

## **MUNICIPAL CORPORATION, SOLAN**

### **Notification**

No..... Solan

Dated:.....

In exercise of the power conferred by section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act 7 of 2014), subject to the provisions of this Act or any rule or scheme made there under, the Municipal Corporation Solan, hereby makes the following bye-laws for street vending:-

### **CHAPTE**

### **PRELIMINARY**

**1. Short title and commencement.**-(a) These bye-laws shall be called 'The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Municipal Corporation, Solan

(b) It shall come into force on such date, as notified in the official gazette, of the State Government

**2. Definition(s).**- 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) "Appropriate Government " means the Government of Himachal Pradesh.

(c) "Bye-laws" means the bye-laws made by the Municipal Corporation, Solan under Section 37 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending), Act 2014 .

(d) "Festival market" means a market where sellers and buyers traditionally congregate for the sale and purchase of products or services during festival season of the Solan Municipal Corporation Area and has been determined as such by the local authority on the recommendations of Town Vending Committee.

(e) "Grievance Redressal Committee" means a committee constituted by the State Government under sub-section (1) of the Section 20 of the Street Vendors Act, 2014.

(f) "Heritage Market" means a market which has completed more than fifty years in one place, where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by the authority on the recommendation of Town Vending Committee.

(g) "Holding Capacity" means the maximum number of street vendor who can be

accommodated on any vending zone and has been determined as such by the local authority on the recommendation of Town Vending Committee.

(h) "Local Authority" means Municipal Corporation, Solan.

(i) "License" means certificate of vending.

(j) "Mobile Vendors" means the street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services;

(k) "Municipal Commissioner" means the Commissioner of the Municipal Corporation, Solan.

(l) "Natural Market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services and has been determined as such by local authority on the recommendation of the Town Vending Committee.

(m) "Niche Market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of niche products or services and has been determined as such by local authority on the recommendation of the Town Vending Committee;

(n) "Night Bazaar" where sellers and buyers have traditionally congregated for the sale and purchase of products or services after evening i.e. during night and has been determined as such by local authority on the recommendation of the Town Vending Committee.

(o) "Notification" means a notification published on the official Gazette and the term 'notify' shall be construed accordingly.

(p) "Plan" means plan prepared under section 21 of the Act.

(q) "Rules" means Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of street Vending ) rules, 2016.

(r) "Scheme" means Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of street Vending ) scheme, 2017.

(s) "Seasonal Market" means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services during specific season and has been determined as such by local authority on the recommendation of the Town Vending Committee.

(t) "Section" means section of the Act .

(u) "Stationary Vendor" means street vendor who carry out vending activities on regular basis at the specific location.

(v) "Street Vendor" means a person engaged in vending of articles, goods, wares, food items or Merchandise of everyday use or offering services to the general public, in street, lane, sidewalk, footpath, pavement, public parks or any other public place or private areas, from a temporary built-up structure or by moving from place to place include hawker, peddler and all other synonymous terms which may be local or region specific, and other words with their grammatical variations and cognate expressions, shall be construed accordingly;

(w) "Registered Street Vendor" means a person engaged in street vending as per the Act and is registered with Municipal Corporation Solan under the Street Vendors Act, 2014.

(x) "Town Vending Committee" means the body constituted in accordance with Rule 4 of the Himachal Pradesh Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016

(y) "Vending Zone" means an area or a place or a location designated as such by the SMC, on the recommendation of the Town Vending Committee(TVC), for the specific use by street vendors for street vending and includes footpath, sidewalk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to general public.

(z) "Violation" means an act committed by street vendors which contradicts the conditions given in the license/certificate of vending.

(aa) "Weekly market" means a market where sellers and buyers congregate once a week for the sale and purchase of products or services and has been determined as such by local authority on the recommendation of the Town Vending Committee ;

(bb) Words and expression defined in Act and use in these Bye-laws shall have the same meanings as respectively assigned to them in Act, Rules and Schemes

## **CHAPTER II**

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

#### **3. Regulation and Manner of Vending in different Vending Zones**

**A) Vending Zone.**-(i) The Town Vending Committee(TVC) shall decide about the vending zones considering intensity of footfall, nature of road, width, vehicular and pedestrian movement in the Corporation area.

(ii) Carrying capacity of an area would put the ultimate limit on the number of street vendors who can be positioned in any area.

(iii) Mobile vending is only allowed on vending streets as specified by TVC. However, there shall not be any restriction on the vending in these areas if vendors continuously move, without affecting traffic and commuter movements. In such cases the TVC has to decide the total number of such mobile vendors who can be accommodated after taking into account the area of significant footfall and 1/3rd of the holding capacity of the area ; otherwise there is a chance of creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.

