South African CitiesNetwork

MUNICIPAL BYLAWS

as instruments for

TOWNSHIP ECONOMIC DEVELOPMENT

in Gauteng



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GAUTENG PROVINCIAL GOVERNMENT REPUBLIC OF SOUTH AFRICA

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This series of research reports is intended to address key institutional barriers to the growth and development of township economies, particularly in relation to enablement through regulation in terms of national, provincial, and municipal law. The commitment, valued insights and important content direction from the local government practitioners, researchers, interest groups and township business owners enabled the establishment of the programme and reports.

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LIST OF ABBREVIATIONS

BEE	Black Economic Empowerment
GPG	Gauteng Provincial Government
IDP	Integrated Development Plan
MEC	Member of the Executive Council
RP1	Research Paper 1
RP2	Research Paper 2
SDF	Spatial Development Framework
SMME	Small, Medium and Micro-sized Enterprise

Executive Summary

Township economies are complex. They come from a South African history of socially engineered urban growth and marginalisation, macro- and micro-level systems of power and decision-making, and multiple international, African regional, national and local economic and political forces. Formal and informal enterprises and markets based in townships are fast expanding, as is the number of established and emerging (local and foreign) township entrepreneurs. The government and provincial authorities would like to see township economies flourish and make a sustainable contribution to the country's overall economic growth.

This research paper is the second in a series of two. Both papers are situated in a legal context. The first, titled 'Township Economic Development in Gauteng Province: National and Provincial Perspectives' (Research Paper 1), reviews the national and Gauteng provincial legal frameworks, to map the legal landscape pertaining to township economic development, and to identify steps that the Gauteng provincial government is empowered and well-placed to take to revitalise and enable township economic development in the province. The research points to six possibilities:

1) **Promulgation of a Gauteng provincial framework Act (i.e. passing provincial law) that clarifies the functional responsibilities of provincial and local government for enabling township economies; lays down principles, norms and standards applicable to township economic development; and requires local government bylaws in the province to be aligned with such national and provincial legislation containing overarching norms, standards and principles;**
2) **Promulgation of standard draft bylaws that municipalities in the province can adapt and adopt;**
3) **Alignment of the Gauteng Spatial Development Framework 2030 with township economic development objectives to inform municipal IDPs and SDFs;**
4) **Establishing dedicated intergovernmental forums and implementation protocols;**
5) **Mining the potential of other (under-utilised or still non-existent) provincial instruments to support township economic development; and**
6) **Passing a Gauteng provincial constitution.**

Therefore, the Gauteng provincial government could use legal intervention to advance thriving township economies in the province's cities.

This present research paper draws on the first two possibilities listed above. It concludes the mapping of the legal landscape commenced in Research Paper 1 by reviewing provisions contained in the current bylaws of all municipalities in Gauteng that may impact on township economic development. This review uncovers examples of bylaw provisions that may assist in township economic development, and some that may hinder it. It also provides an overall picture of the extent and uniformity of the local-level regulation of township economic activity in the province, which may inform the content of provincial framework legislation. The authors also question the potential of bylaws, as a form of legal instrument, to contribute to the revitalisation of township economic growth.

In order to thrive, township economic development depends firstly on the capabilities and resilience of township businesses, and an enabling regulatory environment; secondly, on a spatial environment conducive for businesses to flourish and connect; and thirdly, on the promotion of social assets such as inclusive decision-making and participatory governance. The study shows that currently, no Gauteng municipality coherently regulates the township economy with a single, 'framework' bylaw. However, quite a few municipalities have a range of sector-specific bylaws that impact on different aspects of township economic activity.

Typical aspects currently regulated by municipal bylaws in Gauteng include street trading, markets, behaviour in public places, and municipal health.

The paper engages specifically with the potential for municipal-level legal reform in township-economy regulations. It analyses:

- **the national legal framework for the development and promulgation of municipal bylaws and standard draft bylaws in South Africa;**
- **a number of existing municipal bylaws and local policies relevant to township economic development in Gauteng;**
- **enabling measures in bylaws and policies of other metropolitan municipalities in South Africa; and**
- **municipal bylaws as potential instruments for township economic development in Gauteng.**

The research is based on a review of existing laws (including bylaws) and policies, but does not address how this content translates into the everyday regulation of economic activity in townships. The way in which bylaws are interpreted, implemented and enforced by municipal officials can be as supportive or encumbering as their content.

As a next step, bylaw implementation, enforcement and levels of compliance will have to be explored. Comparable municipal case studies could generate valuable information for Gauteng and other provinces.

An important observation: while municipal bylaws have the potential to change the operation of Gauteng's township economies positively, they may just as easily hinder township economic development, where regulatory provisions are not carefully designed taking into account the necessary capabilities and resilience of township businesses, the spatial environment of townships, and the nature of the social assets in these areas. The inhibiting provisions identified here are typically not unconstitutional or illegal, but they are undesirable from a township economic perspective; they may need to be reformulated or repealed. The main finding of this paper is that there is scope for the Gauteng Provincial Legislature, the MEC responsible for local government, and the municipalities in the province to undertake a law reform process to ensure that legal frameworks at different levels interact appropriately and assist the revitalisation of the township economy. Reaffirming the findings of Research Paper 1, and in the context of politically divided authority across different municipalities in Gauteng, we believe that two simultaneously pursued legal strategies at provincial level would best serve the interests of township economic development in Gauteng Province:



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1) the passing of a Gauteng provincial framework law (Act) on township economic revitalisation that sets out appropriate intergovernmental relations, introduces appropriate governing instruments and contains definitions, norms, standards and principles to which existing and future municipal bylaws in the Province are required to adhere; and

2) the publication, by the MEC responsible for local government, of different standard draft bylaws (on relevant aspects of township economic development) that reflect the definitions and comply with the norms, standards and principles in the framework legislation, for municipalities in the province to consider adapting or adopting as municipal bylaws, to comply with the provisions of the framework legislation.

For these provincial interventions to have the desired effect, they must be coupled with appropriate local government action. On their own or in compliance with provincial framework legislation, Gauteng's municipalities should adopt overarching 'framework municipal bylaws' regulating local township economies, and supplement and align these with sector-specific bylaws (such as bylaws dealing specifically with street trading, municipal health and public nuisance). Adopting or adapting standard draft bylaws would be a useful (and recommended) way of doing this.

While it focuses on Gauteng Province and is mindful of the variances between township areas, this report speaks to municipalities and provincial authorities across South Africa.

Introduction

This research paper is part of a three-part action research initiative of the South African Cities Network (SACN) and the Gauteng Office of the Premier. The initiative addresses key institutional barriers to the growth and development of township economies, particularly relating to enablement through regulation. The objectives of the research paper are:

- to identify the steps towards enablement that the Gauteng provincial government would be well-placed and legally empowered to take to revitalise township economic development. This involves an **overview of local-level regulatory enablement,** with specific reference to the legislative and executive authority (power) and regulatory instrumentation pertaining to township economies at the disposal of local and provincial government. Specific attention is paid to the possibility of the Gauteng provincial government and its municipalities jointly developing a framework standard draft bylaw on township economic development;
- to **investigate a disciplining approach** in the system to ensure that township enterprises are not left to bear the brunt of institutional disorganisation, which appears to have been the case so far. This involves determining whether a developmental (as opposed to a merely punitive) Gauteng Provincial Act could be developed to set province-wide overarching norms, standards and principles; and
- to **explore the options for rallying and mobilising other actors nationally and more generally** to support the effort of enabling township economies, such as a national advocacy agenda under the IUDF entailing engagements, programmes and actions to be determined.

This research paper is the second in a series of two. Both are situated in a legal context. The first, titled 'Township Economic Development in Gauteng Province: National and Provincial Perspectives', reviews the national and Gauteng provincial legal frameworks to identify the steps the Gauteng Provincial Government is well-placed and legally empowered to take to revitalise and enable township economic development in the Province. Research Paper 1 discusses the complex division of legislative authority between national, provincial and local government, and suggests six possibilities for the Province to explore:

1) **Promulgation of a Gauteng provincial framework Act (i.e. passing provincial law) which clarifies the functional responsibilities of provincial and local government in relation to enabling township economies, lays down principles applicable to township economic development, and requires local-government bylaws in the province to be aligned with such national and provincial legislation containing overarching norms, standards and principles;**
2) **Publication of standard draft bylaws that municipalities in the Province can adapt or adopt;**
3) **Alignment of the Gauteng Spatial Development Framework 2030 with township economic development objectives to inform municipal IDPs and SDFs;**
4) **Establishing dedicated intergovernmental forums and implementation protocols;**
5) **Mining the potential of other provincial instruments to guide, support and steer township economic development; and**
6) **Passing a Gauteng provincial constitution.**

This present research paper draws on the first two possibilities. It surveys provisions in the current bylaws of all municipalities in Gauteng that may impact on township economic development. In the process, it uncovers examples of bylaw provisions that may assist in township economic development, and some that pose an obstacle to development. It also provides an overall picture of the extent and uniformity of the local-level regulation of township economic activity in the Province, which may inform the potential content of provincial framework legislation.

… the potential of bylaws to contribute to the revitalisation of township economic growth



The authors also question the potential of bylaws to contribute to the revitalisation of township economic growth. The overall objective is to cast light on how different types of bylaws can potentially help to enable and support township economic development in Gauteng Province. The authors had to look into a selection of existing bylaws in the 11 metropolitan, district and local municipalities in the province to get a sense of the status quo. In order to thrive, township economic development depends firstly on the capabilities and resilience of township businesses, and an enabling regulatory environment; secondly, on a spatial environment conducive for businesses to flourish and connect; and thirdly, on the promotion of social assets such as inclusive decision-making and participatory governance. The study showed that currently, no municipality in Gauteng coherently or directly regulates its township economy by way of a single, overarching 'framework' bylaw. However, quite a few have a range of sector-specific bylaws that impact on different aspects of township economic activity; typical examples are street trading, markets, behaviour in public places, and municipal health.

The paper engages specifically with the potential for legal reform in township-economy regulations. It analyses:

- **the national legal framework for the development and promulgation of municipal bylaws and the publication of standard draft bylaws in South Africa;**
- **a number of existing municipal bylaws and local policies that are relevant to township economic development in Gauteng;**
- **enabling measures in bylaws and policies of other metropolitan municipalities in South Africa; and**
- **municipal bylaws as potential instruments for township economic development in Gauteng.**

It follows that Research Paper 2 (RP 2) focuses on existing and potential future municipal bylaws and local policies in Gauteng, as far as they concern township economic development.[1] The objective is to help create an enabling regulatory environment as one of the interventions needed to increase the capabilities and resilience of township economies.[2] We acknowledge that the way in which bylaws are interpreted, implemented and enforced by municipal officials and councils can be as supportive or encumbering as their content.

The research entailed a review of the objectives and provisions of a) the national legal framework applicable to municipal legislative authority and the adoption of municipal and standard draft bylaws; b) the bylaws and local policies of municipalities in Gauteng Province with objectives and provisions directly and indirectly relevant to township economic development; and c) the bylaws and local policies of metropolitan municipalities elsewhere in the country that are directly relevant to township economic development. This review entailed the identification of measures in the existing law and policy framework that have the potential to either enable or constrain township economic development. Such potential was determined by looking at existing bylaws and local policies through three conceptual lenses originally developed by the Western Cape Township Economies Toolkit of 2019. The first is the "capable enterprise", which refers to aspects needed to increase the capabilities and resilience of township businesses, including resilient entrepreneurship, an enabling regulatory environment, and sectoral approaches.[3] The second is that of "productive placemaking", which denotes space and places such as streets, public spaces and residential areas that help create an environment conducive to businesses to flourish and that depend on access, connectivity, community safety, mixed land-use activities etc.[4] The third is "resilient social fabric", which refers to some of the social assets that exist in townships, such as community organisation and participatory governance.[5]



… "productive placemaking", which denotes space and places such as streets, public spaces and residential areas that help create an environment conducive to businesses to flourish…

The authors of this paper were further guided in their assessment by two stakeholder meetings held in 2019,[6] some of the literature on the informal economy in South Africa,[7] and the definition of 'township economies' in the Gauteng Township Economic Revitalisation Strategy (2014-2019) (hereafter Gauteng Strategy).[8]

Development of Municipal Bylaws and Standard Draft Bylaws: the National Legal Framework

Municipalities derive their bylaw-making power from the Constitution of the Republic of South Africa, 1996, which says local government must "govern, on its own initiative, … local government affairs of its community" (s 151(1);(3)) and must "provide democratic and accountable government for local communities; ... ensure the provision of services to communities in a sustainable manner; ... promote social and economic development; to promote a safe and healthy environment [and] ... encourage the involvement of communities and community organisations in the matters of local government" (s 152(1)). These provisions epitomise 'developmental local government'; the legal powers, functions and competencies of municipalities must be understood in this light.

Section 156(1)-(2) of the Constitution says that:

(1) A municipality has executive authority over, and may administer –
  (a) the local government matters listed in Schedules 4B and 5B; and
  (b) any other matter assigned to it by national or provincial legislation.
(2) A municipality may make and administer bylaws for the effective administration of the matters it has the right to administer.

Research Paper 1 (RP1) identified the functional areas in Schedules 4B and 5B of the Constitution relevant to developing township economies. These range from population development, tourism and trade, to control of public nuisances, street trading and the undertakings that sell liquor. RP1 discusses extensively how these areas span the legislative authority of national, provincial and local government.

Experts are divided over how far municipalities' bylaw-making power over Schedule 4B and 5B functionalities extends; some argue that bylaw-making power is limited to the administration of these functional areas, whereas others believe bylaw-making power is 'original' and extends to all aspects of these areas. Most agree that developmental local government is better served by municipal bylaw-making and policy authority extending beyond administration to include regulating substantive matters in innovative ways that respond to municipal peculiarities. Bylaws may also be passed to further any functions delegated to local government by national or provincial legislation, in a range of areas.

The upshot is: for matters relevant to the development of township economies, municipalities should be able to formulate local policies and deal with bylaws on their own initiative, and need not wait until empowered by the 'upper' spheres of government. Municipal policies or bylaws may also engage with the aspects of township economies mentioned beyond the confines of national or provincial legislation, as long as they do not conflict with that legislation.

Bylaw-making power is situated within a broad range of ways in which municipalities exercise authority. The Municipal Systems Act says:

"A municipality exercises its legislative and executive authority by -

a. Developing and adopting policies, plans, strategies and programmes, including setting targets for delivery;
b. Promoting and undertaking development;
c. Establishing and maintaining an administration;
d. Administering and regulating its internal affairs and the local government affairs of the local community;
e. Implementing applicable national and provincial legislation and its bylaws;
f. Providing municipal services to the local community or appointing appropriate service providers …;
g. Monitoring and, where appropriate, regulating municipal services …;
h. Preparing, approving and implementing its budgets;
i. Imposing and recovering rates, taxes, levies, duties, service fees …;
j. Monitoring the impact and effectiveness of any services, policies, programmes or plans;
k. Establishing and implementing performance management systems;
l. Promoting a safe and healthy environment;
m. Passing bylaws and taking decisions on any of the above-mentioned matters; and
n. Doing anything else within its legislative and executive competence."

This provision clearly indicates that bylaws are just one of a range of tools municipal councils may use for development. But a bylaw will not always be the most appropriate tool. As explained in RP1, other tools for municipalities include integrated development plans (IDPs), direct enforcement of national or provincial laws, contracts, agreements such as public-private partnerships, imposing tariffs and/or levies, subsidies and tax incentives, dispute resolution mechanisms, etc. The mix of appropriate tools including bylaws will depend on what a particular municipal policy or government law wishes to achieve.



… bylaws are just one of a range of tools municipal councils may use for development

In the Municipal Systems Act, the only prerequisites for passing bylaws are the procedural ones in Sections 12-13 pertaining to the form of bylaws and how they must be introduced, voted on and disseminated. Substantively, bylaws must adhere to the rule of law and to the Bill of Rights. The Constitution also says a municipal bylaw that conflicts with national or provincial legislation is invalid, as long as the legislation does not compromise municipal powers. The Municipal Systems Act affirms this.

As explained in RP1, national or provincial legislation can lay down principles to which municipal bylaws (for the functional areas in Schedules 4B and 5B) must adhere. But it cannot dictate the exact content of bylaws or the outcome of individual municipal decisions. Municipalities should be given discretion over how to comply with relevant norms, standards and requirements. But national or provincial legislation may be more prescriptive in cases dealing with other functional areas.

As also explained in RP1, one way national or provincial governments may substantively guide and support municipalities is through proclaiming standard draft bylaws.

The minister or provincial MEC responsible for local government may make standard draft bylaws on any matter. They can be as substantively detailed or prescriptive as they like; it is completely up to municipalities to decide whether (and to what extent) to adopt a standard draft bylaw. No part of a standard draft bylaw has any force in a municipality if it has not been passed as prescribed by the Municipal Systems Act.

Accordingly, standard draft bylaws are templates or examples of the kind of regulation that provincial or national government would like to see at local government level. They are useful tools for assisting municipalities in thinking through their own bylaws, especially since several municipalities lack the capacity to formulate bylaws of their own.

Standard draft bylaws may be especially appropriate where certain goals in a provincial strategy for enabling township economies are best achieved through municipal bylaws, but where the current municipal bylaws in the province are not adequate – for instance where there are significant discrepancies between municipal bylaws regarding a particular aspect of the township economy (e.g. street trading or zoning); or where the bylaws of some municipalities are substantively out of step with relevant principles; or where some municipalities simply lack bylaws pertaining to the issue.

Current State of Municipal Bylaws and Policies in Gauteng Relevant to Township Economic Development

A bird's-eye view

As already stated, bylaws are but one in a range of tools municipal councils can use for their developmental mandate. Other tools can also potentially affect aspects of township economic development, such as IDPs, direct enforcement of national or provincial laws, contracts, public-private partnerships, the imposition of tariffs and/or levies, subsidies or tax-incentives, dispute-resolution mechanisms, performance management systems, etc. This is discussed in RP1. Bylaws are particularly relevant in because they are the chief *regulatory* instruments. So, what does one see when looking at Gauteng municipalities and their bylaws?

Unlike the Township Economies Toolkit of the City of Cape Town, for example, 'township economic development' is not covered by this name in any existing municipal bylaw or local-level policy in Gauteng. But there is a basket of different sector bylaws that could potentially affect township economic development, in a positive or negative way. This research uses the concepts of 'capable enterprise', 'productive placemaking' and 'resilient social fabric' described earlier to identify such bylaws and municipal policies (see Annexure C). It transpires that at least 9 of the 11 municipalities in Gauteng have some provisions scattered across sector-specific bylaws and policies that could affect township economic activity.[9] Because local governments have law-making autonomy, every bylaw and its possible intersection with the township economy looks different. From a capable enterprise, productive placemaking and resilient social fabric perspective, their design and degree of relevance differs; there was significant variation across municipalities over the finer aspects of regulation. Due to this diversity, as well as the many and varied ways in which bylaws tended to deal with township spaces, it was not possible to meaningfully quantify or compare the extent to which the different municipalities in Gauteng address different aspects of township economies.



It follows that reading the existing bylaws and local policies of Gauteng's municipalities is like walking a maze.

It follows that reading the existing bylaws and local policies of Gauteng's municipalities is like walking a maze. Provisions able to affect township economic development are scattered across approximately 50 bylaws and policies of the province's local, district and metropolitan municipalities (see Annexure A). Typically, the bylaws create rights and duties for the municipality, township entrepreneurs, property owners, consumers and suppliers, and approve or disapprove of different forms of conduct.

The significance of these bylaws for township economic development varies. Some are obviously relevant because they focus explicitly on the capable enterprise, e.g. the bylaws on informal trading and the authorisation of street traders. Others are only incidentally relevant, affecting productive placemaking as they regulate spatial aspects such as infrastructure requirements (the built environment), municipal support and other services, health and safety measures, and the control of public nuisance. The bylaws that provide for matters such as public participation in decision-making, or the representation of certain sectors such as the street trading sector, etc., inadvertently affect the resilience of the social fabric.

As suggested by the analysis in Annexure A, most municipalities have bylaws relevant to the capable enterprise, but these overwhelmingly focus on the informal economy. They typically do not deal with SMMEs more broadly, as catalysts for local (township) economic development. The almost elusive relationship and co-dependency between the formal and informal economies in the township environment is certainly relevant; but understandably, it is hard for a bylaw to cater for it meaningfully. It did not come as a surprise that it is currently not provided for in any of the bylaws in Gauteng.

Bylaw provisions that explicitly affect productive placemaking and resilient social fabric are scarce. The provisions that are relevant to township economies were actually developed to serve other purposes, such as to steer spatial planning, and create order in public places in general (i.e. not in the township environment, as such). Further in-depth research and empirical data based on the experience of township traders and consumers are likely to expose additional provisions that positively and negatively affect them, as well as the spaces in which they operate; e.g. bylaws and policies on municipal supply chain management, procurement models and public participation processes.

Most of the bylaws identified as being relevant to township economic development follow on the functional areas listed in Schedules 4B and 5B of the Constitution; e.g. building regulations, municipal planning, trading regulations, street trading and public places. These bylaws and policies tend to be named exactly after the municipal functional areas listed in Schedules 4B and 5B; e.g. Public Places, Street Trading and Control of Public Nuisances. It would seem that so far, municipalities in Gauteng have hesitated to execute their bylaw-making authority in a creative and experimental way. There are a few exceptions. One of the Lesedi Municipality's local policies deals with the 'Evaluation, Approval and Placing of Containers for Business Purposes', a matter not explicitly mentioned in Schedule 4B or 5B. The same municipality also has a 'Spaza Shops Policy', which is sector-specific but fits the listed functional area of 'licensing and control of undertakings that sell food to the public'.

In the same way, a number of municipal functional areas relevant to township economic development do not (yet) feature in the framework of bylaws and local policies, e.g. local tourism and municipal public transport. It is not immediately apparent why this is the case, but it may be linked to the definitional vagueness and overlap in Schedules 4 and 5 of the Constitution (discussed in detail in RP1). There is probably a need to systematically clarify the difference between governing in the areas of tourism (Schedule 4A) and *local* tourism (Schedule 4B), and public transport (Schedule 4A) and *municipal* public transport (Schedule 4B), for example.

A number of matters that are not listed in the constitutional schedules, even though they are critical for proper township economic development, have also not yet made it into Gauteng's municipal bylaws and local government policies. For example, structures and processes for intra- and intergovernmental cooperation among relevant line functionaries in and across municipalities (e.g. departments responsible for infrastructure, local economic development and planning), remain lacking, as do measures for inclusive and participatory decision-making.

The existing bylaws and policies are also quiet on a number of substantive matters relevant to township economic development. These include, for example, consumer protection in the strict sense, labour relations and employer and employee rights, occupational health and safety and the protection of workers in township workplaces, immigration and cross-border trade (including the protection of international business people, supply chains and export markets) as well as community safety and security in relation to crime. As explained in RP1, these are functional areas under the exclusive control of national government. There is a need to bridge the gap between what is relevant locally, and what must be legislated at provincial and national level.

First, we explain how a matrix of enabling and inhibiting measures currently co-exists in Gauteng's bylaws and local policies.

Typical measures and provisions of an enabling nature

We do not just seek to criticise those bylaw and policy provisions that constrain township economic development. We seek ways in which the law (bylaws in particular) can be used to enable and support township entrepreneurs, and the sustained growth of township economic development. However, constraints and enablers in the township economic activity space are context- and sector-specific. They depend on the prevailing conditions in a specific township, the ability of different actors to gauge the social fabric and market conditions, and the willingness of authorities (in all three spheres of government) to create enabling physical and regulatory environments.



We seek ways in which the law (bylaws in particular) can be used to enable and support township entrepreneurs …

It was therefore difficult to identify what might be 'enabling provisions' in the existing bylaw and policy framework in Gauteng's municipalities. As a frame of reference, provisions that help to do the following will go a long way towards enabling township economic development: a) to increase the capabilities and resilience of township businesses; b) to improve access to and connectivity in physical space (e.g. streets, public spaces and residential areas) in combination with mixed land use; and c) to recognise and enhance social assets in townships, such as community organisations, participatory governance processes, social economy and access to information.

The research revealed that bylaws aimed either specifically at the support of the informal economy, or at overall local economic development and social and economic upliftment, tend to address issues of capability and resilience relevant to township economies. Productive placemaking (as relevant to these economies) is covered to some extent in all bylaws and policies dealing with street trading, public spaces and spatial planning. In addition, there are a few *ad hoc* provisions that may help enable township economic development.

Several bylaws and local policies in the Province provide for the specific allocation of trading space and supporting infrastructure for informal traders.[10] Another makes provision for using technology such as smart cards for regulating informal trading more consistently.[11] The City of Johannesburg provides training of and mentorship for informal traders, for

example.[12] Some municipalities stipulate a right to trade on a public road, or in other areas of the municipality, subject to pre-determined restrictions and prohibitions.[13] The Lesedi Local Municipality Informal Trading Policy provides for 'trading plans' aligned with town planning schemes, spatial development frameworks, etc., and stipulates the rights and duties of informal traders, for example. The same policy also makes provision for so-called 'transferable trading registrations' in the event of a trader's death or illness, which strengthens the sustainability of township businesses. It also states that assistance should be provided to illiterate or special-needs traders, e.g. in relation to business skills development, health education and small business development; by way of 'incubation programmes', for example.

