



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

# Provincial Gazette Provinsiale Koerant

*(Registered as a newspaper) • (As 'n nuusblad geregistreer)*

Vol: 28

NELSPRUIT

16 April 2021

16 April 2021

No: 3254

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ISSN 1682-4512



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**PROCLAMATIONS • PROKLAMASIES****PROCLAMATION NOTICE 19 OF 2021****MSUKALIGWA LOCAL MUNICIPALITY  
NOTICE OF APPROVAL OF ERMELO TOWN PLANNING SCHEME, 1982  
AMENDMENT SCHEME NO.816**

Notice is hereby given in terms of the provision of Section 66(5) of the Msukaligwa Local Municipality Spatial Planning and Land Use Management By-law, 2016, that the Ermelo Town Planning Scheme, 1982, Amendment Scheme No. 816 have been approved in terms of Section 114(a) of the SPLUMA By-law, 2016 by the rezoning of Portion 129 of the farm Van Oudshoornstroom 261- IT, from "Agriculture" to "Institutional" for the purpose of a church and ancillary uses.

This amendment is known as Ermelo Town Planning Scheme, 1982, Amendment Scheme 816 and shall come into operation on date of publication of this notice. Particulars of the application will lie for inspection during normal office hours at the office of the Director: Planning and Economic Development, 2<sup>nd</sup> floor, Civic Centre, Taute Street, Ermelo for the period of 30 days from 16 April 2021.

Name of agent: Mr JP Coetzee, Pr.Pln A/1247/2002, Urban Dynamics Mpumalanga (PTY) LTD

Physical address of agent: 7 Dolerite Crescent, Aerorand, Middelburg, 1070, Contact details of agent: Tel (013) 244 1598, email: mail@urbanmbg.co.za

Publication date: Mpumalanga Provincial Gazette: 16 April 2021

**PROCLAMATION NOTICE 20 OF 2021****MSUKALIGWA LOCAL MUNICIPALITY  
NOTICE OF APPROVAL OF ERMELO TOWN PLANNING SCHEME, 1982  
AMENDMENT SCHEME 735**

It is hereby notified, in terms of the provisions of Section 66(5) of Msukaligwa Local Municipality Spatial Planning and Land Use Management By-law, 2016 that Ermelo Town Planning Scheme, 1982, Amendment Scheme 735, has been approved in terms of Section 114(a) of the SPLUMA By-law, 2016 by the rezoning of:

- A closed portion of Mimososa Avenue in Ermelo Extension 37 (between Erven 10306 and 10322), from "Public Open Street/Road" to "Special" for purposes of access, access control, access gate, security and guard house / office, refuse area and municipal or private engineering services; and
- Erven 10324 and 10326, Ermelo Extension 37, from "Public Open Space/Park" to "Private Open Space" with consent for a Private Club / Clubhouse.

The amendment is known as Ermelo Town Planning Scheme, 1982, Amendment Scheme 735 and shall come into operation on date of publication of this notice. Particulars of the application will lie for inspection during normal hours at the office of the Director of Planning and Economic Development, 2nd Floor, Civic Centre, Taute Street, Ermelo for a period of 30 days from 9 April 2021.

Nuplan Development Planners CC, P.O. Box 2555, Nelspruit, 1200. ☎ (013) 752 3422, 📠 (013) 752 5795, ✉ [admin@nuplan.co.za](mailto:admin@nuplan.co.za), Ref: SNG-WS-002

**PROCLAMATION NOTICE 21 OF 2021**  
**MKHONDO LOCAL MUNICIPALITY NOTICE**

**DECLARATION OF KEMPVILLE EXTENSION 2 AS AN APPROVED TOWNSHIP**

In terms of Section 186(1) of the Mkhondo Spatial Planning and Land Use Management By-law, 2016, read with:

- Section 64 of the Mkhondo Spatial Planning and Land Use Management By-law, 2016; and
  - Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), now repealed
- the Mkhondo Local Municipality hereby declares the township of Kempville Extension 2 to be an approved township, subject to the conditions set out in the schedule hereto.

**A copy of this notice will be provided in Afrikaans or SiSwati to anyone requesting such in writing within 30 days of this notice.**

**Mr Maqhawe Kunene**  
**Municipal Manager**  
**Mkhondo Local Municipality**  
**PO Box 23**  
**Piet Retief**  
**2380**

**STATEMENT OF CONDITIONS WHERE UNDER APPLICATION IS MADE BY MKHONDO LOCAL MUNICIPALITY, (HEREAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER), IN TERMS OF THE PROVISIONS OF SECTION 64 OF THE MKHONDO SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 (READ WITH SECTION 108 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)) FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 130) (A PORTION OF THE REMAINING EXTENT OF PORTION 1) OF THE FARM PIET RETIEF 149, REGISTRATION DIVISION H.T. MPUMALANGA PROVINCE, HAS BEEN GRANTED**

**1. CONDITIONS OF ESTABLISHMENT**

**1.1 NAME**

The name of the township shall be **Kempville Extension 2**

**1.2 DESIGN**

The township shall consist of erven and streets, as indicated on General Plan 1196/2015.

**1.3 ACCESS**

Access to the township erven will be obtained through a proposed 30 meter road that intersect with the N2 National Road to the north and east as follows:

- Through a proposed 25 meter road from the existing Industrial Avenue and Mosque Road intersecting the N2 National road to the north at Kempville Township.
- Through an additional access from the N2 National Road at a locality 600m south of the existing access to the north.

**1.4 RECEIPT AND DISPOSAL OF STORMWATER**

The township owner shall arrange the storm water drainage of the township; in such a way as to fit in with all relevant roads and he shall receive and dispose of the storm water running off or being diverted from the road.

**1.5 REMOVAL AND/OR REPLACEMENT OF MUNICIPAL SERVICES**

Should it become necessary to remove, alter or replace any municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

**1.6 REMOVAL OF LITTER**

The township owners shall at his own expense have all litter within the township area removed to the satisfaction of the Mkhondo Local Municipality.

**1.7 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES**

Should it become necessary to remove, alter, or replace any existing services of Telkom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

**1.8 PROTECTION OF STAND PEGS**

The township owner shall comply with the requirements with regard to the protection of boundary pegs.

**1.9 DEMOLITION OF BUILDINGS AND STRUCTURES**

The township owner must at his own costs demolish all existing buildings and structures that are located within building restriction areas, side spaces of common boundaries to the satisfaction of Mkhondo Local Municipality.

