

HWANGE LOCAL BOARD



HAWKERS AND STREET VENDORS BY-LAWS, 2015

ARRANGEMENT OF SECTIONS

Section

1. Title
2. Application
3. Interpretation of terms
4. Control of hawkers and stall/table holders
5. Control of street vendors
6. Control of employers of hawkers, street vendors and stall/table holders
7. Application for hawker's, street vendor's and stall/table holders licence
8. Application for hawkers, street vendors' and stall/table holders employer's licence
9. Applicants to permit inspection
10. Health certificate
11. Restrictions and conditions of licence
12. Currency, renewal and variation of licence
13. Refusal of application or renewal of licence
14. Cancellation of licence
15. Inspection of vehicles, stall storage-premises, et ceter
16. Health, cleanliness and food
17. Removal of litter
18. Replacement of lost or destroyed licence or badge
19. Change of address or abandonment of business
20. Obstruction or nuisance
21. Fees
22. Offences

HWANGE LOCAL BOARD (Hawkers, Street Vendors and Stall/table Holders)

By-laws, 2015

FIRST SCHEDULE: Areas where trading is prohibited or restricted.

SECOND SCHEDULE: Form of application

THIRD SCHEDULE: Forms of licences

IT is hereby notified that the Minister of Local Government and Housing has, in terms of PART XVII(BY LAWS AND REGULATIONS) of the Urban Councils Act [Chapter 29:15], has made the following by-laws:-

Title

1. These by-laws may be cited as the Urban Councils (Model) (Hawkers and Street Vendors) By-laws, 2011.

Application

2. These by-laws shall apply to the council area.

Interpretation of terms

3. In these by-laws-

“appropriate fee” means the appropriate fee fixed in terms of section 21;

“contagious and infectious disease” means –

(a) any disease specified in or declared in terms of section 17 of the Public Health Act [Chapter 15:09] as an infectious disease;

(b) any venereal disease or contagious skin disease;

HWANGE LOCAL BOARD (Hawkers, Street Vendors and Stall/table Holders)

By-laws, 2015

“council” means a municipal or town council;

“municipal or council area” means the area of a municipality or council as fixed in terms of the Urban Councils Act , Chapter 29:15

“food” means anything other than drugs or water, which is ordinarily used or intended to be used for human consumption, including drink, whatever its form, stage or stage preparation;

“goods” means wares, merchandise, produce and, in general, corporeal, movable things of any description;

“hawker” means any person who carries on the business of selling goods whilst travelling about for that purpose from place to place with the goods, either on foot or with a vehicle, animal or carrier, but does not include –

(a) a baker or his employee in respect of the sale of bread;

(b) a dairy marketing authority, or a dairyman or its or his employee, as the case may be, in respect of the sale of milk;

“health certificate” means a health certificate referred to in subsection (1) of section 10;

“health inspector” means a health inspector registered by the Medical Council of Zimbabwe and appointed by the council;

“licence” means a licence issued by the council in terms of these by-laws;

“medical officer of health” means the medical officer registered by the Medical Council of Zimbabwe and appointed by the council;

“public place” means any bridge, enclosure, foot-path, garden, open space, pavement, road, sanitary lane, sidewalk, square, subway or street of the nature of a thoroughfare vested in or controlled by the council, and to which the public or any section of the public has access;

“sell”, in addition to its ordinary meaning, means barter or exchange, or expose or prepare for sale;

“street vendor” means any person who sells goods from one or more fixed places in or on any public place.

“stall/table holder” means any persons who carries on the business of selling goods in or within a flea market premise.

HWANGE LOCAL BOARD (Hawkers, Street Vendors and Stall/table Holders)

By-laws, 2015

“flea market” means a place or a type of bazaar where a number of stall/table holders carry on the business of selling inexpensive or second hand goods in one controlled area that is governed by an imposed code of conduct.

Control of hawkers

4. No person shall, whether as principal, agent or servant, carry on the business of a hawker-
 - (a) Unless he is the holder of a hawker’s licence or is engaged or employed by the holder of a hawkers’ employer’s licence;
 - (b) If he sells food, unless he is the holder of a valid health certificate;
 - (c) In any area specified in the First Schedule.

