

## MODEL BYE-LAWS

AS PER THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014

### [*Name of City*][Municipal Corporation / Municipality / Nagar Panchayat / Cantonment Board]

#### NOTIFICATION

[*Name of city*], [*Date of Publication*]

[Reference number of the department] - In exercise of the powers conferred by section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014), and subject to the other provisions of the Act, rules or scheme made there under, the [*Name of City*] [Municipal Corporation / Municipality / Nagar Panchayat / Cantonment Board], hereby makes the following by-laws for the street vending, namely:—

#### CHAPTER - I

##### PRELIMINARY

**1. Short title and commencement.**— (1) This Bye-laws may be called the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Bye-laws, 2015 for [*Name of City*][Municipal Corporation / Municipality / Nagar Panchayat / Cantonment Board]

(2) It shall come into force on the date of its publication.

**2. Definitions.**— In these bye-laws, unless the context otherwise requires.-

(a) “*Act*” means the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 Of 2014);

(b) “*plan*” means a plan prepared under section 21 of the Act;

(c) “*rules*” means ..... (Name of the State / UT) Street vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2015;

(d) “*scheme*” means the scheme framed under section 38 of the Act;

(e) “*town vending committee*” means a committee constituted under the rules;

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Words and expressions defined in the Act, rules or scheme and used in these Bye-laws shall have the same meanings as respectively assigned to them in the Act, rules or scheme.

### **CHAPTER – II**

#### **MANNER OF VENDING IN VENDING ZONES**

3. (1) The town vending committee shall decide vending zones considering an intensity of foot falls, road width and the vehicular and pedestrian movement in the City.
- (2) There shall not be any restriction-free-vending zones in the City. The carrying capacity of an area would put the ultimate limit on the number of street vendors which can be positioned in any area. However, there shall not be any restriction on mobile vending in this area if vendors continuously move without affecting traffic and commuter movements. In such cases, the town vending committee has to decide the total number of such mobile vendors who may be accommodated after taking into account the area of significant footfall and one-third of the holding capacity of the area. Otherwise there is every chance of mobile vending itself creating a problem for the traffic movement, as the mobile vending invariably takes place from the carriage way. However, it shall be the duty of the designated official of the local authority to keep a check that number of mobile vendors shall not cross the limit at a specific place as decided by the town vending committee.
- (3) Restricted vending zones shall be linked up with the road width keeping in view the following aspects, namely;-
  - (i) there shall not be any stationary street vending on a road having width equal to 3.5 meters. However, street vending shall be allowed if such road is declared as a no vehicular road,
  - (ii) there shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending shall be allowed if such road is declared as one way vehicular road,
  - (iii) there shall be only one side stationary street vending on a road having width between 12 meters to 24 meters while both side

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stationary vending shall be allowed on a road having road width of 30 meters and above,

- (iv) the number of street vendors shall be decided after taking into consideration the holding capacity of each designated vending area on such a road,
- (v) such stationary vending shall be allowed after taking the clearance from traffic police regarding the smooth vehicular and pedestrian movement. If necessary, road side parking shall be banned in such areas where street vending is allowed,
- (vi) mobile vending shall be allowed on such roads looking to the traffic and pedestrian movement, and
- (vii) suggestive road designing as provided in the Annexure appended to these bye-laws.

(4) In the no vending zone,-

- (i) no vending shall be allowed around 200 meters of the Secretariat, District Collectorate, offices of District Panchayat, Municipal Corporation, Municipality, Nagar Panchayat, Courts, Cantonment Board and Archeological Survey of India and State archeological monuments, and
- (ii) no vending within 50 meters from any crossing of two or more roads on all sides; both sides of the railway crossing and any declared heritage structure by the local authority.

**4. Restriction on street vendors,-** A street vendor who has been granted the certificate of vending for any vending zones shall not –

- (i) obstruct or interfere with vehicle, bi-cycle or pedestrian traffic or their safety,
- (ii) obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street,
- (iii) obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity or similar installations,

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- (iv) obstruct or interfere with any other structures, sign boards, display units, City works or operations, on or adjacent to the street,
- (v) sell any objectionable goods or services or merchandise etc,
- (vi) occupy more space than allotted by the town vending committee,
- (vii) sell goods or services or merchandises after fixed hours as specified by the town vending committee,
- (viii) through garbage anywhere except at specific places identified by the local authority,
- (ix) sell the goods or services or merchandises after expiry of the certificate of vending, and
- (x) make use of loudspeakers, megaphones, sound systems or other amplification equipment and reflective signage.

**5. Responsibility of Street Vendors.-** It shall be the duty of the street vendor or his family member or employee to,-

- (i) comply with all the conditions specified in the certificates of vending;
- (ii) vend in the place specified in the certificate of vending;
- (iii) display the certificate of vending at the vending place all the times;
- (iv) ensure that either the street vendor or his family member whose name has been mentioned in the certificate of vending or his employee remains present at the vending place during the vending hours;
- (v) keep the vending place safe and in good conditions at all the times;
- (vi) comply with any safety and sanitary requirements of the local authority;
- (vii) comply with all the requirements of the Prevention of Food Adulteration Act, 1954 or any other laws, if applicable;
- (viii) produce the certificate of vending when demanded by the competent authority, and
- (ix) follow all the requirements of this bye-laws and conditions mentioned in the certificate of vending.

**CHAPTER – III**

**CHARGES, TAXES AND PENALTIES**

**6. Maintenance charges.-** (1) The monthly maintenance charges to be paid to the local authority for the civic amenities and facilities in the vending zones shall be according to the category of the street vendors and the status of the market. The categories of the vendors and markets shall be decided by the town vending committee.

