

**NORTHERN CAPE PROVINCE**

**PROFENSI YA KAPA-BOKONE**



**NOORD-KAAP PROVINSIE**

**IPHONDO LOMNTLA KOLONI**

**Provincial Gazette  
Kasete ya Profensi**

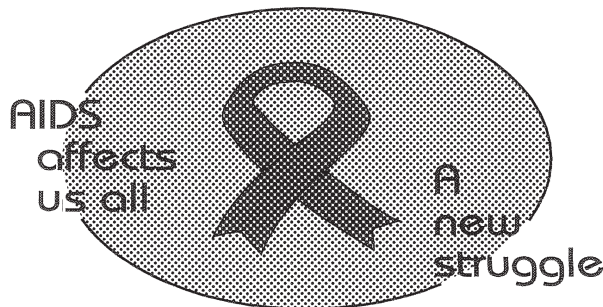
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**KIMBERLEY**  
9 September 2024  
9 September 2024

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**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

**Prevention is the cure**

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 626 OF 2024***EMTHANJENI LOCAL MUNICIPALITY***CLOSING OF A PORTION OF PUBLIC PLACE ERF 4543 DE AAR**

*Notice is hereby given in terms of the Spatial Planning and Land Use Management Act (Act 16/2013) and Section 37 (2) of the Land Survey Act (Act 8/1997), that the Emthanjeni Local Municipality approved the amendment of General Plan F5294/1973 by the closure of a portion of Public Place Erf 4543 De Aar.*

*(SG. reference: S/8718/91 (p. 106)*

*DR van Zyl (Land Surveyor),  
P.O. Box 117,  
Trompsburg,  
9913*

**ALGEMENE KENNISGEWING 626 VAN 2024***EMTHANJENI PLAASLIKE MUNISIPALITEIT***SLUITING VAN 'N GEDEELTE VAN OPENBARE PLEK ERF 4543 DE AAR**

*Kennis geskied hiermee ingevolge die bepalings van die Ruimtelike Beplanning en Grondgebruiks Bestuur Wet (Wet 16/2013) en Artikel 37 (2) van die Grondopmetingswet (Wet 8/1997), dat die Emthanjeni Plaaslike Munisipaliteit toestemming verleen vir die wysiging van Algemene Plan F4292/1983 vir die sluiting van 'n gedeelte van Openbare Plek Erf 4543 De Aar.*

*(LG. verwysing: S/8718/91 (p. 106)*

*DR van Zyl (Landmeter),  
Posbus 117,  
Trompsburg,  
9913*

**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS****MUNICIPAL NOTICE 229 OF 2024****PUBLIC NOTICE: GAZZETTING OF THE BY-LAW****DIKGATLONG LOCAL MUNICIPALITY TUCKSHOP AND TAVERN BY-LAW 2024**

Notice is hereby given in terms of Sections 152 (1) (e) and 156 of the Constitution of the Republic of South Africa and in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), enacts and publishes the By-law set forth hereinafter, which has been approved as per resolution number 2024/07/19 dated 5<sup>th</sup> of July 2024 by the said Municipal Council in terms of section 12 of the Municipal Systems Act 32 of 2000 for application in the jurisdiction area of Dikgatlong Local Municipality. The By-Law shall take effect on the date of publication hereof and shall be called Dikgatlong Local Municipality Tuckshop and Tavern By-Law 2024.

Dikgatlong Local Municipality Tuckshop and Tavern By-Law will be available to the public via the Dikgatlong Local Municipality website (<https://www.dikgatlong.gov.za>) and at the municipal offices or office of the Acting Municipal Manager at 33 Campbell Street, Barkly West, 8375 during normal office hours (07:30 to 16:00).

All enquiries may be directed to the Acting Director of Planning and Development (Mr. Freddy Netshivhodza) at Frances Baard District Municipality during normal office hours (07:30 to 16:30) by telephone at 053 838 0911/053 838 0929, or in writing at the address below or by email at: [freddy@fbdm.co.za](mailto:freddy@fbdm.co.za).

THE MUNICIPAL MANAGER,  
FRANCES BAARD DISTRICT MUNICIPALITY  
51 DRAKENSBERG AVENUE  
CARTERS GLEN  
KIMBERLEY  
8300

**DIKGATLONG LOCAL MUNICIPALITY**

**TUCKSHOP AND TAVERN BY-LAW**

**25 August 2024**

## **POLICY PHILOSOPHY AND PRINCIPLES**

Dikgatlong Local Municipality has been facing a problem of unlawful activities particularly with regards to tuck shops and taverns. There has not been a policy which clearly states the conditions of development and function of these specific businesses. This policy aims to provide the municipality with a tool to regularize these informal or illegal businesses and provide a platform where they can be formalized and registered. By developing the tuck shop and tavern policy it aims to also allow community members to become more involved in developments that occur in their areas. The policy will require that applications received Consent Use Applications for a period of 3-5 years of which after this period taverns will have to rezone from residential to business use and tuck shops renew their applications. Documentation of these applications needs to be recorded to assist in rezoning applications.

