vanaf daardie plekke wat deur die Raad goedgekeur mag word;*
 - (iv) *Binne 10 meter vanaf die ingange na banke en/of bankagentskappe en/of outomatiese banktellermasjiene;*
 - (v) *In of vanaf die voetgangersypaadjie wat deel is van Sesde Straat padreserwe tussen Erwe 1946 en 1978, Springs, dit is huidiglik die laan tussen Volkskas en Standard Bank.*
2. *Handel is verder beperk tot erwe of plekke of gebiede wat opsy gesit is of andersins deur die Raad gevestig is vir doeleindes van straathandel, synde die volgende gebiede:*
 - 2.1 *Springs SSG, soos omskryf deur die Dorpsbeplanningskema:*
 - (i) *Erwe 215, 216, 217 en 218, Springs, synde die "Die Ou Woolworths Parkeerarea" tussen Eerste en Tweede Straat;*
 - (ii) *Die Palm Springs Parkeerareas, synde deel van Erf RE/1960, tussen die parkeerarea en die Palm Springs gebou, soos afgebaken.*

SKEDULE C :VRYE HANDELSGEBIEDE SOOS BEOOG IN ARTIKEL 7 VAN HIERDIE VERORDENINGE :

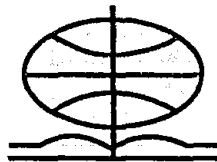
Die volgende gebiede is vrye handelsgebiede :

- (i) *Alle erwe wat privaat besit word en in sones verdeel is vir besigheid kragtens die Dorpsbeplanningskema wat in werking is, met die uitdruklike toestemming van die eienaar/verhuurder;*
- (ii) *Die "Top Centre" Taxi-staanplek in Eerste Straat, Springs;*
- (iii) *Die Modale Oorklimfasiliteit;*
- (iv) *Die Tweede Straat Wandellaan Winkelkompleks.*

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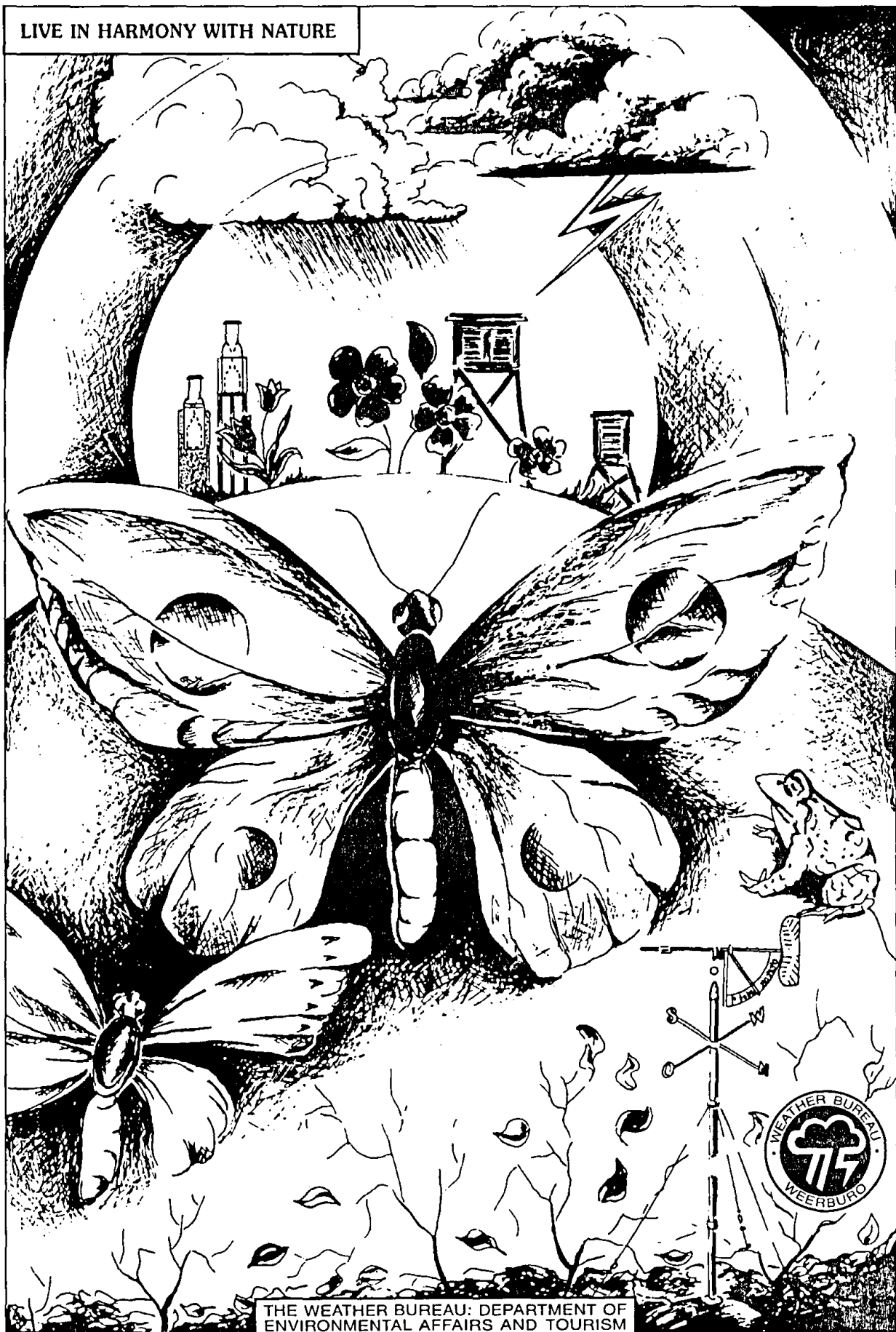