**1.10 COMPLIANCE WITH CONDITIONS IMPOSED BY MPUMALANGA DEPARTMENT OF AGRICULTURE AND LAND ADMINISTRATION, ENVIRONMENTAL IMPACT MANAGEMENT, CONTAINED IN R.O.D.**

The township owner shall at his own expense comply with all the conditions imposed, by which the Mpumalanga Department Economic development, Environment and Tourism has been granted the applicant authorisation to undertake a listed activity on the property. Development of this township must be strictly in accordance with the Record of Decision issued by the Department in respect of this township under file No. 17/2/3/GS-141 ON 10 March 2014.

**1.11 COMPLIANCE TO CONDITIONS CONTAINED IN GEO-TECHNICAL REPORT**

Development of this township must be strictly in accordance with the recommendations contained in the geo technical report compiled for this township, if any.

**1.12 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

In respect of Deed of Grant TG284/1908, the following conditions **must NOT be carried over** to the erven in the township.

1.12.1 A: This Grant shall be subject to all conditions and stipulations contained in the Town Lands Ordinance 1904 and in any amendment thereof and shall also be subject to all rights and servitudes which now affect, or at any time hereafter may be found to affect the title to the land hereby transferred, or to be binding on the state in respect of the said land as at date hereof.

1.12.2 B: The land hereby transferred is entitled to a perpetual and irrevocable right to construct a water furrow for irrigation and other purposes on certain two portions of the Farm "Welgekozen" No. 75 situate in the District of Piet Retief, registered in the names of Jacobus Paulus Engelbrecht Senior and Jacobus Paulus Engelbrecht Junior and held by them under Deeds of Transfer No. 457/1883 and No. 3788/1889 respectively.

1.12.3 C: This Grant is made on condition that all roads already made over this land by lawful authority shall remain free and unobstructed and that the land shall be subject to outspan and grazing for the cattle of travellers, and that the said land shall be further subject to such stipulations as have been established by the Legislature, and finally the owners shall be liable for the prompt payment of an annual tax as provided for in Law No. 4 of 1899, or in any amendment therefor.

- 1.12.4 D: By virtue of Notarial Deed of servitude K108/1957S dated 30 December 1957 and Notarial Deed of amendment K100/1959S dated 17 December 1959 a portion of the property is leased to Piet Retief Golf Club as will more fully appear from the said Notarial Deed/s.
- 1.12.5 E: By virtue of Notarial Deed of Servitude K3317/1976S dated 18 November 1978 the right has been granted to ESKOM SOC Limited to convey electricity over the property hereby transferred together with ancillary rights and subject to such terms and conditions as will more fully appear from the said Notarial deed.

## **2. CONDITIONS OF TITLE**

### **2.1 CONDITIONS APPLICABLE TO ALL ERVEN**

- 2.1.1 The erf is subject to:
- a) A servitude 5 metres wide from the street boundary;
  - b) A servitude 2 metres along rear (midblock) boundary; and
  - c) A servitude along other boundaries with an aggregate width of 3 metres and a minimum width of 1 metre,
- In favour of the local authority for sewerage and other municipal purposes and in the case of a panhandle erf, an additional servitude for municipal purposes 2 metres wide across the access portion to the erf, if and when required by the local authority: Provided that the local authority may relax or grant exemption from the required servitudes.
- 2.1.2 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

## **3. CONDITIONS WHICH ARE TO BE INCORPORATED INTO THE TOWN PLANNING SCHEME / LAND USE MANAGEMENT SCHEME IN OPERATION**

### **3.1 ALL ERVEN**

- 3.1.1 Except with the written consent of the Municipality, and the subject to such requirements as it may impose, neither the owner nor anyone else shall-
- a) Except to prepare the erf for building purposes, excavate any material therefrom;
  - b) Sink any pits or boreholes thereon or use any subterranean water therefrom; or
  - c) For any purpose whatsoever, manufacture or permit to be manufactured on the erf tiles or earthenware pipes or other articles of a similar nature.
- 3.1.2 Where, in the opinion of the Municipality, it is impractical for storm water to be drained from higher lying erven direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage over the erf of such storm water: Provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- 3.1.3 No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary, this condition may be relaxed by the Municipality and subject to such conditions as may be determined by it.
- 3.1.4 The township owner is responsible for the maintenance of the whole development on the property. If the Municipality is of the opinion that the property, or any portion of the

development, is not being satisfactorily maintained the Municipality shall be entitled to undertake such maintenance at the cost of the registered owner.

- 3.1.5 The erf is situated in an area that has pedagogical characteristics which can be negatively influence buildings and structures and can cause damage. Building plans submitted to the Municipality for approval must contain preventative measures in accordance with the recommendations as contained in the engineer's geological report which was compiled for the Township, to restrict possible damage to buildings and structures as a result of unfavourable foundation conditions unless proof can be submitted to the municipality that such measures are unnecessary or that the same objective can be achieved in a more efficient manner.

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## **MKHONDO LOCAL MUNICIPALITY NOTICE**

### **PIET RETIEF AMENDMENT SCHEME NO 269**

The Mkhondo Local Municipality hereby in terms of the provisions of Section 66 of the Mkhondo Spatial Planning and Land Use Management By-law, 2016, read with Section 125 of the Town-Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the Piet Retief Town-Planning Scheme 1980, comprising of the same land as included in the Township of Kempville Extension 2.

Map 3's and the Scheme Clauses of the Amendment Scheme are filed with the Town Planning Unit Office, 35 Mahammedia Avenue / Road, Kempville, Mkhondo (Piet Retief). This amendment is known as the Piet Retief Amendment Scheme No 269 and shall come into operation on date of publication hereof.

**A copy of this notice will be provided in Afrikaans or SiSwati to anyone requesting such in writing within 30 days of this notice.**

**Mr Maqhawe Kunene  
Municipal Manager  
Mkhondo Local Municipality  
PO Box 23  
Piet Retief  
2380**

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 33 OF 2021****BUSHBUCKRIDGE LOCAL MUNICIPALITY  
PROCLAMATION OF THE TOWNSHIP RELANE RETAIL PARK**

In terms of the Provisions of Section 44 of the Bushbuckridge Land Use Management By-Law, 2014, Bushbuckridge Local Municipality hereby declares Relane Retail Park to be an approved township, subject to the conditions set out in the Schedule hereto.

**SCHEDULE****CONDITIONS IMPOSED / ADDRESSED / CANCELLED ON THE TOWNSHIP “RELANE RETAIL PARK”, SITUATED ON PORTION 47 OF THE FARM DWARSLOOP 248-KU, BUSHBUCKRIDGE LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.****1.1 GENERAL****1.1.1 NAME:**

The name of the township is “**RELANE RETAIL PARK**”

**1.1.2 LAYOUT/DESIGN:**

The township shall consist of 2 (two) erven as indicated on **Plan Number: GAP\_PtnRE\_Dwarsloop248KU\_TE\_01**.

