
MATATIELE LOCAL MUNICIPALITY

CONTAINER POLICY



MATATIELE

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2022-23 financial year

1. Background

The economy as it is today, encourages and supports opportunities for informal traders, but it should be properly managed and monitored by the effective collaboration by the various municipal Sections.

There is a diverse combination of informal traders in different sectors and they use different resources to generate revenue. Informal traders use movable structures as trading resources and these resources differ from tables to caravans and steel containers. Traders in movable roofed structures have been operating illegally and without proper guidelines and mechanisms from the Municipality.

The Container Policy is aimed at providing guidelines for the support, management and monitoring of the informal traders who trade in roofed movable structures.

2. The policy encompasses:

- The provision of economic sites to traders who trade from the identified structures
- An integrated management system for the various municipal Sections involved
- Mechanisms for managing and monitoring trading activities
- The registration of traders who trade from the identified structures

3. Challenges

- i. There are no areas demarcated for informal trading (except the ones provided by the Municipality), as a result, they are found everywhere;
- ii. Container traders do not have proper access to water, sanitation(toilets ,waste water from their kitchens facilities)and waste disposal bins and bags, and sometimes the traders use the facilities of neighbouring houses, open areas and taxi ranks;
- iii. Container traders may not aware that trading in such structures requires written permission from Council;
- iv. Container Parks may be a possibility, but are faced with security challenges like the high rate of crime in the form of theft and break-ins. Yet, the container parks concept is based on the principle that being clustered together creates some form of security;
- v. These trading structures used for selling fresh produce and fast foods are unhygienic and not properly cleaned. Some of these structures are in poor condition externally and internally with roof leaks and poor ventilation.
- vi. No vector control plan to manage flies, rodents etc infestation.

4. General principles

- This Policy encourages and supports a diverse mix of markets and trading opportunities.
- Informal traders are treated as small business owners and cannot be limited in terms of the type of services they can provide.
- Goods and services that are legal, non-hazardous, comply with Health requirements and meet all licensing requirements can be sold and/or provided in the trading structures.
- Services that require licensing include selling liquor, food and perishables.
- Traders should consult with Municipality- Development Planning, Local Economic Development (LED), Infrastructure and Alfred Nzo District Municipality (Environmental/Municipal Health Services (MHS) to ensure that goods and services meet MHS Standards and licensing requirements.
- The processing of applications for food traders shall be done in conjunction with

ANDM-Environmental/Municipal Health Services to ensure that traders have the required Certificate of Acceptability and other stakeholders before approval.

- Traders can provide similar products in a trading site but should be in line with the principles of fair competition and sustainable business development.
- Competition should be controlled to enable sustainable management of the traders businesses.
- The number of traders will be influenced by the demand and supply of the product/s. This restriction applies to traders who trade from one trading plot and service the same customer base.
- These restrictions allow for sustainable profit gains, business growth and the creation of new opportunities in a well-managed environment.
- Street traders in the town need storage facilities that are accessible and safe. Container storage facilities for the street traders can only be allowed in designated areas and they should be well-managed.
- The additional requirements could be influenced by the aesthetics of the area, maintenance and cleaning of the town.

5. Requirements for container trading

- Informal traders are required to get permission in the form of a permit to trade in any area of the Council.
- The trader/s enters into a short term tenancy agreement with the Council to lease the land for container trading.
- Containers will be properly located on areas identified for such by the Municipality
- Care will be taken to avoid/minimising placing them on pavements and road verges causing pedestrian and vehicular traffic problems
- Monitoring/inspections of trading activities will be undertaken some traders were using the containers to conduct illegal activities and using them as accommodation facility.
- There will be clear controls on the size, design, condition and maintenance of containers to minimise clashes with surrounding aesthetics requirements

6. Stakeholders

The internal stakeholders are:

- **Development Planning**- be responsible for identification of areas for the placement of trading structures and monitoring that they are not found everywhere
- **Human Settlements and Building Control**-structures management (condition and type)
- **Local Economic Development**-The registration of traders (issuing permits)
- **Electrical Services**- connections of the containers and disconnections if/where there are illegal connections (following their procedures)
- Environment and Waste**- ensuring that there is waste management
- **Law Enforcement** – ensure compliance to the policy and conditions set
- **Environmental Health Services/MHS**- check at all environmental health standards compliance (hygiene and permitted goods/services etc)
- **Fire and Rescue Services**- fire hazard management
- **Water and Sanitation**- availability of services (
- **Home Affairs** (Immigration)- relevant permits available
- **Finance**- rental (finance) management

External Stakeholders:

- Traders Associations, Ward Committees- to create awareness of the policy and to establish the dynamics involved in the container trading sector to inform and test the feasibility of options.

