

P.N. 91/2003

4 April 2003

## BREEDE VALLEY MUNICIPALITY:

## REMOVAL OF RESTRICTIONS ACT, 1967

I, André John Lombaard, in my capacity as Assistant Director in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owners of Erven 331 and 332, De Doorns, remove conditions 1.B.6.(a), (b) and (d) and 2.B.6.(a), (b) and (d) contained in Deed of Transfer No. T.103696 of 2001.

P.N. 92/2003

4 April 2003

## BREEDE VALLEY MUNICIPALITY:

## REMOVAL OF RESTRICTIONS ACT, 1967

I, André John Lombaard, in my capacity as Assistant Director in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 4053, Worcester, remove condition D.6 contained in Deed of Transfer No. T.114464 of 1997.

P.N. 93/2003

4 April 2003

NATIONAL ROAD TRAFFIC ACT, 1996  
(ACT 93 OF 1996)NOTICE OF REGISTRATION OF  
DRIVING LICENCE TESTING CENTRE

Notice is hereby given by the Minister of Transport, Public Works and Property Management that the following local authority has been registered and graded as indicated in terms of section 9 of the National Road Traffic Act, 1996 (Act 93 of 1996) as a driving licence testing centre.

<i>Registering Authority</i>	<i>Grade</i>
City of Cape Town (Athlone Sports Stadium)	F

T. Essop, Provincial Minister of Transport, Public Works and Property Management

P.N. 96/2003

4 April 2003

## MATZIKAMA MUNICIPALITY:

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

## BUSINESSES ACT, 1991 (ACT 71 OF 1991):

PROMULGATION OF BY-LAW IN TERMS OF  
SECTION 6A(1): MATZIKAMA MUNICIPALITY

- (1) The Minister responsible for economic development in the Province of the Western Cape has in terms of section 6A(1) of the Businesses Act, 1991 (Act 71 of 1991) approved the promulgation of the following bylaw within the jurisdiction of the Municipality of Matzikama with effect from date of publication hereof.

P.K. 91/2003

4 April 2003

## MUNISIPALITEIT BREEDE VALLEI:

## WET OP OPHEFFING VAN BEPERKINGS, 1967

Ek, André John Lombaard, in my hoedanigheid as Assistent-Direkteur in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaars van Erve 331 and 332, De Doorns, hef voorwaardes 1.B.6.(a), (b) en (d) en 2.B.6.(a), (b) en (d) vervat in Transportakte Nr. T.103696 van 2001, op.

P.K. 92/2003

4 April 2003

## MUNISIPALITEIT BREEDE VALLEI:

## WET OP OPHEFFING VAN BEPERKINGS, 1967

Ek, André John Lombaard, in my hoedanigheid as Assistent-Direkteur in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 4053, Worcester, hef voorwaarde D.6 vervat in Transportakte Nr. T.114464 van 1997, op.

P.K. 93/2003

4 April 2003

NASIONALE PADVERKEERSWET, 1996  
(WET 93 VAN 1996)KENNISGEWING VAN REGISTRASIE VAN  
BESTUURSLISENSIE-TOETSSENTRUM

Kennis word hiermee deur die Minister van Vervoer, Publieke Werke en Eiendomsbestuur gegee dat die volgende plaaslike owerheid kragtens artikel 9 van die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), as 'n bestuurslisensie-toetssentrum geregistreer is teenoor die gradering hieronder aangetoon.

<i>Plaaslike Owerheid</i>	<i>Graad</i>
Stad Kaapstad (Athlone Sportstadion)	F

T. Essop, Provinsiale Minister van Vervoer, Publieke Werke en Eiendomsbestuur

P.K. 96/2003

4 April 2003

## MUNISIPALITEIT MATZIKAMA:

VERORDENING VIR DIE BEHEER EN TOESIG VAN DIE  
BESIGHEID VAN STRAATHANDELAAR, VENTER EN SMOUS

## WET OP BESIGHEDE, 1991 (WET 71 OF 1991):

PROMULGASIE VAN VERORDENING IN TERME VAN  
ARTIKEL 6A(1): DIE MUNISIPALITEIT VAN MATZIKAMA

- (1) Die Minister verantwoordelik vir ekonomiese ontwikkeling in die Provinsie van die Wes-Kaap het ingevolge artikel 6A(1) van die Wet op Besighede, 1991 (Wet 71 van 1991) die volgende verordening vir die regsgebied van die Munisipaliteit van Matzikama vanaf datum van publikasie hiervan goedgekeur.

## 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, 1996 (Act 108 of 1996), and the provisions of the Businesses Act, 1991 (Act 71 of 1991);

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

AND WHEREAS the municipality must create an enabling environment for informal trading by the creation of an annual budget reflecting the estimates of revenue and expenditure relating specifically for the provision 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 Matzikama municipal area and contribute to the tax base of Matzikama;

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 Businesses Act, 1991 (Act 71 of 1991), and—

**“appeal committee”** means the appeal committee as constituted in terms of section 10 of this by-law;

**“formal trading sector”** means an association or associations representing the formal trading sector operating within the area of the local authority and acknowledged by the local authority;

**“informal trading committee”** means a committee consisting of two representatives of the informal trading sector, two representatives of the formal trading sector, one representative of the local authority, a representative from the Ratepayers Associations in the Matzikama municipal area (when aspects regarding Matzikama are considered), a representative from any other area falling outside the central business area and the main access roads to the central business area (when aspects regarding such areas are considered), and co-opted advisors nominated by the different sectors and accepted by the local authority or nominated by local authority;

**“informal trading sector”** means an association or associations representing street traders operating within the area of the local authority and acknowledged by the local authority;

**“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 municipality of Matzikama and includes a committee or employee of the local authority exercising powers or performing duties or functions delegated by the local authority;

**“local authority service”** means any service conducted by or on behalf of the local authority for the collection, conveyance, treatment or disposal of refuse, sewage or storm water or the manufacture, generation, impounding, storage, purification, distribution, conduction, transmission, conveyance, provision or supply of water, gas or electricity;

**“local authority service works”** means all works of whatsoever nature necessary or desirable for or incidental, supplementary or ancillary to any local authority service and includes any immovable property, lake, spring, natural watercourse, machinery, plant or other thing of whatsoever nature used for or in connection with any such works or service;

**“nuisance”** means any conduct which bring about or may bring about a state of affairs or condition which constitutes a source of

## AANHEF

AANGESIEN erken word dat 'n behoefte bestaan om 'n omgewing te skep waarin die bedryf van die besigheid van informele handel in openbare strate en openbare plekke toegelaat word, onderworpe aan die rege van alle burgers soos vervat in die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996), en die bepalings van die Wet op Besighede, 1991 (Wet 71 van 1991);

