

## ARRANGEMENT OF SECTIONS

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## Bulawayo City Council (Hawkers and Vendors) By-laws, 2020

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### *Section*

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IT is hereby notified that the Minister of Local Government and Public Works has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], made the following by-laws—

### *Title*

1. These by-laws may be cited as Bulawayo City Council (Hawkers and Vendors) By-laws, 2020.

### *Application*

2. These By-laws shall apply to the Council area.

### *Interpretation of terms*

3. In these by-laws—

“appropriate fees” means the appropriate fee fixed in terms of section 24.

“contagious and infectious disease” means any disease specified in or declared as such in terms of the Public Health Act [*Chapter 15:17*] as an infectious disease;

“bay” means an area situated within a building or under a roof or other structure and whether or not is situated on a paved or unpaved surface.

“council” means Bulawayo City Council;

“designated area” means a stand or site set aside for vending or flea market purposes;

“designated officer” means a person assigned by council to be in charge of people’s markets;

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

“food” means anything other than drugs, which is ordinarily used or intended to be used in human consumption, including drink, whatever its form or stage of preparation as approved by the Director of Health Services;

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

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

“Medical Certificate of Health” means a health certificate referred to in subsection (1) of section 13;

“employer’s licence” means a licence issued to an employee of the holder of a licence in terms of these by-laws;

“Environment Health Officer” means an officer registered as such by the Environmental Health Practitioners Council of Zimbabwe and appointed by the council as such;

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

“Medical Officer of Health” means Medical officer registered by the Medical Council of Zimbabwe and appointed by the council.

“authorised person” means any person employed or delegated by council to carry out any function in terms of the by-laws;

“council area” means the area under the jurisdiction of council as fixed in terms of the Urban Councils Act [*Chapter 29:15*];

- “people’s market” means any designated place and premises set aside by the council for the purpose of vending and flea market providing a place of sale of approved goods and food stuffs;
- “permit” means any document issued on behalf of the council by a designated officer permitting the use of stall, table or stand at a people’s market;
- “public place” means any bridge, enclosure, footpath, garden, open space, payment, road, sanitary lane, side walk, square, subway or street of the nature of a thoroughfare vested in or controlled by the council and to which the public or any section of the public has access;
- “sell” in addition to its ordinary meaning means barter or exchange, or expose or prepare for a sale or to attempt to sell, offer, expose or display for sale a good or food stuff;
- “stable or table” means any surface constructed above ground level, or similar structure, whether or not it is situated within a building or under a roof or other structure;
- “stall or table holder” means any person who carries on the business of selling goods in or within a flea market premise or designated site;
- “stand” means any area designated as a stand to carry out a business activity and has been provided with sanitary facilities and water;
- “Central Business District” means the area bounded by Masotsha Ndlovu Avenue, 15th Avenue, Lobengula Street and Samuel Parirenyatwa Street;
- “under garments” means bras, panties, socks, pantyhose, etc;
- “vendor” means any person who sells goods from one or more fixed places in or on any public place as designated by council and should be a holder of a licence or a permit;
- “illegal vendor” means any person who sells goods or items without a licence or a permit.

*Control of hawkers and stall or table holders*

4. No person, whether as principal, agent or servant, is to carry on the business of a hawker;

- (a) unless he or she is the holder of a hawker licence or is engaged or employed by the holder of a hawkers employer's licence.
- (b) unless he or she is the holder of a valid medical certificate of health if he or she sells food.
- (c) in any area specified in the First Schedule.

*Control of vendors*

5. (1) No person shall, whether as principal, agent or servant carry on the business of a vendor—

- (a) unless he or she is the holder of a vendor's licence or is engaged or employed by a holder of a vendor employer's licence;
- (b) if he or she sells food, unless he or she is the holder of a valid medical certificate of health;
- (c) in any area specified in the First Schedule.

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

*Control of flea market trading, employers of hawkers, vendors and stall or table holders*

6. No person shall engage, allow or employ another, whether as an agent, a servant a hawker, a vendor or stall or table holder—

- (a) unless—
  - (i) the first mentioned person is the holder of a hawkers licence or a vendors employer's licence, a flea market vendor's licence, as the case may be; or

- (ii) the hawker or vendor or stall or table holder concerned is the holder of a hawker's licence or a vendor's licence, stall or table holder's licence, as the case may be;
- (b) unless the hawker or the vendor concerned, is the holder of a valid Medical Certificate of Health for the sale of food.