**1.1.3. MINERAL RIGHTS**

The rights to minerals that have not yet been served from the ownership of the land that have not yet been reserved in a separate Certificate of Mineral Rights must be reserved from the ownership of the land and be reserved in a separate Certificate of Mineral Rights prior to the registration of the settlement.

**1.2** The applicant shall comply with the provisions of Section 29 of Bushbuckridge Local Municipality Spluma By-Law, 2014

**1.3** The township applicant/owner shall satisfy the municipality that the concerned amendment scheme has been submitted and approved with and can be published consecutively with the declaration of the township as an approved township.

**2. DISPOSAL OF EXISTING CONDITIONS OF TITLE**

**2.1** All erven shall be made subject to the existing conditions and servitudes, if any, including the reservation of rights to minerals and real rights.

**2.2** The township owner shall provide all essential services in terms of the provisions of Chapter 5 of the Bushbuckridge Local Municipality Spluma By-Law, 2014 prior to the registration of any stands in the township.



**3. CONDITIONS TO BE IMPOSED AND INCLUDED IN TITLE DEEDS OF ERVEN IN THE “RELANE RETAIL PARK” TOWNSHIP OR TO BE COMPLIED WITH BEFORE THE ERVEN IN TOWNSHIP BECOME REGISTRABLE.**

**3.1. CONDITIONS TO BE IMPOSED AND INCLUDED IN THE TITLE DEEDS OF ERVEN IN THE TOWNSHIP**

- (1) Municipal Servitudes
- (i) Both erven shall be subject to –
- A 16 meter building line along the D4393;
  - A 16 meter building line along the R40; and
  - A 5 meter building line alongside boundaries

All in favour of the Bushbuckridge Local Municipality for sewerage and other municipal purposes and, provided that the Municipality may relax or grant exemption from the required servitudes.

- (ii) No buildings or other structures shall be erected within the aforesaid area and no long rooted trees shall be planted within the area of such servitude or within 1 metre thereof.
- (iii) The Bushbuckridge Local Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such materials as may be excavated by it during the course of construction, maintenance or removal of such sewerage mains and or other works as it, in its discretion, may deem necessary and shall further be entitled to a reasonable access to the said land for the aforesaid purposes, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the municipality.

**3.1. CONDITIONS TO BE IMPOSED AND TO BE COMPLIED WITH BEFORE THE ERVEN IN TOWNSHIP BECOME REGISTRABLE.**

**3.1. Environmental Management**

- 3.1.1. The township applicant/owner shall at its own expense ensure that an Environmental Management Plan (EMP) is submitted to the Department of Agriculture Rural Development Land and Environmental Affairs (DARDLEA) for approval before construction commences.
- 3.1.2. The township applicant/owner must ensure that all conditions imposed by the Department of Agriculture Rural Development Land and Environmental Affairs (DARDLEA) in terms of the Record of Decision (ROD) issued by the said Department are adhered to.

### 3.2. Engineering Services

- 3.2.1. The township applicant/owner shall install and provide internal engineering services in the township as provided for in the service level agreement.
- 3.2.2. The municipality shall install and provide external engineering services for the township as provided for in the service level agreement.

## 4. CONDITIONS IMPOSED

The erven mentioned hereunder shall be subject to the conditions as indicated:

### 4.1 ALL ERVEN

- 4.1.1. The use of the erf is as defined and subjected to such conditions as are contained in the Land Use Conditions in points 4.1.9 & 4.1.10 hereafter: Provided that on the date of which a town planning scheme relating to the erf comes into force the right and obligations contained in such scheme shall supersede those contained in the aforesaid Land Use Conditions.

#### 4.1.2. Soil Conditions:

If required, a soil report, drawn up by a qualified person acceptable to the Bushbuckridge Local Municipality indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths shall be submitted to the Bushbuckridge Local Municipality simultaneously with the submission of building plans prior to commencement of any building operations on the erf.

#### 4.1.3. Advertising:

Unless prior the approval of the Bushbuckridge Local Municipality has been obtained no hoarding for the display of advertisements shall be erected nor shall any advertisements be displayed on the site other than a plate or board, not exceeding 0.6 X 0.5m, which may be affixed to the fence.

#### 4.1.4. Site Development Plan and Building Plans:

A Site Development Plan showing the dimensions of the site and the proposed development on site shall be submitted to the Municipality for approval prior to the submission of building plans. Such Site Development Plan and Building Plans must be submitted to the Municipality for approval.

#### 4.1.5. Drainage:

The applicant/Local Authority (whoever is responsible for the drainage of the Township) shall build the drainage scheme at his cost simultaneously with the construction of the roads and the drainage scheme for the Township.

In terms of Section 84 of the Road Ordinance, 1957, the applicant shall arrange the drainage of the Township in such a way that it will fit in with the drainage of the road, taking into account the capacity of the system. He shall receive and dispose all the storm water running from the road or being diverted from the road. The State or the Provincial Government will not be responsible for any damage caused by or arising from such storm water.

4.1.6. Access:

Any access to the township, whether it is permanent or temporary, shall be built to the satisfaction of the Departmental Head: Department of Roads and Transport as well as the South African National Roads Agency before it is used.

4.1.7. Telkom SA:

Telkom SA reserves the right to lay telephone cable and erect overhead plant, within the normal building line servitude provided for each erf in terms of the relevant Land Use Management Scheme.

4.1.8. **ERF 1**

The use zone of the erf shall be "Business 1"

Number of Erven:	1
Ruling erf size:	31 300 m <sup>2</sup>
Maximum FAR:	0.25
Coverage:	80%
Maximum Height:	3 Storeys (excluding parking levels/basements)
Proposed Land Uses: As per	Scheme – Retail Shops
Parking:	Retail Shops: 6 parking bays per 100m <sup>2</sup> Gross Floor Area Storage and Other uses: 2 parking bays per 100m <sup>2</sup> Gross Floor Area.

4.1.9. **ERF 2**

The use zone of the erf shall be "Industrial 1"

Number of Erven:	1
Erf size:	5 000 m <sup>2</sup>
Maximum FAR:	0.5
Coverage:	80%
Maximum Height:	2 Storeys (excluding parking levels/ basements)
Proposed Land Uses: As per	Scheme – Filling Station
Parking:	Filling Station: 6 parking bays per 100m <sup>2</sup> Gross Floor Area; Storage and Other uses: 2 parking bays per 100m <sup>2</sup> Gross Floor Area

**BUSHBUCKRIDGE LOCAL MUNICIPALITY  
NOTICE OF APPROVAL OF AMENDMENT SCHEME T011/2016/DWA**

Bushbuckridge Local Municipality hereby declares in terms of the provisions of Section 49 of the Bushbuckridge Land Use Management By-Law, 2014, that it has approved an amendment Scheme, being an amendment of the Bushbuckridge Land Use Scheme, 2017, comprising the same land as included in the township Relane Retail Park

Map 3 and scheme clauses of the amendment scheme are filed with the office of the Director: Economic Development, Planning and Environment Planner, Bushbuckridge Local Municipality and are open for inspection at all reasonable times. This amendment is known as Bushbuckridge Amendment Scheme T011/2016/DWA and shall come into operation on the date of publication of this notice.