## **DEFINITIONS**

**“Consent use”** means the usage of land for which it is not zoned for, but which is made provision for in the existing land use management scheme applicable to the land in question;

**“Council”** means a Municipal Council referred to in Section 157(1) of the Constitution of the Republic of South Africa;

**“Erf”** Means a piece of land in an approved township, registered in the Deeds Registry as an erf, plot or stand or shown as such on a General Plan of a proclaimed township.

**“Municipal Planning Tribunal”** means the Municipal Planning Tribunal appointed and by the Council and established by the Municipality in terms of the SPLUMA.

**“Residential- based Business”** means any occupational activity conducted by a resident within or in conjunction with a residential house, second dwelling, residential unit or outbuilding for financial gain. A residential-based business is an accessory use to the primary use of the property and the residential component remains the main use of the erf.

**“Residential building”** means a building consisting of one or more residential units (excluding a group house, residential house or second residential unit) for human habitation, together with the outbuildings used therewith, and it includes boarding-houses, guest-houses, flats, hotels (without off-sales facility), residential clubs, old,

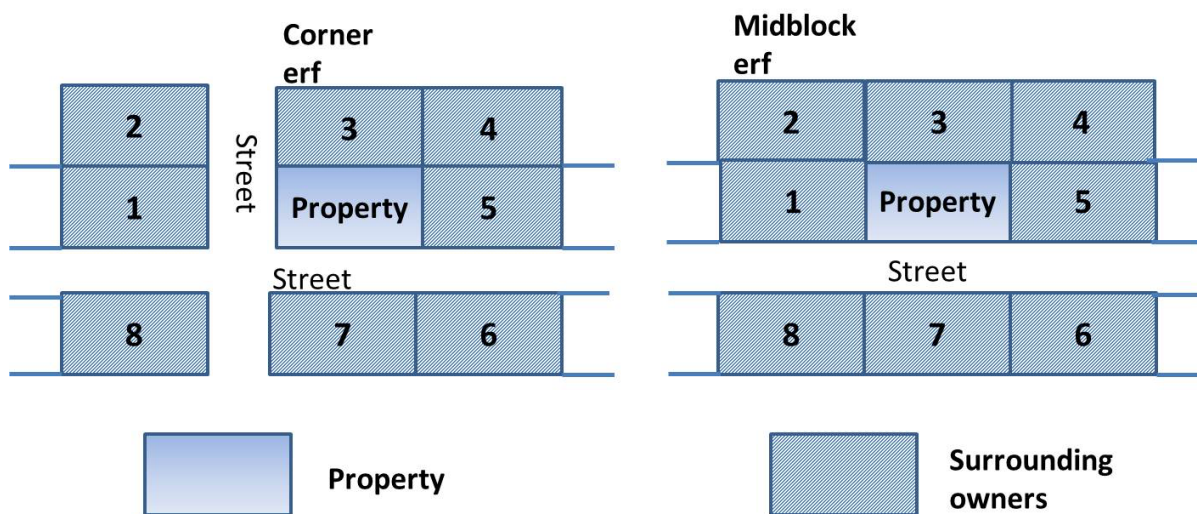
aged homes, children’s homes and hostels, but excluded buildings that are defined as “place of education” or “institution”;

“**Residential house**” means a building containing only one residential unit – a self-contained interlinking group of rooms for accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a “family”, together with such outbuildings as are ordinarily used therewith;

“**Residential unit**” means a self-contained interlinking group of rooms for accommodation and housing of a single family, or a maximum of four persons who do not satisfy the definition of a “family”, together with such outbuildings as are ordinarily used therewith;

“**Spatial Planning and Land Use Management Act (SPLUMA)** ” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

“**Surrounding owners** ” means the registered owners of the properties directly bordering the property or across the road/street (refer to diagram) and also such owners that the local authority may specify.



“**Taverns**” means land or a building designed for or a portion of a building used for the purposes of selling and serving liquor, other beverages and subservient prepared food/snacks, to be consumed on the premises /on-site consumption of liquor but excluding a place of amusement, provided that the establishment and operation of a tavern shall be subject to a license in terms of the Liquor Act, 1989 (Act 27 of 1989) and any amendments thereof as well as a license in terms of the Business Act, 1991 (Act 71 of 1991) and any amendments thereof in respect of the sale or supply to

consumers of any foodstuff in the form of meals for consumption on the property and by means of the Sorghum Beer Act 63 of 1962.