*Application for stall or table holder, hawker's vendor's licence or flea markets*

7. An application for stall or table holders, hawkers or vendor's licence shall be made to the council, and shall —

- (a) be in the form prescribed in the Second Schedule;
- (b) be accompanied by—
  - (i) the appropriate fee;
  - (ii) two recent identical passport size photos;
  - (iii) a valid Medical Certificate of Health in the case of an applicant who wishes to sell food.

*Land set aside for people's markets*

8. The Council may set aside land or premises for the purpose of people's markets and may divide such land or premises into separate stands, stalls or tables, as the case may be.

*Application for bay, stall or table in a people's market*

9. (1) Any person wishing to use a bay, table or stall in a people's market shall apply to a designated officer for a licence.

(2) Upon application being made in terms of section (1), and on payment of appropriate fee which shall be fixed by council and reviewable annually, the designated officer shall allocate to the applicant a bay, stall or table, as the case may be and shall issue him with a licence which clearly defines the area of the bay, stall or table and state the name of the licence holder.

(3) A licence issued in terms of this section shall not be transferred by the person to whom it was issued to any other person(s) without the authority of council.

*Vacation of bay, stall or table in a people's market*

10. A person who has been allocated a bay, table or stall in a peoples market shall vacate such a bay, stall or table promptly on the expiry of the licence unless he or she has made an application for further use of such a bay, stall or table and has paid the required fee before such expiry.

*Application for stall or table holders, hawker's, vendor's or flea market employer's licence*

11. An application for a hawker's employer's licence or a vendor's employer's licence or flea market vendor's licence shall be made to the council and shall—

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

*Applicants to permit inspection*

12. Any person who is applicant in terms of section 7 or 8, at the request of an Environment Health Officer or any person specially authorised thereto by the council shall—

- (a) produce for inspection at the offices of the Council any food cart, container, clothing or equipment to be used in connection with the business for which the licence is required;
- (b) permit such Environment Health Officer or any person authorised, to inspect any food cart, container, storage-premises, site clothing or equipment which is to be used in connection with the business for which the licence is required;
- (c) permit council officials to inspect monthly rental payments and compliance.

*Medical Certificate of Health*

13. (1) Any person who, is the holder of a licence, or as the agent or servant of another, wishes to carry on the business of selling food or as a hawker or vendor shall obtain a certificate from a medical

practitioner or the medical officer of health, certifying that, at the date of certification, he or she was examined and found not to be suffering from any contagious and infectious disease.

(2) A Medical Certifying of Health shall be valid for twelve months from the date of issue:

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

*Restrictions and conditions of licence or permit*

14. (1) The council may, in issuing or renewing a licence—
- (a) restrict the applicant to dealing in goods listed in his or her application;
  - (b) restrict the applicant dealing in certain goods, whether listed in his or her application or not, if, in its opinion, not to make such restriction would—
    - (i) adversely affect any existing trade or business carried on in the area of jurisdiction of the council;
    - (ii) be undesirable in the interest of public health, public safety or public morality;
    - (iii) create a fire hazard which could endanger life or property;
  - (c) restrict the applicant to carry on the business for which the licence is required to certain areas or sites and to certain hours and days;
  - (d) in the case of an application for a hawker's employee's licence or vendor's employer's licence, restrict the applicant to engaging or employing not more than a specified number of hawkers or vendor, as the case may be;
  - (e) require the applicant to affix to any food cart, container or stall used in connection with the business for which the licence is required such identification mark as the council may specify;



- (f) require the applicant, in the case of hawker's employer's licence or vendor's employer's licence, to ensure that his or her agent or employee, whilst engaged upon the business for which the licence is required, such employer's licence for the purposes of identifying the applicant as the council may specify.

(2) Any condition or restriction imposed by the Council in terms of subsection (1) shall be specified on the licence concerned—

- (a) conditions to be imposed on the vendors licence for open fires for roasting—
  - (i) ensure that there are no combustible materials in proximity to the area;
  - (ii) open fire should be consistently checked when not in use;
  - (iii) never use fuels which are no recommended as safe for use on a roasting fire;
  - (iv) avoid using flammable liquid to start up a fire;
  - (v) site spot for open fire in proximity to the building openings (doors or windows) must be avoided;
  - (vi) ensure open fire is totally extinguished with water after use and dispose ashes or ambers in a safe place or kept safely for re-use as the case may be.

*Renewal and variation of licence or permit*

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

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

Provided that the Council may require the production of the licence or permit previously issued to him.