EN AANGESIEN erken word dat alle aktiewe deelnemers in Matzikama munisipale gebied hulle verbind tot die skepping van toestande wat straathandel kommersieel lewensvatbaar sal maak en tot die ekonomiese bedrywighede en groei van die Wes- Kaapse ekonomie sal bydra;

EN AANGESIEN die munisipaliteit 'n instaatstellende omgewing vir informele handel moet skep deur die daargestelling van 'n jaarlikse begroting om ramings vir inkomste en uitgawes te weerspieël wat spesifiek betrekking het op die voorsiening van basiese dienste en infrastruktuur;

EN AANGESIEN daar 'n gepaardgaande plig op die informele sektor rus om ten volle deel te neem aan die ekonomiese groei van Matzikama munisipale gebied en om by te dra tot die belastingsbasis van Matzikama;

WORD DAAR, DERHALWE hierdie verordening afgekondig om die bedryf van daardie besigheid te vergemaklik en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

## Woordomskeyings

1. In hierdie verordening, tensy uit die sinsverband anders blyk, het 'n woord of uitdrukking hierin vervat die betekenis wat in die Wet op Besighede, 1991 (Wet 71 van 1991) daaraan toegewys is, en beteken—

**“appèlkomitee”** die appèlkomitee soos saamgestel ingevolge artikel 10 van hierdie verordening;

**“beampte”**—

- (a) 'n verkeersbeampte aangestel kragtens artikel 3(1)(a) van die Padverkeerswet, 1989 (Wet 29 van 1989);
- (b) 'n lid van die Suid-Afrikaanse Polisiediens soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet 68 van 1995); of
- (c) 'n vredesbeampte beoog in artikel 334(1)(a) van die Strafproseswet, 1977 (Wet 51 van 1977);

**“die Wet”** die Wet op Besighede, 1991 (Wet 71 van 1991);

**“eiendom”** met betrekking tot 'n straathandelaar, geld, goedere, 'n houer, 'n voertuig of beweegbare struktuur wat gebruik word of bestem is om gebruik te word in verband met die bedryf van sy of haar besigheid as sodanig;

**“formele handelsektor”** 'n assosiasie of assosiasies verteenwoordigend van die formele handelsektor wat handel dryf binne die gebied van die plaaslike owerheid en deur die plaaslike owerheid erken word;

**“informele handelsektor”** 'n assosiasie of assosiasies verteenwoordigend van straathandelaars wat handel dryf binne die gebied van die plaaslike owerheid en deur die plaaslike owerheid erken word;

**“komitee vir informele handel”** 'n komitee bestaande uit twee verteenwoordigers van die informele handelsektor, twee verteenwoordigers van die formele handelsektor, een verteenwoordiger van die plaaslike owerheid, 'n verteenwoordiger van die belastingsbetalersverenigings binne die Matzikama munisipale gebied (wanneer sake rakende Matzikama oorweeg word), 'n verteenwoordiger van enige ander gebied buite die sentrale sakegebied en die hooftoegangsroetes daartoe (wanneer sake rakende sodanige gebiede oorweeg word), en gekoöpteerde adviseurs wat deur die verskillende sektore genomineer is en deur die plaaslike owerheid aanvaar of genomineer is;

**“oorlas”** gedrag wat 'n toedrag van sake of toestande meebring of kan meebring wat 'n bron van gevaar vir ander persone of hul eiendom inhou of wat wesenlik inbreuk maak op hulle gewone gemak, gerief, vrede of rus;

danger to others or their property or which materially interferes with their ordinary comfort, convenience, peace or quiet;

**“officer”** means—

- (a) a traffic officer appointed in terms of section 3(1)(a) of the Road Traffic Act, 1989 (Act 29 of 1989);
- (b) a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995); or
- (c) a peace officer contemplated in section 334(1)(a) of the Criminal Procedure Act, 1977 (Act 51 of 1977);

**“property”** in relation to a street trader, means money, goods, a receptacle, a vehicle or a movable structure used or intended to be used in connection with the carrying on of his or her business as such;

**“public place”** means a square, park, recreation ground, sports ground, a sanitary lane or open space which has or have—

- (i) in connection with a subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of these erven, lots or plots, whether or not it is shown on a general plan, or subdivision plan or diagram;
- (ii) at any time been dedicated to the public;
- (iii) been used without interruption by the public for a period of at least 30 years expiring after the thirty-first day of December 1959; or
- (iv) at any time been declared or rendered a public place by the local authority or another competent authority;

**“public road”** means any road, street, thoroughfare or place (whether a thoroughfare or not) which is commonly used by the public or a section of the public or to which the public has a right of access and includes—

- (i) the verge of any such road, street or thoroughfare;
- (ii) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (iii) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

**“sidewalk”** means that portion of a verge intended for the exclusive use of pedestrians;

**“street trader”** means a person who carries on the business of street vendor, pedlar or hawker and includes an employee of such a person and shall, for the purposes of this by-law also include such a person who trades in a public road or public place;

**“street trading”** includes the selling of goods or the supplying or offering to supply a service for reward as a street trader in a public road or public place but does not include the sale of newspapers only;

**“the Act”** means the Businesses Act, 1991 (Act 71 of 1991), and

**“verge”** means that portion of a road, street or thoroughfare which is not the roadway.

## General conduct

- 2. A person carrying on the business of street trader—
  - (1) may not place his or her property on a public road or public place except for the purpose of commencing and conducting of trade;
  - (2) must ensure that his or her property does not cover an area which is greater than 3 metres in length and 2 metres in width on a public road or public place or such greater area as

**“openbare pad”** enige pad, straat, deurgang of plek (hetsy 'n deurgang of nie) wat gewoonlik deur die publiek of 'n gedeelte daarvan gebruik word of waartoe die publiek 'n reg van toegang het, en ook—

- (i) die soom van enige sodanige pad, straat of deurgang;
- (ii) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop, en
- (iii) enige ander werk of voorwerp wat deel uitmaak van of verbind is met of behoort tot daardie pad, straat of deurgang;

**“openbare plek”** 'n plein, park, ontspanningsterrein, sportterrein, nagsteeg of oop ruimte wat—

- (i) in verband met 'n onderverdeling of uitleg van grond in erwe, standplase of bouperssele voorsien, gereserveer of opsygesit is vir gebruik deur die publiek of die eienaars of bewoners van daardie erwe, standplase of bouperssele, ongeag of dit op 'n algemene plan, onderverdelingsplan of diagram aangetoon word al dan nie;
- (ii) te eniger tyd aan die publiek opgedra is;
- (iii) sonder onderbreking deur die publiek gebruik is vir 'n tydperk van minstens 30 jaar wat na die een-en-dertigste dag van Desember 1959 verstryk; of
- (iv) te eniger tyd as sodanig verklaar of gelewer is deur die plaaslike owerheid of ander bevoegde owerheid;

