



# NORTH WEST NOORDWES

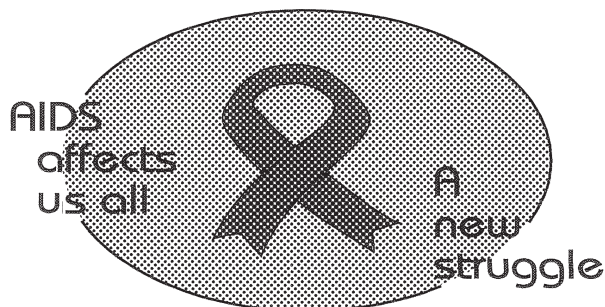
## PROVINCIAL GAZETTE PROVINSIALE KOERANT

Vol: 265

MAHIKENG  
16 August 2022  
16 Augustus 2022

No: 8404

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ISSN 1682-4539



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## Closing times for **ORDINARY WEEKLY** **2022** **NORTHWEST PROVINCIAL GAZETTE**

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

- **28 December 2021**, Tuesday for the issue of Tuesday **04 January 2022**
- **04 January**, Tuesday for the issue of Tuesday **11 January 2022**
- **11 January**, Tuesday for the issue of Tuesday **18 January 2022**
- **18 January**, Tuesday for the issue of Tuesday **25 January 2022**
- **25 January**, Tuesday for the issue of Tuesday **01 February 2022**
- **01 February**, Tuesday for the issue of Tuesday **08 February 2022**
- **08 February**, Tuesday for the issue of Tuesday **15 February 2022**
- **15 February**, Tuesday for the issue of Tuesday **22 February 2022**
- **22 February**, Tuesday for the issue of Tuesday **01 March 2022**
- **01 March**, Tuesday for the issue of Tuesday **08 March 2022**
- **08 March**, Tuesday for the issue of Tuesday **15 March 2022**
- **14 March**, Monday for the issue of Tuesday **22 March 2022**
- **22 March**, Tuesday for the issue of Tuesday **29 March 2022**
- **29 March**, Tuesday for the issue of Tuesday **05 April 2022**
- **05 April**, Tuesday for the issue of Tuesday **12 April 2022**
- **08 April**, Friday for the issue of Tuesday **19 April 2022**
- **19 April**, Tuesday for the issue of Tuesday **26 April 2022**
- **22 April**, Friday for the issue of Tuesday **03 May 2022**
- **03 May**, Tuesday for the issue of Tuesday **10 May 2022**
- **10 May**, Tuesday for the issue of Tuesday **17 May 2022**
- **17 May**, Tuesday for the issue of Tuesday **24 May 2022**
- **24 May**, Tuesday for the issue of Tuesday **31 May 2022**
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- **26 July**, Tuesday for the issue Tuesday **02 August 2022**
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- **30 August**, Tuesday for the issue of Tuesday **06 September 2022**
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- **13 December**, Tuesday for the issue of Tuesday **20 December 2022**
- **19 December**, Monday for the issue of Tuesday **27 December 2022**

**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 177 OF 2022****NOTICE OF APPLICATION FOR REZONING AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS: ERF 1507, KLERKSDORP EXTENSION 6, IN TERMS OF SECTION 94(1) OF THE CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT MUNICIPAL BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016, READ TOGETHER WITH SPLUMA, 2013 (ACT No. 16 OF 2013), CITY OF MATLOSANA – AMENDMENT SCHEME 1414**

I, Johannes Gerhardus Benadé (ID No: 621015 5064 08 1), of the firm Maxim Planning Solutions (Pty) Ltd (2002/017393/07) being the authorised agent of the owner of Erf 1507, Klerksdorp Extension 6, hereby gives notice in terms of Section 94(1) of the City of Matlosana Spatial Planning and Land Use Management Municipal By-Law on Spatial Planning and Land Use Management, 2016, that we have applied in terms of Sections 62 and 63 of the fore-mentioned By-law, read together with the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013) and with Section 56 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), to the City of Matlosana for the rezoning of Erf 1507, Klerksdorp Extension 6, situated on the corner of Moolman Street and Johannesburg Road, between Latham Avenue and Jacklin Street, in the eastern portion of Irene Park, from "Special", for the purposes of professional offices, shops and service enterprise to "Business 2", as well as the removal of restrictive title conditions: A.(b); A.(g); A.(i); B.(ii) and C, as contained in Deed of Transfer T70547/2021. The intention is to utilize Erf 1507, Klerksdorp Extension 6 for business- and residential purposes.

Particulars of the application will lie for inspection during normal office hours at the Records Section of the City of Matlosana, Basement Floor, Klerksdorp Civic Centre, corner of Bram Fischer- and O.R. Tambo Street, Klerksdorp, for the period of 30 days from 09 August 2022.

Objections to or representations in respect of the application, together with the reasons therefore, must be lodged with or made in writing, or verbally if the objector is unable to write, to the authorized agent and the Municipal Manager at the above address or posted to P.O. Box 99, Klerksdorp, 2570, within a period of 30 days from 09 August 2022. The closing date for submission of comments, objections or representations is 08 September 2022. Any person who cannot write may during office hours visit the City of Matlosana, where a named staff member of the City of Matlosana (Mr. Danny Selemoseng 018-487 8300) will assist those persons by transcribing their comments, objections or representations.

**ADDRESS OF AUTHORISED AGENT: MAXIM PLANNING SOLUTIONS (PTY) LTD (2002/017393/07), UNIT 35 CORPUS NOVEM OFFICE PARK, 35 DR. YUSUF DADOO AVENUE, WILKOPPIES, KLERKSDORP, 2571, P.O. BOX 6848, FLAMWOOD, 2572, TEL: 018-468 6366, e-mail: [johannes@maxim.co.za](mailto:johannes@maxim.co.za) (2/1946)**

**ALGEMENE KENNISGEWING 177 VAN 2022****KENNISGEWING VAN AANSOEK OM HERSONERING EN OPHEFFING VAN BEPERKENDE TITELVOORWAARDES: ERF 1507, KLERKSDORP UITBREIDING 6, IN TERME VAN ARTIKEL 94(1) VAN DIE “CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT MUNICIPAL BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016”, SAAMGELEES MET “SPLUMA, 2013 (ACT NO. 16 OF 2013)”, STAD VAN MATLOSANA – WYSIGINGSKEMA 1414**

Ek, Johannes Gerhardus Benadé (ID Nr: 621015 5064 08 1), van die firma Maxim Planning Solutions (Edms) Bpk (2002/017393/07) synde die gemagtigde agent van die eienaar van Erf 1507, Klerksdorp Uitbreiding 6, gee hiermee ingevolge Artikel 94(1) van die “City of Matlosana Spatial Planning and Land Use Management Municipal By-Law on Spatial Planning and Land Use Management, 2016”, kennis dat ons in terme van Artikels 62 en 63 van die voorafgaande verordening, saamgelees met die “Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)” en met Artikel 56 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), by die Stad van Matlosana aansoek gedoen het vir die hersonering van Erf 1507, Klerksdorp Uitbreiding 6, geleë op die hoek van Moolmanstraat en Johannesburgweg, tussen Lathamweg en Jacklinstraat, in die oostelike gedeelte van Irene Park, vanaf “Special”, vir die doeleindes van professionele kantore, winkels en dienste onderneming na “Business 2”, asook die opheffing van beperkende titelvoorwaardes A.(b); A.(g); A.(i); B.(ii) en C, soos vervat in Transportakte T70547/2021. Daar word beoog om Erf 1507, Klerksdorp Uitbreiding 6 vir besigheids- en woondoeleindes te gebruik.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Rekords Afdeling van die Stad van Matlosana, Kelder Verdieping, Burgersentrum, Klerksdorp, hoek van Bram Fischer- en OR Tambostraat, Klerksdorp, vir 'n tydperk van 30 dae vanaf 09 Augustus 2022.

Besware teen of verhoë ten opsigte van die aansoek, saam met die redes daarvoor, moet binne 'n tydperk van 30 dae vanaf 09 Augustus 2022 skriftelik, of mondelings indien die beswaarmaker nie kan skryf nie, by of tot die gemagtigde agent en die Munisipale Bestuurder by bovermelde adres of by Posbus 99, Klerksdorp, 2570 ingedien of gerig word. Die sluitingsdatum vir die indiening van kommentaar, beswaar of verhoë is 08 September 2022. Enige persoon wat nie kan skryf nie mag gedurende kantoor ure die Stad van Matlosana besoek, waar 'n aangewese amptenaar van die Stad van Matlosana (Mnr. Danny Selemoseng 018-487 8300) daardie persone sal assisteer deur die kommentaar, beswaar of verhoë te transkribeer.

**ADRES VAN GEMAGTIGDE AGENT: MAXIM PLANNING SOLUTIONS (EDMS) BPK (2002/017393/07), EENHEID 35 CORPUS NOVEM KANTOOR PARK, DR. YUSUF DADOOLAAN 35, WILKOPPIES, KLERKSDORP, 2571, POSBUS 6848, FLAMWOOD, 2572, TEL: (018) 468-6366, e-pos: [johannes@maxim.co.za](mailto:johannes@maxim.co.za) (2/1946)**

**GENERAL NOTICE 178 OF 2022****NOTICE IN TERMS OF SECTION 17(1) AND SECTION 17(15) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR THE SUBDIVISION, REZONING, AS WELL AS SUBSEQUENT CONSOLIDATION. RUSTENBURG AMENDMENT SCHEME 3084**

Maxim Planning Solutions (Pty) Ltd (2002/017393/07), herein represented by Dawid Jacobus Bos (ID No: 571216 5113 08 0), being the authorised agent of the owner of Remaining Extent of Portion 14 (a portion of Portion 9) of the farm Waterval No. 303, Remaining Extent of Portion 16 (a portion of Portion 8) of the farm Waterval No. 303, Remaining Extent of Portion 8 of the farm Waterval No. 303, Remaining Extent of Portion 6 of the farm Waterval No. 303, Remaining Extent of Portion 5 of the farm Waterval No. 303, Remaining Extent of Portion 48 (a portion of Portion 8) of the farm Waterval No. 303 Registration Division J.Q., Province of North West hereby gives notice in terms of the provisions of Section 17(1)(a) and Section 17(15) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018, that I have applied to the Rustenburg Local Municipality to subdivide all of the properties as mentioned above, to consolidate all subdivided portions and to rezone the consolidated property from their current zonings, as per the Rustenburg Land Use Scheme, 2021, (see Zoning Certificates) to a zoning of "Special" for a Solar Plant, in terms of the same Land Use Scheme. The proposed solar plant is located approximately 3.5km east of the Rustenburg CBD, next to the new Waterval Landfill site, situated adjacent to the D108 Provincial Road. All properties situated adjacent to properties described above could thereby be affected by the application. The application entails that all properties be subdivided, rezoned and consolidated to erect a solar photovoltaic plant as defined in Annexure 3084, with maximum height of two (2) storeys, maximum F.A.R of 0.6 and maximum coverage of 65%.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Room 319, Missionary Mpheni House, corner of Nelson Mandela- and Beyers Naude Drive, Rustenburg for the period of 28 days from **09 August 2022**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 16, Rustenburg, 0300 within a period of 28 days from **09 August 2022**.