C.A NKUNA  
MUNICIPAL AMANAGER

R533 Graskop Road opp. Mapulaneng DLTC  
Maviljan Region  
Bushbuckridge  
1280

P.O. Box 9380  
Bushbuckridge  
1280

LOCAL AUTHORITY NOTICE 34 OF 2021



**BUSHBUCKRIDGE LOCAL  
MUNICIPALITY TRADING BY-  
LAW**

## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

**BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAWS****TABLE OF CONTENTS**

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## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

**BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAWS**

The Municipal Manager of the Bushbuckridge Local Municipality hereby in terms is section 13(a) Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), presents this Trading By-Laws for the Bushbuckridge Local Municipality as set out hereunder

**1. Purpose of By-Law**

- (a) The Municipality recognises the objective of its existence in terms of the Constitution, which includes-
- i. To promotes social and economic development.
  - ii. To promote a safe and healthy environment; and
  - iii. Municipal planning, trading regulations, licensing and control of undertakings that conduct trading to the public, markets, public places, municipal roads and street trading.
- (b) The Municipality therefore recognizes the need to adopt a developmental approach to enable access to job and entrepreneurial opportunities as envisaged by the local Economic Development Strategy within the Trading sector, to harmonise the relationship between the Informal Trading sector and the formal trading sector and to facilitate the migration of Informal Trading into the formal trading sector.
- (c) In order to achieve and fulfill the above mentioned constitutional objective and responsibility in terms of the Vision and the Mission statement of the Municipality, and after an extensive consultation process with the relevant stakeholders. The municipality has an obligation to develop and adopt a Trading by-law, which aims at creating opportunities for the both Formal and Informal Trading sector to share in the benefits of, and further contribute to, the Municipality's local economic growth.
- (d) The purpose of this By-Law is therefore to regulate both Formal and Informal Trading within the jurisdictional area of the Municipality in a manner that recognizes and enhances the municipality's Vision and Mission statement and other statutory obligations.

## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

iv.

v. **Definitions**

In this By-Law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates-

**“The Act”** means the Mpumalanga Businesses Act, 1996 (Act No. 2 of 1996) and includes the regulations promulgated thereunder;

**“Business”** for the purpose of this by-law, means any business referred to in Schedule 1 and Schedule 2 of the Mpumalanga Business Act, 1996

**“Business Premises”** in relation to a business referred to in term 1(1) or 2 of schedule 1 and 2, means the premises upon, in or from which the business is or to be carried on.

**“Authorised Official”** means-

- (a) An official of Council who has been authorised by it to administer, implement and enforce the provisions of the Mpumalanga Business Act No.2 of 1996 and this by-law;
- (b) A traffic officer appointed in terms of Section 3A of the National Road Traffic Act 1996[Act No.93 of 1996]
- (c) A member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995[Act No. 68 of 1995];or
- (d) Peace Officer, contemplated in terms of Section 334 of the Criminal Procedure Act, 1977[Act No.51 of 1977]

**“Municipality”** means the Bushbuckridge Local Municipality

**“Council”** means:

- a) The Municipal Council of the Municipality, which exercises its legislative and executive authority ;or
- b) Its successor in title; or
- c) A structure or exercising a delegated power or carrying out an instruction, where any power in this by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (“the Municipal System Act”); or
- d) A service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Municipal Systems Act or any other law, as the case may be.

**“Designated Area”** means an area Prescribed by the Council in terms of this By-Law, subject to the Act, as the area in which Trading can be conducted;

**“Foodstuff”** means any article or substance, except drugs as defined in the Drugs and Drug Trafficking Act, 1992[Act No. 140 of 1992], ordinarily eaten or drunk by persons or





## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

Purporting to be suitable or manufactured or sold for human consumption and includes any part or ingredient of any such article or substance or any substance used or intended or destined to be used as a part or ingredient of any such article or substance, as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

**“Garden or Parks”** means a garden or park to which the public has a right of access;

**“Goods”** means any movable property and includes a living thing;

**“Impoundment Costs”** means all those costs incurred by the municipality in respect of impounding and storing of impounded Goods and Property and, where applicable, costs incurred in respect of disposal of impounded Goods;

**“Trader”** means a person who engages in Trading;

**“Trading”** means the selling of goods and/or services by an Informal Trader in the designated area, which includes, without any limitation, the forms of trading more fully set out in Section 3 of the Mpumalanga Business Act, No. 2 of 1996;

**“Trading/Business Licence”** mean a licence issued to the trader in terms of regulation o of the Mpumalanga Business Regulations, Section 6 of schedule 2 of the Mpumalanga Business Act No. 2 of 1996

**“Trading Hours”** means the hours of trading as determined by Council in terms of Mpumalanga Trading Hours Act, No. 5 of 1999

**“Intersection”** means an intersection as defined in the regulations promulgated in terms of the Traffic Act;

**“Kerb Line”** means, as defined in Section 1 of the Traffic Act, the boundary between the Shoulders and the Verge or, in the absence of a Shoulder, the part between the edge of the Roadway and the Verge;

**“Linear Market”** means a Designated Area located in a pedestrianized environment.

**“Litter”** includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by an Informal Trader or by his or her customers;

**“Motor Vehicle”** means any self-propelled vehicle as more fully defined in Section 1 of the Traffic Act;

**“Periodic Markets”** means sale of legal goods and /or services by individuals and/or groups, in locations designated for Informal Trading for a period no longer than 5 days

**“Prescribed”** means as determined by resolution of the Council from time to time;

**“Property”**, in relation to an Informal Trader, includes any article, Goods container, Motor Vehicle or structure used or intended to be used in connection with Informal Trading;

**“Shop” means –**

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- (a) Any building or portion of a building
- (b) Any structure, room, stall, tent booth or any other place or premise;  
or
- (c) Any vehicle

Which is utilized for the sale or supply of any goods or services or for the packing or storage of any goods for sale or supply in' on or from a place or vehicle contemplated in paragraph (a) to (c) inclusive.