(iv) In no circumstances street vender's number will increase 2.5% population of particular ward of MC Solan.

(v) Minimum **1meter** space for **pedestrian movement** need to be ensured in front of vending area and road. This area need to be kept free for any 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.

(vi) 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.

**(B)Restricted Vending Zones** The restricted vending zones are mainly linked up with the road and width, and the roads of the following description have put in this category in the plan:

(i) There shall not be any stationary street vending on a road having width equal to **3meter**. However, after due approval from the Town Vending Committee, one side street vending shall be allowed if **such road declared as no vehicular road**.

(ii) There shall not be any stationary street vending on a road having width between 5 meters to 8 meters. However, after due approval from Town Vending Committee one side street vending shall be allowed if such road is declared as **one way vehicular road**.

(iii) Stationary vending shall be allowed after taking the clearance from the traffic police for the smooth vehicular and pedestrian movement. If required then the road side parking shall be banned in such area where street vending is allowed

**(C) No Vending Zone :** There shall not be any restriction free vending zone in the city. Further,

(i) No vending shall be allowed in areas specified under Solan Heritage Conservation Committee (CHCC) and around 50 meters from the entry gate of Government Building including Mini Secretariat, District Courts, Municipal Corporation, Schools, Archeological Survey of India (ASI), State Archeological

Monuments and Others.

(ii) No vending within 50 meters from any crossing of two or more roads and roundabout/ traffic lights on all side and any declared heritage structures by the local authority.

(iii) No Vending Zone will be the areas, which are declared or be declared as No Vending Zone by Solan Administration.

**4. A Registered Street Vendor, for any of these vending zones, shall not.** (a) obstruct or interfere with vehicle, bicycle or pedestrian traffic or their safety;

(b) obstruct or interfere with doorways, entrances, fire doors or emergency exits adjacent to the street ;

(c) obstruct or interfere with any utilities like water supply, sewerage, telephone, electricity etc. or similar installation ;

(d) obstruct or interfere with any other structure, signboards, display units, city work or operations, on or adjacent to the street ;

(e) sell any prohibited goods /pirated or services or merchandise etc. as per rules, regulations and notifications issued by any statutory authority from time to time

(f) Occupy more space than allotted by Municipal Corporation Solan ;

(g) sell goods or service or merchandise between the time as specified by the TVC;

(h) dispose garbage in an un-segregated manner and in any place other than specific place, which is identified by the local authority;

(i) sell their goods or services or merchandise after expiry of the license;

(j) use loud speakers, megaphones, sound system or any other amplification equipment;

(k) allow any person other than family to vend from his vending place or sublet the place, allotted by local authority;

(l) use any unauthorized and prohibited mechanism for energy requirement in public place, crowded area for cooking and heating purposes example open tandoor and domestic LPG;

(m) construct any permanent or temporary structures on allotted space;

(n) use banned polythene bags of any kind.

**5. Responsibility of registered Street Vendors.**-(a) Registered Street Vendor, for any of these vending zones, shall –

- (b) do vending on the place as specified in the vending certificate by him/herself ;
- (c) comply with all conditions specified in the certificate;
- (d) prominently display the ID card and certificate of vending at all times ;
- (e) ensure that he/she/whose name has been mentioned including immediate family member in the vending certificate remains present at the vending place during vending hours. No storage at vending site is permitted in any manner;
- (f) keep the vending place clean and in good conditions all times ;
- (g) comply with all the safety and sanitary requirements of local authority;
- (h) comply with all the requirements of the Food Adulteration Act or any other act as applicable, produce the certificate of vending when demanded by the government authorities including Municipal Corporation, Solan, Solan Police and Traffic Police;
- (i) follow all the requirements of these bye-laws and conditions mentioned in the vending certificate.
- (j) clear and remove goods, wares and articles everyday at the end of vending hours from the site,
- (k) use recommended fire safety devices/equipment's in case of registered food street vendors for heating purposes by using commercial LPG (less than 5 kg. Cylinder) connections and also in case of other vendors selling combustible products;
- (l) use tandoor only in case of community tandoor set up in residential area with arrangements of fire safety equipment's and away from residential building (private and government both);
- (m) abide by all the rules, notifications and regulations issued by any statutory authorities from time to time.

### **CHAPTER III**

#### **FEES, TAXES, PENALTIES AND TERMS AND CONDITIONS**

**6. Vending Fee.**-Every registered street vendor shall be liable to pay vending fee as prescribed by the TVC time to time.