**“Tuck shop”** means a small commercial business which conducts the sale of day-to-day convenience goods from a part of the house or outbuilding, where the goods are generally sold through a window, door-way or hatchway, and does not include a walk-in shop where goods are on public display provided that stock shall be limited to the volume that can be accommodated in the tuck shop and no processing, subdividing or preparing of food may be done and no stock may be stored outside of the tuck shop.

**“Owner”** means in relation to land or building includes:

- a) Any person in whose name the land in question is registered in a deeds registry,
- b) The holder of a registered right or lease or any successor in title of such a person,
- c) Any registered tenant, or
- d) For the purpose of processing in any application, the written assignee of the owner (letter of authority must be handed to the Municipal Planning Tribunal)

**“Outbuilding”** means an additional and approved single storey structure, either attached to or separate from the main unit, but does not include a kitchen, and designed to be normally used for the housing of a bona fide servant who works on the erf, for the parking of motor vehicles and for storage purposes, in so far as these uses are usually and reasonably required in connection with the main structure, but does not include a second residential unit;

**“Municipality”** means Dikgatlong Local Municipality and any other committee or person or other body acting by virtue of any power delegated to it in terms of legislation.

## **PURPOSE OF THE POLICY**

This Policy should have the following aims:

- a) Enable and encourage bona fide illegal traders to legitimise their businesses;
- b) Allow for community involvement in determining the location of tuck shops and taverns;



- c) Address the issue of illegal tuck shops and taverns in residential areas in the face of efforts to legalise tuck shops and taverns;
- d) Become actively involved in the distribution of these service;
- e) Reduce the social cost of liquor abuse in poorer communities;
- f) Ensure that the activity is acceptable in the surrounding communities;
- g) The approval of an application will be in the public interest;
- h) Such an approval will not prejudice the residents in a residential area; and
- i) That the premises are suitable for such business.

### **OVERRIDING PRINCIPLES**

The following overriding principles should prevail:

- a) The approval of a new tavern or tuck shop should not result in a change in the character of the local area in which it is to be located.
- b) It should generate economic activity through the provision of income and employment opportunities for the local community.
- c) It should ensure increased convenience for the local community in terms of access to services.
- d) The operator must be in a position to contain and remove any nuisance factors resulting from the operation of the liquor business. These include factors such as noise, smell, safety, littering and parking.
- e) Access to a liquor license is not a right and must be accompanied by duties and responsibilities that limit the negative social impact of the sale of liquor.

### **LEGISLATIVE FRAMEWORK**

The residential business (including both taverns and tuck shops) must comply with the following regulations in order to ensure compatibility with the residential character and that conditions are imposed to maintain and control taverns and tuck-shops:

- a) that the owner obtains a business license for the preparation of meals as required in terms of the Business Act, 1991 (Act 71 of 1991);
- b) that the premises comply with the general hygiene requirements for food premises and the transport of Food Regulation 918 of 1999 as promulgated under the Health Act, 1977, (Act 63 of 1977) and National Health Act, No. 61 of 2003;
- c) that the premises comply with government notice R975 of 2000 relating to the smoking of tobacco products in public places as promulgated in terms of Section 2 of the Tobacco Products Control Act, 1999 (Act 12 of 1999) as amended.

- d) the Liquor Act 59 of 2003 this Act applies to all manufacturing and distribution of liquor or methylated spirits and to the regulation of importable substances within the Republic.
- e) Northern Cape Liquor Act 2 of 2008 as amended by Northern Cape Liquor Amendment Act, 2011:
- to provide for the retail and supply of liquor;
  - to regulate the application for licenses;
  - to provide for public notification and participation;
  - to regulate applications for the granting of different kinds of licenses;
  - to provide for the promotion of responsible consumption of liquor; and
  - to reduce the socio-economic problems emanating from alcohol abuse.
- f) Dikgatlong Land Use Scheme, 2018: the purpose of the Scheme shall be to establish and hold land use rights and develop land; furthermore, to regulate the development of land, with respect to the use of the same, to regulate the location and use of buildings and structures for different land uses; to regulate the bulk and aesthetics of buildings and other structures to be erected hereafter or the alteration of existing properties and land parcels; to prescribe building lines; to protect and improve amenity; to promote and general welfare.
- g) Dikgatlong Local Municipality Land Use Management By-Law 8 February 2016
- No person may commence, continue, or cause the commencement or continuation of land development without the approval of the Municipality.
  - The owner of land or a person must apply to the Municipality in terms of this By-law for one or more of the development rights.
  - All applications for land development rights will be decided upon by the Municipal Planning Tribunal of the Municipality or by the designated official of the Municipality as appointed by Council in terms of this bylaw.