Some municipalities have potential sector-specific enabling provisions, such as the City of Johannesburg's Electricity Bylaw …



Some municipalities have potential sector-specific enabling provisions, such as the City of Johannesburg's Electricity Bylaw that allows the Municipality to appoint vendors from the informal economy. In other municipalities, provision is made for exemptions regarding municipal health regulations or property rates for businesses operating in informal areas, on the condition that minimum requirements are met.[14] The City of Johannesburg's Outdoor Advertising Bylaw exempts informal traders from complying with ordinary advertising requirements, and so acknowledges the distinctiveness of the informal sector.

The regulatory environment is riddled with procedures and forms as part of its processes. It is certainly enabling when the most recent version of a required form is linked to the municipal policy that requires it. An example is the Lesedi Local Municipality Spaza Shops Policy. Another enabler is the language(s) in which municipal laws and policies are published. This may have a marked impact on awareness of (and compliance with) the bylaws and policies applicable to township economic activities in a specific area.

So a fair amount of the scope of informal trading is covered in the existing bylaws and policies. But the township economy is not limited to informal trading.[15] For the capable enterprise, not a single bylaw addresses capacity building for resilient township entrepreneurship; or value chains, tailored procurement models or an enabling regulatory environment for the assortment of businesses that operate in township economies (ranging from street traders and informal service providers to formal SMMEs).

The accessibility (and legalities) of physical space and boundaries are key to the township economy, and specifically for productive placemaking. Many of the barriers to township economic development originate in regulations (or the absence of regulations) about space. However, the review of the existing bylaws in Gauteng has shown that few municipalities are aware of a lack of regulations. Only a few have provisions in their spatial planning and land-use management bylaws that incidentally also support township business.

For example, the Merafong City Spatial Planning and Land Use Management Bylaw says the Municipality's spatial development frameworks (SDFs) should make provision for development corridors, activity spines and economic nodes that are in line with economic activity trends in the Municipality. Presumably, this would include the trend of expanding township economies. The same bylaw makes it possible to amend the Municipality's Land Use Scheme for rezoning purposes. Rezoning may be necessary to accommodate the expansion of township economies and the accompanying change in land use. Similarly, the Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management Bylaw allows departures from its SDF to accommodate site-specific circumstances. In Ekurhuleni, Land Use Surveys are required to identify areas requiring special development attention regarding spatial planning, land-use management and service delivery.[16] Township economic hubs typically require such special development attention. The same Bylaw compels the Municipality to incorporate informal settlements suitable for upgrading into its Land Use Scheme. In transitional informal settlement areas, land uses that may be approved include places of child care, spaza shops and taverns.[17] Note that overall, spatial land-use management bylaws are not used optimally for township economic revitalisation.

When it comes to spatial regulation, these few enabling provisions above are all exceptions that may be granted from a municipality's general regulation, recognising that some areas and people have different demands. However, there is nothing that starts from a premise that special measures for township spaces should be encouraged. No municipality in Gauteng has a special mixed economic zone-type bylaw tailored specifically for townships. At most, municipalities treat township space as a tolerated exception from the rule. Not one of the existing bylaws has a deeper understanding of and approach to productive placemaking. Not one acknowledges that streets, public spaces and residential areas play an important role in creating environments that are conducive to businesses flourishing, including township businesses.[18] The existing bylaws have no measures to help improve access and connectivity, urban management and community safety, or any appropriate land-use activities.

For a township economy to thrive, the interests of specific people must be acknowledged and protected, and public decision-making must be geared towards economic progress. It follows that *how* a municipality 'governs' determines

the resilience of the social fabric, and may be as important as its rules around hygienic trade practices, for example. In Gauteng, the Lesedi Local Municipality Informal Trading Policy makes provision for public participation mechanisms in regulating informal trade. In Ekurhuleni, the same policy and a bylaw provide appeal procedures that aggrieved traders can follow, e.g. if they apply unsuccessfully for authorisation to trade. More proactively, the Lesedi Local Municipality Informal Trading Policy allows structures dedicated to informal traders, e.g. the 'Registrar of Informal Traders'. This sits in the division of the Municipality responsible for local economic development. Other bylaws acknowledge the potential for conflict between parties: the Ekurhuleni Metropolitan Municipality Fresh Produce Market Bylaw provides dispute resolution measures between traders and consumers. In Tshwane, the corresponding bylaw explicitly protects the interests of women, children and previously disadvantaged groups, by way of certain BEE requirements, etc.[19]

Mostly, the existing bylaws in Gauteng also fail to recognise and enhance the social assets that already exist in townships. There are few provisions on public participation and the representation of specified groups in municipal decision-making regarding informal trading. There is no sign that any municipality appreciates the social economy in townships, or how it feeds into the township economy.



For township economies to flourish, they need people, products, places and services to be connected.

It follows that Gauteng has a patchwork of potentially enabling measures scattered across a number of different bylaws and policies. Existing measures (mainly dealing with informal trade and street trading) may be insufficient to counter the constraining provisions. Seven out of 11 municipalities have some bylaws and policies on capable enterprise, and eight out of the 11 have bylaws that superficially deal with the productive placemaking needed in townships. None of the spatial bylaws in the Province explicitly deals with the township economy or the kinds of spaces it needs. The bylaws also ignore the need for connectivity. For township economies to flourish, they need people, products, places and services to be connected. Similarly, the divide between formal and informal is porous. Bylaws dealing with informality (e.g. informal trade) deal only partially with the reality of the township economy. Concerning the resilience of the social fabric, and engaging with community organisations and participatory governance, only a few *ad hoc* provisions are aimed at administrative justice. No bylaw explicitly provides for bottom-up planning and decision-making in townships, or ways in which to capitalise on the social economy.

Typical constraining measures and provisions

As stated earlier, measures that have a constraining effect on township economic development will vary from one municipality, sector, township and person to the next. It is impossible to give a comprehensive list of existing bylaws and policies in Gauteng that stifle township economic activity and prevent township entrepreneurs from flourishing.

Bylaws and local policies considered inhibiting are those that: a) decrease the capabilities and resilience of township businesses; b) hinder access to and connectivity in physical space (e.g. streets, public spaces and residential areas), in combination with inflexible land use arrangements; and c) lock in and repress social assets in townships, such as community organisations, participatory governance processes, social economy and access to information. We can identify a number of potential constraints in the existing bylaws and local policies in Gauteng.[20]

Many of the constraining provisions identified here appear to be the unintended consequence of a municipality: a) trying to balance the rights and interests of (formal and informal) traders and service providers, the consumer and the general public in its area; b) planning for and regulating a municipal area as a homogeneous system instead of a complex mix of highly formalised and informal spaces and human and economic activity; and c) regulating a range of activities using a 'rule of general application', which denies some of the peculiarities of townships. It could also happen that a bylaw has no other apparent intention but to limit the spread of informality, including township economies.

Most municipalities regulate street or informal trading (in e.g. merchandise or waste-removal services) through bylaws. While these often contain some enabling provisions, as elaborated above, their overall command-and-control orientation sometimes hampers informal economic development, and complicates the interrelationship between formal and informal economic activities in townships.

For instance, these bylaws typically require the registration of businesses, and licences for traders. They usually state that businesses that also require other authorisation, such as in terms of national environmental, health or business laws, must also comply with all such other requirements. This adds significant red tape, and typically applies to businesses that supply meals or perishable foodstuffs, repacked sweets, biscuits etc., as well as informal hairdressing services, cosmetology, body-piercing services, etc.[21] In addition, the registration requirements themselves may be exclusionary. For instance, the Lesedi Municipality Informal Trading Policy states that only traders with experience, who employ fewer than five people, and who are South African, will be allowed to register as traders.

Business authorisation requirements also differ from one municipality to the next, which would have a dampening effect on township businesses that want to grow beyond just one area, or where someone wants to do business in two adjacent and functionally connected townships that happen to fall into two different municipalities.



A number of bylaws restrict the conduct of informal traders, many of whom operate in township areas. Restricted conduct typically includes the erection of structures to provide shelter without the approval of the municipality, and trade in certain areas such as near residential buildings, certain business premises, and places of worship.[22] For example, traders may not erect 'unsightly structures' from which to conduct business,[23] and must trade from designated trading bays.[24] Bylaws also authorise municipal officials to specify the time of the day that trading will be allowed.[25] Standardised trading hours applicable across a municipality may not suit the unique needs of traders and consumers in township areas. Transgressions of the law or 'reasonable suspicion' of transgressions (e.g. trade in illegal goods or unauthorised trading) may result in the controversial impounding or removal of a trader's property. Not all bylaws make provision for just administrative procedures such as the issuing of compliance notices.[26] It is also not always clear who the authorised bylaw enforcement officer is. For example, the Tshwane Municipality Market Bylaw states that a law enforcement officer from the Tshwane Metropolitan Police, the South African Police, or 'other authorised law enforcement officer' may remove and impound any goods reasonably suspected to be used in connection with prohibited activities.

Bylaws also authorise municipal officials to specify the time of the day that trading will be allowed

Some bylaws complicate the compliance arrangements by addressing third parties, such as owners of non-municipal property demarcated for informal trading (albeit in relation to trading by others)[27] or of premises on which recyclable waste is generated.[28] Other bylaws and local policies frame prohibited activities ambiguously, e.g. prohibiting a business which creates a nuisance,[29] or the making of an open fire in so as to pose a threat.[30] In these examples, neither nuisance nor threat is clearly defined. Vague provisions can be interpreted and enforced in an overly restrictive or erratic manner.

Some bylaws direct their regulatory measures at very specific sectors. For instance, the Ekurhuleni Metropolitan Public Health Bylaw stipulates that second-hand traders must store their property in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harbourage of rodents. In another example, the Ekurhuleni Metropolitan Municipality Water Supply Bylaw states that any commercial washing facility must operate such that 70% of the potable water used is recycled for re-use in the facility. Similarly, the City of Johannesburg's Public Health Bylaw stipulates that 'any person operating a salon … must collect all hair clippings and other waste in an approved container after every service and store or dispose of waste in an approved manner'. There are similar detailed rules for sectors such as spaza shops and gambling facilities. For instance, the Lesedi Municipality's Spaza Shops Policy dictates that alterations done on a dwelling to accommodate a spaza shop must be in accordance with the Town Planning Zoning rules of the Municipality and any conditions posed. The Mogale City Local Municipality Parks and Open Spaces, Management of Trees and Facilities Bylaw states that no person may gamble in a public open space without Municipality consent. However, it is not clear whether the same rules apply to street artists or vendors, for example. It follows that in the existing range of bylaws in Gauteng, comparable economic sectors are not necessarily regulated with the same level of detail.

Several bylaws limit trade to specific spaces in the municipality which may not address the needs of township entrepreneurs and consumers. Forbidden areas typically include gardens, parks and public amenities.[31] Some municipal rules also venture into the trading area itself, for example where it is stipulated that vehicular and pedestrian access must be to the satisfaction of the municipality.[32] Some provisions seem to be out of touch with economic and societal trends such as growing informal waste recycling enterprises that have informal waste reclaimers working in different areas during different times of the week. The Emfuleni Local Municipality Solid Waste Management Bylaw says that unauthorised scavenging or separation of waste for materials or food waste for any purpose at any solid waste facility is strictly prohibited. The Midvaal Local Municipality Waste Management Bylaw states that 'no person may operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported'. While these prohibitions make sense from a health and safety perspective, the waste bylaws do not provide for the well-documented function and local economic development potential of informal waste recycling.

When it comes to access to and connectivity in township spaces, bylaws are often disabling simply because they were not intended for township spaces. Some bylaws appear to be out of step with the fluidity of the township economy; they do not acknowledge the variability of certain trades. For example, the West Rand District Municipality's Health Services Bylaw says that no trader (formal or informal) may operate if the trader does not have a valid health certificate, issued in his or her name, for the specific premises, for a specified time.

Building regulations are notoriously unsuitable for many township activities. For instance, the Emfuleni Local Municipality's Building Bylaw states that temporary buildings or movable structures may not be erected without Council permission. This may not be conducive to the interests of a new entrepreneur who wants to test the market (e.g. from a temporary movable structure) before venturing into more official business in the township.

The marketing of a business in a township may be as important as anywhere else in a city. However, some bylaws forbid advertising of the kind one would typically find in townships. For example, the Emfuleni Local Municipality Advertisement Signs Bylaw says no person may display any sign or advertising hoarding without Council approval. The City of Johannesburg's Outdoor Advertising Bylaw is similar. What's missing is a provision for alternative arrangements for marketing an enterprise that operates in a township.

The marketing of a business in a township may be as important as anywhere else in a city.



A few bylaws and local policies appear to be both enabling and constraining for the township economy. For instance, the Lesedi Local Municipality Policy for the Evaluation, Approval and Placing of Containers for Business Purposes acknowledges that informal traders include container traders, and that such traders have unique needs. This sounds promising; but the Policy also requires container traders to pay a steep deposit, and sets unrealistic technical requirements such as that an applicant must have potable water available within a radius of 200 metres from the container.

The confiscation of a trader's goods is intrusive in many ways. Most street trading and informal trading bylaws stipulate if and when it may take place, but several leave a wide margin of discretion when it comes to enforcing these provisions. This adds to uncertainty in the township economy; for non-compliance, an authorised official may 'give a verbal *or* written notice', for example.[33] In another instance, the removal of property is allowed if it is 'reasonably suspected' to be used for trade in illegal or unauthorised property.[34]

In addition to the barriers created by bylaws, compliance may be complicated by a lack of basic information, such as the specific municipal department from which authorisations must be obtained. And as the internal structures of municipalities often change, there should be regular revision and update of information relevant to a municipality's bylaws.

Status quo?

The patchwork of bylaws and local policies relevant to township economies in Gauteng shows that there has been some uptake of the legislative authority of municipalities regarding township economies. But while some policies (e.g. Lesedi Local Municipality) proactively look at ways to support the growth of the informal economy, most existing bylaws take a command-and-control approach, regulating by way of rules, enforcement arrangements and penalty clauses. The existing spatial and land-use management bylaws are somewhere in between; they aim at productive placemaking and spatial transformation, but do not necessarily allow for zoning suited to informality and fluid forms of land use. There is also little in the existing bylaws that incentivises township economic development – no special zones or categories of business permits, no rates rebates, no tailored service packages, no start-up subsidies, etc.

Annexure C information from the review of existing bylaws and local policies in Gauteng, with a specific focus on: a) their objectives and relevant definitions; b) the person/entity regulated; c) the issue/activity regulated; and d) the scope of the regulatory measure(s) adopted. In addition to the observations made earlier regarding enabling and constraining provisions, the following transpired from the review:

- Fragmentation abounds. No two municipalities have bylaws dealing with a specific functional area such as street trading in exactly the same way. This is understandable considering the legislative autonomy and differences in size, category, economic activities and history of Gauteng's municipalities. However, even within a single municipality, one bylaw's support of informal trading may be hindered by another bylaw's technical or spatial-related requirements. The manner in which these diverse bylaw and policy provisions are interpreted will determine the outcome for township economic development. Not all fragmentation will be debilitating, but some will – especially e.g. for a township entrepreneur trying to grow her business beyond just the confines of a single township or municipality.
- Compliance and enforcement arrangements can be bewildering. In some instances, there is a layering of duties, as in a bylaw that applies the duty to keep a trading site safe and hygienic to the owner of the land as well as to the traders themselves: non-compliance by either the owner or the traders will negatively impact the traders. A single bylaw sometimes contains enabling and disabling, or 'reasonable' and 'unreasonable' provisions: its effect depends on which side of the fence one is standing. What may be reasonable to a trader may not necessarily be reasonable to a municipal official tasked with enforcing a building regulation or a fire safety bylaw across the whole geographical area of the municipality.

- The devil lies in the regulatory detail. While there is no outright prohibition on informality or township economic activity, and the right to trade is generally appreciated across Gauteng, the details locked up in restrictions, qualifications and exceptions in the existing bylaws may block the objective of supporting informal street traders, for example. Much of the existing bylaw framework is reactive and punitive, rather than empowering, progressive and forward-looking.
- The regulatory environment is complex. The 'regulated' is subject to multiple rules, regulations and obligations imposed by the 'regulator'. In the township economic environment, it is mostly 'the trader' that is governed, usually by various kinds of bylaws administered by different municipal departments, such as City Planning, Environmental Health, Economic Development and Community Safety. Many of these governing bylaws are inflexibly designed, unfit for informality, and not necessarily 'township economic development'-friendly. They must also be aligned with national laws and policies that are understandably out of tune with local peculiarities, for example the National Health Act, the Businesses Act, the National Environmental Management: Air Quality Act and the National Building Regulations and Building Standards Act.
- There are some inter-municipal inconsistencies. These will inevitably transpire where municipalities pass bylaws and policies relevant for their own municipal areas. This is not necessarily problematic, unless there is a need for more consistency and legal security across a larger geographical area such as a provincial or city region. In this regard, the review of the existing bylaws and policies in Gauteng indicated that:
    - Not all municipalities have made bylaws or policies for matters relevant to township economic development (see Annexures A and C);
    - Existing bylaws and local policies relevant to township economic development have varied definitions for concepts such as 'informal traders' and 'trade'; and
    - Fragmented institutional arrangements exist concerning responsibility for township economic development; e.g. 'informal trading' sits with different departments in different municipalities. Also, the authorities involved with the authorisation, enforcement and support in the township economy space differ from one municipality to the next, ranging from the office of the Municipal Manager and the Environmental Health Directorate to the Department of Economic Development, the Infrastructure Services Directorate, the Metropolitan Police, and the SAPS.

Enabling Measures from Elsewhere in South Africa

All metropolitan areas in South Africa have booming township economies. For this project, relevant bylaws and policies of the metropolitan municipalities outside of Gauteng were briefly considered (see Annexures B and D), to identify possible innovative enabling measures from which municipalities in Gauteng could learn. A few of the key learning points follow below. This is an open-ended list of possible peer learning, limited to the content of a few selected bylaws and policies from outside of Gauteng. Further research into the institutional arrangements, governance culture, enforcement structures, etc. of other municipalities would expose further areas from which municipalities in Gauteng could learn.



The Cape Town Informal Trading Policy progressively encourages entrepreneurs to formalise incrementally…

With respect to capable enterprise arrangements and instruments:

- The Cape Town Informal Trading Policy progressively encourages entrepreneurs to formalise incrementally according to their needs and as they develop over time. Aspects of formalisation include proper zoning and land use, business registration, health certificates, sector body registration, and tax registration;
- The Cape Town Informal Trading Policy provides for flexible and appropriate levels of infrastructure (e.g. flexible market structures at key transport nodes) to be provided over time, to foster the sustainability of traders while improving the environment for all stakeholders;
- The City of Cape Town Informal Beach Trading Policy and Management Framework offers a clear definition of what the Municipality sees as 'informal economic activity';
- The Mangaung Metropolitan Municipality Street Trading Bylaw states that street trading is explicitly allowed in the business area and in residential areas, but subject to requirements, including obtaining a street trading identity card;
- The City of Cape Town Informal Trading Bylaw provides for persons who qualify for trading permits but are unable to pay the prescribed fee to be excused the applicable business registration fee, or to pay the fee in instalments over a stipulated period;
- The City of Cape Town Informal Trading Bylaw makes provision that a person who is not a South African citizen bust is in possession of a valid work permit or refugee permit may apply for an informal trader's permit from the City;
- The eThekwini Metropolitan Municipality Informal Economy Policy provides for a trading registration system simultaneously directed at permission to trade and at the provision of municipal services and support; and

- The City of Cape Town Business and Business Support Policy formalises informal business practices to enable greater private sector support and financing, and to align the Municipality's IDP, Economic Growth Strategy (EGS), the National Development Plan (NDP) and various other City strategic frameworks. It establishes mechanisms to ease some of the administrative restraints that prevent SMME development and establishment. It also outlines the City's business support services for SMMEs, entrepreneurs and innovators. The Policy supports the development of all levels of business including informal traders, but does regulate informal trading to the extent that this is done in terms of the City's other bylaws.

The idea of incremental formalisation and compliance expectations is one that may very well be considered for township enterprises in the municipalities of Gauteng; the same goes for how some other metros provide for infrastructural and private sector support of informal trading. Blanket authorisation of township businesses (subject to specifications and conditions) may relieve much of the red tape currently experienced by township entrepreneurs. A policy to facilitate the alignment of the relevant plans, policies and bylaws of a municipality may help to counter fragmentation in a municipality and the challenges that multi-authorisation requirements present.

With respect to productive placemaking arrangements and instruments:

- The City of Cape Town Informal Trading Bylaw provides for municipal trading plans in areas where there is a significant overlap between formal and informal trading on non-city property. Such trading plans must follow public participation processes; and
- The eThekwini Metropolitan Municipality Informal Economy Policy provides for an allocations policy, as central to the informal economy – it should support growth, and provide opportunities for new entrants and formally marginalised people. Such a policy should also feed into the tourism industry, through an appropriate tenant mix in tourism-related areas, for example.

Except for 'trading plans' to manage areas where formal and informal trading meet, productive placemaking falls short in other municipalities too. It appears that their bylaws and policies on the informal economy also lack provisions to advance improved access, connectivity, community safety and mixed land-use activities in and adjacent to townships. This suggests that municipalities in Gauteng could be at the forefront in this area nationally, if they meaningfully unlock their streets, public spaces and residential areas to make them strongholds of thriving township economies. This would have to closely involve all actors in the township economy.

With respect to so-called resilient social fabric and enhancing social assets:

- The Buffalo City Metropolitan Municipality Street Trading Bylaw makes provision for the representation of street traders on the Appeal Committee of the Municipality;
- The Mangaung Metropolitan Municipality: Informal Settlements Bylaw stipulates the role of ward committees, including convening special meetings to communicate with residents about informal settlement matters (including the township economy);
- The City of Cape Town Informal Trading Policy compels the Municipality to support and assist with the establishment of trader associations and other stakeholder bodies, which represent their constituents at engagement forums; and
- The City of Cape Town Informal Trading Policy acknowledges that industry-specific intermediaries play a developmental and business support role. They perform functions on behalf of informal traders, such as product design, mentorship, contract negotiation, and a business interface role.



These bylaws and policies acknowledge the role of collective actors, third-party support and procedural fairness.

These bylaws and policies acknowledge the role of collective actors, third-party support and procedural fairness. In their bylaws and policies on township economies, municipalities in Gauteng should provide for participatory governance instruments, alignment with administrative law, and strengthening the social economy (associations, cooperatives, ward committees, etc.), as well as the necessary engagement forums and opportunities.

Challenges with Municipal Bylaws as Instruments for Township Economic Development in Gauteng

The challenges in existing bylaws in Gauteng should ultimately be identified by those with: a) the duty to comply, such as street traders and owners of small township businesses); and b) the duty to implement (municipal officials). In addition to the gaps and challenges alluded to earlier, the review conducted for this paper suggests the following:

- The inhibiting nature of some bylaws is not necessarily a result of the letter of the law, but rather the result of a lack of compliance support. The support needed is wide ranging, and includes access to official procedures and

forms; to infrastructure, such as electricity and water connections; and to hygienically safe environments, etc. While a municipality may impose the duty to support on itself through one of its bylaws, determining the support needed and acually providing it lies with the executive in the municipality. The support of township entrepreneurs and enterprises is a critical issue, to which the law is only partially able to respond.

- As mentioned earlier, several bylaws refer to other (national) legislation, resulting in layered compliance requirements. For instance, municipal authorisation to trade depends on compliance with national legislation such as the Businesses Act, the National Health Act, and national law applicable to air quality management, outdoor advertising and pollution control. The challenge for an entrepreneur is a) to determine what he or she must comply with; and b) to physically apply for all the relevant authorisation, from all the relevant authorities. A 'one-stop-authorisation shop' may go a long way towards enabling township entrepreneurs to comply with legal requirements so they can register to gain access to municipal support services.
- The formulation and language of some bylaws are problematic and border on being arbitrary; e.g. a person may not sell food close to a sports facility without prior authorisation, but nothing is stated about trading in clothing in the same area. Several such examples may be found in existing bylaws on street trading and informal trading, for instance. Exceptions listed in some bylaws (e.g. trading authorisation application fees being waived for those not in a position to pay) are applicable only to specified sectors in the informal economy (e.g. hawkers). Other township economic activities such as trade in services (e.g. hairdressing) are often excluded. The language in some bylaws is vague and open to interpretation. Thus, cooking in public that causes 'excessive smoke' may be prohibited, without such excess being defined or described in any detail; or there may be references to the 'proper use of a park or public space' that don't describe what 'proper' means.
- The rights to access to information and just administrative action do not consistently feature in those bylaws regarding local government decisions on township economic activity. Most informal trading and street trading bylaws are riddled with discretionary decision-making power. Administrators (municipal officials) have discretionary power to grant trading permissions, and enforcers can choose whether to give oral or written notice, for example. In addition, there is often insufficient detail to assist with compliance; e.g. where exactly a township entrepreneur should obtain the forms they must fill in to apply for authorisation.



Administrators (municipal officials) have discretionary power to grant trading permissions, and enforcers can choose whether to give oral or written notice …

Overall, there appear to be three overarching categories of challenges to the effective revitalisation of township economies in Gauteng. Firstly, there are challenges pertaining to having each sector in its own silo, and fragmentation across and within municipal legal frameworks and institutional structures, coupled with bureaucratic red tape. Secondly, there are local policies and bylaws pertaining to space, public health and physical infrastructure that are not attuned to the fluidity and peculiar vibrancy of townships, or to the need to provide for the formal and the informal. And thirdly, there are challenges to merging the rights and duties of the municipality (the council and the administration) with those of participants in the township economy in realising the policy objective of revitalising township economies.

