

Swartland, South Africa

## Shop Trolleys

Legislation as at 19 April 2002

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## Shop Trolleys

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## Swartland South Africa

### Shop Trolleys By-law, 2002

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#### 1. Definitions

In this by-law, unless the context otherwise indicates:—

"**council**" means the council of the Swartland Municipality;

"**officer**" means—

- (a) any law enforcement officer, and
- (b) any other employee of the Council authorised by the Council to enforce the provisions of this by-law;

"**owner**" includes any person authorised in writing by the owner to act on the owner's behalf;

"**public place**" means any square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the Municipality or other state authority or indicated as such on the Surveyor General's records or utilized by the public or zoned as such in terms of the applicable zoning scheme or at any time declared or rendered such by the council or any other competent authority.

"**public road**" means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk, and
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

"**trolley**" means a device designed or adapted principally to travel on wheels and normally used by customers for conveying merchandise in and from a shop; and

"**prescribed**" means prescribed by the Council from time to time.

#### 2.

An officer may seize any trolley (together with anything contained therein) which is found by such an officer in a public road or public place and which is not under the immediate control of a person or is unattended.

**3.**

- (1) The owner of a trolley seized in terms of section 2 may within thirty days of the date of such seizure recover it from the Council upon payment of the prescribed fee.
- (2) Any person who seeks to recover a trolley which does not bear the name of or a distinguishing mark identifying the owner thereof shall furnish the Council with an indemnity acceptable to it and shall, in addition to the fee payable in terms of subsection (1), pay the prescribed fee for the preparation of such indemnity.
- (3) The Council may sell in any manner in which it is authorised by law to dispose of movable property any trolley (together with anything contained therein) seized in terms of section 2 which is not recovered in accordance with the provisions of subsections (1) and (2).
- (4) The Council shall be entitled to the proceeds of a sale contemplated by subsection (3) and no person shall have the right to claim such proceeds or any part thereof.

**4.**

The exercise by the Council or any officer of the powers conferred by this by-law shall not render the Council or such officer liable in respect of the loss or theft of or damage to any trolley or anything contained therein.