## **GUIDELINES**

Unless otherwise specified in the approval, an approval for a tuck shop consent use is subject to the following conditions:

- (a) The extent and position of the retail component shall be clearly defined on a plan excluding any toilet, change room and storeroom, and shall be between 10-20m<sup>2</sup> and not exceed 20 m<sup>2</sup>, whichever is the lesser area;
- (b) In addition to the tuck shop, the property must contain a dwelling house, which must be occupied by the proprietor of the tuck shop;
- (c) Any structure or new structure, or alteration to the existing dwelling or outbuilding, must have building plans which should be submitted to the

municipality on application of a tuck shop. The structure should comply with the building regulations 103 of 1977;

- (d) Caravans or freight containers may be used to accommodate the business with consent from Municipal Planning Tribunal and should comply with Regulation 918.
- (e) No more than three persons, including the occupant of the dwelling house, are permitted to be engaged in retail activities on the property;
- (f) No advertising signs may be displayed, with the exception of an unlit sign or board which does not stick out into the street or does not have a surface area of more than 15000cm<sup>2</sup> (for instance 150 cm x 100 cm) and which indicates the name of the owner and business name only.
- (g) The following are not permitted in a tuck shop: vending machines, gaming machines, video games or pool tables, sale or storage of fireworks, sale or storage of liquor or alcoholic beverages, storage or sale of gas and gas containers, sale or storage of flammable liquids such as paraffin, diesel or petrol, spirits, thinners (Municipal By-Laws are applicable which include By-Law relating to Liquefied Petroleum gas and By-Law for preventing conditions likely to cause or further the spread of fires);
- (h) The Municipality may require on-site parking to its satisfaction;
- (i) Permission to operate a tuck shop may be granted to a particular operator operating from a particular property by Municipal Planning Tribunal, and is not transferable;
- (j) The continued exercising of the rights mentioned above, will be subject to the approval of the Municipality in the case of complaints being received by the Municipality about the manner in which these rights are exercised, without damaging further rights of the Municipality to revoke this consent at its own discretion;
- (k) The council may, if it is of the opinion that any profession, art, trade or activity is being conducted in a manner which is or is likely to be detrimental to the residential environment or a source of nuisance, serve a notice in writing on the person conducting such profession, art, trade or activity calling upon him to –
  - (i) comply with instructions set out in such notice, and
  - (ii) cease using the premises in question for such profession, art, trade or activity by a date specified in such notice;

- (l) If loading is part of the operation adequate off-road space be provided to accommodate the delivery vehicle;
- (m) The tuck shop shall not operate outside the hours of 07h00 to 21h00 on Mondays to Saturdays and 08h00 to 17h00 on public holidays or Sundays;
- (n) The area used for a tuck shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the house shop may be stored in a bedroom or toilet;
- (o) No animals are permitted in the area used for a tuck shop;
- (p) Surrounding area must be kept clean, provision of the premises of disposal of waste should be provided that is rubbish bins.

### **PROCEDURES**

1. Application forms for the running of a tuck shop from residential premises are available from the Town Planning Department and completed application forms must be submitted to the Planning Department.
2. Comment from owners/ occupants of adjacent properties must be obtained and must be submitted along with the application forms.
3. Application fees will be applied in line with the Council's tariff rates.
4. Once any application and prescribed application fee has been received, the Council will refer the specific application to any other relevant department for comment and input, as well as to the specific ward committee for input and recommendations.
5. After receiving all objections, input and comment, the Council will supply the applicants with copies of said objections and comments for perusal and comment. Communication between the applicant and complainants which could lead to the clearing up of misunderstandings, and therefore the withdrawal of complaints, is encouraged. If the applicant does not react to the said complaints/ input within 30 days, the application is regarded as expired.
6. No complaints which seem to be purely an attempt to remove commercial competition will be considered by the Municipal Planning Tribunal.
7. The specific application, together with all input, complaints and comments, will then be laid before the Municipal Planning Tribunal for approval.

## **ROLES**

1. The Department of Town Planning and Building Control is responsible for the processing of applications for tuck shops and the review and approval of applications is done by Municipal Planning Tribunal.
2. The Fire Department is responsible for the necessary fire safety inspections. These inspections must be carried out regularly in order to ensure that all the requirements of the Fire Prevention Service Act, 1987 (Act 99 of 1987) are complied with.
3. The Health Department is responsible for the necessary health inspections in order to prevent any health hazards.
4. The Electricity Department is responsible for ensuring that the applicant complies with the guidelines of the electricity installation regulations.
5. The Security Department is responsible for the carrying out of all policy laws.
6. The LED office monitors and co-ordinates the compliance to the requirements and conditions of the policy by the registered tuck shops by:
  - 6.1 Holding a meeting of the multidisciplinary committee, consisting of the LED department (convener), Town Planning and Building Control, Security, Fire, Environmental Health, Legal Services and Administration, on a quarterly basis.
  - 6.2 The aim of the afore mentioned meeting is putting together of a programme for the annual monitoring of all tuck shops within the JURISDICTION of the Council.
  - 6.3 The above-mentioned monitoring will be a joint effort between the LED, Fire, Security, Electricity and Health Departments, and will take place in a manner decided by the above committee.
  - 6.4 The LED department must report back to the Committee for Local Economic Development every six months regarding the situation and steps taken against tuck shops.
  - 6.5 LED department must present cases where regulations have been infringed to the next meeting of the Committee for Local Economic Development and immediately take, in consultation with the Security Department, steps against the perpetrators.