7. Goods and Services provided by container traders include:

- Foods
- Spaza Shops
- Hair Salons
- Community Phones
- Fresh Produce
- Sewing
- Florists
- Internet Café
- Shoe repairs
- Cosmetics Retail

8. Trading Areas

The proposed container development on portion of Erf 1 Matatiele is located and accessed at the corner of Long Street and Mill Street and extends approximately 3269m². The property is currently zoned agricultural as it falls on the commonage and is vacant.

Necessary processes will be undertaken to ensure that the area is suitable for the proposed use

9.General Requirements

- i. Containers must have proper ventilation systems with windows.
- ii. Traders may not construct foundations using any kind of material for placing containers without Council approval.
- iii. Containers must be properly maintained and have no holes in the roofs and floors, walls be insulated if the container is used for food handling purposes.
- iv. Containers must be rust free both internally and externally.
- v. A container must be painted in colours approved by the Municipality only.
- vi. Only items permitted by the licence to be sold in the container

10. Prevention of obstruction trading structure

Trading structures may not obstruct or block:

- (a) pedestrians on sidewalks
- (b) vehicular traffic
- (c) pedestrian crossings
- (d) parking / loading bays
- (e) facilities for vehicular and pedestrian traffic
- (f) road traffic signs
- (g) access to street furniture
- (h) building entrances and exits
- (i) a fire hydrant;

11. Activities not permitted

- ii. Trading structures may not be used for sleeping overnight at the place of business.
- iii. The structures may not be on a verge next to a formal business that sells the same goods without consent of that business owner.
- iv. Trading structures may not be placed for purposes of trading in a public garden or park.
- v. These requirements are applicable to the placement or setting up of all the trading structures unless when exempted by Council.

12. Container Traders Selling Food

Requirements

- i. Traders should at all times follow acceptable hygiene practices, i.e. they should be free of open wounds and infectious diseases, wear a clean apron, protective head gear and use disinfected/sterilised tongs and utensils to handle food
- iii. Containers should have a deep bowl sink for hand-washing that is drained to the sewer or to the satisfaction of MLM and ANDM. These could be installed as a modification that the container-selling containers provide.
- iv. There should be suitable storage facilities.
- v. Container tops must be water-resistant and resistant to fire,
- vi. Walls and floors should be made of easy to clean material.
- vii. Traders must meet all Environmental Health requirements.

Container Community Phones Trading

Requirements

- i. Telecommunication companies must ensure legal placement of containers on Council land. This applies to the companies that own the containers and contract the traders to operate.
- ii. In cases where the trader owns the container, the trader is responsible for obtaining permission from Council.
- iii. Branding of the container should be aligned to the signage requirements of the Municipality

Wendy Houses

Requirements

- i. Wendy Houses are made of timber and corrugated iron.
- ii. Timber Wendy houses cannot be used to sell food that has to be cooked with gas, electricity and paraffin stoves as timber is a flammable material.
- iii. Fresh produce in the form of fruits and vegetables can be sold and stored in timber Wendy houses if they are well ventilated, provide potable water to wash fruit and the fruit be elevated from the floor.

Marquees

Requirements

- i. Marquees are ventilated and can be used to conduct the fresh produce business.
- ii. A fresh produce seller should have a rodent proof storage facility to store the fruits and vegetables overnight.
- iii. Food traders must keep marquees clean and free of germ-transmitting pests.
 - vii. Traders should not create foundations and floors without Council approval.

Caravans for Selling Food

Requirements

- i. Caravans should be kept clean and the person conducting the business should at all times be hygienic, i.e. they should not have open wounds and infectious diseases.
- ii. Traders should wear clean aprons, protective head gear and use disinfected/sterilised utensils to handle food.
- iii. Caravans that use electric stoves a two-plated stove is permitted and for the gas stove, paraffin stoves are not permitted.
- iv. Caravans should have a deep bowl sink for hand-washing that is drained to the sewer or to the satisfaction of the MLM and ANDM.
- v. There should be suitable storage facilities
- vi. Caravan tops should be water-resistant and resistant to fire,
- vii. Walls and floors should be made of easy to clean material.
- viii. Traders must meet all Environmental Health requirements.