Control of street vendors

5. (1) No person shall, whether as principal, agent or servant carry on the business of a street vendor-
 - (a) Unless he is the holder of a street vendor’s licence or is engaged or employed by a holder of a street vendors’ employer’s licence;
 - (b) If he sells food, unless he is the holder of a valid health certificate;
 - (c) Subject to the provisions of subsection (2), in any area specified in the First Schedule.

(2) The council may, by notice erected at any place or stand in any area specified in the First Schedule, authorize street vendors, subject to the conditions or restrictions imposed upon the licence in terms of which they are authorized to carry on their business, to carry on such business in such places or stands on such days and during such hours and in respect of such goods as may be specified in the notice.

Control of Flea Market trading, employers of hawkers and street vendors

6. No person shall engage, allow or employ another, whether as an agent, a servant, a hawker, a street vendor or a stall/table holder:
- (a) Unless-
- (i) The first-mentioned person is the holder of a hawkers' licence or a street vendors' employer's licence, a flea market landlord's licence, as the case may be; or
 - (ii) The hawker or street vendor or stall/table holder concerned is the holder of a hawker's licence or a street vendor's licence, stall/table holder's licence, as the case may be;
- (b) for the sale of food, unless the hawker or the street vendor concerned, is the holder of a valid health certificate.

Application for stall/table holders, hawker's or street vendor's licence

7. An application for Stall/table holder's, hawker's or a street vendor's licences shall be made to the council, and shall-
- (a) Be in the form prescribed in the Second Schedule;
- (b) Be accompanied by-
- (i) the appropriate fee;
 - (ii) two recent identical full-face portrait photographs, sixty-three millimeters by fifty millimeters, of the applicant, without head-gear;
 - (iii) in the case of an applicant who wishes to sell food, a valid health certificate.

Application for hawkers' or street vendors' employer's licence

8. An application for a hawkers' employer's licence or a street vendors' employer's licence or flea market landlord's licence shall be made to the council, and shall-

HWANGE LOCAL BOARD (Hawkers, Street Vendors and Stall/table Holders)

By-laws, 2015

- (a) Be in the form prescribed in the Second Schedule;
- (b) Be accompanied by the appropriate fee.

Applicants to permit inspection

- 9. Any person who is an applicant in terms of sections 7 or 8 shall, at the request of a health inspector or any person specially authorised thereto by the council-
 - (a) Produce for inspection at the offices of the council any vehicle, container, clothing or equipment to be used in connection with the business for which a licence is required;
 - (b) Permit such health inspector or person to inspect any vehicle, container, storage-premises, site clothing or equipment which is to be used in connection with the business for which the licence is required.

Health certificate

- 10. (1) Any person who, whether as the holder of a licence himself or as the agent or servant of another, wishes to carry on the business of selling food as a hawker or street vendor shall obtain a certificate from a medical practitioner or the medical officer of health, certifying that, at the date of certification, he was examined and found not to be suffering from any contagious and infectious disease.

(2) A health certificate shall be valid until the 31st December of the year for which it is issued:

Provided that nothing in this subsection contained shall be construed as preventing the council from cancelling a licence issued in terms of these by-laws, despite the fact of the validity of any such certificate held by the hawker or street vendor concerned.

(3) The appropriate fee shall be paid to the council for a health certificate issued by the medical officer of health.