- 7 The Administration Department will handle the applications for commercial licenses if necessary.

### **RELATED LAWS AND POLICY**

The policy on the running of a tuck shop must be read in conjunction with the prescriptions in the Spatial Planning and Land use Management Act (16/2013 - SPLUMA), as well as with the Dikgatlong Municipality Spatial Planning and Land Use Management By-Law, 2016.

### **ANNEXURE A**

#### **DIKGATLONG LOCAL MUNICIPALITY**

#### **APPLICATION TO ENGAGE IN AN ECONOMIC ACTIVITY FROM A RESIDENTIAL HOUSE.**

I, the undersigned, hereby apply to run a tuck shop from my residential premises.

Surname											
Name											
Identity Number											
Postal address											
Street address											
Telephone	(home)					(work)					
Stand number.											
Are you the owner of the premises which are being considered for commercial use?											
Does the house belong to the Municipality?											

Name and type of tuck shop			
Will food be prepared in the tuck shop?	YES		NO
	If yes, fill in and attach the form marked Annexure D and hand it in to the Administration Department.		
Floor surface area used for business			
Proposed date of opening of business			

<b><u>For office use only</u></b>	
Floor surface area of existing building	Zoning of stand

I, the undersigned, do hereby declare that the above information is correct and true.

\_\_\_\_\_

\_\_\_\_\_

DATE

SIGNATURE

- |   |
|---|
| <p align="center"><b><u>THE FOLLOWING MUST ACCOMPANY THE APPLICATION</u></b></p> <ol style="list-style-type: none"> <li>1. A copy of the owner/ occupant’s identity document.</li> <li>2. Written comments from all adjacent owners or residents.</li> <li>3. If the house is municipal property a copy of the rental agreement must be attached or letter of confirmation obtainable from the municipality.</li> <li>4. The required application fee.</li> <li>5. Building/ terrain plans for proposed shop.</li> <li>6. Proof of marital status.</li> <li>7. Photos must also be provided clearly indicating the locality of the unlicensed or proposed tuck shop in relation to surrounding properties.</li> <li>8. The owner of the unlicensed or proposed tuck shop must provide a full</li> </ol> |
|---|

motivation as to why he/she regards the establishment to be acceptable to the surrounding erf owners.

**9.** Certified copy of title deed

**APPLICATION TO RUN A TUCK SHOP FROM A RESIDENCE**

I,----- (name of applicant) do hereby apply to run a TUCK SHOP from my residence at  
 ----- (street address)

**COMMENTS FROM ALL ADJACENT OWNERS/ RESIDENTS**

NAME	STREET ADDRESS	COMMENT	SIGNATURE



**ANNEXURE B****MINIMUM STANDARD HEALTH REQUIREMENTS FOR TUCK SHOPS.**

1. All tuck shops must be declared suitable for use as a tuck shop beforehand.
2. Hand washing facilities must be available-
  - a basin with clean water which is replaced regularly.
  - wastewater must be disposed of in an acceptable manner.
  - Soap and drying materials should be available.
3. Approved, independent, working cooling facilities for food which normally requires cooling should be available in the unit.
4. Goods must be acquired from an approved source.
5. Sanitary facilities must be reasonably available.
6. The range of supplies to be sold from the unit is limited to the quantity of stock which can be accommodated within the unit.
7. There should be smooth and washable wall, floor and working surfaces.
8. The unit should be dust proof.
9. Tightly closable rubbish bins must be provided.
10. Non-absorbing packing shelves should be provided.
11. No food is allowed to be on the floor.
12. General hygiene should be practiced at all times
13. No sleeping is allowed in the tuck shop.
14. Applications to prepare food will be individually considered and will, as such, be approved or refused.