**7. Fee for amenities and facilities.**-Every registered street vendor shall be liable to pay fee for amenities, facilities and maintenance charges e.g. drinking water, public convenience, storage/refrigeration store, waste collection etc. as prescribed and provided by the local authority time to time and as applicable.

**8. Penalty.**-(a) Every registered street vendor who commits violation of the provisions of the Street Vending Act/Rules or Bye laws, shall be liable for penalty as

per following table :

Sr. No.	Penalty Type/Nature	Penalty Amount(INR)
1	1 <sup>st</sup> Time Violation	2000.00
2	2 <sup>nd</sup> Time Violation	Suspension of license/certificate of vending for three months. License will be kept at SMC till suspension period
3	3 <sup>rd</sup> Time Violation	License will be cancelled as per the Act and conditions in the certificate.
4	Penalty for carrying out unauthorized street vending(without certificate of vending)	2000.00 along with seizure of goods without return policy

**Note.--** If any shop owner is found vending goods or services in front of its premises or corridor, he/she shall also be liable for penalty under this provision as unauthorized vendor.

(b) if registered street vendors violates any provisions of the act five times, then the vending certificate will be cancelled and the vendor has to apply for the license afresh (re-registration) with the approval of the TVC.

**9. Other Fees.-**The fee to be charged from registered street vendors other than vending fee, amenities, facilities and maintenance fee and penalties are as under:

Sr. No.	Item	Amount
1	ID Card (Validity 5 years from date of issue)	200
2	Duplicate Id Card in case of loss or damage	400
3	Renewal of ID Card(5 years validity)	200
4	Annual Fee for street vending license	2500 per year
5	Renewal annual fee of street vending License	2500 per year
6	Delayed renewal of street vending license	100 per month
7	License/certificate of vending	200
8	Duplicate license/certificate of vending in case of loss or damage	400
	Renew of License/ Certificate of vending after 5 years.	200

9	Delayed renewal of license/certificate of vending by the street vendor	100 per Month
10	Re- registration of certificate of vending after cancellation due to repetitive violation and cancellation due to non-submission of vending fee for more than 90 days.	5,000 + Annual fees

S. No.	Category of Street Vending	Max Vending Space	<b>Remark: Vending Space for registered SV may vary as per the actual space availability in vending zone.</b>
1	Fruits & Vegetable Seller	5 Feet*7 Feet	
2	Fast Food & Food Items	5 Feet*6 Feet	
3	Cloth & Handloom Items	5 Feet* 5 Feet	
4	Home Décor & Handicraft	5 Feet* 5 Feet	
5	Others	4 Feet* 5 Feet	

**10. Terms and Conditions.** (a) Every registered vendor shall be liable to pay yearly vending fee by the month April of every year.

(b) Vendor shall have options for payment through all digital and manual gateways available at nearest E-Sampark Kendra or online E-Sampark gateway as the case may be.

(c) The perishable items seized from un-registered street vendors will be donated to charitable/trusts/ashrams/hospitals etc. and non-perishable items will be disposed of by way of open auction by Municipal Corporation Solan on monthly basis. No claim shall be entertained by office as unauthorized vending is strictly prohibited.

(d) The registration will be valid for five years from the date of registration

(e) There will be 5% annual compounded increase in the yearly street vending fee with effect from beginning of every financial year i.e. 1st April.

(f) The yearly vending fee will be deposited on yearly basis.

#### **CHAPTER IV PROCEDURE FOR ALLOTMENT OF VENDING SITE**

11. The local authority through TVC shall adopt draw of lots procedure for allotment of vending sites in the designated vending zones. The determining terms and conditions for allotment of vending sites in the vending zone on first priority, will be for the following registered street vendors :

- (i) who has been surveyed and registered by the local authority will be considered and
- (ii) who possess Solan based AADHAR cards.

12. All the surveyed street vendors who have been registered in the areas, which are



subsequently declared as No Vending Zone will be relocated by the local authority for allotment of sites.

13. If the number of registered street vendors, identified in the survey are more than the holding capacity of the vending zone and exceeds the number of persons which can be accommodated in that vending zone, the TVC shall carry out a draw of lots for issuing certificate of vending for the vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.

14. If number of registered street vendors is less than the number of vending sites then the left over registered street vendors of adjoining sectors/areas will be considered.

15. If it is not possible to accommodate the registered street vendors as per the street vending zoning plan and the holding capacity of that zone, then local authority will issue a computer generated acknowledgement of application specifying waiting list number.

16. The street vendor who has not been surveyed and wishes to do street Vending, can get register himself as a new registered street vendor based on the Waiting list number of such persons whose application is accepted.