Possible Legal Interventions

It seems there is a need to streamline the legislative framework applicable to township economic development. In RP1 we showed the need for appropriate amendments to national legislation (for instance, around environmental health, pollution, building standards, business registration and community safety) to make these instruments more responsive to the socio-economic realities in townships. This paper further suggests that, within the legislative and executive powers detailed in RP1, there is scope for the Gauteng Provincial Legislature and the municipalities in the province to undertake a province-oriented law reform process aimed at enabling the revitalisation of township economies.

The following options exist:

A framework Provincial Act to be developed, promulgated and enforced by the Gauteng provincial government

The Gauteng Provincial Legislature could promulgate a framework provincial law (act) on township economies, to be administered by provincial authorities, that sets out appropriate intergovernmental relations; introduces appropriate governing instruments; and contains standards and principles to which municipal bylaws in the province must adhere, possibly alongside incentives for compliance. Any instructions and prescriptions in the act for township entrepreneurs and municipalities will have to be broad, and need to respect municipalities' discretion when it comes to the administration of their functional areas.

Such a provincial act could direct municipal bylaw-making power; for instance, by requiring municipalities in the province to ensure that their bylaws regulate informal trade in a manner that stimulates township economic development and enables productive interaction between formal and informal economies. Similarly, the framework provincial act could aim to minimise red tape for entering township entrepreneurs, through consolidating trade authorisation applications; or direct municipalities to devise trade plans for informal and formal enterprises that share the same space. When it comes to productive placemaking, the framework provincial act could for instance determine that municipal spatial planning bylaws and policies must recognise the variability and vibrancy of township space, provide for a range of formal and informal economic activities in shared spaces, provide for shared amenities and essential services between formal and informal business, and provide for mixed-use precincts.

… the framework provincial act could aim to minimise red tape for entering township entrepreneurs …



In order to incentivise compliance by municipalities, a framework provincial act could be coupled with a suite of standard draft bylaws on specific areas (such as street trading, building regulations, environmental health, zoning etc.) which substantively comply with the principles the act prescribes. Such standard draft bylaws would serve as examples of compliant bylaws, and could freely be adapted by the municipalities in the province. This would reduce municipal compliance costs, and introduce uniformity across the bylaws of the different municipalities.

Using standard draft bylaws to complement a provincial act that directs bylaw-making power, therefore, is an effective way to incentivise the alignment and standardisation of municipal bylaws across a province, without encroaching on the autonomy of municipalities.

However, a framework provincial Act (with or without accompanying standard draft bylaws) might have implications for the many existing sector-specific bylaws considered in this paper. Therefore, it would probably be necessary for municipalities to align all sector-specific bylaws with newly introduced legislation or bylaws, to avoid duplication, a conflict of laws, further fragmentation, inconsistent use of terminology and definitions, etc.

Standard draft bylaws to be developed and published by the Gauteng provincial government

Whether published with a framework provincial act or not, provincial standard draft bylaws might help to bridge some of the inconsistent approaches applicable to township economies in Gauteng. Whether or not they would succeed would depend on their uptake as municipal bylaws by the municipalities in the province. Since no municipality can be compelled to adopt a standard draft bylaw, it might be necessary to nudge municipalities towards adopting them by way of the principles contained in a framework provincial law. But even without these, the value of standard draft bylaws would lie in their ability to help municipalities in the Province to revisit their existing bylaws and develop new ones.

Standard draft bylaws are draft legal texts that municipalities can use, either in full or in part as templates to draft a bylaw dealing with the same matter. For example, in 2004 the then-Department of Provincial and Local Government assisted municipalities in Mpumalanga and Limpopo by developing standard draft bylaws on water and sanitation, credit control and debt collection, electricity supply, waste management, and cemeteries and crematoria. The intention was for municipalities in those provinces to use these standard draft bylaws as proposed designs for developing and adopting their own bylaws, using the usual bylaw development process in the Municipal Systems Act.[35]

The procedural requirements for the adoption of standard draft bylaws were discussed earlier in this paper as well as in RP1. The Gauteng MEC responsible for local government would be able to announce two types of standard draft bylaws: 1) a standard draft *framework* bylaw; and 2) a standard draft *sector-specific* bylaw.

A *standard draft framework bylaw* would contain broad provisions and principles for township economic development in the municipality. It would be a bylaw that ties together the vision, aspirations, principles and overarching measures for sustained township economic growth. It could be used to clarify key concepts and ensure a uniform approach to identifying formal and informal activities and the interactions between them in a municipality's township economy. It follows that a framework bylaw would set the overarching context and baseline for the finer details in a municipality's sector-specific bylaws, such as for street trading, building regulations, environmental health and zoning.

A standard draft framework bylaw could introduce a system of incentives and support for township enterprises; measures to relieve red tape and bureaucratic authorisation processes for township businesses; measures to accommodate the interface between informal and formal economic activities in townships; public health measures tailored for prevailing township conditions; measures to attune municipal spatial planning processes to the fluidity of township economic activity; trading regulations tailored for township businesses, environmental health requirements for township businesses, etc.

A *standard draft sector-specific bylaw,* by comparison, would be dedicated to a specific issue; such as street trading, hair and beauty salons, spaza shops, and shebeens and township-based restaurants. A municipality could use such a sector-specific bylaw to detail the authorisation requirements for a specific sector, and to provide for inclusive decision-making among those involved in the sector. It could be used to set standards for the sector, and to regulate the relationship between formal businesses and informal entrepreneurs that co-exist in the sector and in the same physical space. If a standard draft framework bylaw on township economies exists, it would be important for standard draft sector-specific bylaws to be aligned with it.

Amendment and adoption of municipal bylaws by the municipalities in Gauteng

Municipalities in Gauteng have four options:

1. Without a Gauteng provincial act or any standard draft bylaws, to amend their existing bylaws to make them more responsive to township economies. They may also review how their existing bylaws (such as spatial and land-use management bylaws) are implemented and enforced;
2. Without a Gauteng provincial act or any guiding standard draft framework bylaw, to adopt their own framework municipal bylaws on township economic development. These would typically contain broad principles and instructions, with a view to aligning relevant bylaws of the municipality (e.g. bylaws on zoning, public amenities, fire safety, water services, building regulations, street trading, businesses that sell liquor to the public, and markets and the informal economy). A framework municipal bylaw would typically address fragmentation at municipal level, via provisions that deal with: structures and arrangements for internal cooperation; access to and the sharing of information; the alignment of different authorisation processes applicable to specific sectors in the municipality's township economy; general exceptions and incentives tailored for the local township economy; and a set of principles to ensure consistent and fair decision-making across the municipality. A framework municipal bylaw could also lay down general principles for cooperation between the formal and informal sectors that co-exist in township economies. The same goes for the involvement of institutions such as trading organisations and ward committees. Such a framework bylaw could also help to align the municipality's IDP, SDF, budget and other instruments with the municipality's vision for township economic development.



A framework municipal bylaw could also lay down general principles for cooperation between the formal and informal sectors that co-exist in township economies.

3. Without standard draft sector-specific bylaws, to develop sector-specific bylaws of their own that are attuned to local township contexts and to what support is needed for long-term growth in township economies.
4. Where a standard draft framework bylaw on township economies and/or standard draft sector-specific bylaws have been published by the Gauteng provincial government, to either adopt these in full or use them as blueprints, and adapt them to local needs before adopting them.

In all of these instances, municipalities will need to comply with the ordinary process for passing bylaws prescribed by the Municipal Systems Act, including relevant public comment processes. The warning raised above, regarding aligning existing sector-specific bylaws with any new framework bylaws, applies here equally.

Conclusion

Research Papers 1 and 2 have shown that there is significant scope for legal intervention aimed at township economic revitalisation in Gauteng. In particular, the review of existing municipal bylaws has shown the need for a focused, context-sensitive, more uniform and streamlined approach to regulating township economies at local government level. Apart from heeding constitutional prescripts in pursuing the law reform options examined here, it is important to ensure that legal intervention meets local needs and expectations, as well as the demands for sustainable economic growth. It would be equally important to consider any provincial or local-level legal reform process in conjunction with other intervention options, such as national law reform; intergovernmental support programmes at all levels; appropriate financing models, and public-private partnership initiatives involving municipalities and the private sector. Similarly, it is vital that the options for law reform at the disposal of national and provincial government are explored with the support and involvement of organised local government (SALGA).

NOTES

1 For the purposes of this paper, a township refers patially to a space that matches the descriptors given by Scheba and Turok:
- Low investment in people, places and productive activities
- High levels of financial leakage and poor resource retention
- Restricted linkages with formal value chains elsewhere
- Poor economic infrastructure – banks, business services, logistics, serviced land, industrial areas, business parks, business incubators, etc.
- Low capacity networked infrastructure – electricity, water, sanitation systems, etc.
- Limited entrepreneurial traditions, business capabilities and vocational skills
- High population densities with many low-income households possessing low purchasing power
- High levels of unemployment, poverty and social ills
- Inadequate public facilities and social amenities (hospitals, schools, libraries etc.)
- Unsupportive economic institutions and governance arrangements

See Andreas Scheba and Ivan Nicholas Turok 'Strengthening Township Economies in South Africa: the Case for Better Regulation and Policy Innovation' *Urban Forum* (2019) 1-18 at 4. However, the authors of this research paper acknowledge the diversity, fluidity and inevitable differences in townships across South Africa. There is no definitive and homogenous description of South African townships.

2 See Western Cape Economic Development Partnership ***et al.*** 'Township Economies Toolkit' 3, available at ttps://metrocentral.capetown/wp-content/uploads/2019/02/EDP-HSRC-Township-Economies-Toolkit.pdf (hereafter, the Western Cape Township Economies Toolkit).

3 Western Cape Township Economies Toolkit 3.

4 Western Cape Township Economies Toolkit 3.

5 Western Cape Township Economies Toolkit 3.

6 Workshops jointly hosted by the South African Cities Network (SACN), the Gauteng provincial government and the South African Research Chair in Cities, Law and Environmental Sustainability (CLES) on 15 May 2019 (Busy Corner Imbizo Shisanyama, Thembisa) and on 31 May 2019 (Soweto Hotel and Conference Centre, Kliptown, Soweto).

7 See for example SACN and CSIR 'South African Township Economies and Commercial Property Markets (2015)' available at: http://www.urbanlandmark.org.za/downloads/SACN_ULM_township_economies.pdf; Fourie F (eds) *The South African Informal Sector: Creating Jobs, Reducing Poverty* (HSRC Press Cape Town 2018) and Andreas Scheba and Ivan Nicholas Turok 'Strengthening Township Economies in South Africa: the Case for Better Regulation and Policy Innovation' *Urban Forum* (2019) 1-18.

8 The Gauteng Strategy defines township economies as: "Enterprises and markets based in the townships. These are enterprises operated by township entrepreneurs to meet primarily the needs of township communities and therefore can be understood a [sic] 'township enterprises' as distinguished from those operated by entrepreneurs outside the townships. The term 'township' refers to old, new, formal and informal human settlements that are predominantly African, Coloured and Indian characterised by high levels of poverty, unemployment and low incomes as well as distance [sic] from the main centres of economic activities. Township enterprises have different legal forms – for-profit and not-for profit enterprises registered under the Companies Act and for [sic] cooperative enterprises registered under the Cooperatives Act. However, majority [sic] of township enterprises have high rates of informality."

9 The drafters of tRP2 worked with the bylaws available from the National and Provincial Government Gazettes and on the websites of the relevant Municipalities. It could be that relevant draft bylaws and policies were not picked up. The municipalities of the City of Johannesburg, the City of Tshwane, the City of Ekurhuleni, Midvaal, Emfuleni, Merafong City, Lesedi, Mogale City and West Rand District were identified as currently having bylaws and policies of relevance. See Annexure A. The Sedibeng District Municipality and Rand West City Local Municipality did not appear to have bylaws or policies of relevance at this point.

10 Examples: Midvaal Local Municipality Street Trading Bylaw; Tshwane Metropolitan Municipality Market Bylaw; and the City of Johannesburg Culture and Recreation Bylaw. See further Annexure C.

11 Example: City of Johannesburg Informal Trading Bylaw.

12 Example: City of Johannesburg Informal Trading Bylaw.

13 Examples: Emfuleni Local Municipality Street Trading Bylaw, and the Lesedi Local Municipality Informal Trading Policy.

14 Examples: West Rand District Municipality Municipal Health Services Bylaw, Emfuleni Local Municipality Property Rates Policy, and the City of Tshwane Property Rates Policy.

15 See Andreas Scheba and Ivan Nicholas Turok 'Strengthening township cconomies in South Africa: the case for better regulation and policy innovation', *Urban Forum* (2019) 1-18.

16 E.g. the Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management Bylaw.

17 E.g. the Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management Bylaw.

18 See Annexure C.

19 See the Tshwane Metropolitan Municipality Market Bylaw.

20 Note that this paper does not evaluate the merit or contextual need for the provisions flagged below.

21 Examples: City of Johannesburg Informal Trading Policy, Lesedi Municipality Informal Trading Policy, Ekurhuleni Metropolitan Municipality Police Services Bylaw.

22 Examples: Midvaal Local Municipality Street Trading Bylaw, Emfuleni Local Municipality Street Trading Bylaw, Ekurhuleni Metropolitan Municipality Regulation of Parks and Open Spaces Bylaw.

23 Example: Emfuleni Local Municipality Street Trading Bylaw.

24 Example: City of Johannesburg Informal Trading Policy.

25 Example: Emfuleni Local Municipality Street Trading Bylaw.

26 Examples: Midvaal Local Municipality Street Trading Bylaw, Emfuleni Local Municipality Street Trading Bylaw, City of Johannesburg Informal Trading Bylaw.
27 Example: Lesedi Local Municipality Informal Trading Policy.
28 Example: City of Johannesburg Waste Management Bylaw.
29 Example: Lesedi Local Municipality Informal Trading Policy.
30 Example: Ekurhuleni Metropolitan Municipality Emergency Services Bylaw.
31 Examples: Midvaal Local Municipality Street Trading Bylaw, City of Johannesburg Culture and Recreation Bylaw.
32 Example: Lesedi Local Municipality Informal Trading Policy.
33 Example: West Rand District Municipality Street and Miscellaneous Bylaw.
34 Example: Emfuleni Local Municipality Street Trading Bylaw. Also note that if impoundment restricts traders' fundamental rights, it may be unconstitutional. See *Makwicana v eThekwini Municipality* 2015 (3) SA 165 (KZD).
35 For more detail on the project, see http://www.waterberg.gov.za/docs/bylaws/2004.07.26%20Bylaws%20User%20Guide.pdf.

* As far as could be established, only the municipalities listed here have bylaws and local policies that contain measures and provisions relevant to this project. Only bylaws and policies available in the public domain at the time of writing were considered.

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Annexures

ANNEXURE A

List of Relevant Gauteng Bylaws

1 Metros

1.1 City of Ekurhuleni Metropolitan Municipality

- Ekurhuleni Metropolitan Municipality Development Agency Bylaws (2018)
- Ekurhuleni Metropolitan Municipality Electricity Bylaws (2002)
- Ekurhuleni Metropolitan Municipality Emergency Services Bylaws (2006)
- Ekurhuleni Metropolitan Municipality Fresh Produce Market Bylaws (2007)
- Ekurhuleni Metropolitan Municipality Police Services Bylaws (2017)
- Ekurhuleni Metropolitan Municipality Public Health Bylaws (2009)
- Ekurhuleni Metropolitan Municipality Regulation of Parks and Open Spaces Bylaws (2002)
- Ekurhuleni Metropolitan Municipality Solid Waste Bylaws (2002)
- Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management Bylaw (2019)
- Ekurhuleni Metropolitan Municipality Water Supply Bylaw (2002)

1.2 City of Johannesburg Metropolitan Municipality

- City of Johannesburg Culture and Recreation Bylaws (2005)
- City of Johannesburg Electricity Bylaws (1999)
- City of City of Johannesburg Gas License Bylaws (2000)
- City of Johannesburg Informal Trading Bylaws (2009)
- City of Johannesburg Informal Trading Policy (Date unknown)
- City of Johannesburg Municipality: Market Bylaws (1978)
- City of Johannesburg Outdoor Advertising Bylaw (2017)
- City of Johannesburg Metropolitan Municipality Public Open Spaces Bylaws (2004)
- City of Johannesburg Municipal Planning Bylaw (2016)
- City of Johannesburg Public Health Bylaws (2004)
- City of Johannesburg Waste Management Bylaws (1998)
- Greater Johannesburg Transitional Metropolitan Council Gas Supply bylaw (2000)

1.3 City of Tshwane Metropolitan Municipality

- City of Tshwane Metropolitan Municipality Bylaws Pertaining to Street Trading
- City of Tshwane Fire Brigade Services Bylaw (2016)
- Tshwane Municipality Market Bylaw (2017)
- City of Tshwane Property Rates Policy (2019)
- City of Tshwane Sanitation Bylaw (2014)
- Tshwane Municipality Solid Waste Bylaw (Date unknown)
- City of Tshwane Metropolitan Municipality: Waste Management Bylaw (2016)

2 District Municipalities

2.1 West Rand District Municipality

- West Rand District Municipality Municipal Health Services Bylaws (2010)
- West Rand District Municipality Street and Miscellaneous Bylaws (2008)

3 Local municipalities

3.1 Emfuleni Local Municipality

- Emfuleni Local Municipality Advertisement Signs Bylaws (Date unknown)
- Emfuleni Local Municipality Air Quality Management Bylaws (2017)
- Emfuleni Local Municipality Building Bylaws (1977)
- Emfuleni Local Municipality Fire Safety Bylaw (2019)
- Emfuleni Local Municipality Property Rates Policy (2018)
- Emfuleni Local Municipality Bylaws Regarding Public Amenities (1993)
- Emfuleni Local Municipality Solid Waste Management Bylaw (2005)
- Emfuleni Local Municipality Standard Street, Road and Miscellaneous Bylaws (2005)
- Emfuleni Local Municipality Street Trading Bylaws (1997)
- Emfuleni Local Municipality, Town Council of Vanderbijpark Public Amenities Bylaw (1993)

3.2 Lesedi Local Municipality

- Lesedi Local Municipality Informal Trading Policy (Date unknown)
- Lesedi Local Municipality Policy for the Evaluation, Approval and Placing of Containers for Business Purposes (Date unknown)
- Procedures Spaza Shops Policy – Lesedi Local Municipality (Date unknown)

3.3 Merafong Local Municipality

- Merafong City Local Municipality: Street Trading Bylaw (2004)
- Merafong City Local Municipality Spatial Planning and Land Use Management Bylaw (2016)

3.4 Midvaal Local Municipality

- Midvaal Local Municipality Fire Safety bylaws (2004)
- Midvaal Local Municipality Public Amenities Bylaw (2006)
- Midvaal Local Municipality Public Open Spaces Bylaws (2006)
- Midvaal Local Municipality Street Trading Bylaws (Date unknown)
- Midvaal Local Municipality Waste Management Bylaws (2009)
- Midvaal Local Municipality Water Services Bylaws (2006)

3.5 Mogale City Local Municipality

- Mogale City Local Municipality Parks and Open Spaces, Management of Trees and Facilities Bylaws (Date unknown)
- Mogale City Local Municipality Spatial Planning and Land Use Management Bylaw (2018)

ANNEXURE B

List of Relevant Bylaws of Metros Outside of Gauteng

1 Buffalo City Metropolitan Municipality

- Buffalo City Advertising Signs and the Disfigurement of the Front or Frontage of Streets Bylaws (2010)
- Buffalo City Environmental Health Bylaws (2010)
- Buffalo City Metropolitan Municipality Indigent Support Bylaw (2014)
- Buffalo City Metropolitan Municipality Liquor Trading Hours Bylaw (2013)
- Buffalo City Metropolitan Municipality Bylaw on Street Trading (2006)
- Buffalo City Metropolitan Municipality Water Services Bylaw (2011)

2 City of Cape Town

- City of Cape Town Business Support Policy (2018)
- City of Cape Town Informal Beach Trading Policy and Management Framework (2003)
- City of Cape Town Informal Trading Bylaw (2009)
- Cape Town Informal Trading Policy (2013)
- City of Cape Town Municipal Planning Bylaw (2015)
- City of Cape Town Streets, Public Places and the Prevention of Noise Bylaws (2007)

3 eThekwini Metropolitan Municipality

- eThekwini Municipality Food Bylaws (1950)
- eThekwini Metropolitan Municipality Informal Economy Policy (2001)
- eThekwini Metropolitan Municipality Informal Trading Bylaws (2014)
- eThekwini Metropolitan Municipality Nuisance and Behaviour in Public Places Bylaw (2015)
- eThekwini Water Supply Bylaw (1996)
- eThekwini Metropolitan Municipality Waste Removal Bylaws (2016)

4 Mangaung Metropolitan Municipality

- Mangaung Metropolitan Municipality: Informal Settlements Bylaw (2013)
- Mangaung Metropolitan Municipality: Informal Trading Bylaw (2016)
- Mangaung Metropolitan Municipality: Street Trading Bylaw (2006)
- Mangaung Metropolitan Municipality: Environmental Health Services Bylaw (2019)
- Mangaung Metropolitan Municipality Fire Fighting Services Bylaw (2013)

5 Nelson Mandela Metropolitan Municipality

- Nelson Mandela Bay Metropolitan Municipality Street Trading Bylaw (2008)