**“plaaslike owerheid”** die munisipaliteit van Matzikama en sluit in 'n komitee of werknemer van die plaaslike owerheid wat bevoegdhede uitoefen of pligte of werksaamhede uitvoer soos deur die plaaslike owerheid gedelegeer is;

**“plaaslike owerheidsdiens”** enige stelsel deur of namens 'n plaaslike owerheid bestuur vir die versameling, vervoer of afvoer, behandeling of wegdoen van vullis, rioolvuil of stormwater of vir die vervaardiging, opwekking, opvang, opberging, suiwering, distribusie, geleiding, transmissie, vervoer, voorsiening of verskaffing van water, gas of elektrisiteit;

**“plaaslike owerheidsdienswerke”** alle werke van watter aard ook al wat nodig is vir of wenslik is vir, of bykomend of aanvullend is by, of gepaard gaan met enige plaaslike owerheidsdiens en sluit in enige onroerende eiendom, meer, fontein, natuurlike waterloop, masjinerie, werktuig of ander voorwerp van watter aard ook al wat gebruik word vir of in verband met enige sodanige werk of diens;

**“rommel”** enige houer, of ander voorwerp, of materiaal wat deur 'n straathandelaar of sy of haar klante weggegooi of agtergelaat word;

**“soom”** daardie gedeelte van 'n pad, straat of deurgang wat nie die ryvlak is nie;

**“straathandel”** ook die verkoop van goedere of die lewering van 'n diens om 'n diens of die aanbied van 'n diens teen vergoeding as straathandelaar in 'n openbare pad of openbare plek, maar sluit nie die verkoop van koerante alleen in nie;

**“straathandelaar”** 'n persoon wat die besigheid van straathandelaar, venter of smous bedryf en sluit dit 'n werknemer van sodanige persoon in, en vir die toepassing van hierdie verordening sluit dit so 'n persoon in wat in 'n openbare pad of openbare plek handel dryf, en

**“sypaadjie”** daardie gedeelte van 'n soom wat uitsluitlik vir die gebruik van voetgangers bedoel is.

## Algemene gedrag

- 2. 'n Persoon wat die besigheid van straathandelaar bedryf—
  - (1) mag nie sy of haar eiendom op 'n openbare pad of openbare plek plaas nie, behalwe met die doel om handel te begin dryf of te dryf;
  - (2) moet verseker dat sy of haar eiendom op 'n openbare pad of openbare plek nie 'n oppervlakte van meer as 3 meters lank en 2 meters wyd beslaan nie, of sodanige groter gebied bepaal deur

determined by the local authority after consultation with the informal trading committee in respect of any specific site;

- (3) may not obstruct access to a fire hydrant or any other designated facility or area demarcated solely for the use of emergency vehicles and services;
- (4) may not carry on the business of street trader on a verge adjoining to—
  - (i) a church or other place of worship; or
  - (ii) a building declared to be a national monument under the National Heritage Resources Act, 1999 (Act 25 of 1999); or
  - (iii) a building belonging to, or occupied solely by, the State or the local authority; or
  - (iv) other areas as identified from time to time by the local authority after consultation with the informal trading committee, and subject to section 6A(2)(a) of the Act,

except to the extent that the carrying on of such business is permitted by a notice or sign erected or displayed by the local authority and conducted in compliance therewith;

- (5) may not carry on the business of street trader on that half of a public road adjoining a building used for residential purposes, if the owner or person in control or any occupier of the building objects to it;
- (6) may not carry on the business of street trader at a place where it substantially obstructs pedestrians in their use of a sidewalk;
- (7) may not carry on the business of street trader at a place where it causes an obstruction to vehicular traffic;
- (8) may not carry on the business of a street trader without being in possession of written proof that he or she hired, or was otherwise allocated that stand or area by the local authority in an area set aside or demarcated for street trading by the local authority in terms of section 6A(3)(b) of the Act, and after consultation with the informal trading committee;
- (9) may not carry on the business of street trader in contravention of the terms and conditions of the lease or allocation to him or her of a stand contemplated in terms of section 6A(3)(c) of the Act;
- (10) may not carry on the business of street trader on a stand or at any area where it may obstruct the visibility of a display window of business premises, unless the local authority, after consultation with the informal trading committee, resolved to allocate a stall in front of such window or part of such window subject to the conditions, if any, in terms of section 6A(3)(c) of the Act;
- (11) must provide sufficient, approved, refuse receptacles, and
- (12) may not, notwithstanding anything to the contrary, without the written permission of the local authority, carry on the business of a street trader on a place other than that identified by the local authority.

#### General restrictions

- 3. (1) A person carrying on the business of street trader may not—
  - (a) if the business is carried on in a public road or public place—
    - (i) sleep overnight at the place of such business; or

die plaaslike owerheid na oorlegpleging met die komitee vir informele handel wat betref enige spesifieke perseel;

- (3) mag nie toegang tot 'n brandkraan of enige ander aangewysde fasiliteit of gebied versper wat slegs vir die gebruik van noodvoertuie en nooddienste afgebaken is nie;
- (4) mag nie die besigheid van straathandelaar bedryf op 'n soom aangrensend aan—
  - (i) 'n kerk of ander plek van aanbidding nie; of
  - (ii) 'n gebou wat kragtens die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999) tot 'n nasionale monument verklaar is nie; of
  - (iii) 'n gebou wat behoort aan, of uitsluitlik deur die Staat of plaaslike owerheid beset word; of
  - (iv) ander gebiede soos van tyd tot tyd deur die plaaslike owerheid geïdentifiseer word na oorlegpleging met die komitee vir informele handel en onderworpe aan artikel 6A(2)(a) van die Wet,

behalwe in soverre die bedryf van sodanige besigheid toegelaat word deur 'n kennisgewing of teken wat deur die plaaslike owerheid opgerig of vertoon word en in ooreenstemming daarmee opgetree word;