**Address of authorised agent: Maxim Planning Solutions (Pty) Ltd (2002/017393/07), @ Office Building, 67 Brink Street, Rustenburg, P.O. Box 21114, Proteapark, 0305, Tel: (014) 592-9489. (2/1959 - Site1)**

**ALGEMENE KENNISGEWING 178 VAN 2022****KENNISGEWING INGEVOLGE ARTIKEL 17(1) EN ARTIKEL 17(15) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VERORDENING, 2018 VIR DIE ONDERVERDELING, DIE HERSONERING, ASOOK DIE DAAROPVOLGENDE KONSOLIDASIE. RUSTENBURG WYSIGINGSKEMA 3084**

Maxim Planning Solutions (Edms) Bpk (2002/017393/07), hierin verteenwoordig deur Dawid Jacobus Bos (ID No: 571216 5113 08 0), synde die gemagtigde agent van die eienaar van Resterende Gedeelte van Gedeelte 14 ('n gedeelte van Gedeelte 9) van die plaas Waterval No. 303, Resterende Gedeelte van Gedeelte 16 ('n gedeelte van Gedeelte 8) van die plaas Waterval No. 303, Resterende Gedeelte van Gedeelte 8 van die plaas Waterval No. 303, Resterende Gedeelte van Gedeelte 6 van die plaas Waterval No. 303, Resterende Gedeelte van Gedeelte 5 van die plaas Waterval No. 303, Resterende Gedeelte van Gedeelte 48 ('n gedeelte van Gedeelte 8) van die plaas Waterval No. 303 Registrasie Afdeling J.Q., Provinsie Noordwes, gee hiermee ingevolge die bepalings van Artikel 17(1)(a) en Artikel 17(15) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuurverordening, 2018, kennis dat ek by die Rustenburg Plaaslike Munisipaliteit aansoek gedoen het om al die eiendomme soos hierbo genoem, te onderverdeel, om alle onderverdeelde gedeeltes te konsolideer en om die gekonsolideerde eiendom van hul huidige sonerings te hersoneer, volgens die Rustenburg Grondgebruikskema, 2021, (sien Soneringstifikate) na 'n sonering van "Spesiaal" vir 'n Sonkragaanleg, ingevolge dieselfde Grondgebruikskema. Die voorgestelde sonkragaanleg is ongeveer 3,5 km oos van die Rustenburg-middestad geleë, langs die nuwe Waterval-stortingsterrein, langs die D108 Provinsiale Pad. Alle eiendomme langs eiendomme wat hierbo beskryf word, kan sodoende deur die aansoek geraak word. Die aansoek behels dat alle eiendomme onderverdeel, gehersoneer en gekonsolideer word om 'n sonfotovoltaïese aanleg op te rig soos omskryf in Aanhangsel 3084, met maksimum hoogte van twee (2) verdiepings, maksimum F.A.R van 0.6 en maksimum dekking van 65%.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Kamer 319, Missionary Mpheni House, hoek van Nelson Mandela-en Beyers Naude Rylaan, Rustenburg vir 'n tydperk van 28 dae vanaf **09 Augustus 2022**. Besware teen of versoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **09 Augustus 2022** skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 16, Rustenburg, 0300 ingedien of gerig word.

**Adres van gemagtigde agent: Maxim Planning Solutions (Edms) Bpk (2002/017393/07), @ Office Gebou, Brinkstraat 67, Rustenburg, Posbus 21114, Proteapark, 0305, Tel: (014) 592-9489. (2/1959 - Site1)**

**GENERAL NOTICE 179 OF 2022****NOTICE IN TERMS OF SECTION 17(1) AND SECTION 17(15) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR THE SUBDIVISION AND REZONING. RUSTENBURG AMENDMENT SCHEME 3085**

Maxim Planning Solutions (Pty) Ltd (2002/017393/07), herein represented by Dawid Jacobus Bos (ID No: 571216 5113 08 0), being the authorised agent of the owner of Portion 23 (a portion of Portion 22) of the farm Brakspruit No. 299, Registration Division J.Q., Province of North West hereby gives notice in terms of the provisions of Section 17(1)(a) and Section 17(15) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018, that I have applied to the Rustenburg Local Municipality to subdivide the above-mentioned property and rezone the subdivided property from "Agricultural" to a zoning of "Special" for a Solar Plant, in terms of the same Land Use Scheme. The proposed solar plant is located approximately 12.5km east of the Rustenburg CBD, next to the Karee village, situated adjacent to the D108 Provincial Road. All properties situated adjacent to Portion 23 (a portion of Portion 22) of the farm Brakspruit No. 299, Registration Division J.Q., Province of North West could thereby be affected by the application. The application entails that the above-mentioned property be subdivided and rezoned to erect a solar photovoltaic plant as defined in Annexure 3085, with maximum height of two (2) storeys, maximum F.A.R of 0.65 and maximum coverage of 65%.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Room 319, Missionary Mpheni House, corner of Nelson Mandela- and Beyers Naude Drive, Rustenburg for the period of 28 days from **09 August 2022**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 16, Rustenburg, 0300 within a period of 28 days from **09 August 2022**.

**Address of authorised agent: Maxim Planning Solutions (Pty) Ltd (2002/017393/07), @ Office Building, 67 Brink Street, Rustenburg, P.O. Box 21114, Proteapark, 0305, Tel: (014) 592-9489. (2/1959 - Site2)**

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**ALGEMENE KENNISGEWING 179 VAN 2022****KENNISGEWING INGEVOLGE ARTIKEL 17(1) EN ARTIKEL 17(15) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VERORDENING, 2018 VIR DIE ONDERVERDELING EN HERSONERING. RUSTENBURG WYSIGINGSKEMA 3085**

Maxim Planning Solutions (Edms) Bpk (2002/017393/07), hierin verteenwoordig deur Dawid Jacobus Bos (ID No: 571216 5113 08 0), synde die gemagtigde agent van die eienaar van Gedeelte 23 ('n gedeelte van Gedeelte 22) van die plaas Brakspruit Nr. 299, Registrasie Afdeling J.Q., Noordwes Provinsie, gee hiermee ingevolge die bepalings van Artikel 17(1)(a) en Artikel 17(15) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuurverordening, 2018, kennis dat ek by die Rustenburg Plaaslike Munisipaliteit aansoek gedoen het om die bostaande eiendom te onderverdeel en die onderverdeelde eiendom te hersoneer vanaf "Landbou" na 'n sonering van "Spesiaal" vir 'n Sonkragaanleg, ingevolge dieselfde Grondgebruikskema. Die voorgestelde sonkragaanleg is ongeveer 12,5 km oos van die Rustenburg-middestad geleë, langs die Karee dorp, langs die D108 Provinsiale Pad. Alle eiendomme langs Gedeelte 23 ('n gedeelte van Gedeelte 22) van die plaas Brakspruit Nr. 299, Registrasie Afdeling J.Q., Noordwes Provinsie, kan sodoende deur die aansoek geraak word. Die aansoek behels dat die bostaande eiendom onderverdeel en gehersoneer word om 'n sonfotovoltaïese aanleg op te rig soos omskryf in Aanhangsel 3085, met maksimum hoogte van twee (2) verdiepings, maksimum F.A.R van 0.65 en maksimum dekking van 65%.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Kamer 319, Missionary Mpheni House, hoek van Nelson Mandela-en Beyers Naude Rylaan, Rustenburg vir 'n tydperk van 28 dae vanaf **09 Augustus 2022**. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **09 Augustus 2022** skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 16, Rustenburg, 0300 ingedien of gerig word.

**Adres van gemagtigde agent: Maxim Planning Solutions (Edms) Bpk (2002/017393/07), @ Office Gebou, Brinkstraat 67, Rustenburg, Posbus 21114, Proteapark, 0305, Tel: (014) 592-9489. (2/1959 - Site2)**

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**GENERAL NOTICE 181 OF 2022****NOTICE IN TERMS OF CLAUSE 86(2) OF THE MADIBENG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 FOR A CHANGE OF LAND USE RIGHTS, AS PER HARTBESPOORT TOWN PLANNING SCHEME, 1993 – AMENDMENT SCHEME NO. 124**

We, Lombard Du Preez Professionele Landmeters (Pty) Ltd (Reg Nr: 1996/001771/07), being the authorized agent of the owner of **PORTION 1 OF ERF 1113 IFAFI EXTENSION 6 North West Province** hereby give notice in terms of Clause 86(2) of Madibeng Land Use Management By-law, 2016 that we have applied to the Madibeng Local Municipality for a change of land use rights also known as rezoning of the property described above, situated 80m north of Hartbeespoort dam within Ifafi neighbourhood, from "Private open space" to "Residential 3" with a maximum coverage of 50%, maximum Floor Area Ratio of 0,5 and a maximum height of single storey. Any objection or comments, with the grounds therefore and contact details, shall be lodged within a period of 30 days from 16 August 2022 the first date on which the notice appeared, with or made in writing to the Municipality at: **Room 223, second floor, Madibeng Municipal Office, 52 Van Velden Street, Brits**. Full particulars and plans of the application will lie for inspection during normal office hours at the above offices, for a period of 30 days from the date of first publication of the advertisement in the Provincial Gazette or Local Newspaper. Closing date for any objections: **14 September 2022**. Address of agent: LOMBARD DU PREEZ Professionele Landmeters (Edms) Bpk, **P. O. Box 798, Brits, 0250 (76 Van Velden Street) Tel. (012) 252 5959**. Dates on which notice will be published: 16 August 2022 and 23 August 2022.

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**ALGEMENE KENNISGEWING 181 VAN 2022****KENNIS INGEVOLGE KLOUSULE 86(2) VAN DIE MADIBENG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURS VERORDENING, 2016 VIR 'N VERANDERING VAN DIE GRONDGEBRUIKSREGTE SOOS PER HARTBESPOORT DORPSBEPLANNINGSKEMA, 1993 – WYSIGINGSKEMA NO. 124**

Ons, Lombard Du Preez Professionele Landmeters (Edms) Bpk (Reg Nr: 1996/001771/07), synde die gemagtigde agent van die eienaar van **GEDEELTE 1 VAN ERF 1113 IFAFI UITBREIDING 6, Noord-Wes Provinsie**, gee hiermee ingevolge Klousule, 86(2) van die Madibeng Grondgebruiksbestuur Verordening, 2016, kennis dat ons by die Madibeng Plaaslike Munisipaliteit aansoek gedoen het vir die verandering van die grondgebruikregte, ook bekend as die hersonering van die eiendom hierbo beskryf, geleë 80m noord van Hartbeespoort dam, Ifafi dorp vanaf "Privaat oop ruimte" na "Residensieel 3" met 'n maksimum dekking van 50%, en 'n maksimum vloeroppervlakverhouding van 0,5 en enkel verdieping. Enige besware of kommentaar, met gronde daarvoor, asook kontakbesonderhede, kan gebring word binne 'n tydperk van 30 dae vanaf 16 Augustus 2022, die eerste datum waarop die kennisgewing verskyn het na die **Munisipaliteit: Kamer 223, tweede vloer, Madibeng Munisipale kantoor, 52 Van Velden Straat, Brits**. Besonderhede en planne van die aansoek lê ter insae gedurende gewone kantoorure by bogenoemde kantoor, vir 'n tydperk van 30 dae vanaf die eerste verskyning van kennisgewing in die Provinsiale Gazette of plaaslike koerant. Sluitingsdatum vir enige besware: **14 September 2022, Posbus 798, Brits, 0250 (Van Veldenstraat 76). Tel. (012) 252 5959**. Datums waarop kennisgewings gepubliseer word: 16 Augustus 2022 en 23 Augustus 2022.

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## PROCLAMATIONS • PROKLAMASIES

## PROCLAMATION NOTICE 48 OF 2022

**MOSES KOTANE LOCAL MUNICIPALITY****BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE**

To control, manage and regulate outdoor advertising and signage and to provide mechanisms and guidelines for the control, regulating and management thereof and for matters connected therewith.