ANNEXURE C

ANALYSIS OF GAUTENG BYLAWS

Bylaws and policies relevant to the capable enterprise

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
MIDVAAL LOCAL MUNICIPALITY STREET TRADING BYLAWS (DATE UNKNOWN)			
DEFINITIONS **Authorised officer:** Official of Council authorised to implement the provisions of these bylaws including: A peace officer as contemplated in section 334 of the Criminal Procedure Act 51 of 1997; and A Police Officer as contemplated in the South African Police Services Act 68 of 1995.			
Property: means in relation to a person carrying on the business of a street trader, or of a formal business any article, receptacle, vehicle or structure used or intended to be used in connection with such business and includes the goods of such a business.			
Street trading: selling of any goods or the supplying or offering to supply any service for reward in a public road, or public place, by a street trader.			
Street trader: a person selling goods, or rendering a service or the display of such goods; and includes a seller, peddler or hawker. Also, a person who as principal, agent, assistant or employee carries on the business of street trading. Also, a person to whom a stand has been leased or allocated in terms of Section 8 of these bylaws for as long as the person is carrying on the business of a street trader on it; or a person selling or displaying any goods on a sidewalk, and such person is also conducting business from a permanent business building.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
Trade: to sell goods or services or display such goods in a public road, public place or any open space to which the public has access; and 'trading' or 'street trading' has a corresponding meaning.			
	Persons who want to trade in the municipal area	Prohibition on trading in certain areas	**Section 4** Lists areas forbidden/restricted to trade, e.g. gardens, parks or public amenities. Also see, section 6(A)(2) of the Businesses Act.
	Authorised informal trader	Prohibited and restricted conduct of an informal trader	**Section 5** Conduct includes not erecting any structure to provide shelter, other than one approved by the municipality; or creating a traffic and/or health hazard risk, or both.
	Authorised informal trader	Hygiene requirements in trade areas	**Section 6** Lists mandatory acts for purposes of keeping the site of trade clean and sanitary, including: preventing the spilling onto a public road or public place of any fat, oil or grease.
	Authorised officer	Restricts specific categories and specific times or days	**Section 7** The Bylaw does not specify categories and trade times/days that may be restricted by the bylaw. Also see Section 6(A)(2) of the Businesses Act.
	Municipality	Demarcation of trading areas	**Section 7** The municipality may demarcate a municipal area once deemed restricted or prohibited a trading area for purposes of trading.
	Authorised officer/peace officer/police officer	The impounding or removing of trader's property	**Section 9** Power to impound and remove good or property is exercised in terms of: The SAPS Act The Businesses Act The Criminal Procedure Act
	Authorised officer	Disposal of confiscated goods	**Section 9** Authorised officers can dispose of confiscated goods or products or sell such goods and products with the proceeds accruing to the Municipality. Also see Criminal Procedure Act.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Authorised trader	Lease or allocation of stands	**Section 8** Traders may be granted a lease or allocated a stand by authorised officers of a municipality.
	Authorised trader	Vicarious liability of person trading	**Section 10** A street trader holds vicarious liability for an employee of his/her business.
	Under-aged traders	Prohibitive/restrictive on children to trade	**Section 11** Children under the age of 16 are not allowed to trade as a street trader.
	Authorised trader	Contravention of the bylaw	**Section 12** The guilty party will be liable on conviction to a fine of R500, imprisonment of a period not exceeding six months.
CITY OF JOHANNESBURG INFORMAL TRADING POLICY (DATE UNKNOWN)			
OBJECTIVES The policy seeks to integrate the informal economy as an integral part of economic revitalisation, through the regulation of informal trading, proposing approaches to monitor and evaluate informal trading and establish a policy framework for law enforcement. **DEFINITIONS** **Informal trader:** one who carries on the activity of informal trading. **Spaza shops**: informal trading activities taking place from private residences. **Informal trading:** the sale of legal goods and/or services by individuals and/or groups, in locations designated for informal trading and which requires little more than the actual goods and/or services to commence; excluding criminal and illegal activity. Trading by a private resident in the form of (among others) spaza shops, shebeens and taverns is not subject to this policy, as these kinds of economic activity are already subject to regulation under other policies and procedures of the City of Johannesburg.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Municipality	Infrastructure development	**Section 6** The development of policies, the integration of spatial planning, and the development of appropriate infrastructure and support services should take into account the developmental needs of the informal economy. For instance, Section 6(6) provides that in establishing new townships, the City of Johannesburg will ensure that the roads are wide enough to accommodate informal traders, vehicular movements and pedestrian movement. **Section 7** When infrastructure development is planned within the City, informal trading markets must be considered, and the MTC consulted. DED must categorise and define the different types of informal trading markets and priorities for infrastructure development in relation to informal trading markets.
	Municipality	Regulation of informal trading	**Sections 9 & 10** Effective management of public trading spaces, among other ways through the allocation of trading spaces and utilising innovation and technology, for instance through smart cards to keep records/details of informal traders, their trading places, rental status, etc.
		The training and mentorship of informal traders	**Section 12** Relevant departments are responsible for the development of training and mentorship programmes for informal traders, to offer capacity building, and to promote the provision of quality services and sale of high-quality goods in a sustainable and profitable manner.
	Municipality	Demarcation of designated areas	**Section 8** The Department of Economic Development of the City of Johannesburg must ensure that all informal trading spaces are formalised through demarcation as envisaged in the Businesses Act 71 of 1991, to ensure that the entire jurisdictional area of the COJ has been considered for demarcation. Informal trading is allowed only on the restricted bays in areas designated for that purpose.
	Municipality	Law enforcement	**Section 16** Law enforcement will cover the areas of illegal and prohibited conduct, including but not limited to the policing of restricted conduct and the policing of trading in prohibited and restricted areas.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Traders	Legal immigrants in informal trading	**Section 9(5)** The validity period of a smart card issued to a legal immigrant informal trader must coincide with the validity period of whatever documentation authenticates that their stay in this country is legal. The validity of a legal immigrant's smart card may be renewed in accordance with any renewal or extension of permissions to lawfully stay in the country.
	Traders	Compliance with registration requirements	**Section 9(12)** Businesses in respect of which any other licence, certificate or permit is required, other than an informal trading licence, are required to comply with the necessary provisions, in addition to this registration process. This refers in particular to businesses that engage in the: a. Sale or supply of meals or perishable foodstuffs. b. Sale or supply of repacked sweets, crisps, chocolates, biscuits and other prepared foodstuffs. c. Provision of informal hairdressing services, cosmetology or beauty services, body piercing and tattooing services.
	Property owner	Regulation of trading spaces	Private property owners of informal trading places have the responsibility to comply with and promote informal trading bylaws and policies.
EMFULENI LOCAL MUNICIPALITY STREET TRADING BYLAWS (1997)			
DEFINITIONS **Trade:** the lawful sale of goods or services in a public road or public place; and 'trading' has a corresponding meaning.			
Property: in relation to a person carrying on the business of street trading, any article, receptacle, vehicle or structure used in connection with such business, including goods in which he trades			
	Prospective street traders	Right to trade	**Section 2** Any person has the right to trade on a public road subject to the restrictions and prohibitions outlined in the bylaw.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Authorised street trader	General conduct	**Section 3** Lists of prohibited conduct, including not placing and stacking a trader's property in a way that constitutes a danger to any person or is likely to injure any person; not erecting an unsightly structure from which to conduct business; and not obstructing access to a fire hydrant.
	Authorised street trader	Cleanliness of the site of trading	**Section 4** Requirements for cleanliness, including the disposal of litter generated by a trader's business in whatever receptacles provided by the Council for the public or at the Council's dumping sites; and not disposing of dirty water on plants, trees or in flower boxes.
	Authorised street trader	Obstruction of pedestrians	**Section 5** A place of trade should not substantially obstruct the flow of human traffic. This includes a prohibition on obstructing access to the use of street furniture such as bus passenger benches, shelters or queuing lines, etc.
	Authorised street trader	Obstruction of vehicular traffic	**Section 6** A place of trade should not substantially obstruct the flow of vehicular traffic. Obstruction of vehicular traffic includes limiting access to parking and loading bays, etc.
	Authorised street trader	Restricted hours of trade	**Section 7** Trade should not disturb places of worship, national monuments and public buildings; for this reason, by resolution, trade could be restricted to certain hours/ days.
	Authorised street trader	Restricted places of trade	**Section 8** Certain services (not listed in this bylaw) may be restricted to certain places in the municipal area.
	Authorised street traders	Demarcation of stands or areas	**Section 9** Trade must only occur at demarcated stalls and areas. The Municipal council determines demarcated spaces by way of a resolution. Also, see section 6A(2)(a) of the Businesses Act.
	Unauthorised traders	Unauthorised trade	**Section 10** No person shall trade without having a valid lease agreement with the municipality.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Authorised trader	Prohibition of trade in certain municipal areas	**Sections 11 to 15** These sections prohibit trade (unless consent is given) near residential buildings, certain business premises, places of worship, etc.
	Municipal official/ police officer/ peace officer	Removal and impoundment of property	**Section 16** Allows for the removal and impoundment of property that is reasonably suspected to be used for trade in illegal or unauthorised trading, or property found in a restricted or prohibited place or area.
	Authorised vendors of newspapers and flowers	Permission to trade in often restricted places or areas	**Section 17** Only traders of flowers and newspapers can trade on a sidewalk within 5 metres from any intersection.
	Any person	Offences	**Section 18** Contravening this bylaw is an offence.
	Offenders of this bylaw	Presumptions	**Section 19** The bylaw departs from several presumptions in the prosecution of an offence under the bylaw; including the presumption that any goods with which business was carried on were or were not of a particular kind, class, type or description; and any goods were sold or offered for sale.
MERAFONG CITY LOCAL MUNICIPALITY: STREET TRADING BYLAW (2004)			
Property: in relation to a person carrying on the business of a street vendor, an article, receptacle, vehicle or structure used or intended to be used in connection with such business, including the goods in which he trades.			
Sell: in relation to any park or public road, means any act of selling or supplying goods coupled with the intention to continue such activity; 'business' has a corresponding meaning.			
Service: means the performance on a public road or in a park of any act for gain or reward.			
Trade: selling of goods or the offering or rendering of services in a public road or public place; 'trading' has a corresponding meaning.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
Trader: a vendor, pedlar or hawker carrying on the business of selling goods in a public place, including a trader using a motor vehicle and trailer along a public road; in the case of sale of goods, regardless of whether such trader is the owner of such goods or not.			
	Authorised street trader	General conduct	**Section 2** Lists of prohibited conduct, including not placing and stacking a trader's property in a way that is dangerous to any person or likely to injure any person; not erecting an unsightly structure from which to conduct business; and not obstructing access to a fire hydrant. Additionally, one may only trade from one or a combination of: a trolley, caravan, stall, or any other approved by the Council.
	Authorised or prospective street traders	Prohibition on carrying on business	**Section 3** Traders are restricted from trading in places such as gardens or parks, or on the verge contiguous to places such as a church or place of worship, etc.
	Authorised street trader	Cleanliness of site	**Section 4** Requirements for cleanliness including the disposal of litter generated by a trader's business, in whatever receptacles provided by the Council for the public or at the Council's dumping sites; ensuring that food is prepared safely and hygienically; and to not dispose of litter in a maintenance hole, stormwater drain or other place not intended for the disposal of litter.
	Authorised street trader	Obstruction of pedestrians and obstruction of vehicular traffic	**Sections 5 and 6** A place of trade should not obstruct the flow of human traffic, including obstructing access to street furniture such as bus passenger benches, shelters or queuing lines, etc. Further, a place of trade should not obstruct the flow of vehicular traffic, including limiting access to parking and loading bays, etc.
	Authorised street trader	Failure to comply with the bylaw	**Section 8** A failure to preserve the cleanliness of a working site will result in a trader being guilty of an offence. Preserving cleanliness includes the prevention of spilling litter, including fat, oil and grease; and preventing any smoke, fumes, odour or noise emanating from the trading site.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Authorised street trader	Vicarious responsibility of persons carrying on business, and vicarious responsibility of employees	**Sections 9 & 10** A street trader shall be held liable for any contravention of any provision of this Bylaw committed by himself, or by any other person who acts on his/her behalf.
	Authorised officer	Impoundment/removal/disposal of property	**Section 11** Allows for the removal and impoundment of property reasonably suspected to be used for trade in illegal or unauthorised trading, or property found in a restricted or prohibited place or area. An officer must issue a receipt to the person who appears to be the owner of the property. Goods confiscated shall be kept pending the finalisation of criminal proceedings.
CITY OF JOHANNESBURG INFORMAL TRADING BYLAWS (2009)			
DEFINITIONS **Designated Area:** an area prescribed by the Council in terms of this Bylaw, subject to the Act, as the area in which Informal Trading can be conducted. **Informal Trader:** a person who engages in Informal Trading. **Informal Trading:** the selling of goods and/or services by an Informal Trader in the Designated Area, which includes the forms of trading more fully set out in Section 3. **Property:** in relation to an Informal Trader, any article, goods container, motor vehicle or structure used in connection with Informal Trading. **OBJECTIVES** The City recognises the objective of its existence in terms of the Constitution, which includes: to promote social and economic development; to promote a safe and healthy environment; and municipal planning, trading regulations, licensing and control of undertakings that sell food to the public, markets, public places, municipal roads and street trading.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
The City therefore recognises the need to adopt a developmental approach, to enable access to job and entrepreneurial opportunities within the Informal Trading sector; to harmonise the relationship between the Informal Trading sector and the formal trading sector; and to facilitate the migration of Informal Trading into the formal trading sector. In order to achieve these objectives, and after extensive consultation, the City has adopted an Informal Trading policy, which aims to create opportunities for the Informal Trading sector to share in the benefits of (and further contribute to) the City's economic growth.			
	Informal trader	Duties of informal trader in relation to the informal trading site	**Section 7** Keep the area or site of informal trading clean and sanitary. Keep property in a clean, sanitary and well-maintained condition. Dispose of litter through council, or take to dumping site. Not dispose of litter in a manhole, stormwater drain or other such place. Prevent spillages to public roads, public places and stormwater drains. Prevent smoke, fumes and other odours and noise from his activity from causing pollution.
	Council	Restrict informal trading areas and prohibit trading in some areas	**Section 8** The Council may restrict informal trading in some areas and prohibit such trading.
	Informal trader	Informal trader may only trade in designated areas and must avoid prohibited conduct.	**Section 9** Only trade in designated areas and other areas which are not prohibited by the council. May not trade in places of worship, public monuments, near auto-teller bank machines; or obstruct fire hydrants or entrances or exits from buildings. May not obstruct traffic, and may not trade within 5 metres of an intersection.
	Informal trader	Restricted conduct	**Section 10** Further restricted conduct includes the following: Sleeping overnight at the places of trading; erecting structures for providing shelter; and placing property on a public road or public property.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Authorised officials of the Council	Removal and impoundment of informal trading property which contravenes the bylaw	**Section 11** An authorised official of the Council may remove and impound the goods of an informal trader who contravenes the bylaws.
	Informal trader	Vicarious liability of the informal trader	**Section 12** An informal trader who has employees incurs vicarious liability for the acts and omissions of his employees or agents who contravene bylaws.
	Informal trader	Offences and penalties	**Section 13** The informal trader may not commit offences and penalties listed in Section 13 of the bylaw.
LESEDI LOCAL MUNICIPALITY INFORMAL TRADING POLICY (YEAR UNKNOWN)			
DEFINITIONS **Informal trader:** a person, or an enterprise which is not registered or incorporated in terms of the corporate laws of South Africa, and who or which engages in informal trading, whether such person is registered as an informal trader under the policy or not. **Informal trading:** also referred to as the 'Second Economy', this is trading in goods and/or services by individuals and/or groups, in locations designated for informal trading, and requires little more than the actual goods and/or services to commence, and typically constitutes the types of trading described, provided that such trading takes place on at least five days in any calendar month; This expressly excludes criminal and illegal activity in terms of the laws of the country; and trading in private residences in the form of (among others) spaza shops, shebeens and taverns is not subject to this policy, as these kinds of economic activity are already subject to regulation under other policies and procedures within the municipality. **Container Traders:** informal traders who conduct their trade in structures including caravans, containers, marquees, trailers and Wendy houses.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
Public place: any square, park, recreation ground, garden, commonage or enclosed or open space in the area of the municipality which: • is vested by deed of title in the municipality for the use and benefit of the public, or which being in the ownership of the municipality is by resolution of the municipality specifically established as or declared to be a public place; or • the public has the right to use, whether by payment of an admission fee or not, irrespective of whether the property is privately owned or not; or is shown on a general plan or diagram of any private township filed in the Deeds Registry or in the Surveyor General's Office, and to which the owners of erven or lots in such township have a common right. **Street trading:** selling of any goods (including a living thing) or supplying any service for reward, as an informal trader, street vendor, peddler or hawker in a public place or a public road; but does not include the sale of newspapers only. **Types of informal trading:** a. street/kerbside trading; b. trading in pedestrian malls; c. trading at markets (flea & craft markets, as well as special markets); d. trading at transport interchanges or public road intersections; e. trading in a public place; f. mobile trading, such as from a bicycle, a caravan, or any other vehicle; g. roving traders; h. intersection trading; and trading at special events (includes (j) Night Markets and major events)			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
OBJECTIVES To clarify the municipality's position on informal trading to all relevant stakeholders; To form the basis for the revision of any bylaws that regulate informal trading falling within the jurisdictional areas of the municipality; To consolidate into a single set of bylaws the bylaws passed by the predecessors in law of the Lesedi Local Municipality; and To govern informal trading within its area of jurisdiction.			
	Municipal administration and council as well as informal traders	Right to engage in informal trading	**Section 5** Informal trading is permitted in any part of the municipal area, subject to general prohibitions and restrictions, and to the provisions in other laws.
	Municipality	Trading plans	**Sections 6 & 7** Municipality, in consultation with all relevant Departments, should draw up a plan to ensure that informal trading spaces are formalised through demarcation. A trading plan must: a. define the geographic boundary of a trading plan area to which the trading plan shall apply; b. demarcate informal trading bays and markets where informal trading is permitted within such a trading plan area, c. define the tenure rights or conditions of allocation which will apply to a registered trader who is permitted to trade in any market, d. describe the criteria to be applied to the allocation of trading bays, and access to and occupation of markets, e. set out any tariff payable for the occupation of any trading bay or market, f. make provision for the management and administration of the trading plan area, and g. be compatible with, and be included in, the provisions of any town planning scheme or spatial development framework adopted by the Municipality under any law. Provision is made for public participation in the adoption of a trading plan.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Municipality	Management of informal trading	**Section 9** Municipality to designate a 'Registrar of Informal Traders' in the division responsible for local economic development. Bylaw sets out the person's duties and functions. Municipality to establish an 'Informal Trader Registration Committee' comprising the heads of departments of the municipality responsible for local economic development, policing, planning and operations. This committee is responsible for considering applications for registration as an informal trader.
	Informal traders / persons intending to carry on business as informal trader	Annual registration & payment of trading fees	**Sections 9 & 10** Informal traders must annually register with the municipality as an informal trader. Extensive provision is made for notice procedures in different languages etc. Municipality is allowed to charge a 'periodic trading fee' as well as 'an additional fee/tariff in respect of additional costs or services where the registered trader trades within an informal trading area'. Registration requirements (and factors to be considered by the municipality) are stipulated, e.g. must have experience as a trader; must not employ more than five persons; and must be an SA citizen. Municipality may impose terms and conditions in respect of informal trading registrations e.g. trading hours, nature of goods authorised to trade in, and the issuing of a specific trading bay number. Registration of a registered trader may be permanently transferred with the written approval of the municipality to a dependant in the event of death of principal trader, or if loss of income generated by the informal trading would place such dependant under undue or severe economic hardship. Provision is also made for temporary transfer under listed conditions, e.g. illness or the demands of traditional or cultural duties.
	Informal traders	Relocation of registered trader; suspension of validity of registration and prohibition on trade at the relevant trading bay	**Section 9** After prior notice, Municipality has the right to relocate informal traders without compensation when listed circumstances allow e.g. construction of infrastructure and property developments.
	Informal traders	Compliance with all legal provisions in addition to that required for registration with the municipality	**Section 9** Compliance required with all legal provisions in addition to that required for registration with the municipality, e.g. businesses that engage in the sale of meals or perishable foodstuffs, and the provision of hairdressing services and body-piercing services.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Informal traders trading in foodstuffs	Specific obligations imposed on persons trading in articles or substances ordinarily eaten or drunk by humans	**Section 11** Specific requirements for registration of such traders apply, e.g. compliance with safety and health law.
	Owners of non-municipality property	Obligations imposed on owners of non-municipality property	**Section 12** Owners of non-municipality property demarcated in a trading plan as land where informal trading is carried out have stipulated duties, e.g. to ensure that all trading that takes place on the owner's property complies with the applicable trading plan, and this policy; and to ensure that sufficient services are provided for hygienic conditions (at own cost).
	Persons intending to trade informally	General prohibitions on informal trading & restrictions on informal trading	**Sections 13 & 14** Informal trading may not be conducted in specified instances e.g. when it obstructs access to firefighting equipment or obstructs the visibility of a display window of business premises, if the business owner objects. Traders are further prohibited from doing a number of things, e.g. attach an object to any building or tree or lamp pole; make a fire at any place where it could harm any person; and carry on business which creates a nuisance.
	Informal traders	Waste removal, cleansing and hygiene	**Section 15** A number of duties are listed that informal traders should comply with, e.g. maintain the informal trader's allocated informal trading site in a clean and sanitary condition.
	Informal traders at special events	Permission/prohibition of informal trading for purposes of special events	**Section 16** Rules and procedures outlined for informal traders at special events, e.g. in relation to container trading and the issuing of a short-tenancy lease agreement, with terms and conditions for trading.
	Municipality and informal traders	Appeal and enforcement procedures and arrangements	**Sections 18 & 19** Provision is made for procedures to be followed by aggrieved traders (e.g. outcome of application for registration). Provision is made for written warnings and other notices, in the event of contraventions ito the policy, as well as for procedures for impoundment and revoking registrations.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Municipality	Informal trader representative entities	**Sections 20-22** Municipality may recognise or investigate an informal trader's organisation on receipt of a request to do so. Certain requirements may be set e.g. availability of a list of proposed members and the constitution of the association.
	Offenders of policy	Offences and penalties	**Section 24** A person is guilty of an offence and liable on conviction to a fine not exceeding R5 000 or imprisonment of three months in the event of a contravention of policy, provision of false information, etc.
	Municipality	Assistance to informal traders	**Section 26** Municipality must appoint an officer to explain policy to illiterate or special-needs traders; municipality must provide sector support "which is necessary to help small operators move along the development continuum towards greater growth and independence", because of economic diversity and realities such as that "each sector presents different problems of control, e.g. hazardous chemicals in drum selling and seasonality of mealie cooking". Types of support mentioned: business skills development, health education, legal advice about small business development, access to financial services, etc. Municipality has a responsibility to run so-called "incubation programmes".
	Council	Fundamental principles of public health	**Section 3** Public health principles include the right to an environment that is not harmful to health, and to have access to water. Within its capacity, the Council has a duty to promote a safe and healthy environment.
	Residents and participants in the informal economy	Prohibition on causing a public health hazard	**Section 5** No person may create a public health hazard anywhere in the municipal area. Every person must ensure that a public health hazard does not occur on their premises.
	Participants in the informal economy	Duties of second-hand goods traders	**Section 60** Second-hand traders must store their property in a backyard, building or open space, constructed of an approved material, in a way that prevents rodents or other vermin and pests; ensure that no water accumulates in any article stored on the premises; ensure that goods are stored so as to prevent the pollution of the surrounding environment, which includes but is not limited to air, water or soil; keep the premises in a clean, neat and sanitary condition at all times; disinfect all furniture, soft furnishings, clothing, bedding or other fabrics when they are received; keep any other articles separate from articles which have been disinfected; and label all articles which have been disinfected in a conspicuous place on each article.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
EKURHULENI METROPOLITAN MUNICIPALITY ELECTRICITY BYLAWS (2002)			
	Users of electricity	Application for and conditions of supply	**Section 2** An application for the supply of electricity must be made to the Council. The Council reserves the right to inspect the electrical installations before granting a supply of electricity.
	Users of electricity	Consumer agreements	**Section 3** No person may have a supply of electricity unless such person has entered into an agreement in writing with the Council for supply. **Section 13** Prohibits unauthorised/illegal connections.
	Resellers of electricity	Resale of electricity	**Section 14** A person may resell electricity that is supplied by the Council if each purchaser is metered through a sub-meter approved by the Council. Further, the charge made by a seller must not exceed the tariff which would have been payable to the Council.
	Consumer	Offences and penalties	**Section 36** Persons that contravene or fail to comply with the provisions of these bylaws shall be guilty of an offence, and liable for a fine not exceeding R2 000 or imprisonment for a period not exceeding 12 months.
EKURHULENI METROPOLITAN MUNICIPALITY EMERGENCY SERVICES BYLAWS (2006)			
OBJECTIVE The provision and regulation of Emergency Services within the municipal area of the municipality, and matters incidental to it.			
	Participants in the informal economy	The making of fires	**Section 9** No person may make an open, uncontrollable or unattended fire that poses a real or potential threat to any human being, animal, building or premises (this provision is more applicable to owners of *buy and braai* establishments).