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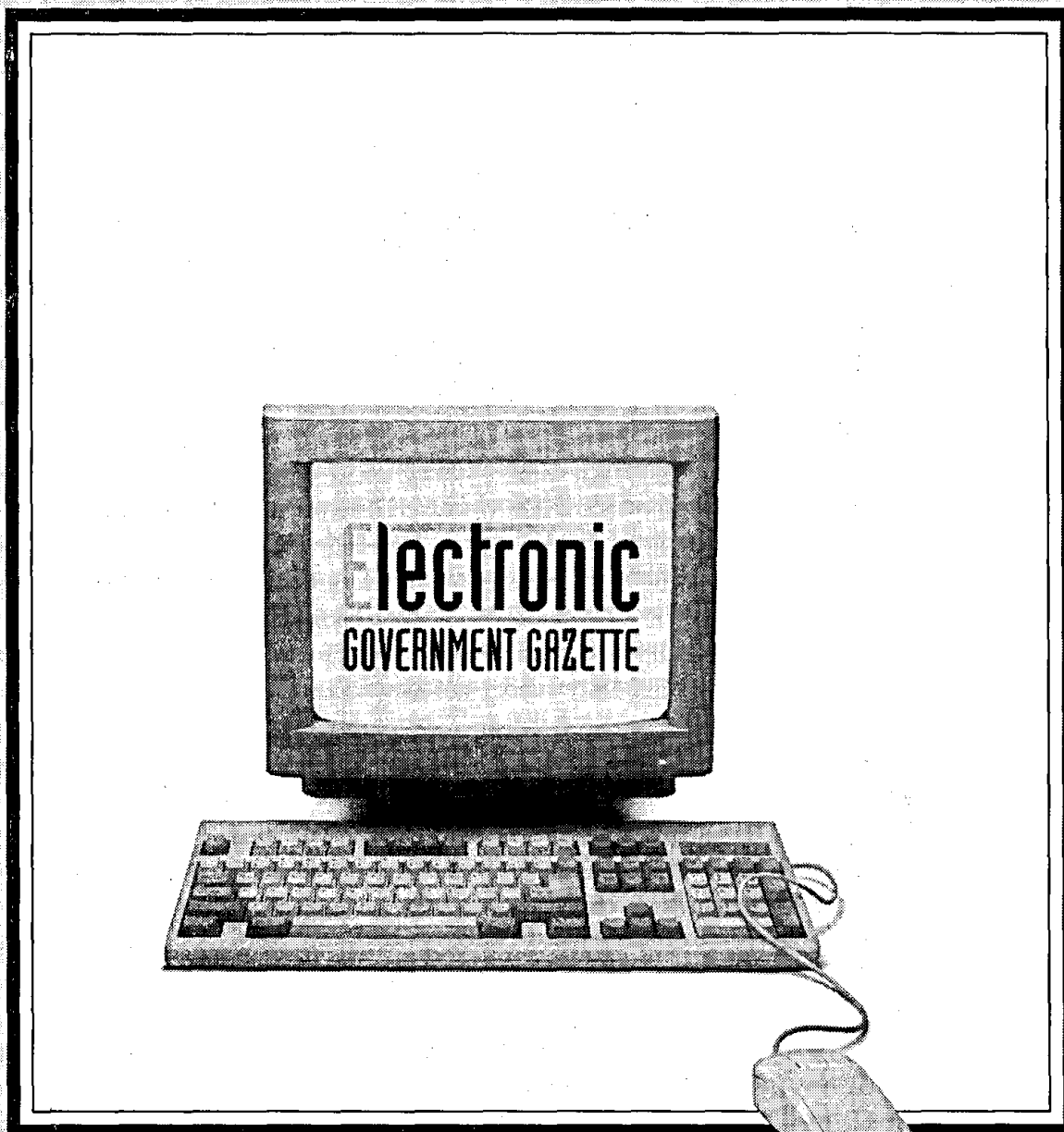