## 1. DEFINITIONS

**“advertisement”** means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol, or any light which is not intended solely for illumination or as a warning against any dangers and “advertising” has a similar meaning;

**“advertisement ownership”** mean that person or body that has authorised the advertising of information or a product. The authority who contracts a service provider for such an advertisement, the service provider who physically mounts or displays such an advertisement and the owner or body who’s information or product is being advertised, will jointly and severally be responsible for such advertisement and may jointly or severally be charged for any misconduct of this By-Law

**“advertising structure”** means any physical structure designed for an advertising sign, any detached screen or board that is greater than 4.5 m2 in overall size; supported by or made from a structure that is used to be affixed, displayed or shown as a sign.

**“advertising structure”** means any physical structure designed for an advertising sign, any detached screen or board that is greater than 4.5 m2 in overall size; supported by or made from a structure that is used to be affixed, displayed or shown as a sign.

**“billboard”** means any screen or board which stands free and is larger than 4.5m<sup>2</sup> in total area; which is supported by, or consists of, a structure used, for the purpose of posting, displaying or exhibiting a sign;

**“commercial advertising”** means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation in respect of any particular goods V3 manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events;

**“consultant”** means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign in terms of this By-Law;

**“environmental Impact Assessment”** (EIA) means an assessment carried out in accordance with the Municipality’s guidelines for outdoor advertising;

**“existing sign”** means any sign previously approved by the Municipality;

**“headline poster”** means a temporary poster advertising the contents of a daily or weekly newspaper;

**“loose portable sign”** means a freestanding locality bound notice or advertising board placed or erected in the road reserve or in a public place;

**“non-profit body”** means a body established primarily to promote a community goal or benefit without direct or personal financial gain, and may include educational, sporting, medical, municipal departments, bodies as well as charities or community organizations;

**“person” includes—**

(a) any organ of state;

(b) any company incorporated or registered as such under any law; and

(c) any body of persons, whether incorporated or not, functioning as a single entity for whatever purpose

**“public place”** means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a road reserve), lane, square, open space, garden, park or

enclosed place vested in the Municipality, or other state authority or indicated as such on the Surveyor General's records, or utilized by the public or zoned as such in terms of the applicable zoning scheme

**"Rural Area"** means an area outside the urban edge excluding natural areas

**"shop"** means a building used for retail trade or services;

**"sign"** means any object, product, replica, advertising structure, mural, device or board which is used to publicly display a sign or which is in itself a sign and includes a poster, billboard and an advertisement which is included in the architectural design of a building or structure

**"temporary signs"** means signs which are displayed for a maximum period of 14 days, or such other period as may be approved by the Municipality;

**"traffic sign"** means a road traffic sign as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996);

**"traffic signal"** means a road traffic signal as prescribed in the National Road Traffic Act, 1996 (Act 93 of 1996);

**"veranda"** includes a cantilever canopy and sunblind;

**"zone"** means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and "zoning" has a corresponding meaning.

## 2. PRINCIPLES

To find a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, environmental and heritage characteristics and traffic safety on the other side.

A fixed tariff should be used when a service connection or other once-off or occasional work is undertaken by the municipality in connection with provision of a service and when a metered amount of a service is consumed; a consumption-based tariff should be used

## 3. SUBMISSION OF APPLICATIONS

No person may display, erect, use or continue to use any advertisement, advertising sign or any advertising structure, without first having obtained the written approval of the Council: Provided that the provisions of this Subsection do not apply to any advertisement, advertising sign or advertising structure exempted in terms of Section 9 or Section 53

The Municipality may require the submission of any or all of the following studies or assessments—

- (a) an Environmental Impact Assessment (either the 1st stage thereof; being the completion of an Environmental Checklist or in its entirety);
- (b) a Heritage Impact Assessment; and
- (c) a Traffic Impact Assessment

An application for approval in terms of Subsection (1) or Subsection (2) must be made by submitting a duly completed application form in duplicate, on the prescribed form as set out in Schedule 1 hereof, signed by the applicant, the owner of the proposed advertisement, advertising sign or advertising structure and by the registered owner of the property or building upon which the advertisement, advertising sign or advertising structure is to be erected or displayed, or on behalf of the owner of the proposed advertisement, advertising sign or advertising structure and the registered owner of the property or building upon which the advertisement, advertising sign or advertising structure is to be erected or displayed, by his or her agent duly

authorised in writing by such owner, to the Council at the relevant office of the Council, which written application must be accompanied by:

- (a) the prescribed fee, as determined by the Council from time to time;
- (b) save for advertisements, advertising signs or advertising structures in respect of Classes 2 (c), 2(d)(i), 2(d)(ii), 2(d)(iii), 2(d)(iv), 2(d)(v), 2(f) relating to security signs, 3(g), 3(i), 4(a), 5(b), a locality plan, in colour and in duplicate, indicating the proposed position of the advertisement, advertising sign or advertising structure within the area of jurisdiction of the Council: provided that the Council may require the locality for signs in excess of 10m<sup>2</sup> to be indicated and described by an accurate Geographical Positioning System reading or an acceptable alternative.

The Municipality may require a written notice from the applicant or person to confirm that an approved sign was erected

In the event of a subdivision, rezoning, township establishment or any other activity which requires promulgation, proof of such promulgation, in duplicate, as well as proof of registration, in duplicate, of such new rights in the deeds office as far as such registration is a requirement in terms of any law or the rights approved on the particular property

#### **4. FEES AND GENERAL FACTORS IN CONSIDERING APPROVAL OF APPLICATIONS, AMENDMENTS AND CONDITIONS**

Every person who applies to the Municipality for approval in terms of this By-Law must, on making application, pay to the Municipality an application fee as determined by the Municipality and no sign may be erected until such time as the application fees have been paid in full.

Locality bound signs must relate to the lawful use of a property provided that no such sign must be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses; uses; and

That no sign or advertisement may be designed or displayed that—

- (i) will constitute a danger to any person or property;
- (ii) will display any material or graphic which does not comply with the requirements of the Advertising Standards Authority of South Africa.

#### **5. STANDARD CONDITIONS FOR APPROVAL**

No person may display, erect, use or continue to use any advertisement, advertising sign or any advertising structure, without first having obtained the written approval of the Council: Provided that the provisions of this Subsection do not apply to any advertisement, advertising sign or advertising structure exempted in terms of Section 9 or Section 53.

A full description of the materials and finishes to be employed shall be provided on the plan, elevations and sections;

If the advertisement, advertising sign or advertising structure will be visible from a provincial or national road, the original written approval by the roads authority, together with a copy thereof;

Every plan and drawing shall be clearly reproduced on paper or other approved material in sheet form not less than A4 size;

Every sign and its support structure must be kept in a state of good repair

## **6. TIME LIMITS**

Approval for advertisements, advertising signs or advertising structures falling within the ambit of classes 2(a), 2(d)(i), 2(d)(iv) and 3(0) shall not be granted for a display period exceeding 1 (one) year.

No advertisement, advertising sign or advertising structure shall be erected after expiry of the period as contemplated

Save for advertisements, advertising signs or advertising structures in classes 2(d)(ii) and 2(d)(iii), and subject to Subsection (2), approval for an advertisement, advertising sign or advertising structure shall not be granted for a display period exceeding five (5) years.

## **7. ROAD TRAFFIC SAFETY REQUIREMENTS**

No advertisement, advertising sign or advertising structure shall:

- (a) refer to a price or change in price of merchandise except in a shop window or on the article itself;
- (b) be attached to a road traffic sign or signal or combined with a road traffic sign or signal, unless specifically provided for in the SARTSM;
- (c) be erected in view of a signalised intersections which display predominantly the colours red, yellow or green if such colours will, in the opinion of the Council, constitute a road safety hazard or confusion;
- (d) no advertising on bridges, towers, telecommunication masts, pylons or street poles shall not be permitted.
- (e) Signs may not be erected in an area where the traffic volume, the average following headway, or accident history requires a higher degree of awareness from drivers
- (f) Signs may not be erected within the road reserve of any public road unless expressly approved by the Municipality
- (g) Signs may not be erected in an area where they are an unacceptable distraction for drivers, which acceptability may be determined in terms of the guidelines laid down in the S.A. Road Traffic Signs Manual

## **8. LEGAL REQUIREMENTS**

No advertisement, advertising sign or advertising structure shall:

- be in conflict with any legislation, ordinance, By-law or relevant town planning scheme as amended from time to time
- encroach on the building line restriction area or any servitude unless a relaxation has been obtained in terms of the relevant Town Planning Scheme as amended from time to time
- be allowed to emit noise, sound, smoke, smell or odours;
- All signs to be erected or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-Law, comply with all other applicable legislation, including any applicable Zoning Scheme Regulations or condition of approval or any departure from the applicable Zoning Scheme Regulations

## **9. APPEAL**

An application for approval in terms of Subsection (1) or Subsection (2) must be made by submitting a duly completed application form in duplicate, on the prescribed form as set out in Schedule 1 hereof, signed by the applicant, the owner of the proposed advertisement, advertising sign or advertising structure and by the registered owner of the property or building upon which the advertisement, advertising sign or advertising structure is to be erected or displayed, or on behalf of the owner of the proposed advertisement, advertising sign or advertising structure and the registered owner of the property or building upon which the advertisement, advertising sign or advertising structure is to be erected or displayed, by his or her agent duly authorised in writing by such owner

## **10. DAMAGE TO MUNICIPAL PROPERTY**

No person shall intentionally or negligently, in the course of erecting, altering, displaying, maintaining or removing any advertisement, advertising sign, advertising structure, cause damage to any tree, electric standard or service or other Council installation or property.

The costs for any repairs necessary in the event of damage caused in the course of erecting, altering, displaying, maintaining or removing an advertisement, advertising sign or advertising structure, and removal of such items will be for the account of persons contemplated in terms of Section 60.

No person may, in the course of erecting or removing any sign, or banner, cause damage to any tree, service or other Municipal installation or property and street furniture

## **11. ENFORCEMENT AND REMOVAL OF SIGNS**

Any person who:

- (a) contravenes or fails to comply with any provisions of this policy;
- (b) contravenes or fails to comply with any requirement set out in a notice issued and served on him in terms of this policy, shall be guilty of an offence and shall on conviction be liable to a fine as set out in the fine schedule
- (c) Should the Municipality's directives, as set out in the notice, not be carried out within the time period specified therein, the Municipality may, without further notice to the person upon whom the notice was served, remove or alter the sign or do such work as may be specified in such notice.
- (d) Any costs incurred by the Municipality in removing signs, or in doing alterations or other works required in terms of a notice, may be recovered from the person on whom the notice was served.
- (e) Unlawful or dangerous signs removed by the Municipality may be reclaimed from the Municipality on payment in full to it of any costs incurred by the Municipality in the removal of the said sign, as well as payment of the costs incurred in the storage of such sign

## **12. SERVICE OF NOTICES**



When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, holder of the property or right in question, and it is not necessary to name that person

### **13. TRANSITIONAL ARRANGEMENTS**

The municipality could instruct an owner of a sign to remove it should the sign fail to comply to the regulations of this By-Law. Should the owner neglect to remove the sign and/or within the grace period of 12 months then the Municipality reserves the right to remove such sign at the expense of the owner

All legal signs that exist at the date of publication of this By-Law, must in all respects comply with the regulations within a period of grace of 12 months from the date of publication. Any sign that fail to comply after the grace period of 12 months will be removed

Any advertisement, advertising sign or advertising structure relating to an organ of state as defined in the constitution shall be exempted from this provision and all such advertisements, advertising signs and advertising structures shall be regarded as having been erected lawfully.

Every owner of land including a building on land on which an advertisement, advertising sign or advertising structure was erected without formal approval, before the coming into operation of this policy shall, or any advertisement, advertising sign or advertising structure that was erected or displayed on the date of commencement of this policy without formal approval, that is prohibited by this policy and is not an advertisement, advertising sign or advertising structure for which the Council may grant approval, must be removed 30 June 2009

When a sign as a result of the change of ownership or occupation or a change in the nature of a business, industry, trade or profession performed on the premises or due to the installation of new traffic signs or a change in the level or location of any road, foot path or due to any other factor what so ever, no longer comply with the regulations of this By-Law then the person responsible for the sign must immediately remove, erase or change the sign to comply to this By- Law.