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
EKURHULENI METROPOLITAN MUNICIPALITY POLICE SERVICES BYLAWS (2017)			
OBJECTIVE To provide for the control/ regulation of: traffic-related matters; taxis; signs; street trading; parking grounds, meters and attendants, and car watchers; all within the municipality, and for matters incidental to it.			
	Street trader	Trade on public roads	**Section 83** No person shall trade on a public road or hold an auction, sale or flea market in any street or public place without the written consent of the Council.
	Street trader	General conduct	**Section 84** Among other things, a trader may not: place his/her property on a roadway or public place, with the exception of his/her motor vehicle or trailer from which trade is conducted; display his/her goods or other property on, against or in private property, without the consent of the persons in control of such property.
	Street trader	Prohibition on carrying on business	**Section 84** Restricted trade in certain areas, including parks, gardens and areas declared by the Council as a prohibited/restricted area in terms of Section 6A(2) of the Businesses Act.
	Street trader	Cleanliness	**Section 84** Trader must keep trading area clean, sanitary and in a well-maintained condition. This requirement includes disposing of litter in receptacles provided by the Council for the public or at the dumping sites of the Council and taking precautions to avoid the spilling onto a public place of any fat, oil or grease.
	Street trader	Obstruction of pedestrians and vehicular traffic	**Section 86** Traders must prevent their trade from obstructing pedestrians. **Section 87** Traders must prevent their trade from obstructing vehicular traffic.
	Street trader	Street trading licence and procedure	**Sections 88 & 89** Prohibits street trading without a street trading licence. Persons intending to trade must apply to the Council. A trader must apply to lease a stand.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Street trader	Refusal of application and appeal	**Section 90** The Council has the right to refuse an application, but must notify the applicant in writing with reasons. Persons who feel aggrieved by a decision of the Council may appeal against the decision in accordance with section 6(1)(a)(6) of the Businesses Act.
	Authorised officers/ peace officers	Impoundment/removal/disposal	**Section 92** Allows for removal or impoundment of goods, containers, shelter or tent suspected of being used for the trading of goods in unauthorised places.
CITY OF TSHWANE FIRE BRIGADE SERVICES BYLAW (2016)			
	Traders	Safety procedures, fire hazards	**Section 15** On discovering evidence of a fire, fire hazard, or other danger pertaining to these Bylaws, the person in charge of any premises must immediately notify the Service.
	Municipal Fire Officer	Inspection of properties	**Section 16** Any authorised officer may enter any premises at any reasonable time to conduct inspections to determine whether there is any fire hazard on the premises.
	Municipality	Prohibition - Dealing in fireworks	**Section 55** No person may deal in fireworks unless they hold the required firework licence; and have written authority from the Chief Fire Officer. No informal trader, informal business or business operating from a flea market is allowed to trade in any form of firework.
EKURHULENI METROPOLITAN MUNICIPALITY WATER SUPPLY BYLAW (2002)			
	Informal traders	Prohibition on trading in water supplied by the Municipality	**Section 15** Except in with a special agreement with the Council, no person shall: sell or supply any water supplied by the Council to any premises in terms of these Sections; or remove any of such water from such premises to any other premises for purposes of consumption.
	Car wash facilities	Water conservation (car wash facilities)	**Section 42** Any commercial vehicle washing facility must be operated so that 70% of the potable water used is recycled for re-use in the facility.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
EKURHULENI METROPOLITAN MUNICIPALITY DEVELOPMENT AGENCY (EDA) BYLAWS (2018)			
		Inclusive economic growth	**Section 6** The main purpose of the EDA is to promote sustainable economic growth and transformation within the City; enhance the quality of life of the community the City serves; enhance investment attraction and retention of investors to the City; enhance strategic real estate, urban realm and infrastructure development within the City.
CITY OF JOHANNESBURG PUBLIC HEALTH BYLAWS (2004)			
	Offensive traders	Duties of persons involved in offensive trade (*offensive trade not defined in bylaw)	**Section 45** No person may conduct an offensive trade on any premises, except with a permit authorising such trade. **Section 47** Every trader involved in an offensive trade must: maintain the premises in a hygienic and good condition at all times; maintain all walls and floors of the premises in a condition that prevents the absorption of any waste or waste water; maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a hygienic and good condition at all time; prevent any waste accumulating on the premises; and prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any process or storage of any material on the premises.
	Hairdressers, beauty and cosmetologist service providers	Permit requirements and duties	**Section 52** No person may operate a salon except in terms of a permit authorising that activity. **Section 54** Any person operating a salon must: maintain the premises, equipment and clothing in a hygienic and good condition at all times; equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin; provide employees on the premises with approved protective clothing and equipment; collect all hair clippings and other waste in an approved container after every service; store or dispose of waste in an approved manner; and adequately train any person working on the premises.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Salon operators	Prohibitions	**Section 56** Any person operating a salon must ensure that the premises are used exclusively for that purpose, provided that the sale of other commodities will not pose a health risk. Any person who wants to prepare any beverage for customers on the premises of a salon must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.
	Operators of second-hand goods business	Requirements and duties	**Section 58** No person may operate a second-hand goods business on any premises which do not comply with the following requirements: any section of the premises where second-hand goods are stored and handled (except for clothing, furniture and footwear) must be enclosed by walls constructed of brick, rock or concrete and gates, with a minimum height of two metres; all materials must be stacked or stored below the height of the perimeter screening; adequate lighting and ventilation; all storage areas must be paved with cement, concrete or other approved impervious material; all backyard surfaces and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation; adequate sanitary fixtures for both sexes employed on the premises must be provided; and where five or more persons of the same sex are employed, adequate, separate change-rooms for males and females must be provided. **Section 59** Any person who conducts a second-hand goods business must store second-hand goods in a space that is constructed of an approved material so as to prevent rodents or other vermin and pests; ensure that no water accumulates in any article stored on the premises; keep the premises in a clean, neat and sanitary condition at all times; disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner immediately it is received; keep any other articles separate from articles which have been disinfected.
	Participants in the informal economy	Laundry services and general requirements	**Section 65** No person may conduct a dry-cleaning or laundry business on premises which do not comply with the following requirements: A work-room or area used for housing dry-cleaning machines, washing-machines, ironing boards, presses and other fixed or movable equipment must be provided, with a minimum unobstructed floor area of 2,5 m^2 per person employed on the premises; adequate separate areas for marking clean and dirty articles; a separate room or area with separate designated counters with impervious surfaces must be provided for the receipt and dispatch of articles; a facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level; adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, etc.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
			Section 68 Any person conducting a dry-cleaning or laundry business or in charge of such premises must keep the premises, all fittings, equipment, containers and business vehicles in a hygienic and good condition at all times; ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times; keep protective clothing in a clean and sound condition at all times.
MIDVAAL LOCAL MUNICIPALITY FIRE SAFETY BYLAWS (2004)			
	Municipality or private property owner	Installation and maintenance of fire equipment	**Section 16** Every owner of a building must ensure that all fire-fighting installations on the premises are ready for use in an emergency; all portable and mobile fire-extinguishers and all hose reels are serviced and maintained; all fire-fighting installations on the premises are maintained in a good working condition by a competent person; serviced in accordance with manufacturer specifications; and inspected by an appropriately registered and competent person at least once every 12 months.
	Municipality or property owner	Evacuation plans	**Section 18** The owner or occupier of any premises designated must: (a) prepare a comprehensive emergency evacuation plan and submit it to the Chief Fire Officer within 30 days of the designated notice being served; (b) establish a fire protection committee, comprised of occupiers of the premises, to assist the owner or occupier to organise a fire protection programme and regular and scheduled fire evacuation drills.
MIDVAAL LOCAL MUNICIPALITY WATER SERVICES BYLAWS (2006)			
	Consumers	Application for water services	**Section 2 (& 13)** No person may have access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the municipality for a specific purpose and such application has been agreed. An application agreed to by the municipality is an agreement between the municipality and the applicant, and shall take effect on the date stipulated in the agreement. A consumer is liable for all prescribed tariffs and/or charges for water services rendered to him or her until the agreement has been terminated in accordance with these bylaws or until any arrears have been paid.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Municipality	Regulation and ensure compliance with water services requirements	**Section 19** A municipality may enter and inspect any premises – (b) for any purpose connected with enforcing these bylaws, at all reasonable times, after having given reasonable written notice, unless it is an emergency.
	Consumer	Water conservation	**Section 44** No consumer shall permit: purposeless or wasteful discharge of water from terminal water fittings; pipes or water fittings to leak; the use of maladjusted or defective water fittings; an overflow of water; or inefficient use of water. An owner shall repair or replace any part of his or her water installation in such a state of disrepair that it can cause water waste.
SPAZA SHOPS POLICY – LESEDI LOCAL MUNICIPALITY (DATE NOT STIPULATED)			
OBJECTIVE To provide a procedure for occupants of a residential unit (with an opportunity to use his/her property for a small-scale economic activity) to apply for a spaza shop licence, and thus generate income. Additionally, spaza shops provide a range of household goods to the surrounding community, within walking distance. For this policy, a 'spaza shop' does not include retail/business facilities on stands located along the streets. An erf on which a spaza shop operates should retain its primary use as residential.			
		Application procedure	**Section 3** An application for a spaza shop must be accompanied by proof of ownership, in the form of a title deed or an endorsement to a mortgage bond.
		Conditions of approval and development controls	**Section 4** The purpose of the Spaza Shop Policy is to convert a residential zone to allow for the operation of a business of a spaza shop. The primary use of the property must remain residential and have occupants residing in the dwelling. Activities of the spaza shop must not be noxious. Vehicular and pedestrian access must be to the satisfaction of the municipality.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
			Alterations done on the dwelling to accommodate the spaza shop must always be in accordance with the Town Planning Zoning rules of the municipality. The municipality reserves the right to impose any conditions necessary in order to protect the amenities of its community. No food shall be prepared and sold on the erf unless a certificate of acceptability has been issued.
		Licensing of business premises as spaza shops	**Section 5** The licensing of businesses as spaza shops is limited to businesses as identified in Schedule 1 of the Act. These include: the sale or supply of meals or perishable foodstuff; the provision of certain types of health facilities or entertainment. Also see: Schedule 1 of the Businesses Act 71 of 1991.
		Application form	Annexed to the policy is the application form for spaza shops.
EMFULENI LOCAL MUNICIPALITY FIRE SAFETY BYLAW (2019)			
		Prohibition of certain fires	The Bylaw prevents certain fires that may endanger any person, animal or property. Persons who do make fires must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
EKURHULENI METROPOLITAN MUNICIPALITY FRESH PRODUCE MARKET BYLAWS (2007)			
OBJECTIVE To provide for the operation of the Ekurhuleni Fresh Produce Market (Springs) and incidental matters.			
		Application process	**Section 11** Prohibits a person not formally registered as a market agent from operating at the market as an agent. Registered market agents must hold a fidelity certificate; and a market agent's licence. An application for a market agent's licence must be made on the prescribed forms, with the application fee. The application form must be sent by post or be delivered to the market administration.
		Packing, stacking and display of produce	**Section 6** Produce received by a market agent must be placed and stacked to create an orderly appearance.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Access to municipal storage facilities	**Section 7** The municipality allows access to its storage facilities, including a cold storage facility and ripening chamber. Persons may make use of such facilities at their own risk and for a fee.
		General storage	**Section 8** Prohibits the storing of produce at the market premises. **Section 9** Prohibits an agent from abandoning produce.
		Produce unfit for consumption	**Section 10** Reserves the right to withdraw produce that is unfit for human consumption.
		Automatic lapse of a market agent's licence	**Section 12** A market agent's licence is not negotiable or transferable. The license lapses automatically if a market agent has died or whose estate is sequestrated, among other things.
		Salespersons application process	**Section 13** Salespersons are employees of market agents. Salespersons may not operate on the market floor unless they hold a sales permit issued by the municipal manager. The market agent must apply for a sales permit on behalf of the salesperson on the prescribed form, with a fee, and post or deliver it to the Municipal Manager.
		Withdrawal of sales permit	**Section 14** Permits are not negotiable or transferable. A permit may be withdrawn if the salesperson is no longer employed by the market agent, or if the salesperson's estate is sequestrated.
		Protective gear and corporate clothing	**Section 16** Must supply employees with protective and corporate clothing that complies with the relevant Act and Municipal Bylaws. Also see, Occupational Health and Safety Act 85 of 1993.
		Market agent signage	**Section 17** Must have a sign on the door of the offices that he/she occupies.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Dispute between buyer and market agent	**Section 23** The Municipal Manager must attempt to resolve any dispute between the two parties. If anyone is not satisfied with the recommendation of the Municipal Manager, they may enforce their rights against the other party in a court of law.
		General obligations	**Section 24** The market agent may only sell produce and such other market products as the Municipal Manager may allow market agents to sell, and may not sell any produce in a container that does not comply with the specifications stipulated by the Municipal Manager.
		Offences and penalties	**Section 38** Failure to comply with terms, conditions, restrictions and directions of licences and permits.
EKURHULENI METROPOLITAN MUNICIPALITY SOLID WASTE BYLAWS (2002)			
OBJECTIVE To provide for the collection and removal of business, domestic and industrial refuse within the municipal area, and to provide for matters incidental to it.			
		General provision on the collection of refuse	**Section 3** Within seven days after business or domestic refuse starts to be generated, the occupier and/or owner/s of the premises must notify the Council in writing that the premises are occupied and whether the refuse is business or domestic.
		Registration of private entities as waste removers	**Section 4** All private entities/contractors removing refuse (including garden service businesses) from premises within the Ekurhuleni Metropolitan Municipality must register with the Council. No refuse removal service may be conducted without prior registration.
EMFULENI LOCAL MUNICIPALITY AIR QUALITY MANAGEMENT BYLAWS (2017)			
		Air pollution - duty of care	**Section 4** Persons responsible for causing air pollution or creating a rsik of it must take all measures to (a) prevent it, (b) mitigate any air pollution that may occur if it cannot be prevented.
TSHWANE MUNICIPALITY SOLID WASTE BYLAW (DATE UNKNOWN)			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Collection and removal of business waste	**Section 2** The removal of business and domestic waste from premises within the area of jurisdiction of the Municipality is a municipal service which must exclusively be provided by an authorised service provider. **Section 18** Within the area of jurisdiction of the Municipality, a person must not operate a service for removing any type of waste in this chapter from premises, for payment or not, unless registered by the Municipality. **Section 32** Within the area of jurisdiction of the Municipality, a person must not operate a service for the removal of any type of waste from premises, for payment or not, unless permitted in writing as an authorised service provider by the Municipality.
TSHWANE MUNICIPALITY MARKET BYLAW (2017)			
		Health and safety – agricultural products sold at markets	**Section 10** If the Municipality believes an agricultural product for sale at the market is diseased, unsound or unfit for human consumption, the trader must destroy it; if any container is likely to contaminate the agricultural product in it or any other agricultural product, the trader must destroy the container and agricultural product. If market administration has allocated a refuse receptacle to any person, that person is responsible for its safekeeping and cleanliness.
		Allocation of trading space – also for informal trading	**Section 33** Municipality may reserve any part of the market for retail, wholesale or informal business in market products, and may lease a table, stall or area to a retailer, wholesaler or informal trader, provided that the business and its employees: (a) conduct business only in the part of the market premises allocated to them in terms of the lease; and (b) deal only in the market products specified in the lease.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Law enforcement	**Section 40** Any authorised law enforcement officer may impound any goods, articles, vehicle or structure which the officer: suspects of being used in street trading or any other activity prohibited by any Bylaw of the Municipality; or finds at a place where street trading is restricted in contravention of any Bylaw of the Municipality, which in the officer's opinion constitutes an offence. Any impounded property may be sold or destroyed by the Municipality within a reasonable time after impoundment; But must be returned to the owner on request and if proof of ownership is given to the Municipality; Perishables may only be returned if still fit for human consumption; and within one month of the date of impoundment; if not, they may be destroyed without delay. In the event of the proceeds of any sale of this property not being sufficient to defray the reasonable expenses incurred by the Municipality in connection with the removal, the owner remains responsible for such costs. The Municipality is not liable for any damages arising from the removal of signs.
		Health and safety of employees of market agents	**Section 17** A market agent must supply his employees with the necessary protective clothing; and it must comply with market administration policy. The market agent will not allow any of his employees to work at Tshwane Market without the protective clothing. The market agent will ensure that all of his employees wear clearly identifiable corporate-branded clothing. Personnel who do not comply with these provisions will not be allowed to carry out their duties on the sales floor.
		Comply with registration requirements	**Section 11** No person may do business as a market agent at the market unless he holds a fidelity fund certificate; a market agent's licence; and a valid service-level agreement with the City.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Gender/ Promotion of economic transformation	**Section 12** Market agents must ensure compliance with the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) through promoting economic transformation and investment in their business to enable: meaningful participation of black people in the economy; substantial change in the racial composition of ownership and management of their business structures; increasing black women, professionals and workers owning and partaking in their business and agricultural activities; empowerment to ensure training and skills transfer in their business.
EMFULENI LOCAL MUNICIPALITY SOLID WASTE MANAGEMENT BYLAW (2005)			
		Solid waste management services	**Section 3** The Municipality may fulfil its obligations under the Bylaws by entering into a service delivery agreement with the service providers. If necessary, the Municipality may assign any of its powers under these Bylaws to the service provider.
		Handling of complaints and customer care	**Section 3** A service provider must prepare a customer care charter which shows how it will deal with complaints and customer care.
		Generation of trade refuse	**Section 14(4)** Informal traders must remove trade refuse from the premises on which it was generated and store it in refuse containers delivered by the Municipality, subject to subsection 10(1)(a).
		Prohibitions on separation of waste	**Section 30** The unauthorised scavenging of waste for any purpose at any solid waste disposal or processing facility is strictly prohibited.
CITY OF JOHANNESBURG ELECTRICITY BYLAWS (1999)			
		Appointment of vendors	**Section 11** The supply authority may appoint vendors to sel credit for prepayment meters but does not guarantee their operation.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Resale of electricity	**Section 17** Where a person resells electricity supplied by the council- For every purchaser, electricity must be metered through a sub-meter approved by the engineer prior to installation. The council shall not be held liable for any inaccuracy or other defect to any sub-meter; The charge made by such seller must not exceed the charge determined by the council, and every purchaser may require the seller to furnish such information as may be necessary to enable the purchaser to ascertain whether the accounts rendered for electricity supplied are correct.
CITY OF JOHANNESBURG GAS LICENSE BYLAWS (2000)			
		Issuing of licences for the supply of gas	**Section 2** No person shall supply gas, other than gas from LPG source, without a licence or permission from Council. Licences issued and permission granted are personal to the licensee or grantee and may not be cancelled or assigned without council consent of the council; shall be valid for the licence/grant period, which may not exceed 30 years and may be renewed upon application; may be revoked by the Council on grounds enumerated in the licence/grant permission. The Council may issue an exclusive licence.
GREATER JOHANNESBURG TRANSITIONAL METROPOLITAN COUNCIL GAS SUPPLY BYLAW (2000)			
		Requirements on resale of gas	**Section 14** No consumer may supply gas for any premises other than the premises in the consumer agreement. A consumer may resell gas to any other person on the premises in the consumer agreement, if: gas for each purchaser is metered through an approved sub-meter and supplied through an approved gas installation; the charge made by the consumer as seller does not exceed the charge which would have been payable if the purchaser had been a consumer; the conditions of resale shall not be less favourable to the purchaser than the terms on which the licensee supplies gas to the consumer; and any consumer must give a purchaser any information which may be necessary to enable the purchaser to ascertain whether his gas account is correct.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
MIDVAAL LOCAL MUNICIPALITY WASTE MANAGEMENT BYLAWS (2009)			
		Provision of municipal services	**Section 8** The Council must provide for the regular collection of domestic or business waste and dailies at a cost to end users determined in accordance with the prescribed fee. The Council may provide an approved receptacle for the storage of domestic or business waste and dailies pending collection. It remains the property of the Council.
		Prohibition on transporting waste on public roads	**Section 23** No person may operate a vehicle for the conveyance of waste on a public road if: the vehicle is not adequate for the type of waste being transported; the person fails to maintain the vehicle in a clean, sanitary and roadworthy condition; the person fails to cover loose waste on an open vehicle with a tarpaulin or suitable net; any waste being transported in or through the municipal area becomes detached from the vehicle transporting it, except at a waste disposal facility.
		Licence requirements for the collection or transportation of waste	**Section 26** Subject to Section 34, no person may transport any of the following waste streams without a licence from Council authorising it: business (bulk containerised) waste; industrial waste; special industrial waste; hazardous waste; recyclable waste; health care risk waste; and building waste. A licence issued under this Chapter cannot be cancelled or assigned without the consent of Council; is valid only for the category of waste specified; and expires after one year.
CITY OF TSHWANE SANITATION BYLAW (2014)			
OBJECTIVES To provide for: local sanitation services to consumers; all types of sanitation services including for industrial effluent; charges for sanitation services; offences and penalties; responsibilities of the Municipality and of consumers; and matters connected.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Offences and penalties	**Section 43** Subject to the provisions of the Water Act, any person contravening these Bylaws is guilty of an offence. For every day the offence continues after the date on which he or she has been given written notice about it, the person is guilty of a separate offence and liable to any of these penalties: a fine not exceeding R20 000; a fine not exceeding R20 000 or, in default of payment, imprisonment for a period not exceeding 12 months; or imprisonment for a period not exceeding 12 months.
WEST RAND DISTRICT MUNICIPALITY MUNICIPAL HEALTH SERVICES BYLAWS (2010)			
OBJECTIVES To enable the Municipality to promote the long-term health and well-being of people in the municipal area by: providing an effective legal and administrative framework within which the Municipality can manage activities that could impact adversely on public health; requiring premises to be properly managed; and defining the rights and obligations of the Municipality and the public.			
		Requirements for authorised trade	**Section 3** Informal hairdressers must: comply with the requirements, such as providing a gazebo with three side panels and a ground cover; clean the area where the gazebo is located and immediate surroundings.
		Must procure a valid health certificate from the municipality	**Section 6** No trader (formal or informal) shall render a service without a valid health certificate in his name for the premises for a specified period of time.
		Municipality may grant exemptions for ECDCs in informal areas	**Section 20** The municipality may grant exemptions for ECDCs in informal areas if they meet minimum requirements.
		Restrictions on informal agricultural activities	**Section 10** Informal traders may not keep pigs in any residential area, subject to further provisions of Section 10 of the bylaws.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
CITY OF TSHWANE METROPOLITAN MUNICIPALITY: WASTE MANAGEMENT BYLAW (2016)			
OBJECTIVE To provide for waste management services including collection and disposal of solid waste; to ensure that all practices concerning waste management are aligned to the Constitution, the National Environmental Management Act : Waste Act 2008, and the Local Government Municipal Systems Act 2000; and in general to provide for a sustainable, safe and healthy environment.			
		Private provider of waste management service	**Section 32** No person may operate a waste management service from premises without written permission from the Municipality. A person wishing to register as an authorised service provider must submit to the municipality: an application form; prescribed fees; and all information referred to in Schedule 1.
		Terms and conditions of a permit	**Section 34** Includes the permit period, the nature of the service provided, and a requirement that the permit holder must comply with these Bylaws and other applicable legislation.
		Renewal of permit	**Section 35** A permit must be renewed at least 90 days before expiry. The renewal application form and fee must be submitted to the Municipality.
		Display of a permit	**Section 36** The Municipality may issue a label for each waste management transportation vehicle. It must be clearly visible from outside the vehicle.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
CITY OF JOHANNESBURG WASTE MANAGEMENT BYLAWS (1998)			
		Building waste management	**Section 16** The owner/occupier/developer of premises on which building waste is generated must ensure it is collected by an accredited service provider. All building waste must be disposed of at a licensed waste disposal facility, unless the council has given consent for it to be used for land reclamation and authorisation for this has been obtained; it must be re-used by an accredited service provider; or treated at a licensed facility.
		Storage, collection, transportation and disposal of recyclable waste	**Section 23** The owner/occupier of premises on which recyclable waste is generated must ensure that until it is collected, it is placed in an approved waste receptacle in a secure location; the receptacle must not be kept in a public place except when required for collection, must not be damaged, and must close to prevent the dispersal of its contents; and the recyclable waste must be disposed of at a permitted facility.
CITY OF JOHANNESBURG MUNICIPALITY: MARKET BYLAWS (1978)			
DEFINITIONS **Market:** any area under the control of the Council set aside for conducting sales of produce in accordance with the provision of these bylaws, and includes all land, buildings, railway sidings, marshalling yards, platform and other property within the area used for conducting the market. **Market agent:** any person registered as a commission agent in terms of Section 2 of the Agricultural Produce Agency Sales Act, 1975 (Act 12 of 1975), and who has a contract with the Council to occupy an area on the market sales floor for the sale of produce; and includes a marketing organisation. **Salesman:** a person who (a) Acts on behalf of a market agent in any sale on the market sales floor; and is (b) registered as such in terms of Section 7 of the Agricultural Produce Agency Sales Act, 1975 (Act 1 2 of 1 975); and is (c) authorised to be employed as a salesman on the market sales floor.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Must trade only within the prescribed hours	**Section 3** The Director may restrict or extend the days and time for receiving and selling produce.
		Must maintain premises, vehicles and containers clean	**Section 6** Every person with premises in the market must keep them in a neat, clean and hygienic condition at all times. The Director may at any time inspect premises, vehicles or containers for keeping, storing or conveying produce to ensure these bylaws are being complied with. If any such premises, container or vehicle is dirty or unhygienic, the Director may instruct the person in control to clean it; any person who fails to comply is guilty of an offence.
		Permission to employ	**Section 17** Before employing any person to assist in market sales, a market agent must apply to the Director for a permit. The Director may refuse to issue a permit if he is satisfied the person is not fit to be employed. Within 30 days after employing any person as a salesman, a market agent must satisfy the Director that the person has been registered, failing which any permit granted in terms of subsection (1) shall lapse. The Director may cancel a permit if the person contravenes these by3laws, and may suspend their permit to enquire into allegations, without liability to the Council. No person under 18 may be employed as a salesman on the market or assist in the completion of market sales notes. Every salesman and person employed to assist in the completion of market sales notes shall produce proof of their permits on demand by the Director. A market agent must advise the Director immediately of the termination of the services of any salesman, with the reason, and shall return any permit issued for that salesman as soon as practicable after the termination of his services.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
EMFULENI LOCAL MUNICIPALITY PROPERTY RATES POLICY (2018)			
OBJECTIVE The Property Rates Policy ensures that all persons liable for property rates are treated fairly, equitably and reasonably; additionally, rates reflect the market value of the property. Rates income is used to finance community and subsidised services; and to safeguard the income base of the Municipality through reductions which are reasonable and affordable.			
		Principles	**Section 5** The principles of the Property Rates Policy are to limit annual rates charges and increases, to not overburden ratepayers. Rates payers must all be treated equitably and reasonably.
		Exemptions, rebates and reduction	**Section 9** Dealing with poor/indigent ratepayers, the municipality must provide relief through exemptions, reductions or rebates.
		Classification of services and expenditure	**Section 6** The council highlights the expenditures catered for through rates. Community expenditures include: local tourism; trading regulations; township development; street trading/lighting.
		Criteria for differential rating on different categories of property	**Section 7** The policy provides for differentiation in property rating. In differentiating, Emfuleni Local Municipality must promote social and economic development. This means that rating must be sensitive to the nature of a property.
		Granting of exemption for development incentives	**Section 10** The objective of the incentives is not only to attract investors who will bring the capacity to develop residential, business and commercial, industrial, agricultural, educational and other properties; but also to fast track other normal developments within the Emfuleni Local Municipality area.
		Exemption, rebates and reductions	**Section 12** Benefits from granting relief measures (e.g. rebates, exemptions, reductions) include promoting local economic development; poverty alleviation of the indigent; social and moral development, and improved local economic growth.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
EMFULENI LOCAL MUNICIPALITY BUILDING BYLAWS (1977)			
OBJECTIVE To protect the residents of Emfuleni Local Municipality from occupying sub-standard structures harmful to health and well-being.			
		Erection of temporary structures	**Section 22** Temporary structures may not be used without Council's written permission, which will hold good for not more than two years or for a lesser period determined by Council.
		Separation of domestic units to business units	**Section 84** In every building used partly for trade/manufacture, and in part for domestic purposes, the domestic part of the building must be separated from the part used for trade/manufacture purposes by walls and floors of fire-resistant material.
		Chimney and hearth trimmers	**Section 119** Chimneys for trade or manufacture, and carried up 9 metres or more above the ground or buildings to which they are connected, must comply with these requirements: The chimney must be carried up in brickwork of bricks and mortar that comply with these Bylaws, properly bonded and solidly put together on a solid, level, sufficient bed of good concrete. The brickwork enclosing a circular or polygonal shaft must incline inwards by at least 65 mm in every 3m of height. A square shaft must incline inwards 75mm for every 3m in height. The brickwork enclosing the shaft must be at least 215mm thick at the top of the shaft and for a distance not exceeding 6m below the top, and must increase in thickness at least 110mm for every additional 6m downwards.
		Open spaces in shops and rooms	**Section 157** A shop with no more than one room attached to it must have an open space of no less than 14m^2. If a lock-up shop has no attached space, it is treated as a warehouse.
		Premises in which oil is heated	**Section 383** The person in control of premises where oil is heated for preparing food for sale must provide at least one dry chemical powder hand extinguisher.
		Means of exit from shops	**Section 389** Every shop located on the ground floor of any building must have at least two exits to a street, public place or other approved open-air space, if it is used for trading and has an occupant load greater than 15.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
Emfuleni Local Municipality Standard Street, Road and Miscellaneous Bylaws (2005)			
		Auction sale or morning market in the street	**Section 6** No person may hold an auction, sale or morning market in any street without the consent of the Municipality in writing.
		Singing or playing musical or noisy instruments for profit	**Section 18** The municipality prohibits the playing of musical or noisy instruments in any street or public place without the prior consent of the Municipality in writing.
		Regulation of taxi operations	**Sections 35-48** Only the Municipality may demarcate parking places for taxis. The Municipality may impose charges for allocating parking. The Bylaw regulates the conduct of taxi operators, including behaviour and clothing of taxi drivers. This Bylaw is strengthened by the Road Traffic Act 29 of 1989 and the National Road Traffic Act 93 of 1996.
Emfuleni Local Municipality Bylaws Regarding Public Amenities (1993)			
		Erection of structures in a public amenity	**Section 7** A person may establish a structure, shelter or anything else at a public amenity if granted written Council permission.
		Trading in food and liquor in a public amenity	**Section 8** Participants may not prepare food except at places where the Council has granted approval. The preparing of food must be clean and sanitary, without excessive smoke, other nuisances, or danger to health. No animals, poultry or fish may be killed or skinned at a public amenity.
Ekurhuleni Metropolitan Municipality Regulation of Parks and Open Spaces Bylaws (2002)			
OBJECTIVE To provide for regulation of parks and open spaces and related matters.			
		Prohibition of trade	**Section 9** No refreshment or drinks shall be sold in a park except in places assigned and persons authorised by the Council. Pedlars may not trade in a park without Council permission.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Penalties	**Section 15** A person contravening these Bylaws is punishable by imprisonment for not more than 6 months, or a fine of not more than R2 000, or both.
Emfuleni Local Municipality Advertisement Signs Bylaws (year unknown)			
		Application for approval for signs and advertising	**Section 1** No person may display any sign or advertising or use any structure as a sign or advertising hoarding without prior written approval from the Municipal Council.
		Signs e.g. for advertising	**Section J1** Signs may not be detrimental to the environment or to people because of their size, shape, colour, texture, intensity of illumination, quality, or for any other reason.
		Signs for advertising	**Section J2** Signs may not be a danger to any person or property, including distracting drivers, leading to unsafe driving conditions, or obscuring a pedestrian's view or a driver's view of pedestrians.
MIDVAAL LOCAL MUNICIPALITY PUBLIC AMENITIES BYLAW (2006)			
		Prohibited activities	**Section 8** In any public amenity, no person may: Sell any goods without the written consent of the Municipality; erect any post, rail, fence, tent, screen, stand, swing, structure, building or construction of any kind without the written consent of the Municipality; wash, polish, service or repair a vehicle in a public amenity. Cause offensive smells; dump or burn any wood, grass, garden refuse, packaging material or any flammable material; obstruct, disturb, interrupt or annoy any person using any park, garden, open space or lake.
		Health and safety measures	**Section 9** At a public amenity, no person may: dump anything except in a container provided by the Municipality; pollute the water in any bath, swimming-bath, dam, spruit, river or water-course; perform any act detrimental to the health of any visitor.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Public gatherings and processions	**Section 12** Without written consent from the Municipality, no person may: collect money or anything else from the public for charity or any other purpose; conduct any business; display or sell any article; hold or attend an auction. The municipality prohibits traders from conducting any trade in public gatherings without permission.
LESEDI LOCAL MUNICIPALITY POLICY FOR THE EVALUATION, APPROVAL AND PLACING OF CONTAINERS FOR BUSINESS PURPOSES (YEAR UNKNOWN)			
		Regulate the use of containers as businesses, by both government departments and traders	**Section 3** Informal traders establish themselves where there is an existing market, and so are often close to existing formal business and major traffic routes, mainly where pedestrians and vehicle movement interact, such as at taxi ranks. Therefore it is important that sites are accessible to pedestrians and close to existing containers. **Section 4** Although containers can be seen as an extension of informal trading, container applications must be treated as formal business applications, and individually, as they are submitted, because: a relatively small number of people are interested in container operation, compared to the many informal traders already trading; and applicants approach the Council as individual entrepreneurs, and not through an organisation as many other informal traders do. Due to the size and permanence of containers, container applicants should have a formal lease agreement with the Council, similar to applying for a formal business site.
		Deposit in the event of authorisation for trading from a container	**Section 6** The applicant must pay a deposit of R15 000, to be used to remove the container if it is abandoned. After the lease period has elapsed, the deposit will only be refunded if the container has been removed and the area is cleaned and approved by the Executive Manager: Infrastructure Services.
		Health and safety measures	**Section 6** If the applicant's business is the preparation or selling of food, the necessary health legislation must be obeyed. No container may be placed over any service lines. Potable water must be available within 200m of the container.
		Building and fire regulations	**Section 6** The container must comply with all relevant building and fire regulations.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
EMFULENI LOCAL MUNICIPALITY, TOWN COUNCIL OF VANDERBIJLARK PUBLIC AMENITIES BYLAW (1993)			
		Prohibited actions	**Section 12** At a public amenity, no person may cause a disturbance, or wash or polish a vehicle, or repair a vehicle unless it is an emergency repair.
CITY OF JOHANNESBURG CULTURE AND RECREATION BYLAWS (2005)			
		Permit requirements	**Section 35** No person may sell food at any hired premises during any event for which they have been hired, without written Council permission. The Council may permit the sale of foodstuffs after it has received a written application, and may allocate sufficient accommodation to the approved person for trading stock, furniture, equipment, installations and books required. Subsections (1) and (2) do not apply if sale of foodstuffs is an integral part of the event. **Section 93** Without Council's written permission and subject to any other law, no person may sell food within a local sport facility or near an entrance to one.
		Prohibitions	**Section 69** No person may carry on any business at any camping ground without Council's written permission. No person may sell any goods in any camping ground without Council's written permission.
		Prohibitions	**Section 79** Subject to any agreement between Council and a local sport facility, and to any other law, no person may sell any alcoholic beverage on the premises without Council's written permission, or bring in his or her own alcoholic beverages, without the written permission of an authorised official.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
CITY OF JOHANNESBURG OUTDOOR ADVERTISING BYLAW (2017)			
		Approval of advertising signage	**Section 3** No person may use an advertising sign of any kind without the written approval of the City. No advertising sign approved by Subsection (1) or any bylaw repealed by Section 38 may be altered in any way except for maintenance without the written approval of the City. **Section 4** In considering an application, the City looks at: the compatibility of the sign with the environment, immediate neighbourhood, urban design and streetscape; whether it will have a negative visual impact on any property, or be a danger to any person, or impair the visibility of any road traffic sign, or be objectionable, etc.; the number of signs on the property and adjacent, and the sign's visibility, in compliance with the minimum distances specified in Section 6(2)(a); any condition, existing building line or servitude specified in a title deed, town planning scheme, conditions of establishment or any other law; any comments or conditions from any statutory authority e.g. SANRAL or GAUTRANS regarding advertising legislation; any written comments received from any interested party; and compliance with this Bylaw.
		Requirements of advertising signage	**Section 6** The owner of an advertising sign, and/or the owner of the property on which it is to be erected, must ensure it is not detrimental to the environment, streetscape or urban design, and does not detract from the architecture where it is to be located, because of abnormal size, appearance, intensity of illumination, workmanship or existence; or obscure any other advertising sign; or constitute a danger. For any advertising sign on or facing a public road: except for streetlight-pole and on-premises advertising signs, a minimum of 100m must be maintained between signs on the same side of the road or on private property; the City may require a minimum distance exceeding 100m if necessary for safety. Any sign on or facing a public road controlled by traffic signs or signals must comply with this Bylaw, any other applicable law, may not interfere with any traffic sign or create a traffic hazard, and must be positioned such that no free-standing on-premises sign greater than $8m^2$ is within 100m of the nearest traffic sign or signal at an intersection.
		Exemption from compliance with advertising requirements	**Section 8** The following advertising is exempt from Section 3(3), but must comply with any other applicable provision of this Bylaw: once a hawker's permit has been issued, hawking advertising is limited to two signs per hawker, and they must be removed daily at close of business.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
MIDVAAL LOCAL MUNICIPALITY PUBLIC OPEN SPACES BYLAWS (2006)			
		Prohibitions	**Section 13** In a public open space, no person may bathe, wade, swim in or wash him- or herself, an animal or any object (including clothing) in any water body; start a fire except in a facility provided by the Council; or consume, brew, store or sell any alcoholic beverage. **Section 18** In a public open space, no person may use municipal property in a way that prevents other users from enjoying it; or sell any articles unless it is in a space which has been let to a person by the Council for that purpose,
		Application for permission to undertake a prohibited activity	**Section 21** Any person who wants to undertake a prohibited activity must apply in writing to the Council, with the prescribed fee. The Council may also request the applicant to provide additional information.
		Enforcement of bylaws and penalties	**Section 27** Any person who does not comply with these Bylaws, or any document or instruction in terms of them, or obstructs any authorised official upholding these Bylaws, is liable to a fine or imprisonment for not more than six months; and in the case of a continuing offence, to a further fine not exceeding R50, or imprisonment not exceeding one day, for every day the offence continues after a notice has been issued by the Council to the person concerned.
MOGALE CITY LOCAL MUNICIPALITY PARKS AND OPEN SPACES, MANAGEMENT OF TREES AND FACILITIES BYLAWS (DATE UNKNOWN)			
OBJECTIVES With other legislation, to provide an effective legal and administrative framework (a) to ensure that the way the Municipality manages public open spaces is environmentally sustainable and in the long-term interests of the whole and future community of Mogale City; and (b) which clearly defines the rights and obligations of the public.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
		Informal trader must secure permission to trade	**Section 5** No refreshments may be sold on a public open space without written permission from the Municipality. No pedlar or street vendor may trade on a public open space without the written consent of the Municipality. No person may gamble or participate in gambling in a public open space without the written consent of the Municipality.
CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY PUBLIC OPEN SPACES BYLAWS (2004)			
OBJECTIVES With other legislation, to provide an effective legal and administrative framework (a) to ensure that the way the Municipality manages public open spaces is environmentally sustainable and in the long-term interests of the whole and future community of Johannesburg; and (b) which clearly defines the rights and obligations of the public.			
		Prohibition against selling in public open space	**Section 18** In a public open space, no person may use municipal property to restrict other users from enjoying it; or sell any articles except within a public open space which has been let to a person by the Council for that purpose. No person may undertake a special event without a permit issued in terms of Section 22.
		Applications for prohibited activity	**Section 21** Any person who wants to undertake a prohibited activity must apply in writing to the Council with the prescribed fee. The Council may also request the applicant to provide additional information. The Council must consider the application within a reasonable time and either refuse it or grant permission in writing, subject to any conditions that will best achieve the purposes of these Bylaws, which may include payment. The Council may not grant permission for any person to behave in a manner which is prohibited.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
WEST RAND DISTRICT MUNICIPALITY STREET AND MISCELLANEOUS BYLAWS (2008)			
OBJECTIVES To provide for: an integrated, standardised, approach to municipal law enforcement by all municipalities; and to empower all officials to effectively assert law enforcement to sustain a peaceful and safe environment.			
		Prohibition of any conduct (including selling) which may obstruct vehicular traffic	**Section 4** No person may obstruct any street or access to any public place. No person may limit access to parking areas, loading bays or other facilities for vehicular traffic. No person may obscure any traffic sign or road marking displayed in terms of this or any other law. No person may obscure the view of any road user driving a vehicle. No person may sell anything in any road, and no person may approach any motorist to distribute anything or collect anything, while on the road surface; any person requiring other persons to conduct any action as forbidden in this subsection is considered a transgressor. No person may sell anything, and no person may approach any motorist to distribute anything or collect anything, at any road intersection; any person requiring other persons to conduct any action as forbidden in this subsection is considered a transgressor. No person may sell anything in any area in the jurisdiction of any local municipality unless the area has been designated by the municipality for hawking, by means of appropriate road signs; any person requiring other persons to conduct any action as forbidden in this subsection is considered a transgressor. Any person who does not comply with Section 4 is liable to a fine not exceeding R2 000 or imprisonment for not more than three months or both. Any person contravening any of these subsections may admit guilt by paying a fine not exceeding R1 000.
		Prohibition against obstruction or interference with pedestrians	**Section 5** No person may obstruct pedestrians on sidewalks, public places, or crossing a street or parking or loading area. No person may obstruct pedestrian access to or from public places and buildings or business premises. No person may cause a nuisance or harassment to pedestrians for any purpose.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
			No person may park any vehicle on the sidewalk of any street for any purpose without written municipality consent. Any person who fails to comply with Section 5 is liable to a fine not exceeding R2 000 or imprisonment for no more than three months or both. Any person contravening any of these subsections may admit guilt by paying a fine not exceeding R500.
		Impound, remove and confiscate goods traded in undesignated areas	**Section 6** An authorised official may order any person to remove any articles, vehicle or structure from a specified street or public place, or to terminate any prohibited activity (described in Sections 4 and 5 of these Bylaws), failing which the official may impound the articles, vehicle or structure. The owner of the impounded items is liable for any impounding expenditure incurred by the municipality. Excluding perishable goods, all impounded items will be kept reasonably protected by the municipality, Confiscated perishable goods will be destroyed by the municipality after 24 hours, whereafter the owner will have no claim against the municipality for the loss. The owner of the impounded items may claim them from the municipality with proof of ownership and following payment of any fines and costs in Subsection (2) above. The municipality will keep a record of all impounded items, all payments received for fines and costs, and all items released to the rightful owners. Within 90 days of the items being impounded, the municipality that impounded the items must publish a notice in English in a newspaper in the area of jurisdiction of the municipality, containing the following information: a description of the items, the location where they were impounded, the location where they are being kept, and the name of the owner; notification that the owner may claim the items from the municipality on receipt of proof of ownership and payment of fines and costs incurred by the municipality; and notification that any impounded item not claimed by the owner within 14 days after publication of the notification will be disposed of by the municipality. The municipality responsible for impounding the items is not liable for compensation to any person for damages to or the loss of any impounded item.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
CITY OF TSHWANE PROPERTY RATES POLICY (2019)			
DEFINITIONS For rates, **'Business and commercial'** category means a property used for buying, selling or trade in commodities or services. '**Non-permitted use**' means any use of property in contravention of the Town Planning or Land Use.			
		Decision-making around the levying of property rates	**Section 2** Principles are being set to guide the municipality in its decision-making, including e.g. equity and affordability.
		Objective of the property rates policy	**Section 3** Include e.g. promoting local, social & economic development. The municipality must take into account the effect that its property rates policy will have on the poor, and should alleviate the burden that property rates may impose.
		Differential property rates	**Section 5** Differential rates may be charged for e.g. business and commercial properties, and for non-permitted use.
		Exemptions, reductions and rebates for special categories of owners of properties	**Section 12** Exemptions, reductions and rebates possible for e.g. indigent property owners and those in serious adverse social or economic conditions.
		Impermissible rates	**Section 13** Municipality must levy rates in a manner that does not prejudice the Constitution, and with due regard for e.g. the need for promoting economic growth.