- (5) mag nie die besigheid van straathandelaar op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir residensiële doeleindes gebruik word, bedryf nie, indien die eienaar of persoon in beheer of enige bewoner van die gebou daarteen beswaar maak;
- (6) mag nie die besigheid van straathandelaar bedryf op 'n plek waar dit voetgangers se gebruik van 'n sypaadjie weselik verhinder nie;
- (7) mag nie die besigheid van straathandelaar bedryf op 'n plek waar dit voertuigverkeer belemmer nie;
- (8) mag nie die besigheid van straathandelaar bedryf sonder om in besit te wees van skriftelike bewys dat hy of sy daardie staanplek of gebied gehuur het van, of dat dit andersins aan hom of haar toegewys is deur die plaaslike owerheid, in 'n gebied gereserveer of afgebaken vir straathandeldryf deur die plaaslike owerheid ingevolge artikel 6A(3)(b) van die Wet, en na oorlegpleging met die komitee vir informele handel;
- (9) mag nie die besigheid van straathandelaar bedryf in stryd met die bepalinge en voorwaardes van die huurkontrak of toewysing aan hom of haar van 'n staanplek ingevolge artikel 6A(3)(c) van die Wet;
- (10) mag nie die besigheid van straathandelaar bedryf op 'n staanplek of in enige gebiede waar dit die sigbaarheid van 'n uitstalvenster van 'n besigheidsperseel belemmer nie, tensy die plaaslike owerheid na oorlegpleging met die komitee vir informele handel ooreengekom het om 'n staanplek voor sodanige venster of deel van sodanige venster toe te wys, onderhewig aan die voorwaardes indien enige, ingevolge artikel 6A(3)(c) van die Wet;
- (11) moet voldoende goedgekeurde rommelhouers voorsien, en
- (12) nieteenstaande andersluitende bepalinge, mag geen persoon sonder die skriftelike toestemming van die plaaslike owerheid die besigheid van straathandelaar bedryf op 'n plek anders as die deur die plaaslike owerheid aangewys nie.

#### Algemene beperkings

- 3. (1) 'n Persoon wat die besigheid van straathandelaar bedryf, mag nie—
  - (a) waar die besigheid in 'n openbare pad of openbare plek bedryf word—
    - (i) oornag op die plek van die besigheid; of



- (ii) erect an immovable structure for the purpose of providing shelter; or
  - (iii) erect a movable structure for the purpose of providing shelter, other than a device which operates in the same manner and is shaped like an umbrella or a movable gazebo, provided it is aesthetically acceptable to the local authority,
- without the prior written approval of the local authority;
- (b) carry on the business in such a manner that it—
    - (i) damages or defaces the surface of a public road or public place or public or private property; or
    - (ii) creates a traffic hazard;
  - (c) accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited litter on land or premises or on a public road or public place, other than in a refuse receptacle approved by or provided by the local authority;
  - (d) obstruct access to a local authority service or service works;
  - (e) obstruct access to—
    - (i) a pedestrian arcade or mall; or
    - (ii) an entrance to or exit from a building;
  - (f) obstruct access to pedestrian crossings, parking or loading bays, or other facilities for vehicular or pedestrian traffic;
  - (g) obstruct access to, or the use of, street furniture such as bus passenger benches or shelters and queuing lines, refuse disposal bins and other facilities designed for the use of the general public;
  - (h) obscure a road traffic sign displayed in terms of the Road Traffic Act, 1989 (Act 29 of 1989) as amended, or the National Road Traffic Act, (Act 93 of 1996), and the regulations made thereunder or any marking, notice or sign displayed or made in terms of this by-law, and
  - (i) display advertising signs, except on the allocated site.

#### Cleanliness and protection of public health

4. (1) A street trader must—
- (a) carry on his or her business in a manner so as not to be a danger or threat to public health or public safety;
  - (b) at the request of an employee of the local authority, move his or her property in order to permit the cleaning of the surface of the area or of the site where he or she is trading, or for maintenance of local authority service works in the area of the site of trading;
  - (c) keep the stand or area occupied by him or her, for the purpose of his or her business, as well as his or her property, in a clean and sanitary condition and free of litter;
  - (d) if his or her activities involve the cooking or other preparation of food, take steps to ensure that no fat, grease or other substance drops or overflows onto the surface of a public road or public place or splashes against a building or other structure, and

- (ii) enige onbeweegbare struktuur oprig met die doel om beskutting te voorsien; of
  - (iii) 'n beweegbare struktuur oprig met die doel om beskutting te voorsien, behalwe 'n toestel wat op dieselfde manier werk en lyk soos 'n sambreel of 'n beweegbare gazebo, op voorwaarde dat dit vir die plaaslike owerheid esteties aanvaarbaar is,
- sonder die voorafverkreë skriftelike goedkeuring van die plaaslike owerheid nie;
- (b) besigheid op so 'n wyse bedryf dat dit—
    - (i) die oppervlak van 'n openbare pad of 'n openbare plek of openbare of private eiendom beskadig of skend nie; of
    - (ii) 'n gevaar vir verkeer veroorsaak nie;
  - (c) rommel op grond of 'n perseel of op 'n openbare pad of openbare plek opgaar, stort, opberg of agterlaat of veroorsaak of openbare plek, stort, opberg of agterlaat of toelaat dat dit gedoen word nie, behalwe in 'n vullishouer wat deur die plaaslike owerheid goedgekeur of voorsien is;
  - (d) toegang tot 'n diens of dienswerke van die plaaslike owerheid versper nie;
  - (e) toegang versper tot—
    - (i) 'n voetgangerarkade of winkellaan; of
    - (ii) 'n ingang of uitgang van 'n gebou nie;
  - (f) toegang tot 'n voetoorgang, parkeer of laaivakke of ander geriewe vir voertuigverkeer of voetgangersverkeer versper nie;
  - (g) toegang tot, of die gebruik van, straattoebehore, soos banke of skuillings of toestaanplekke vir buspassasiers, of vullishouers en ander geriewe wat vir die gebruik van die algemende publiek bedoel is, versper nie;
  - (h) 'n padverkeersteken kragtens die Padverkeerswet, 1989 (Wet 29 van 1989), soos gewysig, of die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996) en die regulasies daarkragtens uitgevaardig of enige merk, kennisgewing of teken wat kragtens hierdie verordening, vertoon of gemaak, versper nie, en
  - (i) advertensieborde, behalwe op die aangewese perseel, vertoon nie.

#### Sindelikheid en beskerming van openbare gesondheid

4. (1) 'n Straathandelaar moet—
- (a) sy of haar besigheid op so 'n wyse bedryf dat dit nie vir die openbare gesondheid of openbare veiligheid 'n gevaar of bedreiging inhou nie;
  - (b) op versoek van 'n werknemer van die plaaslike owerheid, sy of haar eiendom verskuif ten einde dit moontlik te maak om die oppervlak van die staanplek of perseel waar hy of sy handel dryf skoon te maak, of sodat die onderhoud aan plaaslike owerheidsdienswerke in die gebied waar die handelsperseel geleë is, verrig kan word;
  - (c) die staanplek of gebied wat hy of sy vir die doel van sy of haar besigheid gebruik, asook sy of haar eiendom in 'n skoon en higiëniese toestand en rommelvry hou;
  - (d) indien sy of haar bedrywighede die kook of ander bereiding van voedsel behels, stappe neem om te verseker dat daar geen vet, olie of iets anders op die oppervlak van 'n openbare pad of openbare plek drup of stort of teen 'n gebou of ander struktuur spat nie, en

- (e) not dump or discard any litter, fat or grease into any sewer or drain.
- (2) The local authority must—
  - (a) ensure that the sites on which the street traders trade are cleaned and sanitised on a regular basis;
  - (b) provide receptacles on the sites in order to facilitate the disposal of litter by the street traders, and
  - (c) ensure that the receptacles are emptied on a regular basis in order to facilitate the cleaning of trading sites.