## **ANNEXURE C**

### **REQUIREMENTS FOR THE SELLING OF PARAFFIN**

Paraffin may be sold from tuck shops under the following conditions only:

1. The maximum allowable quantity is 210 litres
2. This quantity must be stored in a metal, not plastic, container.
3. The filling bottles must be controlled by a valve if they are filled directly from the 210 litre container.
4. This container must have a drip tray, which lies on the floor, if the container is placed on an incline for gravitational flow.
5. The surface where the fluid is transferred must be a cement slab which would be able to contain 110% of the contents of the container if it were to leak.
6. The area where this fluid transference takes place should be well away from any flammable materials. A working, portable fire extinguisher should be available

## TAVERNS

### GUIDELINES

Unless otherwise specified in the approval, an approval for a tavern consent use is subject to the following conditions:

- (a) In addition to the tavern, the property must contain a dwelling house, which must be occupied by the proprietor or manager of the tavern;
- (b) The area where liquor is to be sold and consumed must be effectively separated from the residential component of the property.
- (c) Alcohol should be sold only to people over 18 years old.
- (d) The applicant must take adequate measures to the satisfaction of Municipality to mitigate the following potential negative impacts:
  - i. visual impact;
  - ii. impact of built form;
  - iii. impact on privacy of surrounding properties;
  - iv. noise.
- (e) The applicant must make adequate provision to the satisfaction of Municipality for the following:
  - i. parking and loading;
  - ii. storage and disposal of garbage;
  - iii. ablution facilities;
  - iv. cleaning of surrounding areas
- (f) Provision must be made for all goods connected with the house tavern to be stored inside a building or screened from the neighbours and the street.
- (g) The Municipality may restrict the maximum number of patrons and number of staff related to the tavern.
- (h) The following uses are not permitted in a tavern unless the prior written approval of the Municipal Planning Tribunal is obtained: vending machines, gaming machines, video games, amusement center and discotheque.

- (i) A liquor license shall be obtained from the Northern Cape Liquor Board in terms of the relevant legislation within a reasonable period of time from the granting of the consent. In the event of the liquor license being withdrawn or suspended, the Municipality's consent for the operation of a tavern shall automatically lapse.
- (j) Permission to operate a house tavern is granted to a particular operator, operating from a particular property, and is not transferable.
- (k) No tavern may be authorised on a rented premises without the written permission of the owner.
- (l) No external evidence of the tavern may be visible from the street, except for one un-illuminated sign, which shall be affixed to the wall of the dwelling or outbuilding.
- (m) Only one un-illuminated sign, shall be permitted, and shall not exceed 2 000 cm<sup>2</sup> in area. Such sign shall indicate only the name of the owner, name of the business, and nature of the retail trade and be within the standards stipulated in the Municipal By-laws on advertising.
- (n) No tavern may be authorized or established where its proximity to community uses or facilities, such as schools, places of worship, old age homes, crèches, public open spaces, hospitals, clinics, libraries, is likely to have a negative impact on the facility or within a distance of 100m from such a facility in the opinion of Municipality.
- (o) Smoking of tobacco products on the premises must comply with the Regulations of Smoking Tobacco products in Public Places, No R975 of September 2000.
- (p) The Dikgatlong Municipality reserves the right to impose any conditions and to rescind any resolution in case of valid objections/complaints having been received or should the approval conditions not be complied with; and
- (q) In addition to the above conditions, any other condition may be imposed according to circumstances in connection with any tavern.
- (r) The applicant must provide the municipality with adequate building plans which must clearly show that adequate measures have been taken to mitigate the following potential negative impacts: visual impact, impact on built form, impact

on privacy of surrounding properties, noise, parking and loading, storage and disposal of garbage, ablution facilities, storage, etc;

(s) Sufficient ventilation and light must be provided in the tavern.

### **STRUCTURAL REQUIREMENTS**

1. The total area used for the tavern on the property, including storage, shall not consist of more than 40% of the total floor area of the dwelling unit(s) on the property or 60m<sup>2</sup> (30 m<sup>2</sup>), whichever is the lesser, but not smaller than 20m<sup>2</sup>. The main use of the property shall remain residential.
2. The Municipality may require structural alterations to the property for fire or health reasons, and to ensure that the impact of the house tavern on neighbouring uses is minimised. A separate access way to the proposed tavern should be provided.
3. Only permanent buildings will be allowed for any tavern use;

### **ELIGIBILITY**

1. The applicant that applies for a tavern must be 21 years or older.
2. The owner of the tavern must be a South African resident, must reside on the premises on a permanent basis and the applicant must sign an affidavit in this regard;

### **OPERATING HOURS**

The tavern should have limited operating times so as to respect the residential character of the area it is located. Trading hours in the residential areas should thus be restricted to protect residents' rights. It is recommended that trading hours be limited as follows:

- Residential and rural areas: 10h00 to 00h00
- Local neighbourhood business areas: 10h00 to 02h00 the next morning
- Central business areas: **10h00 to 02h00 the next morning**
  
- Industrial areas: **10h00 to 02h00 the next morning**

It is recommended that these hours are promulgated in a Municipal by-law in order to bind the Liquor Board to these hours when issuing liquor licenses. If the municipality promulgates a by-law for trading hours indicated above, it must ensure that there is sufficient staff capacity to monitor and enforce these hours.

**ANNEXURE A****DIKGATLONG LOCAL MUNICIPALITY****APPLICATION TO ENGAGE IN AN ECONOMIC ACTIVITY FROM A RESIDENTIAL HOUSE.**

I, the undersigned, hereby apply to run a tavern from my residential premises.