Bylaws and Policies relevant to Productive Placemaking

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
MERAFONG CITY LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW (2016)			
DEFINITIONS **'Township'** means any land laid out as: a single property, or sites for residential, business or industrial purposes in a Land Use Scheme; where such property is arranged so it has the character of what constitutes a township, in the opinion of the Municipality, including multiple ownership of erven, land or units.			
	Municipality	Development of Spatial Development Framework (SDF)	**Section 6** A municipality must approve a municipal spatial development framework in accordance with Chapter 5 of the Municipal Systems Act. Apart from the five-year development plan, the framework must include a desired spatial growth and development pattern for the next 10 to 20 years; and it must identify current and future significant structuring and restructuring elements of the spatial form of the Municipality, including development corridors, activity spines and economic nodes where public and private investment will be facilitated; planning must be in accordance with economic activity and employment trends and their locations in the Municipality's area of jurisdiction.
	Municipality	Land Use Scheme (LUS)	**Section 18** Apart from the SDF, the municipality must adopt a single Land Use Scheme for its entire area.
	Municipality	Purpose and Content of Land Use Scheme	**Section 19** Scheme must promote economic growth; social inclusion; efficient land development; and minimal impact on public health, the environment and natural resources.
	Residents or business owners	Non-conforming uses	**Section 32** Land being used lawfully in terms of an existing zoning for a purpose that does not comply with a proposed zoning may continue to be used for that purpose when a new zoning or land use scheme comes into operation. A non-conforming use is not an offence.
	Residents or business owners	Amendment of land use scheme application (rezoning)	**Section 37** Applicants wishing to have the LUS amended may do so in terms of Schedule 2 of this Bylaw. Schedule 2 is the prescribed application form.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
EKURHULENI METROPOLITAN MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW (2019)			
OBJECTIVE To specify the relationship between spatial planning and the land use management system; to provide procedures necessary to facilitate and regulate land development.			
	Municipality	Adoption of norms and standards	**Section 7** Norms and standards may include human settlement standards regulating densities, sizes of dwelling houses, housing typologies, aesthetics of buildings, urban management; urban design; formalisation of informal land uses.
	Municipal planning tribunal / municipal official	Departing from provisions of the SDF	**Section 20** Can be done only if site-specific circumstances justify it. The decision must take into account: the merit of the land development application; the character of the area; and the impact of the land development application on the entire township.
	Municipality	Adoption of the Land Use Scheme (LUS)	**Section 22** Prior to adoption, the Municipality must conduct a Land Use Survey to identify areas requiring special development attention re spatial planning, land use management and service delivery. Special development attention includes: understanding the nature of its land uses and the potential the municipality has, and deciding what kind of municipality to strive for in terms of future spatial transformation and economic growth.
	Municipality	Content of the LUS	**Section 23** Includes provisions relating to differentiated approach when considering a land development application; the approach must cater for payable contributions and development charges.
	Municipality	Transitional informal settlement areas	**Section 28** The municipality must include informal settlements suitable for incremental upgrading into the land use scheme. In a transitional informal settlement area, land uses are limited to one or more of: place of child care; spaza shop; tavern; mobile clinic; and police station.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
CITY OF JOHANNESBURG MUNICIPAL PLANNING BYLAW (2016)			
	Municipality	Purpose and content of LUS	**Section 7** The LUS adopted must give effect to the City's SDF, and determine the use and development of land within the City's area of jurisdiction, to promote economic growth; social inclusion and efficient land development.
MOGALE CITY LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW (2018)			
	Municipality	Development and adaptation of local spatial/framework plans	**Section 12** The Municipality may adopt a local spatial/framework plan for a specific area. The purpose of the plan is to: provide detailed spatial planning guidelines; provide more detail re a proposal provided for in the municipal spatial development framework; address specific land-use planning needs for a geographic area; and provide detailed policy and development parameters for land-use planning. **Section 14** Where a conflict exists between the Municipality's SDF and a national, regional or provincial SDF, the provisions of the Municipality's SDF or local spatial/framework plan must prevail, as it has executive authority to do 'municipal planning' in terms of section 156 with Schedule 4 of Part B of the Constitution.

ANNEXURE D

ANALYSIS OF BYLAWS OF METROS FROM OUTSIDE OF GAUTENG

Bylaws and policies relevant to the capable enterprise

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
BUFFALO CITY METROPOLITAN MUNICIPALITY BYLAW ON STREET TRADING (2006)			
OBJECTIVES Pursue an all-out war on poverty and unemployment. Create an environment in which informal trading is permitted in public spaces subject to the rights of all citizens in the Constitution and the Business Act Create conditions that will make street trading commercially viable and contribute to the growth of the Eastern Cape economy. Make provision for establishing an appeals committee.			
DEFINITIONS **Property**: for a street trader, any article, container, vehicle or structure used in connection with such business; includes goods in which he or she trades.			
Public place: means any square, park, recreation ground or open space run by the Municipality, or which the public has the right to use, or is shown on a general plan of a township filed in the Deeds Register or the Surveyor General's Office provided for the public or the owners of erven in the township.			
Sell: (a) barter, exchange or hire out; (b) display, expose, offer or prepare for sale; (c) store on a public road or public place with a view to sell; (d) provide a service for reward; and 'sale' and 'selling' have corresponding meanings.			

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
Street trader: a person carrying on the business of street trading; includes a person to whom a stand has been leased or allocated in terms of this Bylaw, and any employee of this person. **Street trading**: selling any goods or supplying or offering to supply any service for reward in a public road or public place by a street trader. **Trading permit**: document issued to a street trader by the municipality containing terms and conditions for a particular trading area.			
		Prohibited conduct and prohibited places or areas	**Section 2** Prohibited conduct includes the prohibition of trading without a permit, and preparing food for trade without obtaining a certificate of accessibility. Prohibited places include gardens and parks. Also, see 6(A)(2) of the Business Act.
		Restricted conduct	**Section 3** E.g. a person may not sleep overnight at the place where he/she conducts business, or erect a structure for shelter, if not approved by the municipality.
		Demarcation of stands or areas	**Section 4** By resolution, the municipality can demarcate areas for street trading.
		Application for lease or allocation of stand	**Section 4** Application for lease or the allocation of a stand is done by way of a prescribed form.
		Cleanliness	**Section 5** E.g. a trader must keep his area clean and sanitary and not dispose of litter in a maintenance hole, stormwater drain or other place not intended for disposal of litter.
		Signs indicating restricted and prohibited areas	**Section 6** By resolution, the municipality may prescribe signs specifying specific hours, places, goods or services in respect of which street trading is restricted.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Removal and impoundment of goods	**Section 7** Allows for the impoundment of property reasonably suspected to be used for illegal trading, or property found in a restricted or prohibited area.
		The right to an appeal	**Section 8** A trader must lodge an appeal in writing within ten days after having received an official's decision.
		Constitution of the Appeal Committee	**Section 9** Constitution of the Committee should outline the structure, processes followed and functions of the Appeal Committee. These include appointing representatives of street traders to ensure that all interest groups are represented, and appointing two persons to act as chairperson and deputy chairperson.
		Procedure at appeal meeting	**Section 10** The chairperson shall determine the procedure at the meeting, including who gives evidence and how.
		Offences and penalties	**Section 11** A person contravening the bylaw must pay a fine not exceeding R3 000 and/or be imprisoned for not more than three months.
		Vicarious responsibility of persons carrying on business	**Section 12** A street trader is liable for any contravention of the Bylaw committed by him/herself or any person acting on his/her behalf.
MANGAUNG METROPOLITAN MUNICIPALITY: INFORMAL TRADING BYLAW (2016)			

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
DEFINITIONS **Informal trader:** a person engaged in informal trading. **Informal trading:** the selling of goods and/or services by an informal trader in the designated area in terms of this Bylaw. **Property:** in relation to an informal trader, any article, container, vehicle or structure used in connection with such business, including goods in which he or she trades. **Public place:** any square, park, recreation ground or open space vested in the Municipality, or which the public has the right to use, or is shown on a general plan of a township filed in the deeds registry or a Surveyor-General's office and is provided for the public or the owners of erven in the township. **Sell:** includes: barter, exchange or hire out; display, expose, offer or prepare for sale; store on a public road or public place with a view to sell; or provide a service for reward. Forms of informal trading: (a) street trading, or the selling of goods or supply of services for reward in a public road; trading in pedestrian malls; trading at markets; trading at a transport interchange; trading in public open spaces; mobile trading, such as from caravans and light motor vehicles; roving traders; trading in stalls or kiosks; and trading at special events.			

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
OBJECTIVES To regulate informal trading within the area of jurisdiction of the Municipality in order to: ensure that informal trading is conducted in a legal and orderly manner; open job and entrepreneurial opportunities in the informal trading sector; promote good relations between the informal and formal trading sectors; and ensure the good environmental health and safety of the public.			
		Permission to trade	**Section 5** Application forms to be completed Issuing of trading card permits An applicant should meet the following requirements:- South African identity document, if he/she is a South African citizen; proof of residence, if he/she is a Mangaung resident; he/she must not be employed by the Municipality, its entities or any organ of the State; he/she must be eighteen (18) years old or older; no asylum-seekers and temporary residence permit-holders will be allowed to operate informal trading business within the area of jurisdiction of the Municipality.
		Site of trading	**Section 6** Site to trade can be leased from or allocated by the municipality
		Trading hours	**Section 7** Trading hours stipulated – same to all
		Hygienic requirements	**Section 8** List of requirements for traders, e.g. ensure that no smoke, fumes or other substance, odours, or noise from his or her activities causes pollution of any kind
		Prohibited/restricted areas for informal trading, and signage to indicate such	**Section 9** List of areas where it is forbidden/restricted to trade e.g. in a public garden or park
		Prohibited and restricted conduct of informal traders	**Sections 10 & 11** For example, may not sleep overnight at place of business; and may not trade on a sidewalk where the width of the sidewalk is less than 3 metres.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Prohibited goods for trading	**Section 12** E.g. pesticides, drugs, endangered species
		Cancellation or suspension of trading card permit	**Section 13** The Council may cancel or suspend the informal trader's trading card permit if he/she fails to pay any prescribed fees to the Municipality within a prescribed time; or is guilty of a contravention of this Bylaw or any other legislation on which this Bylaw is based.
		Removal of goods and impoundment (duties of official)	**Section 14** An authorised official may impound any property (except perishable foodstuffs) of an informal trader, under certain conditions listed in the bylaw.
		Offences and penalties	**Section 16** List of offences, and penalties accompanying them. Maximum penalty = R10 000 or 1 year in prison
		Informal trading regulations	**Section 17** List of matters about which Council may make Regulations
MANGAUNG METROPOLITAN MUNICIPALITY: STREET TRADING BYLAW (2006)			
DEFINITIONS **Public place**: includes any public road, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds registry or surveyor-general's office; and all land (other than erven shown on the general plan) controlled by the municipality or to which the owners of erven in the township have a common right; and all property belonging to an organ of state. **Sell**: includes to exchange, barter or hire out by a street trader, and the preparing, processing, storing, offering or displaying for sale of any goods or services by a street trader. **Street trader**: any person carrying on business, whether as principal, employee or agent, by selling, supplying or offering any goods or service for reward, in or from a public road or public place in the municipality.			