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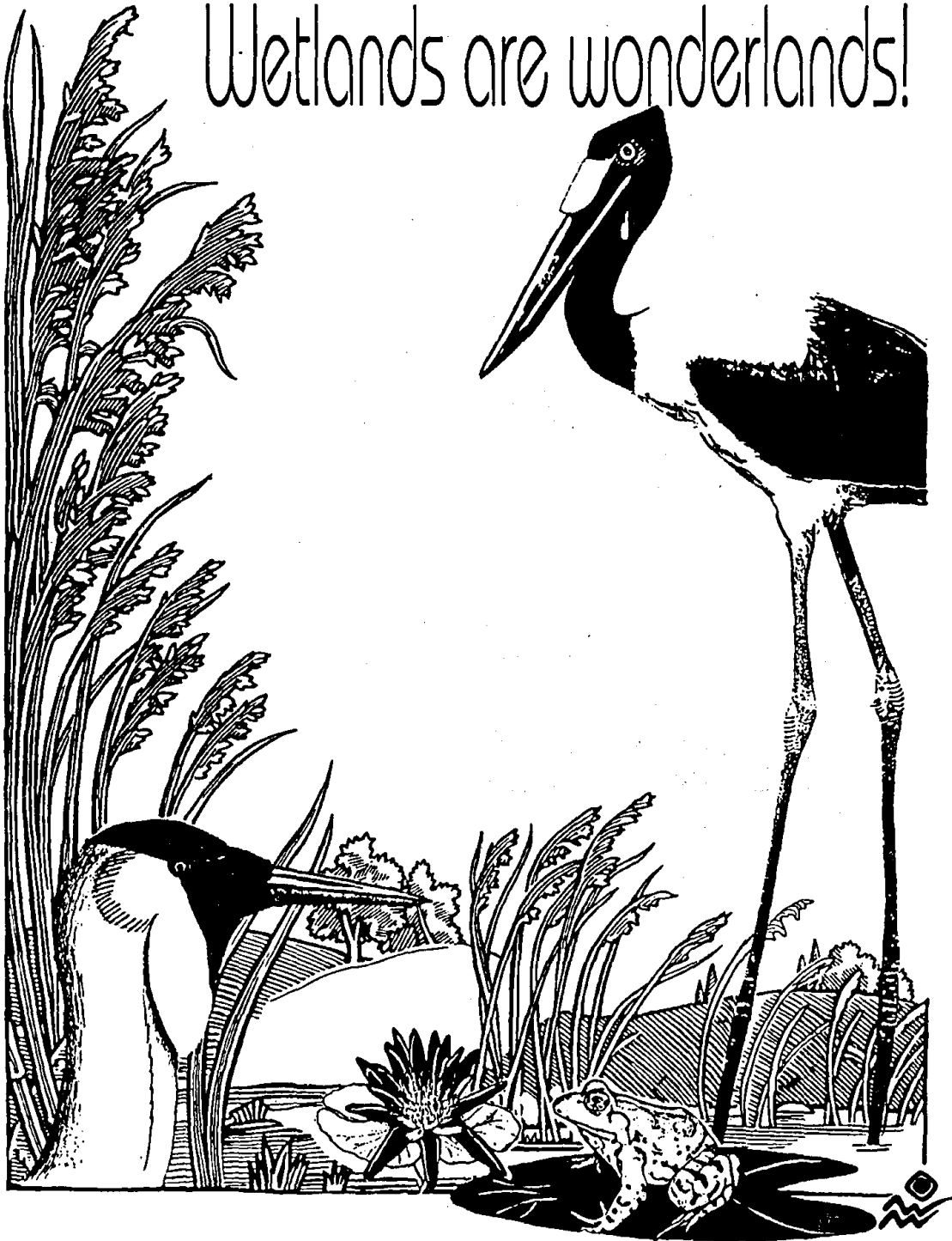
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