### **14. BILLBOARDS**

Billboards must comply with the standard conditions of approval set out in this By-Law

Billboards must not exceed a maximum total size of 6 x 3m (18m<sup>2</sup>) provided that on any V-shaped structure, two such panels may be permitted

Billboards must have a minimum letter or number height of 285mm

Billboards must comply with the standard conditions of approval set out in this By-Law;

Billboards may only be erected:

- (a) in the area of control;
- (b) according to the size;
- (c) in respect of the speed limit on roads; and
- (d) in accordance with the height

(e) No billboard shall have businesses of enterprises. as main function the identification or location of specific

(f) No more than two super billboards shall be permitted per intersection.

Small billboards shall be used only:

(a) for general and non-locality-bound advertisements on products, activities and services; and

(b) in parking areas of shopping centres;

## **15. BANNERS**

Every banner shall:

(I) be attached to or suspended between poles or other supports on the site; or

(li) be attached to or suspended against the building where the function or event is to be held; or

(iii) be on the site where the enterprise is located:

## **16. SIGNS ATTACHED TO WALLS OF BUILDINGS: FLAT SIGNS**

Flats signs :

- shall at no point project more than 300 mm from the surface of the main wall;
- may consist of a panel or sheet or of individual numbers, letters or symbols;
- may not be animated;
- shall not extend above the top or beyond either end of a wall;

## **17. SIGNS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS**

In areas of minimum control, the Municipality may approve—

(a) an application to affix a locality bound sign flat onto a boundary wall only if it does not project more than 50mm from the face of such wall; and

(b) an application to affix a locality bound flat sign with a maximum size of 0.5m<sup>2</sup> onto the permanent fence of an erf.

## **18. TEMPORARY POSTERS, TEAR-DROP BANNERS, BANNERS AND FLAGS ON PUBLIC ROADS AND PUBLIC PLACES**

A deposit paid in terms of Subsection (3) shall, subject to the provisions of Subsection (6) be refunded to the person who paid it if such application is refused.

Every application for permission in terms of Subsection (1) shall, in addition to what is required in terms of Section 3 and subject to Subsection (5), be accompanied by a non-refundable deposit.

Every temporary sign contemplated in this Section, and Section 29, Section 30 and Section 31 for which permission is granted, shall be marked with a municipal sticker with a reference number, such sticker to be positioned on the temporary sign contemplated in this Section, and Section 29, Section 30 and Section 31

Subject to approval in terms of this By-Law, the erection or display of posters, banners, tear-drop banners and flags in public roads or public places, for the purpose of advertising specific events, is permitted in all areas of control except natural and rural areas of maximum control. In addition—

- Posters, banners, tear-drop banners and flags, excluding election posters and flags, may only be erected in the roads, or places as indicated by the Municipality and may not be erected in residential areas or on bridges. No political banners will be allowed
- Posters and flags must be erected at a uniform height of approximately 2 meters
- The display of posters, banners, tear-drop banners and flags purely for commercial advertising is not permitted, provided that any poster, banner or flag which relates to a sport, the arts, or a cultural event may be permitted, despite such posters, banners, tear-drop banners or flags containing commercial elements. The commercial element may not exceed 20% of the extent of the poster, banner, teardrop banner or flag

## **19. TRANSIT ADVERTISING**

The Municipality may designate sites in areas of partial and minimum control for transit advertising and may publish notices indicating such sites

Transit signs must be properly fixed to the ground at the parking location

The parking of a transit sign which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this By-Law.

## **20. REPEAL OF BY-LAWS**

Any by-law relating to Animal Pound adopted by the Municipality is repealed from the date of promulgation of this By-Law.

## **21. SHORT TITLE AND COMMENCEMENT**

This by-law is called the By-Law relating to outdoor advertising and signage and shall come into operation on the date of publication in the Provincial Gazette.

# MOSES KOTANE LOCAL MUNICIPALITY



## STREET TRADING BY-LAW

## MOSES KOTANE LOCAL MUNICIPALITY

### STREET TRADING BY-LAW

#### 1. DEFINITIONS

In this by-law, except as otherwise expressly provided:

1 "**Act**" means the North West Businesses Act no 6 of 1997

2 "**Approval**" means approval by the Council and "approve" has a corresponding meaning:

3 "**Authorised officer**" means an official of Council authorised to implement the provisions of this by-law and also includes

3.1. A peace officer as contemplated in section 334 of the Criminal Procedure Act 51 of 1977;

3.2. A Police Officer as contemplated in the South African Police Services Act 68 of 1995:

4 "**Child**" means a male or female person under the age of 16 years:

5 "**Council**" means the Moses Kotane Local Municipality established in terms of section 155(1)(a) of the Constitution Act 108 of 1996

6 "**Council services**" means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or storm water or for the generation, impounding, storage or purification or supply of water, gas or electricity; or municipal services

7 "**Foodstuff**" means foodstuffs as defined in the Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972:

8 "**Garden**" means any garden to which the public has a right of access

9 "**Goods**" means any movable property displayed or kept by a person in a public place or public road for the purpose of carrying on the business of a street trader including any article, container, vehicle or movable structure;

10 "**Intersection**" means any intersection as defined in the regulations promulgated in terms of the National Road Traffic 93 of 1996:

11 "**Lease**" means a lease agreement as contemplated in section 8 of this by-law

12 "**Litter**" includes any container or other waste matter that has been discarded or left behind by the person trading or his/her customer or near the place where such person trades.

13 "**Park**" includes any square or other open or enclosed space to which the general public has a right of access

14 "**Prescribed**" means prescribed by Council resolution

15 "**Prohibited area**" means a place declared in terms of section 7(1)(b) 6A {2} of the Act to be an area of in which street trading is prohibited

16 **“Property”** means, in relation to a person carrying on the business of a street trader, any article, receptacle, vehicle or structure used or intended to be used in connection with such business and includes the goods of such a business:

17 **“Public amenity”** means:

17.1 Any land, square, swimming bath, public resort, recreation site, zoological, botanical or other garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public road, road reserve, reserve street, lake, dam, or river;

17.2 Any building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the Municipality and to which the general public has access, whether on payment of admission fees or not;

17.3 Also any public amenity contemplated in Paragraph 17.2 if it is lawfully controlled and managed in terms of an agreement by a person other than the Municipality;

17.4 Any nature conservation area including -

Nature reserves

Protected natural areas

Nature conservation worthy areas

Natural open spaces

18 **“Public place”** means a public place as defined in the Spatial Planning and Land Use Management Act (SPLUMA), Act No. 16 of 2013.

19 **“Public road or roadway”** means a public road and roadway as defined in section 1 of the National Road Traffic Act 93 of 1996.

20 **“Restricted area”** means any area, including an area created for the purpose of street trading markets, where street trading will be subject to such specific conditions and restrictions as the Council deems fit.

21 **“Sell”** includes:

21.1 offer to render a service, barter, exchange or hiring out, display, expose, offer or prepare for sale, store with a view to sell or provide a service for reward and “sale” and “selling” has a corresponding meaning:

22 **“Services”** includes any advantage or gain for consideration or reward

23 **“Sidewalk”** means a sidewalk as defined in section 1 of the National Road Traffic Act 93 of 1996.

24 **“Street furniture”** means any furniture installed by the Municipality on the street for public use;

25 **“Street trader”** means a person selling goods or rendering a service and includes a seller, peddler or hawker and also: A person who as principal, agent, assistant or employee carries on the business of street trading; and A person to whom a stand has been leased or allocated in terms of section 8 of this by-law for as long as the person is carrying on the business of a street trader on it.

26 **"Trade"** means to sell goods or services in a public road or public place and "trading" or "street trading" has a corresponding meaning.

27 **"Verge"** means a verge as defined in section 1 of the National Road Traffic Act 93 of 1996,

## **2. INTERPRETATION**

In this by-law any word or expression for which a meaning has been assigned in the Businesses Act 71 of 1991, shall have such meaning, unless the context indicates otherwise.

## **3. SINGLE ACT CONSTITUTES STREET TRADING**

For the purposes of this by-law a single act of selling or offering for sale or rendering of services in a public road or public place constitutes street trading.

## **4. PROHIBITION ON CARRYING ON OF BUSINESS**

No person shall, within the municipal area of the Municipality, carry on the business of a street trader:

4.1 In a public amenity;

4.2 In a garden or park to which the public has a right of access; except where special permission has been granted by an authorized officer.

4.3 On a verge contiguous to:

4.3.1 A public amenity;

4.3.2 A building belonging to or occupied solely by the State or the Council except at institutions of learning subject to any health regulations that may be imposed;

4.3.3 A church or other place of worship; or

4.3.4 A building declared to be a heritage resource in terms of the National Heritage Resources Act 25 of 1999; except where special permission has been granted in terms of the same legislation.

4.3.5 An auto teller bank machine; except to the extent that the carrying on of such business is permitted by a sign erected or displayed by the Municipality and in compliance therewith

4.3.6 In an area declared by the Municipality as a prohibited or restricted area in terms of section 6A(2) of the Act, except on a stand leased by virtue of a lease agreement as contemplated in section 8 of this by-law;

4.4 At a place where:

4.4.1 It causes an obstruction in front of a fire hydrant;

4.4.2 It causes obstruction in front of the entrance or exit from a building;

4.4.3 It could cause an obstruction to vehicular traffic:

4.4.4 It could substantially obstruct pedestrians in their use of a sidewalk.

4.5 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 the building objects to it.

- 4.6 On that half of a public road contiguous to a shop or that part of a building in which business is being carried on by a person who sells goods of the same nature as, or of a similar nature to, goods being sold by the street trader if that person objects to it.
- 4.7 On a stand or in any area demarcated by Municipality in terms of section 6A (3)(b) of the Act if he/she is not in possession of written proof that he/she has rented such stand or area from the Municipality or that such stand has been allocated to him; nor shall he/she trade in contravention of the terms and conditions of such lease or allocation.
- 4.8 Within 6 meters of any intersection as defined in Regulation 322 of the National Road Traffic Act 93 of 1996.

## 5. GENERAL CONDUCT

A street trader must:

- 5.1 Not place his/her property or goods on a verge or public place except for the purpose of commencing trade;
- 5.2 Ensure that his/her property or goods do not cover an area of a public road or public place in excess of 4m without the written consent of the Municipality;
- 5.3 Not place or stack his/her property and goods in such a manner that it constitutes a nuisance or danger to any person, or property, or is likely to injure any person or cause damage to property;
- 5.4 On concluding his/her business activities for the day, remove all his property and goods except any structures allowed by the Municipality to a place which is not part of a public place or public road;
- 5.5 On request by an employee or authorised official of the Municipality or supplier of electricity, telecommunication, or other services, remove his/her property and goods so as to permit the carrying out of any work or service in relation to a public road or public place;
- 5.6 Not attach any object by any means to any building, structure, sidewalk, tree, parking meter, lamp-pole, electricity pole, telephone pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or a public place;
- 5.7 Not make a fire in any place or in circumstances where it could cause injury or loss to a person, building, vehicle, or street furniture;
- 5.8 Not store his/her property and goods in a manhole, storm water drain or a public toilet, bus or taxi shelter or tree;
- 5.9 Not sleep overnight at the place of such business;
- 5.10 Not erect any structure for the purpose of providing shelter, other than a structure approved by Municipality
- 5.11 Not display his/her property on or in a building, without the consent of the owner, lawful occupier or person in control of such building or property
- 5.12 Not obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrians
- 5.13 Not carry on business in such a manner as to
  - 5.13.1 Create a nuisance;



5.13.2 Damage or deface the surface of a public road or public place or any public or private property;

5.13.3 Create a traffic and/or health hazard or health risk, or both;

5.14 Not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view

5.15 Not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a sign or notice erected or displayed by the Council for the purpose of this by-law;

## **6. CLEANLINESS**

A street trader must:

6.1 Keep his/her stand, property and goods, for the purposes of street trading in a clean and sanitary condition;

6.2 Not dispose of any litter and refuse by placing it in a manhole, storm water drain or any other place not intended for the disposal of litter.