Restrictions and conditions of licence

11. (1) The council may, in issuing or renewing a licence-
- (a) restrict the applicant to dealing in goods listed in his application;
 - (b) restrict the applicant to dealing in certain goods, whether listed in his application or not, if, in its opinion, not to make such restriction would-
 - (i) adversely affect any existing trade or business carried on in the area of jurisdiction of the council;
 - or
 - (ii) be undesirable in the interests of public health, public safety or public morality;
 - (c) restrict the applicant to carry on the business for which the licence is required to certain areas or sites and to certain hours and days;
 - (d) in the case of an application for a hawkers' employer's licence or street vendors' employer's licence, restrict the applicant to engaging or employing not more than a specified number of hawkers or street vendors, as the case may be;
 - (e) require the applicant to affix to any vehicle, container or stall used in connection with the business for which the licence is required such identification marks as the council may specify;
 - (f) require the applicant , in the case of a hawkers' employer's licence or street vendors' employer's licence, to ensure that his agents or employees, whilst engaged upon the business for which the licence is required, wear such clothing and display, in such manner as to be clearly visible, such badges for the purpose of identifying them with the applicant as the council may specify;
 - (g) require the applicant, in the case of a hawker's licene or street vendor's licence whilst engaged in the business for which the licence is required, to waer such clothing and to display, in such manner as to be clearly visible, such badges as the council may specify.
- (2) Any condition or restriction imposed by the council in terms of subsection (1) shall be specified on the liecence concerned.

Currency, renewal and variation of licence

12. (1) A licence issued or renewed in terms of these by-laws shall be in the form set out in the Third Schedule, and shall be valid up to and including the 31st December of the year for which it was issued or renewed.

(2) The holder of a licence who wishes to renew the licence for the next succeeding year shall apply to the council for the renewal thereof during the month of December preceding that year, and the provisions of sections 7 and 8 shall, mutatis mutandis, apply:

Provided that the council may-

(a) waive the requirement to submit any photograph or health certificate with an application for the renewal of a licence;

(b) require the production of the licence previously issued to him.

(3) The holder of a licence who wishes to have any condition or restriction imposed upon his licence altered or removed, either during the period of its validity or upon renewal, shall-

(a) in the case of a renewal, specify the nature and extent of the variation required in his application for renewal;

(b) in any other case, make application, in writing, to the council, specifying the nature and extent of the variation required.

(4) Where an application in terms of paragraph (b) of subsection (3) is successful, the applicant shall submit his licence to the council for the appropriate endorsement to be made.

Refusal of application or renewal of licence

13. The council may refuse to issue or renew a licence if-

(a) The applicant has, within two years preceding the making of the relevant application, been convicted of-

- (i) any offence under these by-laws or any by-laws which were repealed on adoption of these by-laws;
or
 - (ii) any offence under the Trade Measures Act [Chapter 298]; or
 - (iii) Any offence which involves carelessness concerning, or a disregard for, cleanliness, hygiene, public health or public nuisance; or
 - (iv) Any offence involving dishonesty;
and has been sentenced therefore to imprisonment without the option of a fine whether or not the sentence has been suspended;
- (b) in the opinion of the council-
- (i) the issue of renewal would adversely affect any existing trade or business carried on in the area or jurisdiction of the council; or
 - (ii) the goods sought to be dealt in ought not to be dealt in, in the interest of public health, public safety or public morality; or
 - (iii) any vehicle, container, stall, storage-premises, clothing or equipment used, or to be used, in connection with the business for which the licence is required is unsuitable in the interest of public health; or
 - (iv) there are sufficient hawkers or street vendors dealing in the goods in respect of which the applicant requires the licence.

Cancellation of licence

14. (1) The council may cancel a licence if the holder thereof, at any time after the issue of the licence-
- (a) has been convicted of any offence referred to in paragraph (a) of section 13; or
 - (b) does not maintain a satisfactory standard of cleanliness in respect of his person or servant of his who is engaged or employed in the business to which the licence relates; or

(c) does not maintain a satisfactory standard of cleanliness in respect of any vehicle, container, stall, storage-premises, clothing or equipment used by him or by any agent or servant of his in connection with the business to which the licence relates.

(2) The council shall cancel a hawker's licence or street vendor's licence, or stall holder's licence if the holder thereof is dealing in food and is found to be suffering from a contagious and infectious disease:

Provided that the council shall, at no extra charge, reissue the holder with a licence if-

(a) he produces a health certificate, issued after the date of cancellation of the licence, certifying that he is no longer suffering from a contagious and infectious disease; or

(b) he applies to the council for his licence to be restricted to the sale of goods other than food, and submits his licence to the council for the purpose of the relevant endorsement to be made.