**“Public Building”** means a building belonging to or occupied solely by any sphere of the government, including the Council;

**“Public Monument”** means any one of the “public monuments and memorials” as defined in terms of Section 2 of the National Heritage Resources Act, 1999[Act No. 25 of 1999];

**“Public Place”** means any square, park, recreation ground or open space which is vested in the Council or to the which the public has the right to used or is shown on a general plan of a township filed in the deeds registry or a Surveyor- General’s office and has been provided for the use of the public or the owners of erven in such township or stand in such a Tribal Area;

**“Public Road”** mean, as more fully defined in Section 1 of the Traffic Act, any road, street or through fare or any other place commonly used by the public or any section thereof or to which the public or any section therefor has a right of access;

**“Rental”** means an amount payable by the Informal Trader for the allocated trading pace in the Designated Area as agreed between the Council and an Informal Trader; means as defined in Section 1 of the Traffic Act that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic, which is between the edges of the roadway;

**“Sell”** includes-

- a) Barter, exchange or hire out;
- b) Display, expose, offer or prepare for sale;
- c) Store on Public Road or Public Place with a view to sell; or
- d) Provide a service for reward, and “Sale” or “Selling” has a corresponding meaning;

**“Sidewalk”** means, as defined in the Section 1 of the Traffic Act, that portion of a Verge intended for the exclusive use of pedestrians;

**“Shoulder”** means, as defined in the Traffic Act, that portion of the road, street or thoroughfare between the edge of the Roadway and the curb Line;

**“Special Events”** means any special events that occur from time to time, including, without limitation, sports events, religious events, social, culture or political gatherings and musical festivals;

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**“Street Furniture”** means any furniture installed by the Council on the street for public use

**“The Traffic Act”** means the National Road Traffic Act, (Act No. 93 of 1996); and

**“Verge”** means, as defined in Section 1 of the Traffic Road Act, that portion of a road, street or thoroughfare, including the Sidewalk, which is not the Roadway on the Shoulder.

vi. **Interpretation**

- (a) Meaning of words and expressions in the Act incorporated in this By-Law, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Act shall have a corresponding meaning in this By-law.
- (b) Single act constitutes Informal Trading – For the purposes of this By-law a single act of selling or offering of services in a public road or public place or residential zone shall constitute Informal Trading thereof.
- (c) Reference to legislation includes regulations made thereunder – For the purposes of this By-Law a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.
- (d) Assigning responsibilities of a Council employee of a service provider, where a service provider has been appointed – If any provision in this By-Law imposes any responsibility of the Council in or on an employee of the Council and such responsibility has, in terms of Section 76(b) of the Municipal Systems Act or any other law, been assigned to a service provider, then the reference in such a provision to such employee must be read as a reference to the service provider or a duly authorized employee of the service provider.

#### **4. Forms of Trading**

(1) Trading may include any of the following forms of trading –

- a) Street trading, which comprises the selling of goods or supply of services for reward in a Public Road;
- b) Selling Of Goods in Linear Market;
- c) Sale of Goods or services in a Public Place including residential zones;
- d) Mobile trading such as from caravans, and light Motor Vehicles;
- e) Selling of Goods in stalls or kiosks; and

## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

- f) Selling of Goods at Special Events;

**5. Freedom to engage in Trading**

Subject to compliance with the provisions of these By-Laws, the Act and any other applicable law, any member of the community and business within the Municipal area may be permitted to engage in trading activities.

**6. Designated areas**

(1) The Council may, by resolution in terms of Section 6A(3)(b) of the Act, set apart and demarcate stands or areas for the purposes of Informal Trading on any Public Road, the ownership or management of which is vested in the Council, or on any other Property in the occupation and under the control of the Council.

(2) Any such stands or areas demarcated for Trading may be extended, reduced or disestablished by resolution of the Council.

(3) The Council may, by resolution in terms of Section 6(3)(a) of the Act, lease any Verge or any portion thereof the owner or occupier of the contiguous land on condition that such owner or occupier shall admit a specified number of Traders in stands or places on such Verge designated by such owner or occupier.

**7. Lease and allocation of stands.**

(1) Any person who intends to carry on a business as Formal and or Informal Trader in terms of the provisions of this By-Law may apply to the Council in the Prescribed manner for a lease or allocation of a stand in terms of Section 4A(3)(c) of the Act.

(2) The Council may grant subject to conditions, or refuse, an application referred to in subsection (1).

(3) If such application is successful –

- a) A permitted Trader must enter into an agreement/lease agreement with Council in respect of such stand, which such agreement/lease agreement must be produced at the request of an authorised Official;
- b) In respect of the allocation, as well as the lease of the stand a permit shall be issued to a Trader as proof of a Trader's right to occupy the stand for the purpose of conducting Informal Trading;
- c) A Trader must, at all times while carrying on business on the stand or public space, retain such permit on his/her person ready for display to an Authorised Official, if requested; and
- d) The Council may, on the written request of a Trader, issue a permit/licence to a bona fide employee of the Trader.

(4) Any person who carries on Trading on a stand or Public Place and who, without a reasonable explanation, is unable to produce a valid permit/lease agreement or permit/licence as envisaged in subsection (3) above, shall be guilty of an offence.

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(5) Any person who carries on an illegal Trading on a stand or Public Place and who, without a reasonable explanation, fails to comply with the terms and conditions of the agreement/lease agreement shall be guilty of an offence.

**8 .Environmental Health and Safety (Cleanliness)**

(1) An Informal Trader must-

(a) Keep the area or site occupied by him or her for the purposes of conducting Trading in a clean sanitary condition;

(b) Keep his or her Property in a clean, sanitary and well maintained condition;

(c) Dispose of Litter generated by his or her business in whatever refuse receptacle is provided by the Council for the public or at a dumping site of the Council;

(d) Not dispose of Litter in a manhole, storm water drain or other place not intended for the disposal of Litter;

(e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of conducting Trading is free of Litter;

(f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a Public Road, or Public PLACE, or into a storm water drain, of any fat, oil or grease;

(g) Ensure that no smoke, fumes or other substances, odour, or noise, emanating from his or her activities associated with Informal Trading, causes pollution of any kind;

(h) On request by an Authorised Official, move his or her property so as to permit the cleansing of the space or the area or site where he or she is conducting Informal Trading, or the effecting of Municipal Services.

**9. Signs indicating restricted and prohibited areas**

(1) The Council may, by resolution in term of Section 6A (2) of the Act, declare any place in its area of jurisdiction to be an area in which Trading is restricted or prohibited, and must, to enable compliance therewith, Prescribe or make signs, markings or other devices indicating-

(a) Specified places, goods or services in respect of which Trading is restricted or prohibited;

(b) The location of boundaries of restricted or prohibited areas;

(c) The boundaries of a stand or area set apart for the purposes of the carrying on of the business of Informal Trading;

(d) The fact that any such stand or area has been let or otherwise allocated; and

(e) Any restricted or prohibition against any Trading in terms of this By-Law.

## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

(2) The Council may display any such sign, making or device in such a position and manner as will indicate any restriction or prohibition and the location or boundaries of the area or stand concerned.