*Refusal of application or renewal of licence or permit*

16. (1) The council may refuse to issue or renew a licence or permit if—

- (a) the applicant has failed to adhere to council by-laws and has been fined three consecutive times;
- (b) the applicant is guilty of any offence under these by-laws or any by-laws;
- (c) the applicant is guilty of any offence under the Urban Councils Act [*Chapter 29:15*];
- (d) the applicant is guilty of any offence which involves carelessness concerning, or a disregard for, cleanliness, hygiene, public health or public nuisance;
- (e) sale of illegal items, sleeping at the site or fighting at the site.

(2) In the opinion of the Council the renewal will be denied if—

- (i) the renewal would adversely affect any existing trade or business carried on in the area of jurisdiction of the council; or
- (ii) the goods sought to be dealt in ought not to be dealt in, in the interest of public health, public safety or public morality; or
- (iii) any food cart, container, stall, storage-premises, clothing or equipment used, or to be used, in connection with the business for which the licence is required is unsuitable in the interest of public health; or
- (iv) there are sufficient hawkers or vendors dealing in the goods, in respect of which are applicant requires the licence or permit; or
- (v) has not paid for the licence or permit or rentals for the previous year.

*Cancellation of licence or permit*

17. (1) The Council may cancel a licence if the holder thereof, at any time after the issue of the licence or permit—

- (a) has been convicted of any offence referred to in paragraph (a) of section 16; or
- (b) does not maintain a satisfactory standard or cleanliness and public safety in respect of his or her person or servant of his or hers who is engaged or employed in the business to which the licence to which the licence or permit relates; or
- (c) does not maintain a satisfactory standard of cleanliness in respect of any food cart, container, stall, storage-premises clothing or equipment used by him or by any agent or servant of his in connection with the business to which the business to which the licence relates; or
- (d) sells illegal items or goods, makes illegal fires.

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

Provided that the council shall, at no extra charge, return to the temporarily withdrawn licence if—

- (a) he or she produce a Medical Certificate of Health issued after the date of withdrawal of the licence, certifying that he or she is no longer suffering from a contagious disease or infectious; or
- (b) he or she applies to the council for his or her licence to be restricted to the sale of goods other than food, and submits his or her licence to the council for the purpose of the relevant endorsement to be made.

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

Provided that the council shall, at no extra charge, return to the holder the temporarily withdrawn licence if—

- (a) he or she produces a Medical Certificate of Health issued after the date of withdrawal of the licence, certifying that the hawker or vendor concerned is no longer suffering from a contagious and infectious disease; or
- (b) he or she satisfies the council that he or she has terminated the engagement of, or discharged, the hawker or vendor concerned.

(4) Any licence cancelled and temporarily withdrawn in terms of this section shall be returned to the council with immediate effect.

*Inspection of food carts, stall or bay, storage or premises and peoples markets*

18. (1) A Environment Health Officer or any person specially authorised thereto by the council may at any reasonable time inspect any food cart, container, stall, bay, storage premises, clothing or equipment used by the holder of a licence or a hawker or a vendor engaged or employed by the holder of a licence in connection with the business to which the licence relates, in order to ascertain whether—

- (a) a clean and sanitary condition is being maintained and fire precautionary measures taken; or
- (b) the provisions of these by-laws are being complied with.

(2) No person shall hinder, obstruct or prevent an Environmental Health Officer or person authorized in terms of subsection (1) from making an inspection in terms of that subsection.

*Health hygiene and food safety*

19. (1) No holder of a licence or any person employed or engaged by the holder of a licence shall allow or permit any food cart, container, stall, bay, storage-premises, clothing or equipment used in connection with the business to which the licence relates to be in a dirty or insanitary condition.

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

(3) No hawker, stable or table holder, or vendor shall sell any food.

- (a) unless he or she has taken adequate precautions to safeguard the food from dirt, dust, flies or other contamination;
- (b) whilst to his or her knowledge, he or she is suffering from any contagious and infectious disease.

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

(5) No holder of a licence or hawker or vendor or stall or table holder engaged in the sale of second hand clothes shall be allowed to sell under garments as defined in section 3.

*Removal of waste*

20. A hawker, stall or table holder or vendor shall—

- (i) not drop litter of any sort onto the land surface or street. If found doing so, they will face a fine or imprisonment or both such fine and imprisonment;
- (ii) on request by any official of the council, move his or her receptacles and goods so as to permit such official to clean the street or gutters;
- (iii) remove all receptacles and goods from his place or stand on the completion of business for the day, and shall leave his place or stand in a clean condition;
- (iv) not sleep at the area of business;
- (v) totally extinguish any open fire (roasting) and safely dispose of ashes or ambers as recommended by Council by-laws.