#### Trading in public places

- 5. A street trader may not carry on business in a public place except with the prior written approval of the local authority, and which approval may not be unreasonably withheld, and may be granted subject to certain conditions.

#### Objects used for display of goods

- 6. (1) A street trader must ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods—
  - (a) is maintained in good state of repair and in a clean and sanitary condition, and
  - (b) is not placed or stacked so as to constitute a danger to any person, or is likely to injure a person.

#### Removal and impoundment

- 7. (1) If a person carrying on the business of street trader, fails or refuses to comply with a written request, the content of which was explained to him or her, requesting that he or she removes his or her property, or if such a person leaves that property unsupervised for a period of more than three hours, an officer may remove and impound that property—
  - (a) which he or she reasonably suspects is being used or is intended to be used or has been used in or in connection with the carrying on of the business of a street trader; or
  - (b) which he or she finds at a place where the carrying on of that business is restricted or prohibited in terms of this by-law, and which in his or her opinion constitutes an infringement of this by-law,

unless such person is authorised by the local authority to operate in such way.

- (2) An officer acting in terms of these provisions must—
  - (a) except in the case of goods which have been left or abandoned, immediately issue to the person carrying on the business of street trader a detailed receipt for property so removed and impounded, and such receipt must contain adequate information as to where the property will be impounded and the procedure for reclaiming that property, and
  - (b) immediately deliver such property to the local authority.
- (3) Property removed and impounded as contemplated by section 6A of the Act—
  - (a) may, in the case of perishable property, be sold or destroyed by the local authority within a reasonable time after its impoundment; provided that the property must, subject to the provisions of subsection 7(4) of this by-law, at any time prior to its disposal, be

- (e) geen rommel, vet of olie in enige riool- of afvoerpyp stort of weggooi nie.
- (2) Die plaaslike owerheid moet—
  - (a) verseker dat persele waar straathandelaars handel dryf, op 'n gereelde grondslag skoongemaak en gereinig word;
  - (b) houers op die persele voorsien ten einde die weg gooi van rommel deur die straathandelaars te vergemaklik, en
  - (c) verseker dat die houers gereeld leeggemaak word sodat die handelsdryfpersele skoon gehou word.

#### Handeldryf in openbare plekke

- 5. 'n Straathandelaar mag nie handel dryf in 'n openbare plek nie, behalwe met die voorafverkreë skriftelike goedkeuring van die plaaslike owerheid, en sodanige goedkeuring mag nie onredelik geweier word nie, en die goedkeuring kan, onderworpe aan sekere voorwaardes, verleen word.

#### Voorwerpe wat gebruik word vir die uitstalling van goedere

- 6. (1) 'n Straathandelaar moet verseker dat enige struktuur, houër, oppervlak of ander voorwerp wat hy of sy vir die voorbereiding, vertoning, opberging of vervoer van goedere gebruik—
  - (a) in 'n goeie toestand onderhou word en in 'n skoon en higiëniese toestand gehou word, en
  - (b) nie op so 'n wyse geplaas of opgestapel word dat dit 'n gevaar vir enige persoon, of die moontlike besering van enige persoon, inhou nie.

#### Verwydering en skutting

- 7. (1) Indien 'n persoon wat die besigheid van straathandelaar bedryf, versuim of weier om te voldoen aan 'n skriftelike versoek waarvan die inhoud aan hom of haar verduidelik is, om sy of haar eiendom te verskuif of te verwyder, of daardie eiendom vir 'n tydperk van meer as drie uur sonder toesig laat, kan 'n beampde daardie eiendom verwyder en skut—
  - (a) wat hy of sy redelikerwyse vermoed gebruik word, of bedoel is om gebruik te word, of gebruik is in verband met die bedryf van die besigheid van straathandelaar; of
  - (b) wat hy of sy op 'n plek vind waar die bedryf van daardie besigheid beperk of verbied word ingevolge hierdie verordening, en wat volgens sy of haar mening op 'n oortreding van hierdie verordening neerkom,

tensy sodanige persoon deur die plaaslike owerheid gemagtig is om sodanig op te tree.

- (2) 'n Beampde wat ingevolge hierdie artikel optree, moet—
  - (a) behalwe in die geval van goedere wat agtergelaat of geabandonneer is, onmiddellik 'n gedetailleerde ontvangsbewys vir eiendom wat op die wyse verwyder en geskut is, aan die persoon wat die besigheid van straathandelaar bedryf, uitreik, en die ontvangsbewys moet voldoende inligting bevat oor waar die eiendom geskut word en die prosedure vir die terugreis van daardie eiendom, en
  - (b) onmiddellik daardie eiendom aan die plaaslike owerheid besorg.
- (3) Eiendom wat verwyder en geskut is soos in artikel 6A van die Wet beoog—
  - (a) kan, in die geval van bederfbare eiendom, binne 'n redelike tydperk na die skut daarvan deur die betrokke plaaslike owerheid verkoop of vernietig word; met dien verstande dat die eiendom, behoudens die bepalinge van subartikel 7(4) van hierdie verordening, te eniger tyd

returned to the owner at the request of and on proof of ownership by the owner to the local authority, and

- (b) must, subject to the provisions of subsection 7(4) of this by-law, in the case of property other than perishable property, be returned to the owner at the request of and on proof of ownership by the owner to the local authority within a period of one month from the date of impoundment.
- (4) The local authority shall be entitled to keep the property until all reasonable expenses have been paid to it, failing which the property may be sold, or in the case of perishable goods, either be sold or destroyed by the local authority.
- (5) In the case of a sale of impounded property by the local authority, the proceeds of the sale less the reasonable expenses incurred by the local authority in connection with the removal, impoundment or disposal of the property, must be paid to the person who was the owner of the property when it was impounded. If the owner fails to claim the proceeds within three months of the date on which the property was sold, the proceeds shall be forfeited to the local authority and shall be paid into a special fund created by the local authority dedicated to the development of the informal sector and matters ancillary thereto.
- (6) If the proceeds of sale of property contemplated by this section is not sufficient to defray the reasonable expenses incurred by the local authority in connection with the property, the owner of such property that was removed and impounded or disposed of, as contemplated, shall be liable for all reasonable expenses incurred by the local authority in connection with the removal, impoundment or disposal.