(3) Any sign erected in terms of this By-Law or any other law, shall serve as sufficient notice to a Trader of the prohibition or restriction in respect of the area concerned.

(4) The resolution of the Council shall be subject to the provisions of section 6A (2)(b) to (j), which require, inter alia, the Council first consider the effect its resolution will have on the existing Trader in the Designated Area in question.

(5) Any sign may be amended from time to time and displayed by the Council for the purpose of this By-Law and shall have the same effect as a road sign in terms of the Traffic Act.

#### 10. Prohibited conduct

(1) No person shall carry on the business/Trading

(a) At a place or in area declared by the Council in terms of Section 6A (2) of The Act as a place or area in which Trading is prohibited;

(b) In a Garden to which the public has a right of access;

(c) Directly alongside –

- i) A building belonging to the South African Police and or a Police Station;
- ii) A church, mosque, synagogue or other place of worship
- iii) A building declared to be a public monument;
- iv) An auto teller bank machine;

(d) At a place where it causes an obstruction in respect of –

- i) A fire hydrant; or
- ii) Any entrance to or exit from a building;

(e) At a place where it is likely to obstruct vehicular traffic;

(f) On that half of A Public Road, contiguous to a building used for residential purposes, if the owner or person in control or any occupier of that building objects thereto and such objection is made known to the Trader by an Authorised Official;

(g) On a stand or in any area demarcated by the Council in terms of Section 6A (3) (b) of the Act, if he or she is not in possession of written proof that he or she has hired such stand or area from the Council or that such stand has otherwise been allocated to him or her by the Council;

(h) Within 5[five] meters of any Intersection; and

(l) On a Side-Walk contiguous to a building in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold

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on such Side-Walk by the Trader, if the Goods are sold by the Trader without the prior consents of such person and an Authorised Official has informed the Informal Trader that such consent does not exist.

2. A person who has leased a stand from or who has been allocated a stand by the Council in terms of Section 9(1) (h) of this By-Law may not trade in contravention of the terms and conditions of such lease or allocation.

**11. Restricted conduct**

(1) A Trader

(a) May not sleep overnight at the place where he or she carries on Trading activities;

(b) May not erect any structure for the purpose of providing shelter, other than a device approved by the Council;

(c) May not place his or her Property on a Public Road or Public Place, with the exception of his or her Motor Vehicle or trailer from which Trading is conducted, provided that such Motor Vehicle, stalls or trailer does not obstruct pedestrian or Vehicular Traffic movement and complies the provisions of the Traffic Act;

(d) Must ensure that his or her Property or area of activity;-

- i) Does not cover an area of a Public Road or a Public Place which is greater than 6 (six) square metres (with a maximum length of 3 (three) metres in extent, unless otherwise approved by the Council; or the approved Land Use Management Scheme and,
- ii) In respect of any Side-Walk ,leaves an unobstructed space for pedestrian traffic, being not less than 1.5 (one and a half) metres wide when measured from any contiguous building to the Property or area of activity and not less than 0.5 (one half) metres wide when measured from the Kerb Line to the Property or area of activity;

(e) May not trade on a Side-Walk where the width of such Side-Walk is less than 3 (three) metres;

(f) May not place or stack his or her Property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;

(g) May not display his or her Goods or other Property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

(h) Must, on request by an Authorised Official or supplier of telecommunication or electricity or other Municipal Services, move his or her Property so as to permit the carrying out of any work in relation to a Public Road, Public Place or any such service;

(l) May not attach any of his or her Property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other Street Furniture in or on a Public Road or Public Place;

## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

- (j) May not carry on such business in such a manner as to-
- i) Create a nuisance;
  - ii) Damage or deface the surface of any Public Road or Public Place, or any public or private property; or
  - iii) Create a traffic or health hazard, or health risk, or both;
  - iv) May not make an open fire on a Public Road or Public Place;
  - v) May not interfere with the ability of a person using a Side-Walk to view the goods displayed behind a shop display window or obscure such goods from view;
  - vi) May not be obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
  - vii) May not be obstruct access to, or the use of, Street Furniture and any other facility designed for the use of the general public;
  - viii) May not obscure any road traffic sign displayed in terms of the Traffic Act, Or any marking, notice or sign displayed or made in terms of this By-Laws;
- (k) May not carry on business, or take up a position, or place his or her Property on a portion of a Side-Walk or Public Place, in contravention of a notice or sign erected or displayed by the Council for the purposes of this By-Law;
- (l) May not, other than in a refuse receptacle approved or supplied by the Council, accumulated, dump, store ,or deposited, ant Litter on any land or premises or any Public Road or Public Place or on any Public property;
- (m) May not place, on a Public Road or Public Place, such of his or her Property that is not capable of being easily removed to a storage place away from such Public Road or Public Place;
- (n) Must, on concluding business for the day, remove his or her Property, except any structure permitted by the Council, to a place which is not part of a Public Road or Public Place;
- (o) May not store his or her Property in a manhole, storm water drain, public toilet, bus shelter or in a tree; and,
- (p) May not carry on Trading in a place or area in contravention of any prohibition or restriction approved by the Council in terms of Section 6A (2) OF THE Act.

## 12. Removal and impoundment

- (1) An Authorised Official may remove and or impound any Property of a Trader which –
- (a) He or she reasonably suspects is being used or which is intended to be or has been used for or in connection with Informal Trading; and
  - (b) Is found at a place where Informal Trading is restricted or prohibited.



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(2) The removal and impoundment of property in terms of subsection (1) may be effected irrespective of whether or not such Property is in the possession or under the control of any third party at the time.

(3) Any Authorised Official acting in terms of subsection (1) must, except where Goods have been left or abandoned, issue to the person carrying on Trading, a receipt for any Property so removed and impounded, which receipt must-

- (a) Itemise in detail the Property to be removed and impounded;
- (b) Provide the address where the impounded Property will be kept and the period of such impoundment;
- (c) State the terms and conditions for the release of the impounded Property;
- (d) State the Impoundment Costs to be paid by the Trader concerned;
- (e) State the terms and conditions relating to the sale of unclaimed Property by Public auction: and
- (f) Provide the name and address of a municipal official to whom any representations regarding the impoundment may be made and the date and time by which this must be done.

**13. Vicarious liability**

(1) When an employee or agent of an Informal Trader contravenes a provision of this By-Law, the Informal Trader shall be deemed to have committed such contravention unless such Trader satisfies the court that he or she took reasonable steps to prevent such contravention.