6.3 Ensure that on completion of business for the day the area or stand occupied by him/her is clean and free of litter and refuse. -

6.4 Take the necessary precautions to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his/her business and must further prevent smoke, fumes and odours emanating from his/her activities.

6.5 On request by an authorised official remove his/her goods and property to permit the cleaning of the stand if necessary.

## **7. RESTRICTED AND PROHIBITED TRADING AREAS**

7.1 The Municipality may, in terms of Section 7(1)(b) of the Act, declare any area within its jurisdiction as an area where the carrying on of business as a street trader is restricted or prohibited with reference to:

7.1.1 A specific category or categories of goods or services; and/or

7.1.2 Specific times or days or both.

7.2 The Municipality may identify and demarcate any such restricted and/or prohibited trading area in any manner it deems appropriate and fit.

## **8. LEASE OR ALLOCATION OF STANDS**

8.1 Any person who intends to carry on a business as a street trader in terms of the provisions of the Act may apply to the Municipality in the prescribed manner for the lease or allocation of a stand in terms of section 6(A)(3)(c) of the Act.

8.2 The Council may grant, subject to conditions or refuse an application.

8.3 If such application is successful:

8.3.1 The street trader must, in respect of the lease of such stand, enter -into-a-lease- agreement with the Municipality which lease agreement must be produced on the request of an authorized officer.

8.3.2 In respect of the allocation, as well as the lease of a stand a taken shall be issued to the street trader as proof of the person's right to occupy stand for the purpose of carrying on business as contemplated in section 8.2 of this by- law.

8.3.3 Street traders must, while carrying on business on the stand, retain such tokens on their person ready for display to any authorized officer who requests it; and

8.3.4 The Municipality may, on the written request of a street trader, issue a token to one bona fide employee of the street trader and the provisions of subsection 8.2 shall mutatis mutandis apply to such employee.

8.4 A person who carries on the business of a street trader on a stand and who is unable to produce a valid lease agreement or token, as contemplated in section 8.2, shall be guilty of an offence.

8.5 A person who carries on the business of a street trader on a stand and who fails to comply with the conditions of the lease agreement shall be guilty of an offence.

## **9. IMPOUNDMENT AND REMOVAL**

9.1 Subject to any applicable legislation an authorized official of the Municipality may impound and remove any goods or property

9.1.1 which he/she reasonably suspects of being used or are intended to be used or have been used in or in connection with the business of street trading, and

9.1.2 which he/she finds at a place where the carrying on of such business constitutes an offence in terms of this by-law, irrespective of whether such goods or property are in the possession or control of any person at the time of such impoundment and/or removal. .

9.2 An authorized officer acting by virtue of section 9.1 must comply with the SAPS Act, Act 68 of 1995 and Criminal Procedure Act, Act 51 of 1977.

9.3 Any goods of a perishable nature, including plants and flowers, will be kept for 24 hours after confiscation and if of no value they shall be disposed of, otherwise sold to the best advantage by the authorized officer or person designated by him/her, the proceeds to accrue to the Municipality to defray its costs.

9.4 Goods will be disposed of in accordance with the Criminal Procedure Act, Act 51 of 1977.

## **10. VICARIOUS LIABILITY OF PERSONS TRADING**

10.1 When an employee of a street trader performs any act or an omission which constitutes an offence in terms of this by-law, the employer shall be deemed to have committed the act or omission himself/herself unless he satisfies the court that:

10.1.1 In committing the act or omission the employee was acting without his/her permission or knowledge

10.1.2 He/she took all reasonable steps to prevent the act or the omission; and

10.1.3 It was not within the scope of authority and the course of employment of the employee to perform such act or omission, of the nature in question, and the mere fact that such employer issued instructions forbidding the act or omission shall not itself be accepted as sufficient proof that he/she took the action referred to in subparagraph 10.1.2.

10.2 When an employer is by virtue of section 10.1, liable for an act or omission by his employee, then that employee shall also be liable for prosecution of the offence.

#### **11. CHILDREN NOT PERMITTED TO TRADE**

11.1 No person under the age of 16 shall be found trading in or near a public road or place.

11.2 Any person who employs a child shall be guilty of an offence and upon conviction, be liable to a fine of **R 2000.00** or imprisonment for a period not exceeding three months.

#### **12. SCOPE OF APPLICATION**

This by-law shall apply to all areas falling within the jurisdiction of the Moses Kotane Local Municipality.

#### **13. OFFENCES AND PENALTIES**

13.1 Any person who contravenes a provision of this by-law or fails to comply with any condition or restriction imposed under this by-law, or by an authorized official

13.1.2 By failing to give identification

13.1.2 By giving false identification, or

13.1.3 By obstructing an authorized officer in relation to this By-Law, shall be guilty of an offence.

13.2 Any person who is guilty of an offence in terms of this by-law shall, on conviction, be liable to a fine of **R 2000.00** or to imprisonment not exceeding three (3) months.

#### **14. REPEAL OF BY-LAWS**

Any by-laws that were previously applicable and related to street trading are hereby repealed.

## MOSES KOTANE LOCAL MUNICIPALITY



## BUSINESS REGULATION AND PERMIT BY-LAW

## DEFINITIONS AND INTERPRETATIONS

1.1 In this By-law, unless the context otherwise indicates:

**“Act and Regulations”** refers to Businesses Act, 1991 (Act 71 of 1991)

**“Asylum”** means a person who is seeking recognition as a refugee in the Republic in terms of the provisions of Refugees Act, 1998 (Act 130 of 1998)

**“Authorised Officer”** means any official of the Municipality who has been authorized by the Municipality to administer, implement and enforce the provisions of this By-law.

**“Council”** means the Council of Moses Kotane Local Municipality, a municipality established in terms of section 12 of the Local Government Municipal Structures Act, no.117 of 1998 and any member of administration to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to this By-Law.

**“Dwelling”** means a building, designed for use as a house for, and used exclusively by, a single household family.

**“Head”** means the head of the Local Economic Development.

**“Municipality”** means means the Council of Moses Kotane Local Municipality established by the Provincial Gazette, Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“Municipal Consent”** means the consent, in writing, by the Municipality for any activity on, or use of land or buildings for which an application is made, in terms of any relevant legislation.

**“Public Nuisance”** means any activity which spills over beyond the property and causes problems for immediate and surrounding neighbors; this includes noise levels or activities which may cause health or pollution problems such as smoke or flies / vermin, vehicle oil or unsightly activities / storage of goods which detract from the amenity of the neighborhood.

**“Business Operator ”** means any person who is the owner of the shop and/or is leasing space in the owner’s site for him/her to run a business of, sale or supply of any foodstuff, any perishable foodstuffs, meals which are described in terms of the Regulations and Legislative provisions of Meat Safety Act, 2000 (Act 40 of 2000), Foodstuffs, Cosmetics and Disinfectant Act, 1972 and Businesses Act, 1991.

**“Outbuilding”** means a building attached to or separate from a dwelling and ancillary to a dwelling.

**“Owner”** means the person in whose name the site/erf is registered in the deeds registry for Free State Province or he/she is the beneficial holder of a real right in the site/erf or he/she is the person in whom the site/erf vests

**“Person”** means a natural person or a juristic person, and includes an organ of state.

**“Premises”** in relation to any spaza, means a site/erf wherein the operator, in the context Hereof, is operating business from

**“Property”** means that to which a person has a legal title, whether in his possession or not; thing owned; an estate, whether in lands, goods, or money.

**“Refugee”** means any person who has been granted asylum in terms of the Act (Act No. 130 of 1998).

**“Residential Areas”** a residential area is a type of land use where the predominant use is housing. In areas that are zoned residential, buildings may include single family housing, multiple family housing such as (apartments, duplexes, and town homes).

**“Spaza Shop”** means a business building, whether attached or separated from a residential dwelling or any building in a site, operated for the purposes of selling basic groceries (daily convenience goods) and fresh produce, in response to local needs in a small neighbourhood within walking distance of people’s homes, and the goods sold exclude liquor or alcoholic beverages and hazardous substances.

The shops are typically operated from outbuildings or temporary structures/ shipping containers and are generally separated from the main house.

**“Tuck Shop”** means “spaza shop” for the purposes of this By-law.

**“Zoning”** means the development rights and controls accorded to the property and its associated buildings either as of free entry rights, rights that area accorded in term of Municipal approval.

## 2. PURPOSE OF BY-LAW

The purpose of the by law is to regulate and control the operations of Business within the area of jurisdiction of the Municipality, in particular, to ensure protection of the members of the public, upholding of the rule of law, orderly conducting of businesses and compliance with safety and health requirements.

## 3. SCOPE AND APPLICATION OF THE BY-LAW

The By-law applies,

1. To the following categories of businesses;

- a) all businesses, business sites, business operators (natural or juristic), business that are located either in the residential dwelling or (part thereof), or on a property located in town, as long as the property has been zoned:
  - b) any Business operator natural or juristic or the site owner wherein the Business is operated within the area of jurisdiction of the Municipality;
2. for businesses of the following categories;
    - a) sale or supply to consumers of any foodstuff in the form of meals for consumption on or off business premises;
    - b) any perishable foodstuff;
    - c) Selling any foodstuff in form of meals or any perishable foodstuff which is conveyed from place to place, whether by vehicle or otherwise or on a public road or at any other place accessible to the public or in, on or from a movable structure or stationary vehicle.
  3. The specific names and description of business categories and activities referred to herein are listed and specified in **Item A of schedule 1** of this by law.

#### 4. APPLICATION PROCEDURES

##### 1. Application Forms

- a) Any person who desires to operate business of business categories described Section 3(1); (a) & (b) and 3 (2) (a) (b) & (c) within the jurisdictional area of the Municipality must apply to the Municipality on prescribed form, to be issued with the Operating Card Permit. The prescribed application form appears in **Item B of schedule 1** of this by law.
- b) The Municipality will consider the application within the period of ten (10) working days upon the date of the receipt of the application forms.
- c) For the application to be considered, the applicant must complete the forms fully, and attach to the forms the relevant documents below.
- d) Should the Business Operator wish operate more than one business entity in terms of this by law, such Operator must apply for approval for each and every business entity desired.

##### 2. Operating Permit Applications Requirements.

1. Completed application forms must be accompanied by the following documents:
  - a) Certified copy of *South African Identity Document*, if he/she is a South African citizen;

- b) *Proof of Residence*, if he/she is a Moses Kotane Local Municipality resident;
  - c) *Original Copy of Asylum Document* issued by the South African Department of Home Affairs, if he/she is a foreign national;
  - d) Legally compliant and binding *Lease Agreement* in cases where the site owner is not the business operator;
  - e) Certified copy of *title deed or permission to occupy*;
  - f) Neighbouring community's consent form;
  - g) Building plan of the Business shop; and
  - h) Internal and external photos of the existing building(s) in the site.
2. An applicant will be notified of the outcome of the application within the period of ten (10) working days, in a manner the applicant preferred during the application stages.