Surname											
Name											
Identity Number											
Postal address											
Street address											
Telephone	(home)					(work)					
Stand number.											
Are you the owner of the premises which are being considered for commercial use?											
Does the house belong to the Municipality?											
Name and type of tavern											
Floor surface area used for business											
Proposed date of opening of business											

<b><u>For office use only</u></b>	
Floor surface area of existing building	Zoning of stand

I, the undersigned, do hereby declare that the above information is correct and true.

\_\_\_\_\_

\_\_\_\_\_

DATE

SIGNATURE

**THE FOLLOWING MUST ACCOMPANY THE APPLICATION**

1. A copy of the owner/ occupant's identity document.
2. Written comments from all adjacent owners or residents.
3. If the house is municipal property a copy of the rental agreement must be attached or letter of confirmation obtainable from the municipality.
4. The required application fee.
5. Building/ terrain plans for proposed tavern.
6. Proof of marital status.
7. Photos must also be provided clearly indicating the locality of the unlicensed or proposed tavern in relation to surrounding properties.
8. The owner of the unlicensed or tarven must provide a full motivation as to why he/she regards the establishment to be acceptable to the surrounding erf owners.
9. Certified copy of title deed
10. Rates and taxes clearance certificate
11. Internal photos of the existing unlicensed or proposed taverns clearly showing each room used by the taverns, furnishings, decor, fittings, sound proofing, floor coverings, ablution facilities, internal storage areas, etc.
12. External photos clearly indicating the external finishes of the structure which is used, its relationship to the existing dwelling unit on the erf, external storage areas, parking areas, treatment of erf boundaries, garbage disposal area, signage.
13. The owner must indicate how health and safety requirements are addressed
14. The owner must indicate how health and safety requirements are addressed
15. The applicant must provide the municipality with adequate building plans which must clearly show that adequate measures have been taken to mitigate the following potential negative impacts: visual impact, impact on built form, impact on privacy of surrounding properties, noise, parking and loading, storage and disposal of garbage, ablution facilities, storage, etc;

### **APPLICATION TO RUN A TAVERN FROM A RESIDENCE**

I,----- (name of applicant) do hereby apply to  
run a TAVERN from my residence at  
----- (street address)

#### **COMMENTS FROM ALL ADJACENT OWNERS/ RESIDENTS**

<b>NAME</b>	<b>STREET ADDRESS</b>	<b>COMMENT</b>	<b>SIGNATURE</b>

#### **1. LAW ENFORCEMENT**

It is imperative that all applications for taverns must be sent to the South African Police Services and the Traffic Services/Law Enforcement section of Municipality for their comment so as to ascertain whether:

- a) any criminal activities such as illegal gambling, sale or distribution of narcotics, etc. have occurred or alleged to have occurred on the property;
- b) incidents such as murders, stabbings, fights, etc. have been reported in the immediate vicinity of the property;
- c) vehicle and/or pedestrian accidents occurred in the vicinity of the property; and
- d) any illegal sale of liquor has been reported.

The house tavern should be refused if any of the abovementioned poses a problem.

#### **2. UNLICENSED TAVERNS AND TUCK SHOPS**



### 2.1. **Rectification process**

- (a) For the purpose of this policy unlicensed tavern are thus enterprises located on residential properties which do not have a land use approval in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013); Dikgatlong Local Municipality Land Use Management By-Law 8 February 2016 and the Northern Cape liquor Act no. 2 of 2008
- (b) All unlicensed taverns should be given a 6 (six) month amnesty period after the date of approval of this policy to submit the necessary applications in terms of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013); Dikgatlong Local Municipality Land Use Management By-Law 8 February 2016 and Dikgatlong Land Use Scheme, 2018.
- (c) A formal notice should be served on all unlicensed taverns informing them of this requirement. The notice must clearly indicate that the fact that an application is to be submitted does not necessarily indicate that approval will be granted. It must be clearly stated that the application will be considered in terms of the municipality's policy with regard to house taverns.
- (d) Should the taverns / property owner fail to comply or obtain the necessary approvals to operate a tavern within the 6 months amnesty period, a notice may be served by the municipality on this owner to immediately stop their activities and to close the taverns within 30 days of the notice.
- (e) The owners must furthermore also be informed that failure to comply with the notice will result in legal action being taken by Dikgatlong Municipality. A court interdict will be obtained against the owner of the property forcing him to suspend trade from the property.

### 3. **OFFENCES AND PENALTIES**

#### 3.1. Any person who –

- (a) contravenes or fails to comply with any provision of this policy;
- (b) fails to comply with any notice issued in terms of this policy;
- (c) fails to comply with any lawful instruction given in terms of this policy;
- (d) who obstructs or hinders any authorized representative in the execution of his or

her duties under this policy, is guilty of an offence and liable on conviction to a fine not exceeding R2000-00 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 one day, for every day during the continuation of such offence, after written notice has been issued by the municipality and served on the person concerned, requesting the discontinuation of such offence.