#### Delegation of powers

- 8. (1) The local authority may delegate any of its powers in terms of this by-law, to an employee of the local authority, except the identification of areas in terms of section 2(4)(iv) of this by-law.
- (2) An employee acting in terms of a delegated power, referred to in subsection (1) may—
  - (a) consult the informal trading committee regarding any matter or policy before he or she takes a decision in that matter;
  - (b) give instructions to any other employee acting under his or her control, to deal with a matter delegated to him or her;
  - (c) refer any matter, together with the comments of the informal trading committee, to the relevant committee of the council of the local authority for a decision, and that committee must then take a decision.

#### Appeals

- 9. (1) A person who feels aggrieved by a decision of the local authority, may appeal against the decision to an appeal committee in accordance with the provisions set out herein.
- (2) A person who feels aggrieved by a decision of the local authority must, within 10 days of having received notification of the local authority's decision, notify the local authority and the chairperson of the appeal committee in writing of an intention to appeal against the decision.

#### Constitution of Appeal Committee

- 10. (1) The Member of the Executive Council responsible for Economic Affairs may, with the concurrence of the local authority, designate as members of the appeal committee representatives of the street vendors, pedlars or hawkers and any other interested persons.

voordat daarvoor beskik word, aan die eienaar terugbesorg kan word op versoek van en bewys van eienaarskap aan die plaaslike owerheid, en

- (b) moet, behoudens die bepalings van subartikel 7(4) van hierdie verordening, in die geval van ander eiendom as bederfbare eiendom, binne 'n tydperk van een maand vanaf die datum van skut aan die eienaar terugbesorg word op versoek van en bewys van eienaarskap deur die eienaar aan die plaaslike owerheid.
- (4) Die plaaslike owerheid is daarop geregtig om die eiendom te behou totdat alle redelike uitgawes aan die plaaslike owerheid betaal is, en by gebreke daarvan kan die eiendom verkoop word, of in die geval van bederfbare goed, deur die plaaslike owerheid óf verkoop óf vernietig word.
- (5) In die geval van die verkoop van geskutte eiendom deur die plaaslike owerheid, moet die opbrengs van die verkoping minus die redelike uitgawes deur die plaaslike owerheid aangegaan ten opsigte van die verwydering of skut van, of die beskikking oor, die eiendom, betaal word aan die persoon wat die eienaar van die eiendom was toe dit geskut is. Indien die eienaar in gebreke bly om die opbrengs binne drie maande van die datum waarop die eiendom verkoop is, op te eis, word die opbrengs verbeur aan die plaaslike owerheid en in 'n spesiale fonds gestort wat die plaaslike owerheid ingestel het vir die ontwikkeling van die informele sektor en verwante aangeleenthede.
- (6) As die opbrengs van 'n verkoping van eiendom deur hierdie artikel beoog, nie voldoende is om die redelike uitgawes te dek wat die plaaslike owerheid aangegaan het in verband met die eiendom nie, is die eienaar van die eiendom wat verwyder en geskut is, of waarvoor beskik is soos hierin beoog, aanspreeklik vir alle redelike uitgawes deur die plaaslike owerheid aangegaan in verband met die verwydering, skut of beskikking.

#### Delegering van magte

- 8. (1) Die plaaslike owerheid kan enige van sy magte ingevolge hierdie erordening aan 'n werknemer van die plaaslike owerheid delegeer, behalwe die identifikasie van gebiede ingevolge artikel 2(4)(iv).
- (2) 'n Werknemer wat optree ingevolge 'n gedelegeerde magtiging, soos bedoel in subartikel (1) kan—
  - (a) die komitee vir informele handel raadpleeg ten opsigte van enige saak of beleid voordat hy of sy daarvoor 'n besluit neem;
  - (b) enige saak, saam met die kommentaar van die komitee vir informele handel, na die betrokke komitee van die raad van die plaaslike owerheid verwys vir 'n besluit, en daardie komitee moet dan 'n besluit neem.

#### Appèl

- 9. (1) 'n Persoon wat veronreg voel deur 'n besluit van die plaaslike owerheid, mag na 'n appèlkomitee appelleer in ooreenstemming met die bepalings hierin uiteengesit.
- (2) 'n Persoon wat veronreg voel deur 'n besluit van die plaaslike owerheid moet, binne 10 dae na ontvangs van die kennisgewing van die besluit, die plaaslike owerheid en die voorsitter van die appèlkomitee skriftelik in kennis stel van 'n voorneme om teen die besluit te appelleer.

#### Samestelling van Appèlkomitee

- 10. (1) Die lid van die Uitvoerende Raad verantwoordelik vir Ekonomiese Sake kan, in oorleg met die plaaslike owerheid, verteenwoordigers van die straathandelaars, venters of smouse en enige ander belanghebbende persone as lede van die Appèlkomitee aanwys.

- (2) The appeal committee shall consist of a maximum of six members of which at least two members must be representatives referred to in subsection (1).
- (3) The members of the appeal committee must appoint one member to act as chairperson.
- (4) If the chairperson is of the opinion that a particular person is able to assist the appeal committee, that person may be co-opted to the appeal committee.
- (5) A person so co-opted may not vote at a meeting of the appeal committee.
- (6) The chairperson must, within 10 days of receipt of the notice of appeal, notify the aggrieved person of the date, time and place of the meeting of the appeal committee at which that person's presence is required.
- (7) The aggrieved person who has received notice in terms of subsection (6), must personally appear at the meeting, and may appoint a legal representative or any other person to appear on his or her behalf.

#### Procedure at appeal meetings

11. (1) The chairperson must determine the procedure at the meeting.
- (2) All members must be present at the meeting of the appeal committee.
- (3) A person present at the meeting may—
  - (a) be called upon by the chairperson to give evidence;
  - (b) be called upon by the chairperson to produce to the appeal committee a document or other property which is in that person's possession or under that person's control; or
  - (c) be questioned by the appeal committee concerning the matter at hand.
- (4) A decision of the appeal committee shall be taken by a majority of votes and if there is an equality of votes, the chairperson shall have the casting vote in addition to a deliberative vote.
- (5) The appeal committee, having considered the evidence presented may—
  - (a) refuse the appeal; or
  - (b) uphold the appeal; and
 take any other steps that it may think fit.
- (6) The appeal committee must as soon as is practicable—
  - (a) notify the aggrieved person of its decision in writing, and
  - (b) furnish the aggrieved person with written reasons for the decision.

#### Application

12. The by-law contained in this Schedule is applicable in the Matzikama municipality's area of jurisdiction.

#### Repeal

13. In terms of section 3(2) of the Business Amendment Act, 1993 (Act 186 of 1993), the Regulation on Street Vendors, Pedlars or Hawkers proclaimed by the former Administrators by virtue of Provincial Notice 404 of 28 August 1992 in Provincial Gazette 4764, is repealed to the extent that it is applicable to the council's area of jurisdiction, with the exception of regulations 6(4)(a) and (b) and 7.