### 3. Approval of Application for Operating Card Permit

1. A permit shall be issued to a successful applicant upon;
  - a) approval by the relevant Head of Department or his designee,
  - b) The applicant will be required to pay the prescribed operating fee to be issued with the operating card permit.
2. Business operator is not permitted to trade until had received the identity operating card permit.
3. Approval conditions, if any, will be attached to the operating card permit, which conditions accords with the provisions of this by law.
4. The tariffs of fees payable is on *Item A of Schedule 2* of this by law.

### 4. Operating Card Permits

1. The operating card permit shall be issued by the Municipality to the approved applicant within ten (10) days of receipt of notice of approval of application.
2. Operating Card shall have the details of the applicant, national identity number of the applicant, id sized photo of the applicant, nature of the business, place of business and period of validity of the Operating Card Permit.
3. Operating Card Permit is issued on the basis of each applicant and each business meaning Operating Card Permit is issued for one business entity for one business operator..
4. The following terms and conditions shall apply to issuing of operating card permits:
  - a) operating card permit can only be issued by the Municipality upon the payment of the prescribed fee determined by Council from time to time;
  - b) operating card permit is not transferrable without the permission of the Municipality;
  - c) a business operator must at all times be in a position to produce the operating card permit on demand by the authorized officer whenever so required;
5. If the operating card permit is lost or accidentally or unwillingly damaged or destroyed the owner must immediately report the loss, damage or destruction thereof to the Municipality.



6. The Operating Card Permit is as described on *Item C of Schedule 1* of this by law.
7. The Operating Card Permit remains the property of the Municipality, the Business Operator must return it to the Municipality if no longer use and if found must be delivered to the Municipality.

## **5. Disapproval of Application for Operating Card Permit**

1. In case the Head of Department or designee disapproves the application, the unsuccessful applicant will be notified of the decision to disapprove the application within a ten (10) working days period.
  
2. The applicant will be provided with written reasons for the disapproval, and the decision can be in terms of the provisions of this By-law or in terms of any legislation applicable or circumstances warranting the Municipality to arrive at such decision.

## **6. Appeal against Disapproved Application for Operating Permit.**

1. The applicant whose application has been disapproved has the right to appeal against the decision.
2. The affected applicant must lodge his appeal with the Municipal Manager within the period of fourteen (14) days upon the receipt of the notice of the disapproval.
3. The Municipal Manager must consider and decide on the appeal within the period of ten (10) working days.
4. The decision by the Municipal Manager is final and binding.

## **7. Withdrawal and Lapsing of an Approval for Operating Card Permits**

1. The Operating Card Permit issued to the successful applicant is valid for a renewal period one (1) year.
2. The Operating Card Permit issued to the Business Operator may be withdrawn by the Municipality under the following circumstances;
  - a) When the Business Operator loose title of ownership or tenancy rights to the approved business premises appearing on the Operating Permit.
  - b) In the event of the death of the Business Operator.
  - c) Proof of violations of any of the conditions of approval and Operating Card Permit.
  - d) Objections have been received and an interdict against the owner is obtained.
  - e) The owner of the property is suspected for contravention of any of the provisions of Drugs and Drug Trafficking Act 121 of 1998, provisions of Firearm Control Act, Liquor Act or similar like legislations, sexual offences, prostitution or any other crime incidents.

- f) Where the owner terminates the lease agreement with the operator.
- g) Where the business is a cause of nuisance to surrounding neighborhood.
- h) Where operating permit conditions are not complied with.
- i) Where any provision of this By-law is violated.

#### **8. RENEWAL OF OPERATING CARD PERMIT**

1. The operating card permit is valid for a period of one (1) year and it is renewable annually.
2. The Operating Card Permit is renewable upon application to completion of the prescribed form to renew the Operating Card Permit which shall be on the form as it appears on **Item D of Schedule 1** of this by law.
3. The application to renew the Operating Card Permit shall be considered upon payment of the prescribed fee appearing on **Item B of Schedule 2** of this by law.
4. The application for renewal of Operating Card Permit must be made before expiry thereof, applications may be made three months before the expiry of the card.
5. Applications made after the expiry date of the Operating Card Permit shall met with a penalty listed in **Item A of Schedule 3**.

#### **9. Violation of Approval Conditions**

1. In case the Business Operator violates the approval conditions the Municipality will issue a written notice to the operator to remedy the cause of complaint within 7 (seven) days.
2. If complaints are received with regard to the approved business, the Municipality will evaluate the validity of the complaints and where applicable, notify the operator about the complaints simultaneously furnish a written notice to the Business Operator to comply with the conditions put by the Municipality and to remedy the cause of complaint.
3. Consistent failure to comply with notices and requests in terms of *ss 1 and 2 hereof* shall result in cancellation of the operating card permit of the violating Business Owner, directing the Business Operator to cease with business operations and activities.
4. A Business Operator operating business despite the withdrawn Operating Card Permit shall be guilty of an offence which upon conviction shall be sentenced to imprisonment not exceeding a period of three (3) months with an option of fine or both fine and imprisonment.

## 10. General Terms and Conditions

1. Any Business Operator approved to operate such business in terms of this by law and or business issued with a Operating Card Permits in terms of this by law must comply and abide by terms and conditions in the approval and on Operating Card Permit.

2.

In addition thereto any Business Operator approved to operate such business in terms of this by law and or business issued with a Operating Card Permits in terms of this by law must comply and abide by the following conditions to the extent that they are applicable.

- a) If the erf is a residential site it must remain a residential in appearance and character. The overall use of the erf must remain 60% of the residential use.
- b) The owner who resides on the site, may operate the business. Only in exceptional circumstances may the business activity be conducted by anyone other than the owner.
- c) The building plans of the business must have been approved and the side of the building thereof must be up to 20m.<sup>2</sup>
- d) No business may operate if building plan for the structure has not been approved by the Municipality.
- e) Business building plan must show the layout, extent, position and elevations of buildings on the proposed plan.
- f) Business structure must comply with the Act and Regulations, and the Building Regulations By-laws of the Municipality with regard to human occupancy.
- g) Buildings for business purpose in terms of this by law must therefore :
  - i) At least have a foundation, be adequately ventilated, allow for sufficient natural light to enter the structure, have access to a toilet and a hand basin for sanitation purposes (connected to the municipal network), have electrical and plumber certificates and must provide for adequate storm-water run-off.
  - ii) A shipping container or a timber structure cannot be used as a business if it does not comply with the regulations and thus cannot be occupied. It is however possible that the container or the timber structure can be converted to comply with the regulations and used for the purposes of a business.
  - iii) Corrugated iron sheets may be used in erecting the business building, provided that the construction thereof adheres to the Regulations and the Act.
- h) A business shall only be operated with operating card permit issued by the Municipality and the operating card permit is not transferable.
- i) Flammable substances such as paraffin may only be sold in small containers and be subject to the Firefighting By-laws of the Municipality.
- j) The operating hours for all the businesses is allowed between 06h00, in the morning, and 22h00, in the night, every day except otherwise permitted by the Municipality.
- k) The storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application detailing that area to be used for the business as well as any portion of that area in which goods or equipment will be stored.

- l) Business premises must be kept in clean and sanitary conditions.
- m) A cleaning program must be displayed in a conspicuous place in the business premises for easy inspection.
- n) All entrants of the Business premises must sanitize their hands entrance of business premise.
- o) Business operators must ensure that;
  - i) the parking lots used by their customers;
  - ii) nearby spaces used by their customers as eating and resting places are kept free from litter and are kept in clean and sanitary conditions, further ensure the availability of proper sanitization.
- p) Business operators must ensure that business premises are kept from sewer or water or any form of leakages and the premises are kept free from offensive smells and fumes.
- q) Businesses closed for the period longer than 90 days, it will be presumed that the business is no longer operating and the operator thereof or the owner of the site should inform the Municipality in writing. The Municipality will proceed to cancel the operating card permit in regard to that business.
- r) That the premises comply with government notice R264 of 30 March 2012 relating to the smoking of tobacco products in public places as promulgated in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended.
- s) Business may not be permitted on a property if the use is in conflict with a restriction contained in the title deed of that property.
- t) Pricing of items sold or services rendered must be in a conspicuous space to enable the consumer to acquire knowledge of the price before purchasing the good or receiving the service.
- u) That all products which its sell by date has lapsed should be removed from the shelving and display of goods for sale.
- v) Council may however impose any additional conditions it seems fit depending on the circumstances.

## 11. Fair Trading

The business must not be conducted in a manner which is unfair to the members of the public, in contrast to the provisions of the National Credit Act, 2005 and must comply with the Consumer Protection Act, 2002

## 12. Business of sale and supply of foodstuffs, Meals and Meat.

The following health regulations must be complied with if food is to be sold or prepared or consumed from the premises, namely:

1. 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)** from the Municipality;
2. that the premises comply with the general hygiene requirements for food premises and the transport of food regulations R962 of November 2012 promulgated under the **Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972)**;
3. That the as required by regulations R638 of 22 June 2018 and any other subsequent regulations thereto promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) from the Municipality, the following standards are complied with and the following certifications are obtained;
  - a. Certificates of acceptability;
  - b. Prohibition on the handling and transportation of food;
  - c. Standard and Requirements for food premises;
  - d. Standard and Requirements for food facilities on food premises;
  - e. Standard and Requirements for food containers appliance and equipment;
  - f. Standard and Requirements for display, storage and temperature of food;
  - g. Standard and Requirements for protective clothing;
  - h. Duties of person in charge of food premises;
  - i. Duties of food handler;
  - j. Standard and Requirements for handling and transporting of meat and meat products, in the Meat Safety **Act 40 of 2000**.
  - k. Standard and Requirements for the transport of food;

## 13. Legal Compliance.

Business Operators in terms of this by law must comply with the laws incidental to their business operations in the following respects;

1. In case the Business employs the employees, the Business Operator must;
2. Register such employees to contribute to the Unemployment Insurance Fund in terms of the applicable legislative provisions;
3. Register as the employer with the Compensation Commissioner in terms of the Compensation for Occupational Diseases Act, 1993;
4. The Business Operator must register as a tax payer in terms of the Income Tax Act.

## 14. Prohibited Conduct.

1. The sale of liquor or alcoholic beverages and hazardous substances is prohibited if not compliance with the applicable liquor legislations for in terms of the relevant act.
2. A business should not cause or be a cause of any kind of disturbance or public nuisance which will disturb people within the neighborhood.
3. No person is allowed to sleep and/or wash himself/herself in the business space.

4. No person is allowed to operate a business if he/she has been declared by a court of law to be of unsound mind.
5. The operator must not commit any criminal activity in the business in question or he/she must not have criminal record that led to his/her business being closed.
6. No pets or birds should be kept in the tuck shop.
7. Trading is restricted to the boundaries of the property. No trading is permitted on either the sidewalks or road reserve; unless a written permission is sought in case of special occasions and events.
8. No signs advertising the business shall be larger than 600mm by 450 mm in size. Such sign should indicate the name of the owner, the name of the business and the nature of the trade. Any other sign must be applied for and approved by the Municipality before it can be erected. Advertising signs must comply with the Outdoor Advertising By-law of the Municipality.

#### **15. Home Based Business Activity Exemptions**

1. Should the homeowner be selling goods on a very small scale, i.e. there is no dedicated room or separated space for the business, and is limited to, e.g. three shelves in a living area, the activity will not be regarded as a business and will be regarded as a home activity, and therefore will not require a municipal approval.
2. A business must only be for the sale of grocery items that appear to be required for the day to day consumption or usage such sweets, cigarettes, bread, milk, maize-meal, salt, sugar, tea, air-time, chips and other small goods, home-made foods and preserves.