(2) The fact that the Trader issued instructions to the employee or agent, prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

(3) Where a manager, representative, agent, employee or member of the family of a shopkeeper performs or omits to perform any act, and it would be an offence under this By-law as contemplated in the Mpumalanga Trading Hours Act, 1999 or any regulation made thereunder, for the shopkeeper to perform or omit to perform such act himself or herself, the shopkeeper shall reasonably be deemed himself or herself to have performed or omitted to perform such act, unless he or she satisfies the court that –

- (a) he or she neither connived at nor permitted the act or omission by the manager, representative, agent, employee or member of his or her family concerned.
- (b) an act or omission, whether lawful or unlawful, of the nature charged, on no condition or under no circumstances came within the scope of the authority or

## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

employment of the manager, representative, agent, employee or member of his or her family concerned; or

(c) he or she took all reasonable steps to prevent his or her manager, agent, representative, employee or member of his or her family to perform such an act, shall not in itself constitute such reasonable steps.

#### 14. Offences and penalties

(1) Any person who-

(a) Contravenes or fails to comply any provision of this By-Law;

(b) Fails to comply with any notice issued in terms of this By-Law;

(c) Fails to comply with any lawful instruction given in terms of this By-Law;

(d) Who obstructs or hinders any authorised representative in the execution of his or her duties under this By-law, is guilty of an offence and liable on conviction to a fine not exceeding **R1500. 00** or, in default of payment, to imprisonment for a period **not exceeding 3 (three) months** and in the case of a continuing offence, to a further fine not exceeding **R2000. 00** or, in default of payment, to imprisonment **not exceeding six months**, for every day during the continuation of such offence, after written notice has been issued by the Council and served on the person concerned, requesting the discontinuation of such offence;

(e) When requested in terms of section 5(1)(a)(iii) of the Mpumalanga Trading Hours Act, 1999, to produce any document, licence, book or record, refuses or fails to do so, or who when requested in terms of section 5(1)(b) gives a false or incorrect reply or who, when required to furnish information in terms of section 5(1)(c), refuses or furnishes false or incorrect information; or

(f) Opens or keep open a shop contrary to the designated special opening and closing hours,

(1) Shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one (1) year or to both a fine and such imprisonment.

(2) Where a shopkeeper is convicted of an offence referred to in subsection (1) of the Mpumalanga Trading Hours Act, 1999, the court may, in addition to any penalty imposed in terms of that subsection, prohibit the shopkeeper or any successor to the shopkeeper from trading in, on or from the shop concerned outside trading hours

#### 15. Regulations

(1) The Council may make regulations regarding-

(a) The declaration of any place to be an area in which Trading is restricted or prohibited and the prescription or making of signs, markings or other devices, as contemplated in terms of section 9;



**BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW**

(b) The setting apart and demarcation of stands or areas for the purposes of street trading and the extension, reduction or disestablishment thereof, as contemplated in terms of Section 10;

(c) (i) The disposal of any Property which has been removed and impounded, as contemplated in terms of Section 11; an

(ii) The liability of any person for any reasonable expenses incurred in connection with such removal, Impoundment and disposal

(e) Any matter which may prescribed in terms of this By-Law and any matter which may facilitate the application of this By-Law.

(2)(a) The Council shall, not less than 1 (one) month before promulgating a regulation in terms of Section [1], cause a draft of the regulation to be communicated to the Local Government: Municipal Systems Act, 2000[Act No. 32of 2000], together with a notice declaring the intention of the Council to issue such a regulation and inviting comments or representations from members of the community.

**16. Miscellaneous**

This By-Law shall be called Bushbuckridge Trading By-Law as approved by Municipal Council and effected thereof on promulgation.



## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

**SCHEDULE 1****BUSINESS IN RESPECT OF WHICH A TRADING LICENSE IS REQUIRED (SECTION 2)****Item 1: Sale or supply of meals or Perishable foodstuffs**

- (1) The carrying on a business by the sale to consumers of –
  - (a) Any foodstuff in the form of meals for on or off the business premises; or
  - (b) Any perishable foodstuffs.
- (2) For the purposes of sub-item (1) “perishable foodstuffs” means any foodstuff or category of foodstuffs declared by the responsible Member by notice in the *Provincial Gazette* to be a perishable foodstuffs for the purposes of this item.

**Item 2: Sale or supply of goods and services**

- (1) The carrying of business by selling of –
  - (a) Clothing
  - (b) Fabric materials
  - (c) Hardware
  - (d) Electronics

**Item 3: Provision of certain types of health facilities or entertainment**

- (1) The carrying of business by –
  - (a) Providing Turkish baths, saunas or other health baths,
  - (b) Providing massage or infra-red treatment
  - (c) Making the services of an escort, whether male or female, available to any other person
  - (d) Keeping three or more mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by an insertion of a coin, token coin or disc therein or in an appliance attached thereto or in any other manner.
  - (e) Keeping three or more snooker or billiard tables;
  - (f) Keeping or conducting a night club or discotheque;
  - (g) Keeping or conducting a cinema or theatre.

## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

**SCHEDULE 2****BUSINESSES EXCLUDED FROM BUSINESSES REFERRED TO IN SCHEDULE 1**

- (1) A business which is carried on by the State or Local authority
- (2) A business which is carried on by a charitable, religious, educational, cultural association, organisation or institution of a public nature, if all profits derived from the business are devoted entirely to the purpose of that or any other such association, organisation or institution.
- (3) In the case of a business referred to in item 1(1) of schedule 1, such a business which is carried on –
  - (a) By a social, sports or recreation club which is a non-proprietary club and restricts the business to the sale or supply to its members and their guests of foodstuffs for consumption on or in the business premises;
  - (b) By or on behalf of an employer for an employee as such of the employer.
- (4) A business referred to in item 1(1)(a) of schedule 1, if the meals concerned are prepared and sold in a private dwelling.

## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

## SCHEDULE 3

**TRADING HOURS IN TERMS OF PROVISIONS OF THE MPUMALANGA TRADING HOURS ACT, 1999**

CATEGORY	OPENING TIMES	CLOSING TIMES
Wholesalers	08:00	17:00
Supermarket	07:00	19:00
General Dealer	07:00	19:00
Hardware	08:00	18:00
Café /restaurant	06:00	21:00
Tuck t shop/spaza shop	06:00	20:00
Motor Spares/workshop related	08:00	17:00
Butchery	08:00	17:00
Street hawkers/Market Stall	06:00	17:00

**BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW****SCHEDULE 4****PLACES WITH RESTRICTED TRADING HOURS****PLACES**

A. Gardens and Parks:

B. Verges contiguous to the following-

Places of worship, national Monuments

And public buildings:

C. Restricted areas:

(With number and date of notice of  
Declaration thereof)

With regard to A, B, and C above, the hours determined by Council after receiving specific applications.

**SCHEDULE 5****PLACES WHERE GOODS OR SERVICES ARE RESTRICTED****PLACES**

A. Gardens and Parks:

B. Verges contiguous to the following-

Places of worship, national Monuments

And public buildings:

C. Restricted areas:

(With number and date of notice of  
Declaration thereof)

With regard to A, B, and C above, the goods or services determined by Council from time to time.



**BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW****SCHEDULE 6****PLACES WHERE TRADING IS RESTRICTED TO DERMACATED STANDS AND AREAS**

- A. Gardens and Parks:
- B. Verges contiguous to the following-  
Places of worship, national Monuments  
And public buildings:
- C. Restricted areas:  
(With number and date of notice of  
declaration thereof)

**SCHEDULE 7****VERGES WHERE TRADING IS PROHIBITED**

THE VERGES CONTIGUOUS TO THE FOLLOWING:

- A. Public Buildings
- B. Places of Worship
- C. National Monuments

**SCHEDULE 8****AREAS EXCLUDED FROM RESTRICTION ON TRADING NEAR RESIDENTIAL BUILDINGS**

- A. Townships and portions of townships.
- B. Public roads and portions of public roads.



## BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

**LIQUOR TRADING HOURS SCHEDULE****1. PURPOSE**

Is to incorporate Section 25(2)(b) and (c) of the Mpumalanga Liquor Licensing Act, No. 5 of 2006 into this by-law as contemplated in the Constitution of the Republic of South Africa in terms of Part A of Schedule 5 of the Constitution and to set out the role the Municipality should play in the liquor licensing process and to further propose a minimum requirements for the municipality in order to facilitate effective engagements with the relevant Provincial Liquor Authority during the processing of liquor licence applications.

**2. BACKGROUND**

In terms of Part A of Schedule 5 of the Constitution of the Republic of South Africa, it spells out that "liquor licensing" is a functional area of exclusive provincial competencies, whereas trading regulations and control of undertakings that sell liquor to the public are listed in Part B of Schedule 4 and 5 respectively as Local Government function competencies. The role of the municipality is only limited to the regulation of trading and determination of liquor outlets, but what is critical is the involvement of the municipality throughout the process of liquor licensing and to ensure that the liquor licensing authorities do consider the views of the municipality before making a decision on an application for a liquor license.

The granting of liquor licenses by the relevant liquor authority without the meaningful participation of the municipality will most likely undermine the municipal planning initiatives, in the sense that licenses for undertakings that sell liquor will be granted in areas that are contrary to the municipality's development policies. Whilst the granting of a liquor license does not on its own exempt a potential liquor trader from complying with the provisions of the applicable municipal zoning/town planning schemes, the granting of liquor licenses on inappropriately zoned properties will create an enforcement dilemma for municipalities.

**3. ROLE OF THE MUNICIPALITY**

In terms of Section 156(1) (a) read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, the control of undertakings that sell liquor to the public is listed as functional competence of Local Government. Furthermore Section 156(2) of the constitution authorises municipalities to make and administer by-laws dealing with matters that fall within the functional competencies of Local Government. Thus the regulation of trading days and hours, as well as the determination of premises from which undertakings that sell liquor to the public, are matters that fall within the functional competence of the municipality.

### BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

Section 35(2)(b) of the Mpumalanga Liquor Licensing Act, No. 5 of 2006, authorises the municipality to make comments on the application process for liquor license and further indicates the manner in which comments may be made including applicable terms and conditions subject to which such a license may be issued including the time-frame for the comments to be made.

- (a) The municipality hereby formulate by-laws that set trading days and hours in order to deal with the problem of operating hours for liquor outlets and specifically make provisions that deal with:
- Trading days and hours for off-premise consumption;
  - Trading days and hours for on the premise consumption;
  - Trading days and hours for different categories of liquor undertakings;
  - Trading days and hours that are informed by the location of the liquor undertaking and
  - Penalties for contravention of any provision of the by-law
- (b) Formulate policy that provides guidelines on the location and regularisation of liquor outlets, especially in residential areas and neighbourhood nodes;
- (c) For the purpose of uniformity, effective and consistent application, ensure uniform trading hours.

### ANNEXURE 3

[Form 3]

#### MUNICIPALITY COMMENT FORM IN TERMS OF SECTION 35(2)(b) OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

##### A. COMMENTS OF THE MUNICIPALITY

Name of the Municipality: \_\_\_\_\_.

**The Municipality has considered the details of the duly lodged application of Mr. / Ms. \_\_\_\_\_, being the applicant as detailed below in paragraphs B, C and D and comments as follows:**

The proposed liquor business is within the jurisdiction of the municipality;

The proposed business premises is suitable for the licence type applied for;

The proposed business premises is in close proximity to a public road;

The proposed business premises is in close proximity to a business / undertaking which may have conflicting interests with a liquor business;

The proposed business premises is situated in close proximity to a learning institution;

The proposed business premises is situated in close proximity to a religious institution;

The proposed business premises is in the Public interest;



**BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW**

The proposed business premises is currently under construction.

**The Municipality supports the application**

Reasons for supporting / not supporting the application: **(Delete whichever is not applicable)**

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**Recommended business hours, if application is supported.**

Business hours on Sunday : From \_\_\_\_\_ to \_\_\_\_\_;

Business hours on Monday : From \_\_\_\_\_ to \_\_\_\_\_;

Business hours on Tuesday : From \_\_\_\_\_ to \_\_\_\_\_;

Business hours on Wednesday : From \_\_\_\_\_ to \_\_\_\_\_;

Business hours on Thursday : From \_\_\_\_\_ to \_\_\_\_\_;

Business hours on Friday : From \_\_\_\_\_ to \_\_\_\_\_;

Business hours on Saturday : From \_\_\_\_\_ to \_\_\_\_\_;

Business hours on public holidays : From \_\_\_\_\_ to \_\_\_\_\_.

Reasons for the recommended business hours:

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**B. PERSONAL PARTICULARS OF APPLICANT**

Mr. / Ms. \_\_\_\_\_, ID Number: \_\_\_\_\_, an adult male / female\* who applied for a liquor licence, to trade under the name \_\_\_\_\_, on behalf of myself / \*on behalf of a juristic person, being: \_\_\_\_\_ **\*Delete whichever is not applicable**

**C. LICENCE TYPE APPLIED FOR**

Category of licence applied for is: \_\_\_\_\_

**D. BUSINESS PREMISES**

Physical address: \_\_\_\_\_, being an address in the Republic of South Africa and situated within the boundaries of Mpumalanga Province. Postal address: \_\_\_\_\_

Signature: \_\_\_\_\_

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

BUSHBUCKRIDGE LOCAL MUNICIPALITY TRADING BY-LAW

**Authorized to sign for or on behalf of the Municipality:**

Initials and Surname: \_\_\_\_\_

Resolution number, if applicable: \_\_\_\_\_

Signature: \_\_\_\_\_ date: \_\_\_\_\_

Capacity: \_\_\_\_\_

Official stamp of Municipality







Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.  
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

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