- (2) Die appèlkomitee moet bestaan uit hoogstens ses lede, waarvan minstens twee lede moet verteenwoordigers bedoel in subartikel (1) moet wees.
- (3) Die lede van die appèlkomitee moet een lid aanstel om as voorsitter te dien.
- (4) As die voorsitter van mening is dat 'n bepaalde persoon in staat is om die appèlkomitee behulpzaam te wees, kan daardie persoon deur die appèlkomitee gekoöpteer word.
- (5) 'n Persoon wat aldus gekoöpteer is, mag nie op 'n vergadering van die appèlkomitee stem nie.
- (6) Die voorsitter moet die veronregte persoon binne 10 dae vanaf ontvangs van die kennisgewing van appèl verwittig van die datum, tyd en plek van die vergadering van die appèlkomitee waar daardie persoon se teenwoordigheid vereis word.
- (7) Die veronregte persoon wat ingevolge subartikel (6) kennis ontvang het, moet die vergadering persoonlik bywoon, en kan 'n regsverteenwoordiger of enige ander persoon aanstel om namens hom of haar te verskyn.

#### Prosedure op appèlvergaderings

11. (1) Die voorsitter moet die prosedure by die vergadering bepaal.
- (2) Al die lede moet by die vergadering van die appèlkomitee teenwoordig wees.
- (3) 'n Persoon wat die vergadering bywoon, kan—
  - (a) deur die voorsitter versoek word om getuienis te lewer;
  - (b) deur die voorsitter versoek word om 'n dokument of ander eiendom in daardie persoon se besit of beheer aan die appèlkomitee voor te lê; of
  - (c) deur die appèlkomitee ondervra word oor die aangeleentheid wat voor die komitee dien.
- (4) 'n Besluit van die appèlkomitee moet geneem word met 'n eerderheid van stemme, en in geval van 'n staking van stemme het die voorsitter 'n beslissende stem benewens 'n gewone stem.
- (5) Die Appèlkomitee kan, nadat dit die getuienis wat gelewer is, oorweeg het—
  - (a) die appèl van die hand wys; of
  - (b) die appèl handhaaf, en ander stappe neem soos wat dit goed dink.
- (6) Die appèlkomitee moet so gou doenlik—
  - (a) die veronregte persoon skriftelik van sy besluit verwittig, en
  - (b) die verontregte persoon van skriftelike redes vir die besluit voorsien.

#### Toepassing

12. Die verordening wat in hierdie Bylae uiteengesit is, is van toepassing binne die jurisdiksie van die Matzikama munisipaliteit.

#### Herroeping

13. Ingevolge artikel 3(2) van die Wysigingswet op Besighede, 1993 (Wet 186 van 1993), word die Regulasies insake Straathandelaars, Venders of Smouse, afgekondig deur die voormalige Administrateurs kragtens Provinsiale Kennisgewing 404 van 28 Augustus 1992 in Provinsiale Koerant 4764, vir sover dit van toepassing is in die jurisdiksie van die Matzikama munisipaliteit, met uitsondering van regulasies 6(4)(a) en (b) en 7, hierby herroep.



**Offences**

14. (1) A person who—
- contravenes or fails to comply with any provisions of this by-law;
  - ignores, disregards or disobeys a notice, sign or marking displayed or erected for the purpose of this by-law;
  - contravenes or fails to comply with any approval or condition granted or imposed in terms of this by-law;
  - fails to comply with a written request to move or remove his or her property;
  - deliberately furnishes false or misleading information to an officer or an employee of the local authority; or
  - threatens, resist, interferes with or obstructs an officer or employee of the local authority in the performance of his or her powers, duties or functions under this by-law,

is guilty of an offence, and on conviction is liable to a fine not exceeding one thousand rand (R1 000,00) or imprisonment for a period not exceeding three (3) months.

**Language**

15. In case of a dispute in interpretation between different translations of this by-law, the English translation will take precedence.

**Schedules of principles**

In accordance with the provisions of the Businesses Act, 1991 (Act 71 of 1991) and the by-laws and regulations promulgated in terms thereof, the following principles shall apply—

- Legislation shall provide a framework to allow street traders to operate as legitimate contributors to the economic activity and growth of Matzikama.
- Street traders must have the freedom to trade in an open economy and pursue a livelihood as contributors to the economy of Matzikama.
- Street traders must have equal access to market opportunities.
- Street traders must be treated as entrepreneurs engaged in formal economic activity, however, the historical background from which the sector has emerged and the specific logistical problems associated with the sector, must be born in mind.
- Street traders must have the freedom to associate and constitute themselves into bodies and organisations of their choice, provided that they are formally constituted and have a recognised membership.
- Street traders must contribute to the creation of a growing and expanding economy.
- Street traders must assist in the promotion of participation in the growth and development of Matzikama with particular attention to the advancement of historically disadvantaged entrepreneurs and groups.
- Street traders must contribute to the creation of viable employment opportunities.
- Street traders must contribute to the protection of the environment and the proper planning and development of the economy of Matzikama.
- Street traders must operate within the legal framework and contribute to the tax base of the local authority.

**Oortredings**

14. (1) 'n Persoon wat—
- 'n bepaling van hierdie verordening oortree of versuim om daaraan te voldoen;
  - 'n kennisgewing, teken of merk wat vir die toepassing van hierdie verordening vertoon of opgerig is, ignoreer, verontagsaam of nie gehoorsaam nie;
  - 'n goedkeuring of voorwaarde wat ingevolge hierdie verordening verleen of opgelê is, oortree of versuim om daaraan te voldoen;
  - versuim om te voldoen aan 'n skriftelike versoek om sy of haar eiendom te verskuif of te verwyder;
  - opsetlik vals of misleidende inligting aan 'n beampte of werknemer van die plaaslike owerheid verstrek; of
  - 'n beampte of werknemer van die plaaslike owerheid by die uit-oefening van sy of haar bevoegdhede, pligte of werksaamhede ingevolge hierdie verordening dreig, teenstaan, hom of haar daarmee bemoei, of die beampte of werknemer dwarsboom,

is skuldig aan 'n misdryf, en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand (R1 000,00) of met gevangenisstraf vir 'n tydperk van hoogstens drie (3) maande.

**Taal**

15. Die Engelse vertaling van hierdie verordening geniet voorrang in geval van 'n dispuut in interpretasie tussen die verskillende vertalings van hierdie verordening.