#### **16. Transitional Arrangements**

1. All the existing business for which this by law is applicable must have been register their businesses with the Municipality within the period of three (03) months upon the promulgation of this By-law in the provincial gazette.
2. Any existing business that will not have registered with the Municipality in terms of the public notice to be issued by the Municipality, prescribing deadline for registrations of existing businesses, will be regarded operating illegally after such a prescribed date.
3. The applications of the existing business must also comply with the application procedure of this By-law.
  4. Any new business established after the coming into operation of this By-law must apply, in terms the application procedure of this By-law, before they can operate

#### **17. Monitoring**

1. In order to enhance Council's image in the eyes of both its residents and visitors, the conduct to Business Operators will be strictly monitored. Anti-social and other unruly behavior will be viewed as misconduct.
2. Any criminal act will be dealt with through the appropriate criminal procedures.

3. No Business Operator will be permitted to carry on such business in a manner which creates a nuisance, is a danger or threat to public health and safety, or damages or defaces any Council property.
4. Where a Business Operator violates the permit conditions, he/she will be informed in writing of the violation and course of action. Permit fees will not be refunded if the permit is revoked or suspended.
5. Punitive measures could include a warning, a suspension for a specified period, or the total withdrawal of such trading permit.
6. The Business Operator will have the opportunity to put his/her case forward on inquiry and he/she will be permitted to call any witnesses to testify on his/her behalf. Minutes will be kept of all inquiries and will be available to all interested parties. The Accounting Officer will use his/her discretion in establishing an enquiry committee.
7. In the event of traders wishing to appeal against a Council official resolution which are deemed to impact on the rights of traders, the appeals will follow the disciplinary and appeal procedure on paragraph 62 in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

## 18. Penalties

1. The penalties shall be imposed for non-compliance with the regulations of this by law.
2. Save for penalties in respect of Section 8(5) of this by law, non-payment of the imposed penalty constitute a criminal offence which upon conviction a sentence of imprisonment not exceeding three(3) months alternatively a fine in terms of Adjustment of Fines Act,1991 shall be imposed.
3. The categories of non-compliances and penalties is as listed in **Item A of Schedule 3** of this by law

## 19. Closure of Business

An authorized official may close the business premise for non-compliance with the regulations of this by laws for non-compliant conduct as listed in **Item B of Schedule 3** of this by law.

## 20. Impoundment and Removal of Property

1. An authorized official may remove and impound any property of a business operator for non-compliant conduct as listed in **Item C of Schedule 3** of this by law.
2. Any authorized official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the Business Operator with a receipt for any property so removed and impounded, which receipt must -
  - a) itemize the property to be removed and impounded;
  - b) provide the address where the impounded property will be kept, and the period thereof;
  - c) state the conditions for the release of the impounded property;

- d) state the terms and conditions relating to the sale of unclaimed property by public auction; and
- e) provide the name and address of a Council official to whom any representations regarding the impoundment may be made and the date and time by which this must be done.
- f) If any property about to be impounded is attached to any immovable property or a structure and such property is under the apparent control of a person present thereat, any authorised official of the Council may order such person to remove the property and if such person refuses or fails to comply, he or she shall be guilty of an offence.
- g) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorized official of the Council may take such steps as may be necessary to remove such property.
- h) Goods shall be returned to the Business Operator upon payment of penalty listed in Table A of Schedule 5 of this by law.
- i) A copy of the register indicating goods impounded, signed by both law enforcement officer and Business Operator concerned, shall be forwarded to the Department Economic Development for record purposes.
- j) In cases where perishable goods are impounded and the Business Operator fails to pay the prescribed penalty, goods shall be donated to a needy institution or person(s) to be identified by the Department Economic Development in conjunction with the Department Community Services.

## 21. Offences

Any person who:

1. contravenes any provision of this by-law or fails to pay penalty imposed on contravention of this by law;
2. threatens, resists, interferes with or obstructs any officer or any employee of the municipality in the performance of officials duties or functions in terms of or under this by-law; or
3. deliberately furnishes false or misleading information to an officer or an employee of the municipality;  
Is guilty of an offence and liable on conviction to a fine not exceeding **R5, 000 (Five thousand Rand)** or to imprisonment for a period not exceeding 3 (three) months, subject to the Adjustment of Fines Act, No 101 of 1991.

## 22. Repeal and Amendment of laws

Any by-laws relating to Business owner adopted by the former municipalities now forming part of the Municipality are repealed from the date of promulgation of this By-law.



## 23. Short Title and Commencement

This By-law is called Moses Kotane Local Municipality, **Business Regulation and Permit By-law** and comes into operation on the date after final approval by council.

### Schedule 1

**Item A**

**List of businesses which the by law is applicable**

**Item B**

**Application Form for Approval**

**Item C**

**Operating Card Permit**

**Item D**

**Application Form for Renewal of Operating Card Permit**

### Schedule 2

**Item A**

**Tariffs for Operating Card Permit**

**Item B**

**Tariffs for Renewal of Operating Card Permit**

### Schedule 3

**Item A**

**Penalties**

**Item B**

**Closure of Businesses**

**Item C**

**Impoundment.**

**Item A**

**Item B**

**Item C**

**Item D**

**Item E**

# MOSES KOTANE LOCAL MUNICIPALITY



## IMPOUNDMENT OF VEHICLES AND GOODS BY-LAW

The Moses Kotane Local Municipality, by virtue of the powers vested in it, in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996 as amended, read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended, has made the By-Law set out in the schedule as follows:

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## Background

Council is responsible for ensuring Public and Traffic Safety within its municipal area of jurisdiction. It is also imperative to control abandoned vehicles and other goods on public roads and CBD areas in terms of Municipal By-laws. Roads prove highly hazardous due to accidents that occur due to unroadworthy and negligence of motorists found on roads. To deal with this problem it is necessary that the municipality impounds the vehicles that is left unattended or unroadworthy on public areas and roads. In addition there are goods or signage that are placed on undemarcated areas and or obstruct the traffic flow that require the Municipality to remove or confiscated.

### 1. Definitions

1.1 In these bylaws, unless inconsistent with the context –

**"Vehicle"** means anything used in transporting people or goods, especially on land.

**"Council"** means the municipal council of the referred to in section 157 of the Constitution, Chapter 3 of Local Government: Municipal structures Act 117 o 1998.

**"impounded vehicle"** means any vehicles received into a pound as contemplated in section 5;

**"Goods"** means any materials or goods received into a pound or any material or goods confiscated and

**"Impounded goods"** means any material or goods received into a pound.

**"Municipality"** means the municipality of Moses Kotane established in terms of section 12 of the Municipal Structure Act, Act 117 of 1998, and as defined by the Municipal systems Act (Act No. 32 of 2000).

**"Municipal Manager"** means the Accounting Officer or a person appointed by Municipal Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998( Act 117 of 1998)

**"owner"** in relation to any vehicle or goods includes the agent of the owner or any other person having lawful custody of the vehicle;

**"pound"** means any premises on which a pound has been established by or on behalf of the Council for the impounding of vehicles and goods under these bylaws; and as contemplated in section 3;

“**pound keeper**” means the person appointed by the Municipality to care of the pound.

“**authorised official**” means an employee of the Municipality or any other person who is appointed or authorised thereto by the Municipality to perform any act, function or duty related to the provision of this By-law, or exercise any power in terms of this By-law;

“**court**” means a Magistrate’s Court as referred to in section 166(d) of the Constitution of 1996, having jurisdiction in the area in which the pound is situated;

“**public place**” any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery; and

“**public road**” shall mean a public road as contemplated under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996) and includes any street, shoulder of such road and street reserve;

“**service delivery agreement**” means a service delivery agreement as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

#### 1.2 **Administrative and Enforcement**

- (a) The Head of Department (HOD): Community Services is responsible for the administration and enforcement of this By-law.
- (b) The HOD may delegate in writing any power or duty granted to him in terms of this By-law to a competent official or authorise official in his Department.

## 2. Application

This By-law applies to the area of jurisdiction of the Municipality provided nothing prevents any vehicle detained in terms of these bylaws from being impounded in a pound or any similar facility established by any other municipality, the provincial government or other lawful authority.

## 3. Establishment of pound

- (1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.
- (2) The Council shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

#### 4. Detention and removal of vehicles

- (1) Any vehicles –
  - (a) found trespassing on land; or
  - (b) parked unattended in a public road or other public place, may be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound keeper.
  - (c) Vehicles found parked on restricted or marked area such as loading zone.
  
- (2) Any person who has detained a vehicle or goods for the purpose of impounding shall -
  - (a) remove such vehicles to a pound within 24 hours after seizure; and
  - (b) ensure that proper care is taken of the seized vehicles or goods until the vehicle or goods is received at the pound.

#### 5. Receipt of Vehicles or goods

- (1) Any person removing a vehicle or goods from a pound shall provide the pound keeper with-
  - (a) his or her name and permanent residential address;
  - (b) the time and place of detention of the vehicle or goods; and
  - (c) the capacity in which he or she detained the vehicle or goods.
  
- (2) The pound keeper shall, upon receipt of a detained vehicle or goods -
  - (a) record the particulars furnished in terms of section 5(1) and enter the same in a book maintained for the purpose;
  - (b) furnish the person delivering the vehicle or goods with a receipt reflecting –
    - (i) his or her name;
    - (ii) a description of the vehicle; and
    - (iii) the date and time of receipt of the vehicle at the pound; and
  - (c) keep a copy of each receipt issued in terms of section 5(2)(b).

(3) No person shall release or attempt to release, otherwise than in accordance with these bylaws, any vehicle which has been received at a pound.

#### **6. Care of vehicles or Goods**

- (1) The pound keeper shall take proper care of any vehicles or goods impounded in terms of these bylaws.
- (2) The pound keeper shall not use or cause or permit to be used any vehicle or goods impounded in terms of these bylaws.
- (3) In the event of the damage or stolen of any impounded vehicle, the pound keeper shall record the cause of such damage.
- (4) The pound keeper shall keep records of any expense incurred in respect of an impounded vehicles including, but not limited to, the damages of the vehicle.

#### **7. Release of Vehicles or Goods**

The pound keeper shall release an impounded vehicle to any person who has –

- (1) satisfied the pound keeper that he or she is the owner of the impounded vehicle viz. produce proof of ownership, full personal details including copy of Identity Document, permanent residential address (not postal) etc.
- (2) paid the conveyance and pound fees prescribed by resolution of the council of the Council from time to time; and
- (3) paid any damages or other expenses incurred in the impounding of the vehicle by way of a statement of account commensurate with the period the vehicle been impounded inclusive of damages or other expenses, which statement must be taken to the finance cashiers who will issue a release note to the owner;.
- (4) Vehicle collection will be during working hours only, no person will be allowed to claim vehicle after working hours or during weekends.

#### **8. Disposal of Vehicles**

- (1) The pound keeper may sell by public auction and for cash any impounded vehicle which has not been claimed within 30 days of being impounded, and in respect of which –
  - (a) the Council has taken all reasonable steps to locate and notify the owner;
  - (b) the owner has not been located or, despite having been given 10 day's notice, has failed to remove the impounded vehicle; and
  - (c) 10 day's prior notice of the proposed sale has been given in terms of section 8(2).

- (2) The sale of an impounded vehicle shall be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose –
- (a) describing the vehicle, its make or model, its year and any particular information; and
  - (b) stating that the vehicle will be sold by public auction if not claimed within 10 days.
- (3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, shall be forfeited to the Council if not claimed within three months by a person who establishes to the satisfaction of the pound keeper that he or she is the owner of the impounded vehicle.
- (5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 7, or the costs of destruction may be claimed by the Council from the owner.

### 9. Indemnity

The Council, the pound keeper and any officer, employee, agent or councillor of the Council shall not be liable for the damage of or material loss to any vehicles arising as a result of its detention, impounding or release, or arising during its impoundment.