(3) If any hawker or street vendor engaged or employed by the holder of a licence in connection with the sale of food is found to be suffering from a contagious and infectious disease, the council may, by notice, in writing, given to the holder of the licence, direct him to cease forthwith engaging or employing that hawker, street vendor or stall holder in connection with the sale of food, and, if such direction is not complied with forthwith, the council may cancel the licence:

Provided that the council shall, at no extra charge, reissue the holder with a licence if-

(a) he produces a health certificate, issued after the date of cancellation of the licence, certifying that the hawker or street vendor concerned is no longer suffering from a contagious and infectious disease; or

(b) he applies to the council for his licence to be restricted to the sale of goods other than food, and submits his licence to the council for the purpose of the relevant endorsement to be made; or

(c) he satisfies the council that he has terminated the engagement of, or discharged, the hawker or street vendor concerned.

(4) Any licence canceled in terms of this section shall be returned to the council by the holder thereof within thirty days of such cancellation.

Inspection of vehicles, stall, storage-premises, et cetera

15. (1) A health inspector or any person specially authorized thereto by the council may at any reasonable time inspect any vehicle, container, stall, storage-premises, clothing or equipment used by the holder of a licence or a hawker or street vendor engaged or employed by the holder of a licence in connection with the business to which the licence relates, in order to ascertain whether-

- (a) a clean and sanitary condition is being maintained; or
 - (b) the provisions of these by-laws are being complied with.
- (2) No person shall hinder, obstruct or prevent a health inspector or person authorized in terms of subsection (1) from making an inspection in terms of that subsection.

Health, cleanliness and food

16. (1) No holder of a licence or hawker or street vendor engaged or employed by the holder of a licence shall allow or permit any vehicle, container, stall, storage-premises, clothing or equipment used in connection with the business to which the licence relates to be in a dirty or insanitary condition.

(2) No holder of a licence or hawker or street vendor or stall/table holder-- engaged or employed by the holder of a licence shall sell, or allow to be sold, any food which is not in a sound or wholesome condition.

(3) No hawker, stall/table holder, or street vendor shall sell any food-

(a) unless he has taken adequate precautions to safeguard the food from dirt, dust, flies or other contamination;

(b) whilst, to his knowledge, he is suffering from any contagious and infectious disease.

(4) No holder of a licence or hawker or street vendor or stall/table holder engaged, allowed or employed by the holder of a licence shall use any vehicle, container, stall/table, storage-premises, clothing or equipment, used for transporting or storing food, for any other purpose.

Removal of litter

17. A hawker, stall/table holder, or street vendor shall-

(a) Pick up any litter which, in the exercise of his business, has fallen on any public place;

(b) on request by any official of the council, move his receptacles and goods so as to permit such official to clean the street or gutters;

(c) remove all receptacles and goods from his place or stand on the completion of business for the day, and shall leave his place or stand in a clean condition.

Replacement of lost or destroyed licence or badge

18. Any person who has been issued with a licence or badge in terms of these by-laws may obtain a duplicate thereof-
- (a) On certifying, in writing, to the council that the licence or badge concerned has been lost or destroyed; and
 - (b) On payment of the appropriate fee.

Change of address or abandonment of business

19. A holder of a licence shall, within seven days of the abandonment of his business, or any change of address of his business or his storage-premises, notify the council, in writing, of such change of address, as the case may be.

Obstruction or nuisance

20. (1) Any police officer or person specially authorised thereto by the council may direct any hawker, street vendor or stall holder who is directly or indirectly obstructing the use of any public place, or is a nuisance to any person in the vicinity of any public place, to move for such distance as may be reasonable or to cease such obstruction or to abate such nuisance, as the case may be.

(2) no hawker, street vendor or stall/table holder shall refuse to comply with any direction given in terms of subsection (1).

Fees

21. The council may, by resolution made in terms of section 172 of the Act, fix fees for any application made in terms of these by-laws and for any licence, certificate or badge, or duplicate thereof, issued in terms of these by-laws:

Provided that-

- (i) any fee in excess of twenty dollars shall be fixed by law; and
- (ii) the fee for a licence issued after the 30th June in any year shall be fifty per centum of the annual fee for such licence.