17. The Mobile vendors will vend from their allocated areas or where they have been surveyed until and unless they are not violating any norms of the Act. If they do so, then they will be shifted to nearby space as per vending zone norms. Such vendors can stay up to 30 minutes maximum at one place.

18. The Essential Service Providers (ESP) street vendors will vend from their allocated areas or where they have been surveyed until and unless they are not violating any norms of the Act. If they do so, then they will be shifted to nearby space as per vending zone.

## **CHAPTER V MISCELLANEOUS**

19. The Regulation of traffic in the vending zone.-Wherever a vending zone is declared by the TVC, the traffic police shall decide about one way traffic, vending timings, speed limit, parking, movement of heavy vehicles etc. If traffic division doesn't agree with the vending zone, in that case it shall be shifted or cancelled in consultation with the TVC and urban development department. Local Authority shall clearly earmark the vending area, a footpath and carriage way within the vending zone i.e. the circulation area.

20. The Regulation of the quality of the products and services provided to the public in vending zone and maintenance of the public health, hygiene and safety standards.-  
(1) any vendor who sell food articles, readymade or processed on the street shall have to follow all the provisions of the Food Adulteration Act. In case of failure, Penal measures shall be initiated by the concern department, as prescribed in the prevention of Food Adulteration Act. The certificate of vending of registered street vendor shall be cancelled by the local authority with immediate effect, if there is

any conviction order passed from the concerned department ;

(2) quality of articles vended from the street can only be taken care of in case, there is a prescribed standard under a relevant statute. Otherwise it will be only a qualitative assessment. In the absence of such standard it will be necessary to collect sample of such items against which some complaints are received by the vendors. Such cases can be discussed in the joint meeting of whole sellers, manufactures and vendors under the chairmanship of commissioner to arrive at amicable solutions.

[Explanation for example, presence of toxic paint and sharp edges of the different part of the toy. There is a need to develop systematic samples taking an analysis of the same in an accredited laboratory. In case of proved presence of toxic element in the toys, the wholesaler should be compelled to take it back and payback the vendor price they pay if it not supplied on credit. In case of imported items found to be suffering from similar defects, wide publicity should be given drawing attention to the authorities empowered to take suitable items.]

**21. The regulations of the civic services in the vending zone.**-(1) the movable public toilet and drinking water facilities shall be provided at appropriate place by the local authority if there is unavailability;

(2) Proper collection of segregated solid waste management system have to be provided by the local authority on user charge basis but cleanliness of the allotted site is to be managed by the registered street vendors, no littering will be allowed.

(3) Lighting/power energy requirement to operate electric gadgets to the vendors shall be allowed by the solar or battery operated lamp mechanism;

4) No individual electricity and water connection shall be permitted.

**22. Miscellaneous.**-i) The Commissioner or the licensing officer may limit the time during which registered street vendor may be permitted to operate either generally or specifically in respect of any class or articles or in any particular public street within the city ;

(ii) The license under these byelaws shall expire on completion of 5 years ;

(iii) The registered street vendors shall not do or permit to do negligent act, likely to cause fire or otherwise endanger the public safety ;

(iv) If the registered street vendor fails to comply with any terms and conditions of this license, the Commissioner or the authorized officer can revoke or suspend the license.

(v) In case of registered street vendor reports of reduction in customer base due to relocation/displacement resulting in to livelihood at stake, he may inform the local authority for change in the location of vending. In such cases, the local authority may discuss in the TVC for the potential relief.

(vi) If the registered street vendors want to withdraw his/her license at any point of time, then he/she may submit an application in writing for discontinuation.

(vii) Notwithstanding anything contained in these byelaws, the TVC may on compassionate ground in case of extreme hardship grant a certificate of vending to any person who is having severe disability of any type, HIV positive, senior citizen, orphans, Poor/EWS widow and divorced women etc.

(viii) In case the registered street vendor dies or become incapable of running his/her business on account of old age, infirmity, or any physical or intellectual disability as per requisite valid certificate from appropriate authority, the commissioner/licensing officer may, for reasons to be recorded in writing, grant a license out of turn to his lineal descendant as per law or the spouse. The lineal descendant or the spouse of the registered street vendor shall intimate the local authority about such death, disability, infirmity or illness with valid document e.g. death, disability etc. in writing.

(ix) In event of any future planning/development of site/court order/directions, if the allotted site is prohibited for vending; the registered street vendor shall not sell the articles in such prohibited site.

(x) In case of any change in future scenario, the byelaws may be amended with the recommendation of TVC and to be further notified.

***Note.-***

The commissioner may recommend to amend the bye-laws at any time as and when required in public interest.

Commissioner,  
Municipal Corporation Solan