#### **4. WAIVER OF PROVISIONS**

- 4.1. The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of this policy: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- 4.2. In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent and such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

#### **5 COMPLAINTS AND ENFORCEMENT**

- 5.1 Any person may file a complaint at the municipality with the relevant department, who will address the complaint.
- 5.2 The Municipal Manager, the Director of the relevant department or his or her designate or other persons being designated to act for the purposes of this policy, are authorized to examine an area within the municipal boundaries on which an infraction is suspected, to determine whether the provisions of this policy are being observed or have been violated.

#### **6. SHORT TITLE AND COMMENCEMENT**

This bylaw shall be called the Dikgatlong Local Municipality Tuck Shop and Tavern By-Law 2024 and will commence on the date of publication of the government gazette notice.



## Closing times for **ORDINARY WEEKLY** **2024** NORTHERN CAPE PROVINCIAL GAZETTE

The closing time is **15:00 sharp** on the following days:

- **21 December 2023**, Thursday for the issue of Monday **01 January 2024**
- **29 December 2023**, Friday for the issue of Monday **08 January 2024**
- **08 January**, Monday for the issue of Monday **15 January 2024**
- **15 January**, Monday for the issue of Monday **22 January 2024**
- **22 January**, Monday for the issue of Monday **29 January 2024**
- **29 January**, Monday for the issue of Monday **05 February 2024**
- **05 February**, Monday for the issue of Monday **12 February 2024**
- **12 February**, Monday for the issue of Monday **19 February 2024**
- **19 February**, Monday for the issue of Monday **26 February 2024**
- **26 February**, Monday for the issue of Monday **04 March 2024**
- **04 March**, Monday for the issue of Monday **11 March 2024**
- **11 March**, Monday for the issue of Monday **18 March 2024**
- **15 March**, Friday for the issue of Monday **25 March 2024**
- **22 March**, Friday for the issue of Monday **01 April 2024**
- **28 March**, Thursday for the issue of Monday **08 April 2024**
- **08 April**, Monday for the issue of Monday **15 April 2024**
- **15 April**, Monday for the issue of Monday **22 April 2024**
- **22 April**, Monday for the issue of Monday **29 April 2024**
- **26 April**, Friday for the issue of Monday **06 May 2024**
- **06 May**, Monday for the issue of Monday **13 May 2024**
- **13 May**, Monday for the issue of Monday **20 May 2024**
- **20 May**, Monday for the issue of Monday **27 May 2024**
- **27 May**, Monday for the issue of Monday **03 June 2024**
- **03 June**, Monday for the issue of Monday **10 June 2024**
- **10 June**, Monday for the issue of Monday **17 June 2024**
- **14 June**, Friday for the issue of Monday **24 June 2024**
- **24 June**, Monday for the issue of Monday **01 July 2024**
- **01 July**, Monday for the issue of Monday **08 July 2024**
- **08 July**, Monday for the issue of Monday **15 July 2024**
- **15 July**, Monday for the issue of Monday **22 July 2024**
- **22 July**, Monday for the issue of Monday **29 July 2024**
- **29 July**, Monday for the issue of Monday **05 August 2024**
- **02 August**, Friday for the issue of Monday **12 August 2024**
- **12 August**, Monday for the issue of Monday **19 August 2024**
- **19 August**, Monday for the issue of Monday **26 August 2024**
- **26 August**, Monday for the issue of Monday **02 September 2024**
- **02 September**, Monday for the issue of Monday **09 September 2024**
- **09 September**, Monday for the issue of Monday **16 September 2024**
- **16 September**, Monday for the issue of Monday **23 September 2024**
- **20 September**, Friday for the issue of Monday **30 September 2024**
- **30 September**, Monday for the issue of Monday **07 October 2024**
- **07 October**, Monday for the issue of Monday **14 October 2024**
- **14 October**, Monday for the issue of Monday **21 October 2024**
- **21 October**, Monday for the issue of Monday **28 October 2024**
- **28 October**, Monday for the issue of Monday **04 November 2024**
- **04 November**, Monday for the issue of Monday **11 November 2024**
- **11 November**, Monday for the issue of Monday **18 November 2024**
- **18 November**, Monday for the issue of Monday **25 November 2024**
- **25 November**, Monday for the issue of Monday **02 December 2024**
- **02 December**, Monday for the issue of Monday **09 December 2024**
- **09 December**, Monday for the issue of Monday **16 December 2024**
- **13 December**, Friday for the issue of Monday **23 December 2024**
- **19 December**, Thursday for the issue of Monday **30 December 2024**

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