*Replacement of lost or damaged licence and permit*

21. Any person who has been issued with a licence or permit in terms of these by-laws may obtain a duplicate thereof—

- (a) on certifying to the council that the licence concerned has been lost or destroyed; and
- (b) on payment of the appropriate fee.

*Change of address or abandonment of business*

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

*Appearance of vending bays or obstruction or nuisance*

23. (1) Vending bays shall be as demarcated by council.

(2) Vending bay shades, shall be determined by council in consultation with vendors.

(3) Any vendor whose shade is not approved in terms of council's standards would be requested to rectify within seven (7) days, failure of which council will destroy it without further notice.

(4) All goods on display should be within the bay.

(5) Display tables of vendors who sell food should be 30–45 centimetres above ground level.

(6) Goods that are displayed outside the bay or overlapping or displayed below the stipulated height as mentioned in subsection (5) will attract a fine not exceeding level 2.

(7) Any police officer or person specially authorized thereto by the council may direct any hawker, vendor or stall holder who is directly or indirectly obstructing the use of any public place, or is a nuisance to any person in the vicinity of any public place, to move for such distance as may be reasonable or to cease such obstruction or to abate such nuisance, as the case may be. Failure to do so, will attract a fine of level 3.

(8) No hawker, vendor or stall or table holder shall refuse to comply with any direction given in terms of subsection (1). Anyone who refuses shall have the said item removed and should pay a fine of level 3.

*Fees*

24. The council may, by resolution made in terms of section 172 of the Urban Councils Act as in [*Chapter 29:15*], fix fees for any application made in terms of these by-laws and for any licence, certificate or duplicate thereof, issued in terms of these by-laws:

Provided that—

- (a) any fees shall be fixed through a council's resolution; and
- (b) the fee for a licence or permit issued after the 31st December in any year shall be fifty *per centum* of the annual fee for such licence.

*Offences and Penalties*

25. (1) Offences described in the Fourth Schedule shall attract the penalties provided in that Schedule.

(2) Any person who—

- (a) fails to comply with the provisions with these by-laws which it is his or her duty to comply with;
- (b) contravenes any condition or restriction of a licence issued to him or her;
- (c) transfers to another or makes fraudulent use of any licence, certificate issued in terms of these by-laws with intent to deceive;

shall be guilty of an offence and shall be subject to a fine not exceeding level 3.

(3) Any person who—

- (a) unlawfully attempts to obstruct, obstructs or causes to be obstructed;
- (b) threatens or assaults an authorised persons in the execution of his or her duties:

shall be guilty of an offence and shall be subject to a fine not exceeding level 3 or to imprisonment for a period not exceeding six months or to both such a fine and imprisonment.

*Procedure as to seizure, forfeiture and disposal*

26. Any goods that are the subject matter of an offence in this by-laws, shall be handed over to the Zimbabwe Republic Police for disposal.

*Repeals*

27. Statutory Instrument 902 of 1976 Urban Councils (Model) Hawkets and Street Vendors) By-laws, 1976.

*Site management*

28. All sites have management committees. These committees will do the organisational activities of getting the traders together to accomplish desired goals and objective using available resources efficiently and effectively. The desired goals and objectives being to—

- (a) maintain cleanliness of sites and the toilets every time;
- (b) promote orderly trading and harmony daily at their sites;
- (c) maintain a record of their membership daily;
- (d) liaise with the Director of Housing and Community Services or his designate on any challenges faced by traders at their sites;
- (e) ensure that their members are up to date with their rental and licences payment.

FIRST SCHEDULE (*Sections 4, 5, 8 and 14*)

PART I

AREAS WHERE TRADING IS PROHIBITED OR RESTRICTED

- Restaurant
- Tea room or café
- Hotels
- Boarding houses
- Lodging houses
- Butcheries
- Fishmonger's
- Bakeries
- Food factories



- Aerated-water factory
- Food purveyor's
- Caterer's
- Meat purveyor
- Fruits and vegetables dealer
- Food vending machine
- Barber
- Hairdresser
- Laundry houses or laundry depot
- Stables
- Food premises
- Service stations
- Garages
- Financial institutions
- Professional bodies
- Funeral parlours
- Kiosks
- Curio shops
- In front of all types of shops (except designated areas)
- On pavements or public walkaways
- On roads or parking places and sanitary lanes
- Any area restricted by Council