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Permissibility of street trading	**Section 2** Street trading is allowed within the business area, subject to these bylaws and other applicable legislation.
		Authorisation to undertake street trading	**Section 3** Must obtain a street trading identity card Site will be allocated/leased When selling foodstuffs, must obtain a licence from the Environmental Health Directorate of the municipality
		Prohibited goods and prohibited areas	**Sections 7 & 8** List of goods that may not be sold by street traders in business area List of areas where street traders are prohibited to trade
		Street trading in residential areas	**Sections 9-11** Street trading in residential area allowed subject to the bylaw and other laws
		Prohibited activities	**Section 15** List of prohibited activities and duties of street traders e.g.: A street trader may not: sleep overnight at his place of selling; erect any structure at his place of selling, unless written approval has been obtained from the Council; carry on his business so as to create a nuisance; damage the surface of any public road, place or other property of the Council; or create a traffic hazard. A street trader must remove every day from any public road or public place, at the conclusion of selling, all waste, packaging material, stock and equipment utilised in connection with his business, unless written approval has been given by the Council.
		Removal and impoundment	**Section 16** Under listed conditions, an officer may impound any goods, receptacle, vehicle or structure he reasonably suspects is being used in connection with street trading
		Offences and penalties	**Section 19** List of offences, and penalties for them. Maximum penalty = R10 000 or 1 year in prison.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
MANGAUNG METROPOLITAN MUNICIPALITY: INFORMAL SETTLEMENTS BYLAW (2013)			
OBJECTIVE To provide for the prevention, regulation, monitoring and control of informal settlements and other related matters within the area of jurisdiction of the Mangaung Metropolitan Municipality; and to prescribe how the Municipality should deal with issues relating to informal settlements.			
		Appointment of a manager responsible for informal settlements	**Sections 3-5** An informal settlements manager must be appointed in the municipality – duties are listed
		Incidents of land invasion	**Section 6** Council to decide and act on land invasion; must decide in 24 hours whether it is a recognised or unrecognised informal settlement
		Management and monitoring of recognised and unrecognised informal settlements	**Sections 7 and 9** Procedures relating to the management and monitoring of recognised and unrecognised informal settlements
		Role of Ward Committee	**Section 8** Matters to be taken care of by the Ward Committee are listed, e.g. from time to time they may convene special public meetings of residents, to communicate with residents on matters relating to the informal settlement.
		Offences and penalties	**Sections 11 & 12** List of offences ito the bylaw, e.g. any person who incites, assists and/or abets persons to occupy land unlawfully is guilty of an offence. Any person guilty of an offence is liable to a fine of not more than R1 000 or three months in prison or both.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
CITY OF CAPE TOWN INFORMAL TRADING BYLAW (2009)			
OBJECTIVES The bylaw recognises the role of the informal economy and the developmental approach in business growth, providing for the regulatory framework. **DEFINITIONS** **Beach trading**: informal trading that takes place on a beach, and includes trading on a parking area adjacent to the beach. **City property**: property owned, leased by or under the management of the City. **Informal trader**: a person, or an enterprise which is not registered or incorporated in terms of the corporate laws, who/which engages in informal trading. **Informal trading**: trading in goods and services in the informal sector by an informal trader. **Non-City property**: property within the jurisdictional area of the City but which is not owned, leased by, or under the management of the City.			
		Adoption of trading plans	**Section 5** The City must adopt trading plans, particularly in areas where there is a significant overlap between formal and informal trading. A trading plan may allow and regulate informal trading on non-City property, subject to the rights of the owners. A trading plan must define the geographic boundary of trading areas, and demarcate informal trading bays and markets where informal trading is permitted; outside these, informal trading is prohibited in that trading area.
		Public participation in the development of trading plans	**Section 6** When adopting trading plans, the Municipality must consult interested and affected role players, including the informal and formal sectors, with a view to compiling a draft trading plan; and publish notices in two local daily newspapers circulated in the area, unless a free community newspaper is circulated in the area, in which case one of the two notices must be published in it.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Issuance of trading permits	**Section 8** The City prohibits informal trading on City property in a trading area without a valid permit. The City may charge a permit-holder: a trading fee; an application fee; and an additional fee or tariff, to be determined by the City, for additional costs incurred or services provided by the City. If a person qualifies for a permit, but has motivated in writing their inability to pay the fee, and has provided sufficient proof to the City, the City may waive the fee, or determine a payment system by way of instalments. To qualify for a permit, the applicant: must be an informal trader, or desire to become an informal trader; may not already hold a permit for the same trading area; must be a South African citizen, or have a valid work permit, including a refugee permit; and must not employ more than five persons.
		Transferability of permits	**Section 9** A permit may be transferred, with the written approval of the City, to a dependant, or dependant's assistant, who will continue trading until the permit is no longer valid, in the event of the death of the permit-holder, and if the loss of income from the informal trading would place the dependent under undue or severe economic hardship. A permit may be temporarily transferred, with the written approval of the City, to a dependant, or (where there is no dependant) to someone nominated by the permit-holder, if the permit-holder is incapable for personal reasons (such as illness, pregnancy, family responsibility, religious or cultural matters, or any other personal matter), for a period no longer than six months, if a written affidavit is provided to the City stating the nature and period for which the permit holder requires the transfer; the dependant or assistant may only replace the permit-holder for the period in the affidavit.
		Enforcement of bylaws and offences	**Sections 18 & 19** An officer may impound any goods and property used by the informal trader in conducting the informal trade. Any person who contravenes this Bylaw; threatens, resists, interferes with or obstructs any employee of the City in the performance of official duties under this Bylaw; or deliberately furnishes misleading information to an employee of the City; is liable to a fine not exceeding R5 000.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Compliance with applicable trading plans and laws	**Section 10** An owner of non-City property demarcated in a trading plan as land where informal trading is permitted, must: ensure that all informal trading that takes place there complies with the trading plan and this Bylaw; permit any officer access to the property to enforce this Bylaw; at the owner's cost, ensure that sufficient services are provided to maintain acceptable hygienic conditions; ensure that trading from formal business premises does not encroach on the property of another owner.
		Foreign informal traders	**Section 8(5)** A person who is not a South African citizen but has a valid work permit or refugee permit may apply for an informal trader's permit.
		General prohibitions	**Section 11** Informal trading may not be conducted: in a City garden or park, to which the public has the right of access, unless the City has declared it a trading area; on a verge or sidewalk next to a building belonging to or occupied solely by the State or City; at a place of worship, unless a trading plan permits informal trading in that area; or at a place where it obstructs access to firefighting equipment, vehicles, traffic signs or CCTV cameras.
		Health and public safety measures	**Section 13** An informal trader must keep the allocated informal trading site clean and sanitary, and do business in a way that does not cause a threat to the public or safety. To sell food prepared in the trading bay, a certificate of acceptability must be obtained from the City.
CAPE TOWN INFORMAL TRADING POLICY (2013)			
OBJECTIVES To set a direction for the city's developmental responses to the informal trading sector, with the Informal Trading Policy Implementation Plan and the Informal Trading Bylaw, urging the adoption of a developmental approach to the informal economy; to set out strategic objectives for the development of the informal trader sector; and to provide management guidelines for informal trade in the City.			

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
DEFINITIONS **Informal trader**: a person engaging in informal trade, whether employer or employee. **Informal sector**: employers: own-account workers who are not registered for either income tax or value-added tax; and persons helping unpaid in their family business. In relation to employees means persons working in establishments that employ fewer than five employees, who do not deduct income tax from their salaries/wages. **Informal trade**: trading in goods and services in the informal sector by an informal trader. **Trading plan**: a plan adopted by the City to govern informal trading within a trading area.			
		Inclusive developmental approach	**Section 5** The City acknowledges the informal economy, in terms of its employment and economic growth prospect. The informal economy also has low barriers to entry, and serves as a social safety net; it also often sustains the livelihoods of foreign nationals who seek refuge from war-torn countries. The informal economy is thus important socially and economically. **Formalisation**: Entrepreneurs are to be encouraged to formalise incrementally, as per their needs, and as the business and entrepreneurs develop over time. Aspects of formalisation include proper zoning and land use, business registration, health certificates, sector body registration, tax registration, and others.
		Infrastructure development	**Section 5** A flexible and appropriate level of infrastructure must be provided over time, to foster the sustainability of traders while improving the environment for all stakeholders. **Section 9** New markets and trading opportunities must be properly planned, bearing in mind the economic needs of all stakeholders, such as the need for more vibrant land use and the need for orderly town, spatial and transport planning, as well as health and safety. Existing markets should be managed properly and new trading sites or market developments must be guided by a spatial and economic rationale.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Spatial planning	**Section 9** Taking into account the differing economic, spatial and infrastructural elements of the City, these guidelines inform the development of trading areas in the City: In the central business district and in tertiary economic centres, informal trading would be permitted to provide a range of trading possibilities linked to opportunities for growth and diversity. a) In pedestrian malls b) In designated trading areas c) At appropriate markets, and public squares/space In Secondary Economic Centres the City will have: a) Designated trading bays located along major pedestrian traffic routes. b) Open trading areas that allow flexibility for traders, as well as formal market spaces. Each type of economic centre must allow the municipality to develop and facilitate more. Therefore, in primary economic centres, housing estates and townships: a) Demarcated trading bays are only allowed in high pedestrian traffic-flow areas where congestion is not a problem. b) Flexible market structures must be built at key transport nodes that allow for integrating a number of services, ensuring regular pedestrian traffic flow.
		Establishment of informal trader associations	**Section 5** The Municipality must support the establishment of trader associations and other stakeholder bodies. These organisations will represent their constituents at the engagement forums. Industry-specific intermediaries (private sector firms or purpose-built development organisations) can play a development and business support role. They perform functions on behalf of informal traders such as product design, mentorship, contract negotiation, and a business interface role with respect to informal enterprises.
		Specific organisations and engagement platforms	**Section 9** Specific organisations and engagement platforms may be required to address the needs of specific groups (employees and employers). Support should be offfered to establish and sustain trader associations. New traders will be encouraged to join a trader association in the trading area.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Watchdog and exercise of consumer rights	**Section 8** Stakeholders are expected to perform the following roles and responsibilities, either directly or through representative bodies: exercise preference through purchasing of goods, and utilise their buying power in promoting the informal economy; engage in dialogue; and abide by the laws.
		Support services	**Section 8** Facilitating business practices that promote the informal sector and engage in stakeholder dialogues, and implement health and safety measures for the protection of the consumers or public.
ETHEKWINI METROPOLITAN MUNICIPALITY INFORMAL TRADING BYLAWS (2014)			
DEFINITIONS **Informal trader:** a person who carries on the business of informal trading. **Informal trading:** trading in goods and services in the informal sector by an informal trader in a public road or public place; typically includes beach trading, street trading; trading in pedestrian malls; trading at markets or flea markets; trading at transport interchanges; trading in public places; mobile trading (such as from caravans and light delivery vehicles); trading from kiosks, stalls or containers; car washing; hair dressing; photography; roving traders, including trading from trolleys; and trading at special events. **Obstruct:** do anything which blocks vehicular or pedestrian traffic flow on a public road. **OBJECTIVES** To provide for the right to engage in informal trading; to establish informal trading areas on municipal property; to provide for granting trading permits to trade on municipal property; to restrict and prohibit informal trading in certain areas; to regulate the conduct of informal traders; to regulate informal trading at special events; to provide for measures to ensure health and safety; to create offences and penalties; to provide for the repeal of laws; and to provide for matters incidental to the above.			

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Application for trading permit	**Section 10** Requires all persons who wish to conduct informal trading on municipal property to procure valid informal trading permits from the municipality. **Section 12** Conditions for applying for an informal trading licence: An applicant may not apply for an informal trading licence if the applicant already holds an informal trading licence for another site. Only South African citizens, holders of valid work permits and persons with refugee status may apply for informal trading licences. An applicant may not employ more than 10 persons. An applicant may not have an interest in more than one entity or partnership that conducts informal trading. Only unemployed persons may apply for informal trading licences; on condition that once gainfully employed, they will give the permits back to the Municipality. **Section 12** Factors to be considered by the Municipality when considering applications for informal trading include whether the applicant is black; unemployed; entering into the informal sector for the first time; not reliant on a permit-holder; or has physical challenges. Also, whether the goods or services the applicant intends selling fit those sold by other informal traders in the informal trading area, or other traders in the immediate vicinity.
		Adoption of informal trading policy	**Section 6** Council may adopt an informal trading policy, or amend existing informal trading policy, to regulate trading on municipal or non-municipal property.
		Public participation	**Section 7** Municipality to facilitate public participation before adopting an informal trading policy, by publishing notice and inviting comments.
		Levy informal trading fees	**Section 13** The Municipality is entitled to charge an application fee from any person who submits an application for an informal trading permit; and from any informal trading permit-holder, an annual rental for the relevant informal trading site.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
		Prohibited from erecting structures and must not sleep at trading place.	**Section 19** An informal trader must not erect any structure other than a device approved by the Municipality. **Section 20** An informal trader must not sleep overnight at the place where he or she carries on informal trading. After concluding business for the day, an informal trader may not leave his or her goods at an informal trading site which is part of a public road or public place, except for any structure permitted by the Municipality.
		Avoid restricted conduct	**Section 28** An informal trader must not: carry on informal trading in a place in contravention of any restriction imposed by the Municipality; create a nuisance; damage any public road or public place, or any public or private property; create a traffic or health risk; contravene any of the conditions of his or her informal trading permit; or act in a way which disturbs the reasonable peace, comfort, convenience and well-being of any other person.
		Costs recovery and contraventions of the Bylaw	**Section 34** If an informal trader contravenes this Bylaw, an applicable informal trading policy, or his or her permit; and fails to cease the contravention, or take steps to rectify it; then the Municipality may take those steps itself, and recover the costs from the informal trader.
		Penalties	**Section 38** Any person who contravenes paragraph 37(1)(a) is liable to a fine of not more than R5 000, or imprisonment for not more than one year, or both. Any person convicted of an offence under this Bylaw is liable to a fine of not more than R1 000 or imprisonment for not more than six months, or both. For a continuing offence, an additional fine of not more than R150 or imprisonment for not more than 10 days, or both, for each day on which the offence continues, will be imposed.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
ETHEKWINI METROPOLITAN MUNICIPALITY INFORMAL ECONOMY POLICY (2001)			
OBJECTIVES To make local government's approach and principles clear, and form the basis for: appropriate and workable legislation; common action by different government departments; making decisions about allocating resources for management and support; making agreements with other stakeholders about what the roles of local government and other groups should be; and monitoring and evaluation.			
		Planning of/for new markets and trading opportunities	**Section 5** New markets and trading opportunities must be properly planned, bearing in mind the economic needs of traders, the need for more vibrant land use, and the need for orderly town, spatial and transport planning, as well and health and safety.
		Adoption of an allocations policy	**Section 5** An allocations policy is central to the entire policy for the informal economy – it allows local government to steer management and support of the informal economy. The aim is to support growth and provide opportunities for new entrants, in an economically sustainable and socially useful way. It can be a powerful tool for job creation, and for the inclusion of formerly marginalised people. It can feed directly into the tourism industry, through achieving the appropriate tenant mix at tourist-related areas.
		Register people who work in public places	**Section 5** The policy goal is that all people working in public places will register as small businesses. This is a decisive move away from the existing situation, where one procedure gives access to a site in a public space, and another gives permission to operate in a particular sector.
		Adopt a rental policy that stimulates small businesses	**Section 5** Registration (and sustained payment of rentals) gives permission to operate, and provides access to services and support.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
NELSON MANDELA BAY METROPOLITAN MUNICIPALITY STREET TRADING BYLAW (2008)			
OBJECTIVES In developing and managing its obligations and implementing this Bylaw, the Municipality also recognises the infrastructural, social and economic disparities and inequalities resulting from previous local governments. It will strive to overcome these by supporting the new goals for local government in Section 152 of the Constitution.			
DEFINITIONS **Property**: in relation to a street trader goods in which the trader trades; includes any article, container, vehicle or structure used by the trader in connection with street trading**.** **Sell:** includes barter, exchange, hire out, display, expose, offer or prepare for sale, store with a view to sell, or provide a service for reward; and 'sale' or 'selling' has a corresponding meaning. **Street trader:** means any person carrying on business, whether as principal, employee or agent, by selling, supplying or offering any goods or service for reward, in or from a public road or public place in the Municipality; but excludes a newspaper vendor. **Street trading:** means the carrying on of business as a street trader.			.
	Municipality	Restricted and prohibited areas	**Section 4** The Municipality may declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited. Additionally, the Municipality may, by notice, erect signs indicating such areas.
	Street traders	Places where street trading is prohibited	**Section 5(1)** Unless otherwise permitted by a sign or an agreement with the Municipality, a street trader may not trade in: a garden or park to which the public has access; on a verge next to a building occupied solely by the State or the Municipality; a church or other place of worship; or a building declared to be a public monument in terms of the National Heritage Resources Act.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
	Street traders	Places where street trading is prohibited	**Section 5(2)** Places where street trading in not permitted under any circumstances: where street trading obstructs the use of the sidewalk by pedestrians, or interferes with the ability of persons using the sidewalk to view the goods displayed behind a shop display window, or obscures such goods from view; or where street trading obstructs: a fire hydrant; the entrance to, or exit from, a building; vehicular traffic; access to a pedestrian crossing, among other places.
	Street traders	Lease or allocation of area/ trading stand	**Section 5(3)** A street trader must comply with the conditions of the lease of allocation. A street trader who has been granted a lease must have written proof. The allocation may not be transferred to a third party.
	Street traders	Duties of a street trader	**Section 6** A street trader must: remove his/her property, except when it is stored in a structure approved by the Municipality; when requested by an official of the Municipality, move his or her property so as to permit the official to carry out any work in relation to a public road, public amenity or service; and keep the area occupied by him/her in a clean and sanitary condition.
	Street trader	Prohibited conduct	**Section 7** Prohibited conduct includes: a trader may not sleep overnight at the area where he/she is trading; or place his/her property in such a way that it is a danger to any person or property, or is likely to injure any person or cause damage to any property.
	Municipal official	Removal and impoundment	**Section 8** Municipal officials may impound property that they reasonably suspect is being used for street trading if such goods are found in a restricted area. Following removal, the official must issue a receipt to the street trader indicating the address where the goods will be kept and for how long. It is an offence if a street trader obstructs an official performing his/her duty.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
	Municipal official	Disposal of impounded goods	**Section 9** Makes provision for the handling of perishable foodstuff impounded in terms of section 8. Perishable foodstuff may be sold or destroyed by the Municipality. In the event of a cash sale, the proceeds less the expenses incurred are presented to the street trader when the trader supplies a receipt. Any other goods, except perishable foodstuff, may be claimed by the street trader within one month of impoundment. The street trader must apply to the Municipality and present a receipt with the application.
	Publishers of newspapers	Newspaper vending	**Section 10** The publisher of a newspaper who employs a street trader must have an agreement with the Municipality regarding the areas where and times when the selling of newspapers may happen. The Municipality may determine the hours of trade of the newspapers, and may levy a tariff for the sale of newspapers in any road within its area of jurisdiction.
	Street traders and publishers of newspapers	Penalties	**Section 11** A person who has committed an offence in terms of these Bylaws is liable to a fine or imprisonment or both, and in the case of a successive or continuing offence, a fine for every day such offence continues, or imprisonment.
	Persons employing street traders	Responsibility of persons employing street traders	**Section 12** An employer of a street trader is liable for contraventions of these bylaws committed by the street trader; unless he/she can prove that he/she did not permit such an act, or he/she took all reasonable steps to prevent the act, and that it is not within the scope of the street trader's employment to perform such an act.
	Street traders	Appeal	**Section 13** A person whose rights are affected by a decision of the Municipality may appeal against that decision, by giving written notice of the appeal and their reasons within 21 days of the decision.

Relevant objectives and definitions		Issue / activity regulated	More on the regulatory measure
	Municipality	Establishment of liaison forums in the community	**Section 14** The section allows for the establishment of one or more liaison forums in a community, for creating conditions for a local community to participate in the affairs of the Municipality and to promote economic development. A liaison forum must consist of several members of an interest group, or an affected person; members of a ward committee in whose immediate area street trading is conducted; a designated official or officials; and a councillor**.**
BUFFALO CITY METROPOLITAN MUNICIPALITY WATER SERVICES BYLAW (2011)			
	Everyone (inclusive of participants in the informal economy)	Application for water services	**Section 18** Persons seeking access to water supply systems, sewerage disposal and any other sanitation services must apply to the Municipality according to the Credit Control Bylaw; therefore, water services to a customer are subject to this bylaw and the Credit Control Bylaw. The purposes for which the water provided is used must be stated in an agreement between the customer and municipality. A customer has the right to change this agreement and enter into a separate agreement. Participants in the township economy may enter into agreements that indicate the nature and extent of their water use, in order to receive an adequate supply of water, sewage and sanitation services
	Everyone (including participants in the informal economy)	Limitation or discontinuation of water services	**Section 24** To avoid discontinuation or limitation of water services, participants must not interfere or tamper with or damage water supply systems, or pollute sewerage systems.
	Water Services Authority, Buffalo City Metropolitan Municipality	Restriction of water service provision and consumption	The Municipality reserves the right to restrict the consumption of water for specific purposes, specific hours or in a specified way. Restrictions could affect the daily operations of those in the township economy.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Organisers of circuses, fairs, festivals; and flea-market and street traders	Authorisation for a temporary supply of water	**Section 37** The organisers of circuses, fairs and festivals, as well as flea-market and street traders, must apply to the Municipality for a temporary metered water supply after they have obtained permission from the Municipality to carry on such activities in a public place. A prescribed charge and calculated deposit must accompany this application.
	Owners of car wash facilities	A vehicle washing area or similar that requires cleansing which produces industrial or trade effluent, domestic sewage, or wastewater, must connect to a drainage installation which serves such premises.	**Section 202** Imposes more regulations for vehicle-washing and similar facilities.
MANGAUNG METROPOLITAN MUNICIPALITY FIRE FIGHTING SERVICES BYLAW (2013)			
	Participants in the informal economy	Access to water services	**Section 2** No person may have access to water services unless an application has been approved by the municipality.
	Participants in the informal economy	Special agreements for the provision of water services	**Section 3** with an applicant Municipality may enter into a special agreement for providing water services, in accordance with the Municipality's Bylaws on credit control and debt collection
	Participants in the informal economy	Pollution of water	**Section 17** An owner must maintain approved measures to prevent the entry of a substance which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into the water supply system or any part of the water installation on his or her premises.
	Participants in the informal economy	Use of water pipes	**Section 29 & 96** Without written municipality authority, no person may install or use a pipe or waterfitting in a water installation within the Municipality's area of jurisdiction, unless it is included in a Municipality Schedule of Approved Pipes and Fittings. **Pipes in streets or public places** For conveying water or sewage from any source, no person may construct a pipe or associated component on, in or under a street, public place or other land under the control of any Municipality, except with written permission from the Municipality and subject to its conditions.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Participants in the informal economy	Unauthorised services	**Section 89** No person may gain access to water services unless it is in terms of an agreement with the Municipality for those services. By written notice, the Municipality may order a person who is using unauthorised services to apply for such services (in terms of Sections 2 and 3); and ensure that the customer installation through which access was gained complies with the provisions of the By-laws.
MANGAUNG METROPOLITAN MUNICIPALITY: ENVIRONMENTAL HEALTH SERVICES BYLAW (2019)			
(Only index available in public domain)	Municipality Participants in township economy	Public health principles	**Section 1**
	Participants in township economy	Prohibition on causing public health nuisances	**Section 8**
	Participants in township economy	Regulation of potentially hazardous uses of premises and enforcement, including enforcement (demolition orders), remedial work and costs	**Sections 9 - 19**
	Participants in township economy	Prohibition of pollution of water supply	**Section 37**
	Traders in township economy	Regulation of offensive trades e.g. bone and tripe boiling	**Chapter 7** Permit requirements, duties e.g. stated.
	Hairdressing, beauty and cosmetology services	Regulatory measures	**Chapter 8** Permit requirements, duties e.g. stated.
	Traders in second-hand goods	Regulatory measures	**Chapter 9** Requirements for premises and duties of second-hand goods traders
	Owners/operators of accommodation establishments	Regulatory measures	**Chapter 10** Permit requirements and duties of operators of accommodation establishments
	Emitters of smoke from premises other than dwellings	Prohibition on smoke from premises other than dwellings, and emissions caused by open burning	**Sections 120-129** Requirements in relation to operation of fuel-burning equipment, etc., as well as the open burning of material on any land.
	Municipality Participants in township economic activity	Schedule of public health nuisances	**Schedule 1**