**Bylae van beginsels**

In ooreenstemming met die bepalings van die Wet op Besighede, 1991 (Wet 71 van 1991) en verordeninge en regulasies ingevolge daarvan afgekondig, is die volgende beginsels van toepassing—

- Wetgewing moet 'n raamwerk voorsien ten einde straathandelaars in staat te stel om regmatige bydraers tot die ekonomiese aktiwiteit en groei van Matzikama te wees.
- Straathandelaars moet die vryheid hê om in 'n oop ekonomiese handel te dryf en 'n bestaan te maak as bydraers tot die ekonomiese van Matzikama.
- Straathandelaars moet gelyke toegang tot markgeleenthede hê.
- Straathandelaars moet as entrepreneurs wat deelneem aan formele ekonomiese bedrywighede, behandel word, met inagneming van die historiese agtergrond waaruit die sektor ontstaan het en die spesifieke logistieke probleme waarmee die sektor te make het.
- Straathandelaars moet die vryheid van assosiasie hê en hulle in liggame en organisasies van hul keuse kan konstitueer op voorwaarde dat hulle formeel gekonstitueer word en erkende lidmaatskap het.
- Straathandelaars moet bydra tot die skepping van 'n ekonomiese wat groei en uitbrei.
- Straathandelaars moet bydra tot die bevordering van deelname aan die groei en ontwikkeling van Matzikama, met besondere aandag aan die bevordering van histories benadeelde entrepreneurs en groepe.
- Straathandelaars moet bydra tot die skepping van lewensvatbare werksgeleenthede.
- Straathandelaars moet bydra tot die beskerming van die omgewing en die behoorlike beplanning en ontwikkeling van die ekonomiese van Matzikama.
- Straathandelaars moet binne die raamwerk van die wet werk en tot die belastingbasis van die plaaslike owerheid bydra.

11. Street traders and the local authority must accept the principle of negotiation and fairness in the resolution of conflict.
12. Street traders must contribute to the promotion of a clean and healthy environment and the protection of public health and safety.

11. Straathandelaars en die plaaslike owerheid moet die beginsel van onderhandeling en regverdigheid in die oplossing van konflik aanvaar.
12. Straathandelaars moet bydra tot die bevordering van 'n skoon en gesonde omgewing en die beskerming van die openbare gesondheid en veiligheid.

## CITY OF CAPE TOWN:

## STAD KAAPSTAD:

## CAPE TOWN REGION

## KAAPSTAD-STREEK

REMOVAL OF RESTRICTIONS, SUBDIVISIONS AND  
DEPARTURES: ERF 847, CAMPS BAYOPHEFFING VAN BEPERKINGS, ONDERVERDELINGS EN  
AFWYKINGS: ERF 847, KAMPSBAAI

Notice is hereby given in terms of section 3(6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) and sections 24(2)(a) and 15(2)(a) of the Land Use Planning Ordinance 15 of 1985 that the undermentioned application has been received and is open for inspection at the office of the Manager: Land Use Management Branch, City of Cape Town, 14th Floor, Civic Centre, 12 Hertzog Boulevard, Cape Town 8001, and at the office of the Director: Land Development Management, Provincial Administration of the Western Cape, at Room 601, 27 Wale Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Mondays to Fridays). Any objections, with full reasons therefor, must be lodged in writing at the office of the above-mentioned Director: Land Development Management, Private Bag X9083, Cape Town 8000, with a copy to the office of the Manager: Land Use Management, City of Cape Town, P.O. Box 4529, Cape Town 8000, or faxed to (021) 421-1963 on or before 28 April 2003, quoting the above Act and Ordinance and the objector's erf and telephone number. If your response is not sent to this address or fax number and if, as a consequence, it arrives late, it will be deemed to be invalid.

Kennis geskied hiermee ingevolge artikel 3(6) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967) en ingevolge artikels 24(2)(a) en 15(2)(a) van die Ordonnansie op Grondgebruikbeplanning 15 van 1985 dat die onderstaande aansoek ontvang is en by die kantoor van die Bestuurder: Grondgebruikbestuur, Stad Kaapstad, 14de Verdieping, Burgersentrum, Hertzog-Boulevard 12, Kaapstad 8001, ter insae beskikbaar is, en by die kantoor van die Direkteur: Grondontwikkelingsbestuur, Provinsiale Administrasie van die Wes-Kaap, Kamer 601, Waalstraat 27, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandae tot Vrydae), ter insae lê. Enige besware, met redes, moet skriftelik voor of op 28 April 2003 by die kantoor van bogenoemde Direkteur: Grondontwikkelingsbestuur, Privaatsak X9083, Kaapstad 8000, met 'n afskrif aan die kantoor van die Bestuurder: Grondgebruikbestuur, Stad Kaapstad, Posbus 4529, Kaapstad 8000, met die beswaarmaker se erf- en telefoonnommer, ingedien word (kwoteer asseblief die bogenoemde Wet en Ordonnansie). Kommentaar/besware mag ook na (021) 421-1963 gefaks word. As u kommentaar of besware nie na bogenoemde nommer gefaks of adres gepos word nie en as gevolg daarvan na die sperdatum by ons aankom, sal dit ongeldig verklaar word.

*Erf 847, 23 Tree Road, Camps Bay.*

*Erf 847, Treeweg 23, Kampsbaai.*

## Owner

## Nature of Application

M. A. Pragt

Removal of restrictive title conditions and departures to enable the owners to subdivide the property into two portions: Portion 1:  $\pm 440 \text{ m}^2$  and Remainder:  $\pm 517 \text{ m}^2$  for residential purposes. The following departures from the Scheme Regulations is also required: *Portion 1*: Section 54(2): (1) First floor garden with no overlooking features (above garage) setback 0,0 m in lieu of 1 000 m from the south boundary. (2) First floor living room and bedroom (1) setback 0,0 m in lieu of 1 000 m from the south boundary (proposed subdivision line). *Remainder Erf 847*: Section 54(2): First floor bedroom 0,0 m in lieu of 1 000 m from the north boundary.

W. A. Ngoqi, City Manager.

*File No: SG6/847. 4 April 2003.*

## Eienaar

## Aard van Aansoek

M. A. Pragt

Opheffing van beperkende titelvoorwaardes en afwykings ten einde die eienaar in staat te stel om die eiendom in twee gedeeltes te onderverdeel: (Gedeelte 1:  $\pm 440 \text{ m}^2$  en Restant:  $\pm 517 \text{ m}^2$ ) vir residensiële doeleindes. Die volgende afwyking van die Soneringskema-regulasies word benodig: *Gedeelte 1*: Artikel 54(2): (1) Eerste vloer tuin met geen uitkykmerke (bokant motorhuis) insprings 0,0 m in plaas van 1 000 m vanaf die suidelike grens. (2) Eerste vloer woonkamer en slaapkamer (1) insprings 0,0 m in plaas van 1 000 vanaf die suidelike grens (voorgestelde onderverdelingslyn). *Restant Erf 847*: Artikel 54(2): Eerste vloer slaapkamer 0,0 m in plaas van 1 000 m vanaf die noordelike grens.

W. A. Mgoqi, Stadsbestuurder.

*Lêer Nr: SG 6/847. 4 April 2003.*