PART 2

AREAS WHERE TRADING IS PERMITTED PROVIDED ONE HAS A  
LICENCE OR PERMIT OR AUTHORITY

- Designated vending sites
- Areas around schools and tertiary institutions
- Public meeting places
- At all public institutions e.g churches, pre-schools, hospitals etc
- Along major tourist routes
- Major road intersections
- All shopping centres
- All stadia and recreational areas
- Any place approved by the local authority

PART 3

PERMITTED ITEMS TO BE SOLD

The items to be sold are the following and are subject to the Director of Health approval:

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- New and second hand clothes, footwear, bolts and nuts, belts and accessories.
- Fruits, vegetables, tubers, dried food stuff.
- Airtime, newspapers and periodicals.
- Cell phone chargers and accessories
- Eggs, amacimbi etc.
- Firewood.
- Homemade floor polish, brooms, wooden cooking utensils, scouring powders, etc
- Herbalist and traditional medicines and services.
- Roasting of nuts, sweet potatoes and maize.
- Curios, flowers, worms and nursery plants
- Tyres, tubes, empty containers and other small mechanical merchandise.
- Waste recycling, waste such as bottles, plastics, metals etc
- The list shall be reviewed from time in response to macro-economic fundamentals and be approved by council in the first instance prior to allocation.

SECOND SCHEDULE (Sections 7 and 8)

FORM OF APPLICATION

Application for Issue or Renewal of a Licence or permit

TO: The.....Council

1. Application for—

	New Licence	Renewal
(a) Hawker’s Licence.....		
(b) Vendor’s licence.....		
(c) Stall or table holder’s licence.....		
(d) Hawker’s employers licence.....		
(e) Vendor’s employers licence.....		
(f) Stall employer’s licence.....		

*(Mark x in appropriate spaces)*

2. Name of applicant: .....

*(block letters)*

3. Address of applicant: .....

*(storage-premises)*

4. Type of food cart, carrier, container or stall or bay or table to be used: ..  
.....

5. Goods to be dealt in: .....



Bulawayo City Council (Hawkers and Vendors) By-laws, 2020

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

.....

.....  
Date For and on behalf of the Council

*\*Delete the inapplicable*

2017			
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The licence is valid until the 31st of December

PART II

HAWKER'S EMPLOYER'S VENDORS' EMPLOYER'S, STALL HOLDER  
EMPLOYERS LICENCE/ TABLE HOLDER EMPLOYERS LICENCE  
FLEA MARKET LANDLORD'S LICENCE

Licence number.....

.....Council

The holder of this licence:.....

*(Name and address)*

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

*(State number)*

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

.....  
.....

Sites:.....

.....

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

.....  
.....

S.I. 181 of 2020

The licence is valid from..... to .....

Date

For and on behalf of the Council

*\*Delete the inapplicable*

FOURTH SCHEDULE (Section 25)

Item	Section	Description of offence	Fixed penalty ZWL\$
1.	25(1)	Sells goods without a valid licence	500
2.	25(2)	Sublets a bay	400
3.	25(3)	Fails to produce a licence when asked to do so by an authorised person	100
4.	25(4)	Fails to produce valid receipts	100
5.	25(5)	Leaves goods on the bay overnight	200
6.	25(6)	Sleeps on the bay overnight	400
7.	25(7)	Sells prohibited goods on the bay or at the site	500
8.	25(8)	Does hairdressing or barbing at the vending bays	300
9.	25(9)	Occupies undesignated caravan sites	500
10.	25(10)	Fails to display a mobile kitchen registration certificate or licence or permit	500
11.	25(11)	Roasts maize at undesignated areas	200
12.	25(12)a.	Pushes pushcarts or parks or operates at undesignated areas	100
	25(12)b.	Second offence.....	200
	25(12)c.	Third offence.....	300
13.	25(13)	Does wholesaling from the bays	300
14.	25(14)	Displays goods outside the vending bay	300
15.	25(15)	Makes noise or is a public nuisance e.g use of hailers and radio	400
16.	25(16)	Making of fire at a trading area	400
17.	25(17)	Sell goods or wares from an undesignated area, including pavements, parking bays, roads and sanitary lanes	400
18.	25(18)	Overlaps	100
19.	25(19)	Conducts boots sales	200

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<b>Item</b>	<b>Section</b>	<b>Description of offence</b>	<b>Fixed penalty ZWL\$</b>
20.	25(20)	Selling food from a mobile kitchen or any place without a registration certificate or licence or permit	500
21.	25(21)	Littering of any form	300