Offences And Penalties

22. Any person who-

- (a) Fails to comply with any provision of these by-laws which it is his duty to comply with; or
- (b) Contravenes any condition or restriction of a licence issued to him; or
- (c) Transfers to another or makes fraudulent use of any licence, certificate or badge issued in terms of these by-laws with intent to deceive;

Shall be guilty of an offence and shall be subject to a fine of \$10.00 or fifteen days imprisonment or both. After three consecutive offences the licence shall be withdrawn.

HWANGE LOCAL BOARD (Hawkers, Street Vendors and Stall/table Holders)

By-laws, 2015

FIRST SCHEDULE (Sections 4 and 5)

AREAS WHERE TRADING IS PROHIBITED OR RESTRICTED

SECOND SCHEDULE (*Sections 7 and 8*)

FORM OF APPLICATION

Application for Issue or Renewal of a Licence

To: The.....Council

1. Application for-

	New Licence	Renewal
(a) Hawker's licence.....		
(b) Street vendor's licence.....		
(c) Stall/table holder's licence.....		
(d) Hawker's employer's licence.....		
(e) Street vendor's employer's licence		
(f) Stall/table holder's landlord's licence....		

(Mark X in appropriate spaces)

2. Name of applicant

(block letters)

HWANGE LOCAL BOARD (Hawkers, Street Vendors and Stall/table Holders)

By-laws, 2015

3. Address of applicant.....

(residence)

4. Address of applicant.....

(storage-premises)

5. Type of vehicle, carrier, container or stall/table to be used.....

.....

6. Goods to be dealt in.....

7. Area under the jurisdiction of the council in which applicant wishes to

trade.....

.....

8. Number of hawkers/street vendors/ stall/table holders to be engaged or employed as

agents or servants at any one time.....

(if application is for licence (c) or (d) as specified in paragraph 1).

9. If paragraph 8 has been completed, describe how the persons there mentioned will

be clothed or equipped so as to be patently identified with the
applicant.....
.....

10. I/We attach*-

- (a) Photographs (if application is for licence (a) or (b) as specified in paragraph 1);
and
- (b) Medical certificates (required only upon the first issue or renewal of licences to
deal in food).

11. I/We* have read and understood the council's by-laws pertaining to hawkers, street
vendors and stall holders.

.....
Date

.....
Signature of applicant and status of
applicant if making application on behalf
of a company or partnership

**Delete the inapplicable.*

THIRD SCHEDULE (Section 12)

FORMS OF LICENCES

PART 1

HAWKER'S/STREET VENDOR'S/STALL HOLDER'S LICENCES*

Licence number.....

.....Council

The holder of this licence.....

.....

(name and address)

Is licensed to engage or employ at any one time.....

(state number)

Whose photograph appears below is licenced as a hawker/street vendor/stall/table holder within the under-mentioned area for the sale of the following goods:

.....

.....

Sites:

HWANGE LOCAL BOARD (Hawkers, Street Vendors and Stall/table Holders)

By-laws, 2015

.....
Areas:

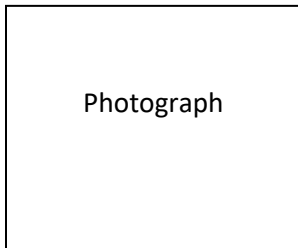
.....
Subject to the following conditions or restrictions (if any):

.....
.....

.....
Date

.....
For and on behalf of the council

**Delete the inapplicable*



2011			
------	--	--	--

--	--	--	--

HWANGE LOCAL BOARD (Hawkers, Street Vendors and Stall/table Holders)

By-laws, 2015

PART II

HAWKERS' EMPLOYER'S, STREET VENDORS' EMPLOYER'S, FLEA MARKET LANDLORD'S LICENCE*

Licence number.....

.....Council

The holder of this licence.....

.....

(name and address)

Is licensed to engage, allow or employ at any one time.....

(state number)

Or fewer persons as hawkers/street vendors/stall/table holders within the under-mentioned area for the sale of the following goods:

.....

.....

Sites:

.....

Areas:

.....

Subject to the following conditions or restrictions (if any):

.....

.....

This licence is valid from..... to

.....

Date

For and on behalf of the council

*Delete the inapplicable