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
ETHEKWINI WATER SUPPLY BYLAW (1996)			
	Participants in township economic activity e.g. informal traders	Regulation of pollution of Council's water supplies & pipes in streets and public places	**Section 12** Except at places designated by notice boards or in receptacles provided by the Council, no person may deposit rubbish, night-soil, industrial waste or other matter which may cause pollution on a portion of a catchment area for Council's water supply designated by notice boards as an area where this is prohibited. **Section 14** For conveying water, no person may construct a pipe or associated component on, in or under a street, public place or other land under the control of the Council, except with written permission from the Authorised Officer and subject to any conditions he imposes.
	Participants in township economic activity e.g. informal traders	Regulation of payment for water services	**Section 18** A consumer is not entitled to a reduction in the amount payable for water supplied to him.
BUFFALO CITY ENVIRONMENTAL HEALTH BYLAWS (2010)			
DEFINITIONS **Health nuisance:** a situation that endangers health or has the potential to adversely affect the well-being of a person or community, or is offensive and without limitation includes those circumstances in which a health nuisance is considered to exist in terms of Sch 1 to the Bylaw. **Offensive:** a state of affairs that in the opinion an authorised employee is obnoxious, foul, disgusting and/or noxious from an environmental health perspective. **Public place:** any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, square, open space, garden, park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which the public have the right to use. **OBJECTIVE** To enable the Council to protect and promote the long-term health and well-being of people in the municipal area.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Municipality Participants in the township economy	Principles for decision-making	**Section 3** Council must regulate all activities and administer all matters for which it is legally responsible, in a manner that e.g. avoids creating a health nuisance; does not make it easier for any human or animal disease to spread; and prevents unsafe food or drink from being eaten or drunk.
	Participants in township economy	Slaughter of animals at places other than abattoirs, and selling of such meat	**Section 17** No person may slaughter any animal at any place other than an abattoir (except for cultural or religious purposes or for own consumption on an agricultural holding). No meat or animal product from an animal slaughtered at any place other than an abattoir may be sold.
	Participants in township economy	Regulation of accommodation establishments	**Section 61** Requirements for every accommodation establishment: e.g. baths, showers and washbasins on the premises must always have running hot and cold water; where meals are supplied, provision must be made for a dining room to the satisfaction of Council; and every room must have adequate lighting and ventilation so the room can be used at all times without detriment to health or safety or causing a nuisance.
	Hairdressers and barbers	Regulation of business of hairdresser or barber	**Sections 64 & 65** Requirements for premises, e.g. an approved system for the disposal of wastewater. Minimum required health standards, e.g. employees on the premises must have approved protective clothing and equipment; and cleaning of all plastic and cloth towels after each use.
	Tattooing and body-piercing businesses	Regulation of tattoo and body-piercing businesses	**Section 68** Requirements stipulated for facilities, e.g. equipment to be sterilised after use on each client, etc.
	Childcare facilities Municipality	Regulation of childcare facility operators	**Sections 70-72** Written permission required; conditions for operation of a childcare centre to be set by municipality, and offences created.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
BUFFALO CITY METROPOLITAN MUNICIPALITY INDIGENT SUPPORT BYLAW (2014)			
OBJECTIVES Buffalo City Metropolitan Municipality recognises that a developmental local government must provide basic municipal services to each household in a sustainable manner. The Indigent Bylaw allows the municipality to improve the livelihood of the vulnerable not only through basic services but through providing a broader package to the indigent. The broader municipal package of services is linked to employment, health services, access to housing, and inclusion in the municipality's Local Economic Development (LED) programmes.			
	Municipality	Principles of the bylaw	**Section 4** The fundamental principles of the municipality include linking this bylaw with the Integrated Development Plan (IDP), LED and poverty-alleviation programmes. The promotion of local economic development is the founding principle for targeting the indigent.
CITY OF CAPE TOWN BUSINESS SUPPORT POLICY (2018)			
DEFINITIONS **Business Activity:** any commercial activity conducted by a person for gain, as per the National Small Enterprise Act, 1996 (Act No.102 of 1996) **Entrepreneurship:** any attempt at new business or new venture creation, such as self-employment, a new business organisation, or the expansion of an existing business, by an individual, a team, or an established business. Similarly, an entrepreneur is someone who engages in entrepreneurship activities. **Incubation:** a unique and flexible combination of business development processes, infrastructure, and people designed to nurture new and small businesses by assisting them through the early stages of their development, when they are most vulnerable.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
OBJECTIVE: The current Business Support Policy was adopted by Council in 2003, and is outdated. A policy review was initiated to: achieve alignment with the IDP, EGS, SDS, NDP and various City strategic frameworks; establish mechanisms with which to ease some of the administrative restraints which prevent SMME development and establishment; outline the City's business support services for SMMEs, entrepreneurs, and innovators seeking assistance; determine the use of City facilities or land not required for municipal service provision, for the purpose of entrepreneurial and SMME business incubation by business incubation or support organisations; outline the channel through which informal business practices can become formalised, thereby enabling greater private sector support and financing. These channels underline the communicative function the City will adopt, so that SMMEs can contact the City to assist with their incubation and establishment. Also, to support the City's Investment Incentives Policy by outlining the areas of overlap and referencing those incentives available to SMMEs within appropriate sectors and targeted areas. This policy will support development of all levels of business including informal traders. However, it is not applicable to regulating informal trading and developing markets which would be governed by the City's informal trading policy and bylaw.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
BUFFALO CITY METROPOLITAN MUNICIPALITY LIQUOR TRADING HOURS BYLAW (2013)			
OBJECTIVE Realising that the Municipality cannot prevent the selling and consuming of liquor, through this Bylaw the municipality seeks to regulate the hours of trade, in the interests of the health and well-being of its residents.			
	Liquor trading operators	Trading hours	**Section 5** The Council has determined trading hours for different types of registration (liquor licence registrations). The Council reserves the right to depart from the determined trading hours if doing so is lawful, reasonable and procedurally fair. Nothing prohibits an operator from applying to the municipal council for a departure from trading hours.
	Liquor trading operators	Penalties for contravention of the bylaw	**Section 9** Stipulates penalties for those who contravene the Bylaw: a fine not exceeding R10 000, or imprisonment not exceeding three years, or both
	Liquor trading operator	Right to appeal	An operator has the right to appeal the decision of the municipal council regarding trading hours, if the decision adversely affects his/her interests.
	Liquor trading operators	General offences	**Section 8** Operators may not interfere with officials executing their duties in terms of the Bylaw. Interference includes supplying false or misleading information, failing to comply with a reasonable request from an official, and trading out of the trading hours stipulated in the Bylaw.
	Ward Committees	Public participation and report by ward committee	**Section 6** Ward committees are employed by the Bylaw to consult with members of the community when they receive an application for registration of trading hours. A ward committee will report to the municipal council indicating the details of the consultation process, including the community's advice, objections and recommendations.
	Municipal council Peace officer/police officer and municipal official	Enforcement of bylaw	**Section 7** The Council has the right to appoint officials to enforce this Bylaw. This includes the entering into premises where trade in liquor is being carried on, and requesting the operator to provide such information necessary for enforcing this Bylaw.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
MANGAUNG FRESH PRODUCE MARKET BYLAW (2019)			
(Only index available in public domain) **OBJECTIVE** To provide regulation and management of activities in respect of the municipal fresh produce market.			
	Municipality Persons on the market Fresh produce agents Vendors	Activities on the municipal market	**Sections 2-98** A range of regulatory measures adopted, ranging from market hours and rules around off-loading, to the right to occupy or trade, and permits for fresh produce agents.
MANGAUNG EVENTS BYLAW (2019)			
(Only index available in public domain)	Coordinators of events Hosts of events	Events taking place in the jurisdiction of the municipality	**Sections 4-15** A range of measures, including application procedures, responsibilities of organisers, right of access, and inspections of event venues
CITY OF CAPE TOWN INFORMAL BEACH TRADING POLICY AND MANAGEMENT FRAMEWORK (2003)			
DEFINITIONS **Informal Economic Activity:** The informal sector includes employees, employers, self-employed people or family business workers who work for private sector enterprises with 20 or fewer employees, and in enterprises that are not registered or incorporated and do not keep a set of accounts separate from the household budget. If respondents were uncertain about the enterprise's record-keeping, it was classified as informal if it did not make Unemployment Insurance Fund (UIF) deductions, and/or the business is located on a footpath, street, open space or a market. Stats SA's OHS 1998/1999 estimates of the informal sector are based on direct questions to the respondents as to whether the enterprise was in the formal or informal sector, based on their knowledge of whether the enterprise was registered.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
Informal Trading: Informal Beach Trading is defined as the legal economic activity undertaken by entrepreneurs who sell goods and services on a beach or grass verge next to the beach. This specifically excludes any activity defined as illegal by any national and/or provincial law. While the definition in the previous paragraph would include trading taking place from private property, this Policy addresses the regulation of only those trading activities taking place on publicly owned land. The ultimate goal of this Policy and Management Framework is sustainable Beach Management, which plans, designs and manages beaches able to accommodate Informal Trading on beaches. Integrated beach management is necessary in order to enhance the City's attractiveness, promote economic development, meet the needs of all beach users and expand employment opportunities. The reasons for having an Informal Beach Trading Policy are: It defines an integrated and holistic approach for Beach Management within the City of Cape Town; it clarifies the City's Policy and Management framework to all relevant stakeholders; it forms the basis for the Bylaw that will regulate Informal Beach Trading activity in the City; it provides a basis for resource allocation decisions; it establishes the basis for a monitoring and evaluation process, with clearly defined key objectives.			
	Municipality	Ensuring maximum trading viability	The City must properly plan beach developments and trading opportunities to ensure maximum trading viability.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Informal traders	Registration of traders – one-stop shop approach	The policy goal is that all people working in public places will register with the City. Registration (and sustained payment of rentals) gives permission to operate, and provides access to services and support. Existing registration procedures must be simplified and moved towards the 'one-stop shop' concept, which will reduce the high cost to poorer traders associated with becoming legal. Data on registration will be kept in the centralised inter-departmental information system. This system will link where traders are, the sectors they work in, registration, rent-paying status, environmental health, and the enforcement function.
	Municipality	City must allocate trading places with due regard for the need to protect natural resources, support growth and provide opportunities.	The aim of the allocations criteria is to protect natural resources, support growth and provide opportunities for new entrants, in an economically and environmentally sustainable and socially useful way. It can feed directly into the tourism industry, through achieving the appropriate trader mix at beaches. The allocations criteria could be used as a tool to develop partnerships between established traders and new entrants.
ETHEKWINI METROPOLITAN MUNICIPALITY WASTE REMOVAL BYLAWS (2016)			
DEFINITIONS **Business waste:** waste generated on premises used for non-residential purposes, and includes waste generated by informal traders and waste generated on residential premises from which business activities are undertaken, regardless of whether or not these activities are lawful. **OBJECTIVES** To make provision for the collection and removal of domestic waste and business waste;			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
to require waste generators to collect bulky waste, building waste, garden refuse, hazardous waste, industrial waste, health care waste, special domestic waste and special industrial waste; to provide for the temporary storage of waste pending collection; to provide for the operation of garden refuse sites; to impose obligations regarding special industrial waste, hazardous waste and health care waste; to provide for proof of disposal of building waste; to impose obligations regarding event waste; to provide for waste management plans; to encourage the recycling of waste; to provide for the conduct at municipal waste disposal sites; to regulate private waste-removal contractors; to impose penalties for dumping and other offences, and to provide for matters incidental to the above.			
	Informal traders	Responsibility for event waste	**Section 36** Event organisers and venue owners are responsible for storing, collecting, recycling and disposing of waste generated before, during and after an event. Event organisers and venue owners must ensure that an authorised waste-removal contractor is contracted to collect waste generated before, during and after an event in terms of this Bylaw.
	Municipality	Tariffs for business waste	**Section 15** Where business waste is generated as a result of business activities conducted from residential premises, the waste generator concerned is liable to the Municipality for the applicable tariff charge for the collection, removal and disposal of business waste from the premises. The Municipality may levy the tariff charge for the removal and disposal of business waste in respect of all waste generated at the premises concerned, regardless of whether it is domestic or business waste.
	Informal traders	Regulation of waste generators	**Section 6** Every waste generator must ensure that all waste bins and bulk waste containers on his or her premises are: (a) kept clean and hygienic; (b) in good condition; and (c) replaced when necessary.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Informal traders	Prohibited use of waste containers for certain activities	**Section 10** Waste generators may not use waste containers for prohibited use, such as placing the following in the waste containers:
	Informal traders and owners of business premises	Must notify municipality when they are going to generate business for the first time/if they are going to resume generation of business waste	**Section 11** (a) hot ash; (b) unwrapped glass or china pieces or fragments; (c) other waste material, including any liquid likely to make the waste containers unreasonably difficult to handle; and (d) any other waste material that may cause damage to waste containers or waste removal vehicles, or which may cause injury to the Municipality's employees while they carry out their duties in terms of this Bylaw, unless steps are taken to avoid such damage or injury. No person may place any item that is not domestic or business waste (as defined in this Bylaw) in a waste container intended for domestic or business waste; in addition, the following items may not be placed in a waste container intended for domestic or business waste: (a) any metal item; (b) timber rests; (c) soil, pebbles or rocks; and (d) any other material which not commonly generated in gardens or households, or in businesses. (3) In the event of non-compliance with this Section, the Municipality may leave the waste container unserviced, and may impose a fine on the waste generator.
ETHEKWINI MUNICIPALITY FOOD BYLAWS (1950)			
DEFINITIONS **Business:** any business, undertaking or calling, whether required to be licensed or not and whether or not licensed, although required by any law to be so licensed; and includes any organisation of persons engaged in the supply of food to members, employees or the public or any special class thereof, for any consideration whatsoever.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
Food: any substance (other than drugs or water, but including ice) which is used for human consumption, or in the preparation of articles for human consumption. **Sell:** sell by wholesale, retail or through a machine; includes offer, advertise, keep, expose, transmit, consign, convey or deliver for sale, or authorise, direct or allow a sale or prepare or possess for purposes of sale, and further includes barter or exchange or supply or disposal for any consideration, direct or indirect.			
	Medical Officer of Health	Food regulations	**Section 8** Where any person who carries on a business involving the manufacture, preparation, storing, handling, sale or distribution of food, whether required to be licensed or not, has failed to observe the requirements of these Bylaws, the Medical Officer of Health may serve notice on the person, requiring him to discontinue the sale or disposal of food within the City for the time specified. Any person who fails to comply with a notice served on him in terms of Sub-section (1) is guilty of an offence.
	Participants in the township economy	Liability for offences and penalties	**Section 9** Any person who contravenes these bylaws, or any conditions in terms of these bylaws; or fails to comply with the terms of any notice served on him in terms of these bylaws, is guilty of an offence, and liable to the maximum penalty prescribed for the offence by Section 266(7)(a) of the Local Authorities Ordinance 25 of 1974. Failure to comply with the terms of any condition or notice referred to in subsection (1)(b) or (c) above is a continuing offence; a person failing to comply with the terms of such condition or notice is guilty of a separate offence for each day during which he fails to comply with such terms.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Participants in the township economy	Must ensure that premises at which food is stored meet structural and material requirements on walls, ceilings, floors etc.	**Regulation 11** No person may carry on a business which involves the manufacture, preparation, storing, handling, sale or distribution of food on any premises that do not comply with the following provisions: **Walls: Materials** (a) Walls must be constructed of brick, concrete, or other approved material, and the internal surface of such walls must be well finished; where food is prepared, the internal walls must be suitably covered with tiles or other approved impervious material to a height of not less than 2m. **Floors** The floor of any premises used for the manufacture, preparation, storage, handling, sale or distribution of food must be constructed of concrete or other similar solid and impervious rat-proof material. **Ceilings** Ceilings must be of approved material covered with lime or cement plaster or other suitable impervious material, finished to a smooth surface and rendered dust-proof. **Lighting and Ventilation** Adequate lighting and ventilation must be provided, conforming with the City Building Bylaws and the Factories, Machinery and Building Work Act, 1941. **Kitchen and Scullery Facilities** For every refreshment room, restaurant, eating house or other establishment where food is prepared for consumption on the premises, there must be adequate kitchen and scullery facilities. **Vermin Proofing** (f) The premises must be fully vermin proof and conform with the Regulations regarding the Prevention of Rodent Infestation promulgated under Government Notice No. R1411 of 1966 or any amendment. **Water Supply** A pure, ample and convenient water supply must be laid on for proper hygiene and sanitary amenities; for premises within the City, this supply may be obtained only from the Council in terms of the Waterworks Bylaws.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
			Drain Disconnection There may be no opening or inlet into any drain from any portion of the premises used for the manufacture, preparation, storage, handling, sale or distribution of food; and no water closet, privy, urinal or stable may communicate directly with such portions of the premises. **Soil and Wastepipes** No soil pipe may be conducted through the portion of a building used for the manufacture, preparation, storage, handling, sale or distribution of food, except in accordance with the Sewerage Bylaws. **Yard Space** Adequate yard space must be provided for the storage of refuse receptacles, with access elsewhere than through the shop or manufactory. **Waste and Stormwater Disposal** There must be effective means of draining and disposal of waste liquids and stormwater. **11A. Food Shop** No person may carry on a business which involves the sale and display of foodstuffs within a food shop which has a lesser floor area than 28m^2, or a ceiling height less than 2,6m, or a width less than 3,8m.

Bylaws and policies relevant to productive placemaking

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
BUFFALO CITY ADVERTISING SIGNS AND THE DISFIGUREMENT OF THE FRONT OR FRONTAGE OF STREETS BYLAWS (2010)			
DEFINITIONS **Advertisement**: any representation of a word, name, letter, figure or object, or an abbreviation of a word or name, or any symbol; or any light not intended solely for illumination or as a warning against any dangers; and 'advertising' has a similar meaning **OBJECTIVES:** The purpose of this Bylaw is to provide regulations governing the use of land and buildings for outdoor advertising, signage, and relevant matters.			
	Participants in the township economy	Persons who wish to advertise must submit advertising applications to council	**Chapter 2** No person may display any advertisement or use any structure for advertising purposes without the Municipality's approval in terms of this Bylaw and any other applicable legislation.
CITY OF CAPE TOWN STREETS, PUBLIC PLACES AND THE PREVENTION OF NOISE BYLAWS (2007)			
	Participants in the township economy	Trade regulations and exemptions	**Section 16** After consideration, consultation and implementing the necessary enabling licensing system, the City may designate public places, public roads or road intersections where no person may sell any goods or produce except as prescribed by the City; this will not apply to the selling of newspapers at intersections, or to the sale of goods by non-governmental or developmental organisations, which may apply for exemption for all their traders. The City may issue licences for the sale of goods and produce, and may limit the number of permits for an area and stipulate conditions.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
BUFFALO CITY BYLAW RELATING TO ROADS AND STREETS (2011)			
OBJECTIVES To provide for management in the area of Buffalo City Municipality relating to roads and streets, and to regulate activities which may have a detrimental effect on the development, operation and maintenance of activities in the road service.			
	Vendors of flowers and other produce	Control of stands at which flowers and other produce are offered for sale	**Section 26** The road authority may allocate and assign stands where flowers or other goods may be offered for sale on the streets; the position of such stands may be amended by publication in the press. No person may display flowers or other goods or produce for sale on the streets except at prescribed stands, and unless he/she holds a permit from the road authority.
ETHEKWINI METROPOLITAN MUNICIPALITY NUISANCE AND BEHAVIOUR IN PUBLIC PLACES BYLAW (2015)			
OBJECTIVES The objects of this Bylaw are to provide: measures to regulate and control behaviour which causes discomfort, annoyance or inconvenience to the users of any public place, to ensure that any such discomfort, annoyance or inconvenience is avoided; and where total avoidance is impossible, that it is minimised and managed; and penalties for breach of its provisions.			

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
CITY OF CAPE TOWN MUNICIPAL PLANNING BYLAW (2015)			
	Informal traders	Control of the property in single residential zoning 2: incremental housing	**Section 26** Single residential zoning 2 is primarily for dwellings. However, the user of such property is not restricted from conducting a house-shop, informal trading or any educational, religious establishment. Businesses conducted from such premises must not sell alcoholic beverages. **Section 26 (1)(iii)** Activities conducted on these premises must be carried out in a manner that does not constitute a nuisance. Nuisance includes excessive noise, generating dust, fumes, smoke or waste material detrimental to health.
	Informal traders	Permitted areas for informal trading under residential zoning 2: incremental housing	**Section 30** Informal trading is permitted on land set aside as a road reserve provided that (a) no permanent structure is erected by a trader; (b) the trader does not interfere with pedestrian or vehicle traffic, or with the municipality's utilities; and (c) there is no threat to public health or safety.
	Informal traders	Use of property in Local Business Zoning 1: Intermediate Business Use of property in Local Business Zoning 2: Local Business	**Section 50** The primary use of such property includes offices, dwelling houses, boarding houses, utility services and flats. Secondary uses include second dwellings, house-shop and bed-and-breakfast establishments. With consent, the place may be used for a guest house, shop, informal trading, service trade or halfway house. Also see **section 55** The zoning allows for the establishment of informal trading businesses and the sale of alcoholic beverages, among other activities.
	Informal traders	Permitted areas for informal trading under Local Business Zoning 2: Local Business	**Section 58 (also see section 30)** Informal trading is only permitted on sites demarcated for informal trading in terms of the City's bylaw on informal trading.
	Informal traders	Use of property on General Business Zonings	**Section 59** The primary uses are business premises. This includes the establishment of informal trading activities, motor repair garages and warehouses, among other activities.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Informal traders	Permitted places for informal trading under General Business Zonings	**Section 62** Informal trading is only permitted on sites demarcated for informal trading in terms of the City's bylaw on informal trading.
	Informal traders	Use of the property in Mixed-Use Sub-zoning	**Section 63** With the primary use being business premises and industry, consent may be granted for informal trading, places of entertainment ,and multiple parking garages, among other things.
	Informal trader	Permitted trading places under the Mixed Use Sub-zonings	**Section 66** Informal trading is only be permitted on sites demarcated for informal trading in terms of the City's informal trading bylaw.
	Informal traders	Use of property in General Industry Sub-zonings	**Section 67** The primary use of such premises is industry, service station and motor repair garages, among other activities. With consent, a trader may conduct informal trading, establish a shop, and trade in alcoholic beverages.
	Informal traders	Informal trading under the General Industry Sub-zonings	**Section 73** Informal trading is only permitted on sites demarcated for informal trading in terms of the City's informal trading bylaw.
	Informal traders	Use of property in Risk Industry Zoning	**Section 74** Primary uses include noxious trade, risk activities and cremations, among other activities. With consent, the businesses of informal trading may be permitted.
	Informal traders	Permitted trading places under the Risk Industry Zoning	**Section 79** Informal trading is only permitted on sites demarcated for informal trading in terms of the City's informal trading bylaw.
	Informal traders	Use of property in Utility zoning	**Section 80** The primary uses are utility service, authority use, rooftop base telecommunication station and freestanding base telecommunication station. With consent, a trader may be permitted to conduct the business of informal trading in such an area.
	Informal trader	Use of property under Transport zoning 1: Transport Use	**Section 82** The primary use is transport use, multiple parking garages and utility services. With consent, one may conduct the business of an informal trader. Such consent does not detract from transport use and the dominant use. Additionally, if a consent use application constitutes a significant and permanent change to the property from the intended primary use, the City may require a rezoning application instead.

Relevant objectives and definitions	Regulated entity / person	Issue / activity regulated	More on the regulatory measure
	Informal traders	Permitted trading places under the Transport Zoning 1: Transport Use	**Section 85** Informal trading is only permitted on sites demarcated for informal trading in terms of the City's informal trading bylaw.
	Informal traders	Use of property in Transport Zoning 2: Public Road and Public Parking	**Section 87** The primary uses are public street, public road and utility service. Consent uses include informal trading and multiple parking garages, among other things.
	Informal traders	Permitted trading places under Transport Zoning 2: Public Road and Public Parking	**Section 92** Informal trading is only permitted on sites demarcated for informal trading in terms of the City's informal trading bylaw.
	Informal traders	Use of property in Open Space Zoning 2: Public Open Space	**Section 99** The primary uses are public open spaces and environmental conservation use. Consent may be granted for environmental facilities, utility services and informal trading.
	Informal traders	Permitted trading places under the Open Space Zoning 2: Public Open Space	**Section 103** Informal trading is only permitted on sites demarcated for informal trading in terms of the City's informal trading bylaw.
	Informal traders	Use of the property in Open Space Zoning 3: Special Open Space	**Section 104** Primary uses are open space, private road and environmental conservation use. With consent, a trader may be permitted to conduct the business of informal trading. **Section 106** The City may only approve a consent use if such use does not compromise the use of land for its primary purpose as open space.
	Informal traders	Permitted trading places under in Open Space Zoning 3: Special Open Space	**Section 107** Informal trading is only permitted on sites demarcated for informal trading in terms of the City's informal trading bylaw

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