13. Access to Council Services

Municipality will facilitate the provision of access to Council services in the demarcated areas.

- Traders are responsible for ensuring connection and payment for services such as electricity, water and waste.
- Service payments except for waste removal shall be made separate from the rent payments and shall be made directly to the Municipality.
- Traders need to have a trading permit before applying for electrical and water services.

Water

- i. Traders should have access to water taps either on site or in nearby sites.
- ii. Container parks should have water taps on site.
- iii. Proper drainage systems should be available on site or in nearby site.
- iv. Traders who do not have access to water taps should have a 25-litre bucket (not bucket previously used or container for paint)of water on site.
- v. Traders must pay for water usage according to the Water and Sanitation department's requirements.

Ablution Facilities

- i. Ablution facilities should be available on site or nearby site.
- ii. Ablution facilities should be at a reasonable walking distance at least 5m
- iii. Ablution facilities could be mobile or permanent structures which should be kept cleaned and hygienic at all times.

Waste

- i. Traders are responsible for collecting and disposing of litter generated by customers and employees.
- ii. Traders are responsible for putting litter in the provided litterbags for collection by Council.
- iii. Traders should take out the waste on waste removal dates the trader/s should be aware of the collection dates.
- iv. Traders must pay Council for the waste removal service. This payment should be incorporated into monthly rentals.

14. Signage on Trading Structures

Advertising on trading structures shall meet the following criteria:

- i. Advertising is limited to the name of the business, nature of the business as well as goods and services provided.

- ii. The use of containers for third party or remote advertising is not permitted on trading sites and/or structures.
- iii. Permanent ground signs are not permitted.
- iv. Advertising on any one side of the trading structure shall not exceed 1.5m².
- v. Product advertising shall be limited to 30% of the structure's sign.
- vii. Advertising that does not comply with the above will be removed without notice and costs incurred during the removal process will be covered by the trader concerned.

15. Container Parks

- There are not many container parks currently operating as trading sites for informal traders.
- Traders should be encouraged to operate in container parks as they will secure growth prospects and access to Council facilities.
- Container parks should be on sites that are easily accessible to both customers and traders.
- The parks must have a management committee that is responsible for the management of the park.
- The members of the management committee must be tenant traders.
- The management committee should establish rules and regulations for operating the park including competition restrictions. The management committee must ensure that the park has security in the form of a guard/s.

16. Monitoring and evaluation

- The Municipality should ensure constant monitoring of informal trading activities as a tool for improved management.
- Container trading activities have to be constantly monitored to ensure that traders do not provide illegal goods or services and ensure that they are not contravening trading requirements.
- If a container trader or employee of the trader is found to be in breach of the terms and conditions of the lease agreement and trading requirements, the trader shall be issued with a written warning and must rectify the problem within 7 days.
- If the trader does not rectify the problem after 7 days, a second notice will be issued, failure to that, the Council shall terminate the lease agreement and order the removal of the trading structure from the site (within 14 days).
- If the trader does not remove the structure within 14 days, Council shall remove it and the trader shall be responsible for the costs of removal and storage of the trading structure.
- Traders who create structural changes and put up foundations on the leased land that make the trading structures permanent shall be ordered to remove these structural changes within 14 days.
- If the trader fails to remove the structural changes after 14 days, Council shall terminate the agreement and remove the trading structure. The trader shall be responsible for the costs of removing the structure.
- Complaints from the community and other businesses (formal and informal) shall be investigated and if the trader is found to be guilty of failing to comply with the Street Trading By-law and any other legislation of the Municipality he shall be penalised. The penalty shall be in a form of a fine and or termination of the lease agreement or both.

Policy number

Council Resolution (CR) Number **CR**



MR. L. MATIWANE
MUNICIPAL MANAGER

28/07/2022

DATE



CLLR. S. MNGENELA
MAYOR

28/07/2022

DATE



CLLR. N. NGWANYA
SPEAKER OF COUNCIL

28/07/2022

DATE