(2) The charge under clause (1) shall not be less than Rs. 150 and more than Rs. 1500 per month.

(3) Every year a minimum ten per cent. charges shall be increased.

(4) The local authority may collect the maintenance charge annually instead of monthly, if it deems fit.

**7. Penalty to be levied.-** (1) If any street vendor-

(i) who fails to relocate or vacate the place specified in the certificate of vending or

(ii) indulges in vending activities without the certificate of vending or contravenes the term of certificate of vending or contravenes any other terms and conditions specified for the purpose of regulating street vending under the Act, rules or scheme made there under,

he shall be liable to pay penalty three times of the amount of the monthly maintenance charge.

(2) If the street vendor commits default three times, his certificate of vending shall be suspended and in the case of his persistence default, his certificate shall be canceled.

**8. Regulation of collection of taxes in vending zones.-** The local authority shall collect taxes for use of land by the vendor, which shall be three times of the levy imposed on unauthorized settlement or Rs. 300, whichever is higher.

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### CHAPTER – IV

#### MISCELLANEOUS

**9. Regulation of traffic in vending zones.-** (1) Wherever a vending zone is declared by the town vending committee, the traffic police shall decide about one way traffic, speed limit, parking, movement of heavy vehicles and such other incidental matters. In a case where the traffic police does not agree with the declaration of the vending zone in a particular area, the town vending committee shall reconsider in respect of vending zones and decide either to shift or to cancel the zone for such areas.

(2) The local authority shall clearly earmark the vending area, footpath and carriage way in the vending zones.

**10. Regulation of quality of products and services provided to public in vending zones.-** (1) Any vendor, who sells food articles, readymade or processed, on the site, he shall follow all the provisions of the Prevention of Food Adulteration Act, 1954. In case of failure, penal measures shall be initiated by the concerned authority as provided in that Act and on conviction by the competent court, his certificate of vending shall be cancelled by the town vending committee with immediate effect;

(2) The quality of articles sold from the street can only be taken care of in case there is a prescribed standard under a relevant statute. Otherwise, it shall be only a qualitative assessment. In the absence of such standards it shall be necessary to collect samples of such items against which some complaints are received by the vendors. Such cases can be discussed in the joint meeting of wholesalers, manufacturers and vendors under the Chairmanship of Nodal Officer to arrive at an amicable solution.

*Explanation:-* For example, presence of toxic paints and sharp edges on the different parts of the toy. There is a need to develop a systematic sample taking and analysis of the same in an accredited laboratory. In case of proved presence of toxic elements in the toys, the wholesaler shall be compelled to take it back and pay back the vendors the price they pay if it is not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity shall be given drawing attention of the Authorities empowered to take suitable actions.

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- 11. Regulation of civic services in vending zones.-** (1) The public toilet and drinking water facilities be provided in the vending zone by the local authority.
- (2) The proper collection of solid waste management system shall be provided by the local authority.
- (3) The lighting to vendors shall be allowed by the compact fluorescent lamp mechanism.
- (4) No individual electricity and water connection be allowed in the vending zones.

*Designation of the authority who is competent to sign and publish the bye-laws*

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### ANNEXURE (SEE BYE-LAWS 3(3)) ROAD DESIGNING WITH STREET VENDING SPACE

(IN MTRS)

Sr. No.	Width of road	Footpath (in mtrs)	Street Vending space	Service Road	Cycle Track	Carriage way	Central verge	Carriage way	Cycle Track	Service Road	Street Vending space	Footpath	Vending Status	Conditionally allowed
1	3.5	0.0	0.0	0.0	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	Not allowed	No vehicular area
		0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
2	6.0	0.0	0.0	0.0	0.0	3.0	0.0	3.0	0.0	0.0	0.0	0.0	Not allowed	One way road
		0.0	3.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	0.0	
3	9.0	1.0	0.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Not allowed	One way road
		1.0	3.0	0.0	0.0	0.0	0.5	3.5	0.0	0.0	0.0	0.0	1.0	
4	12.0	1.0	3.0	0.0	0.0	3.5	0.0	3.5	0.0	0.0	0.0	1.0	Allowed	One side
5	15.0	1.0	3.0	0.0	0.0	5.0	0.0	5.0	0.0	0.0	0.0	1.0	Allowed	One side
6	18.0	1.0	3.0	0.0	0.0	6.0	1.0	6.0	0.0	0.0	0.0	1.0	Allowed	One side
7	24.0	1.5	3.0	0.0	0.0	8.5	1.0	8.5	0.0	0.0	0.0	1.5	Allowed	One side
		1.0	3.0	0.0	0.0	7.5	1.0	7.5	0.0	0.0	3.0	1.0	Allowed	Both sides
8	30.0	1.5	3.0	0.0	1.0	9.0	1.0	9.0	1.0	0.0	3.0	1.5	Allowed	Both sides
9	36.0	2.0	3.0	0.0	1.5	11.0	1.0	11.0	1.5	0.0	3.0	2.0	Allowed	Both sides
10	40.0	2.0	3.0	0.0	1.5	13.0	1.0	13.0	1.5	0.0	3.0	2.0	Allowed	Both sides
11	60.0	3.0	4.0	5.0	2.0	15.0	2.0	15.0	2.0	5.0	4.0	3.0	Allowed	Both sides

*Note : These calculations are subject to approval of traffic division for carrying capacity of vehicular traffic*

*For two lane traffic minimum 7 mtrs is required for carrying traffic*

*Minimum Area available for street vending - 3.0 mtrs*

*Minimum space requirement for pedestrian movements - 1.0 mtr*



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