### 10. Offences and penalties

Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable for a fine not exceeding **R5 000 (Five Thousand Rand) or imprisonment** for a period not exceeding three months or for both such fine and imprisonment.

### 11. Repeal of existing By-laws

The Council's existing Municipal Pound by-laws are hereby repealed.

### 12. Short title and commencement

These by-laws shall be called the Impoundment of Vehicle and Goods By-law, and shall take effect on a date determined by the municipality by proclamation in the Provincial Gazette.

## STANDARD OPERATING PROCEDURE ON THE IMPOUNDMENT OF VEHICLES AND GOODS

### BACKGROUND

The Moses Kotane Local Municipality in enforcing its By-laws, shall have a Standard Operating Procedure in dealing with the impounding of vehicles and goods. Various By-laws authorize officials to confiscate, remove or seize goods where transgressions of the law take place. This is however done in an ad hoc manner which exposes the Municipality to various risks including litigation and claims for compensation to the value of goods.

This has led to a culture of reluctance to enforce the laws which authorize the Municipality to impound goods. The development of a Standard Operating Procedure dealing with the impoundment of vehicles and Goods will enable the various law enforcement officers in the Municipality to act with confidence in impounding vehicles and goods. It will also mitigate the risks that the Municipality is exposed to should impounding continue to take place in an ad hoc manner.

### **1. Application of Standard Operating Procedure**

This procedure binds the Municipality, its Councillors, employees, agents and agencies insofar as they are performing a function for the Municipality that is aligned to the activities and the outcomes identified in this document.

### **2. The objectives of this Standard Operating Procedure are to:**

- (a) Ensure that the By-laws of the Municipality are adhered to;
- (b) Standardize the manner in which impounding of vehicles and goods takes place;
- (c) Formalize the procedural steps that have to be complied with before impounding of vehicles and goods in terms of this by-law;
- (d) Mitigate the Municipality's exposure to possible litigation;
- (e) Mitigate the Municipality's exposure to possible claims for compensation; and
- (f) Recovery costs

### **3. WRITTEN COMPLIANCE NOTICE**

3.1 A written compliance notice shall be issued by officials authorized or Law Enforcement officer mandated in terms of any By-law, to any person contravening a By-law.

3.2 A written compliance notice shall be issued with each complaint that is received, or for each transgression of a by-law.

3.3 The written compliance notice must state at least the following:

- (a) the By-law/s being contravened;
- (b) the section/s contravened by what actions;
- (c) what actions is required in order to comply;
- (d) fine issued;
- (e) what measures must be taken to rectify the contravention; and
- (f) time frames within which the offender must comply.

3.4 Failure to comply with the requirements of the compliance notice may result in prosecution of the offender and/ or the seizure and impoundment of any goods related to the contravention of the By-law.



3.5 Prosecution of an offender in terms of subsection 4.2 shall include charges being laid for:

- (a) The action giving rise to the issuing of a first compliance notice, if any;
- (b) The action giving rise to a complaint following on the issuing of the first compliance notice; and
- (c) The offence of not complying with a legally issued compliance notice.

#### **4. COMPLIANCE PERIOD**

4.1 Authorised officials shall, in circumstances other than what is set out in 5.2, allow the following time periods for offenders to comply with the instructions set out in a compliance notices issued in terms of:

- (a) Vehicle by-law: 24 hours
- (b) street Public places and prevention of Noise Nuisance By-law:
  - Nuisance : immediate compliance
  - other : 24 hours
- (c) Informal Trading By-law: 24 hours

4.2 Compliance notices issued by the Municipality must be complied with in a specified time as above.

4.3 Where the authorized official reasonably believes that the action or contravention constitutes a threat to life, property, health or peace he or she shall ensure immediate compliance.

#### **5. IMPOUNDING OF GOODS**

5.1 An authorized official may impound goods whether on private or public land in, but not limited to, the following circumstances:

- (a) where he or she reasonably suspects that goods are being used in contravention of a by-law;
- (b) where goods are being used in a manner that disturbs the peace, health, security or wellbeing of another;
- (c) where goods are being used, intended to be used or have been used in, or in connection with, the carrying on of the business of illegal trading;
- (d) where the carrying on of such business is prohibited or restricted in terms of the Municipality's by-laws;
- (e) where there is a reasonable suspicion that a person or business is in a possession of stolen or counter fake goods;
- (f) where goods are left unattended in or along a public road, public place or any other open space for a period of up to 24 hours;
- (g) where offending actions are repeated on a regular basis e.g. daily; and
- (h) where complaints have been received about the same type of offending action or actions within the period of 24 hours;

Whether or not such goods are in the possession or under the control of any other person or business at the time of such offending action and envisaged impoundment.

5.2 Subject to section 6.(c), goods may only be impounded if a prior compliance notice has been served on the offender.

5.3 Where the authorized official is of the opinion that the transgression of the by-law:

- (a) Is of serious nature;
- (b) Pose a threat to the health, well-being or peace of others; or
- (c) Causes an obstruction or hazard in a public road;

The authorized official may impound goods without a prior written compliance notice having been issued.

5.4 Costs relating to the lawful seizure, impoundment and storage of impounded goods shall be for the account of the offender.

5.5 Any person who hinders or obstruct an authorized official from performing any lawful tasks in terms of this Standard Operating Procedure and the relevant by-laws shall be guilty of offence and be prosecuted.

## 6. IDENTIFICATION OF GOODS

An authorized official exercising authority in terms of any by-law of the Municipality to impound goods, shall issue to the offending party a receipt for any property removed and impounded. The receipt must indicate the following:

- (a) An itemized list of all the property to be removed and impounded;
- (b) The physical condition of the goods;
- (c) The address where the impounded goods will be kept;
- (d) The hours during which goods that have been impounded may be collected;
- (e) The maximum period for storage of goods before they disposed of;
- (f) The conditions for the release of the impounded goods;
- (g) The name and office number of a Council Official to whom any representation regarding the impoundment may be made;
- (h) The date and time by when representation must be made;
- (i) The terms and conditions relating to the sale of unclaimed goods, by public auction, where no payment (and/or representation) is received;

## 7. STORAGE OF IMPOUNDED GOODS

7.1 Impounded goods shall be stored on property, belonging to the Municipality identified for purposes of storage.

7.2 Daily fees will be levied for storage of any impounded goods.

7.3 Should any impounded goods require specialized storage due to the nature of the goods, the Municipality may utilize service provider to provide such specialized storage.

8.3.1 The costs for specialized storage shall be paid by the owner of the goods as part of the fees and fines that are levied due to impoundment.

7.4 The physical condition of all impounded goods shall be documented in an effort to ensure that goods are returned to owners in the same physical condition that they were in when impounded.

7.5 The Municipality shall however not be responsible for any damage caused to goods where a reasonable duty of care was exercised.

## **8. DISPOSAL OF IMPOUNDED GOODS**

8.1 An authorized official shall destroy or cause to destroy all perishable goods in terms of the prescribed procedures of Council for perishable goods.

8.1.1. Disposal of perishable uncollected goods includes food, other goods capable of spoiling or decaying, if uncollected, a notice will be given to the owner within one (1) day from the date they were confiscated. If uncollected goods have perished the Municipality will or can dispose them within a reasonable time.

8.1.2 The Municipality shall make reasonable attempts either verbally or in writing to tell the person who left the items that have been disposed off.

8.1.3. The Municipality may dispose off perishable goods by selling, destroying or keeping them.

8.1.4. The Municipality does not have to wait for the goods to perish if a reasonable time has passed since giving notice of the intention to dispose off them.

8.1.5. The Municipality must record certain details about the goods after disposal.

8.2 The Municipality may discard, sell or otherwise dispose of any goods that have not been claimed within ninety (90) days after the date of impoundment.

8.3 The selling of such goods will be done through public auction which shall be advertised in a local newspapers.

8.4 Municipal officials and councilors, their spouses, relatives and acquaintances are prohibited from purchasing any impounded goods that are disposed of through auctioning.

## **9. FEES**

9.1 Fees may be levied for:

- (a) Dismantling of any goods that may require dismantling;
- (b) Transportation of goods;
- (c) Storage of goods; and
- (d) Any other expense incurred by the Council during and/or due to impoundment.

9.2 Fees that are to be levied for impounding, transportation, and storage of goods shall be determined by Council and may be adjusted from time to time.

9.3 Fees and fines payable shall be paid at the Council cash offices between the hours of 7h30 and 16h00 on Mondays to Fridays.

## **10. RETURN TO OWNER**

10.1 Goods may be returned to the owner, or his or her representative, upon presentation of proof of payment of:

- (a) all fees related to the impounding, transportation and storage of the goods; and
- (b) any fines that may have been imposed prior to and/or during impoundment.

10.2 . Owners, or their representatives can collect their impounded goods, during the hours, at the venue, indicated in the impoundment notice served on the offender. Proof of payment of all fines and fees relating to the impoundment must be presented.

10.3 . Transportation and installation costs relating to the return of impounded goods back to the premises from which they were impounded shall be for the cost of the owner of such goods.

10.4 . Monies payable by Council to service providers for specialized services rendered shall be factored into the determination of fines and fees to be paid by the owner of the goods.

10.5 . Council may from time to time amend the fines and fees that are applicable when goods are impounded, transported and stored.

## **11. USE OF IMPOUNDED GOODS AS EVIDENCE IN COURTS**

11.1 The Municipality may, where necessary, use any impounded goods in court as evidence.

11.2 . The Municipality upon written request from the any other law enforcement agency, make impounded goods available to serve as evidence in court.

11.3 . Law enforcement agencies requesting the release of goods to serve as evidence in court shall:

11.3.1 ensure that the goods are handled with proper duty of care; and

11.3.2 be responsible for any costs relating to transportation from and back to the storage facility, assembling or dismantling of goods.

## **12. RECORD KEEPING**

12.1 All relevant information relating to:

- (a) fines imposed prior to and at impoundment;
- (b) fees levied during impoundment, transportation and storage of the goods; and
- (c) expenses incurred by the Municipality due to service providers being utilized in the dismantling, impoundment and storage of goods, Shall be provided to the relevant municipal storage depot listed in the impoundment notice.

12.2 . The data base shall be readily available to all officials that may be tasked with the release of impounded goods.

12.3 . Only dedicated officials shall be permitted to amend the data base.

12.4 . All officials shall have read only access to the data base.

12.5 . Information contained on the data base shall be utilized in determining the exact fines and fees payable before goods may be released.

12.6 . Digital photographs shall be taken of all impounded goods.

### **13. FORFEITURE**

13.1 Subject to clause 14.2 any goods not collected during the 90 days period shall be forfeited to the Municipality.

13.2 Where goods are:

(a) to be used by the Municipality as evidence; or

(b) where a written request was received by another law enforcement agency,

The 90 days maximum storage period shall not apply.

13.3 Where goods are used as evidence in courts, the goods shall be stored until released by the courts.

13.4 Where impounded goods are released by the court, the court shall decide on which of the fees and fines will be payable by the offender.

### **14. DUTY OF CARE WHEN HANDLING GOODS**

14.1 Officials of the Municipality must, when exercising any function or performing any duty in relation to impoundment of goods in terms of any by-law of the Municipality, exercise duty of care when handling impounded goods.

14.2 . Officials of the Municipality must take reasonable steps to prevent any damage to impounded goods.

### **15. SERVICES PROVIDERS**

15.1 The Municipality may utilize service providers to assist in the dismantling, transportation and storage of specialized equipment that may be impounded.

15.2 . Service Providers performing any duty or function on behalf of the Municipality shall act in a manner that displays duty of care when dealing with impounded goods.

### **16. VEHICLES OR EQUIPMENT**

16.1 The Municipality may procure the use of specialized services and vehicles when required.

## MOSES KOTANE LOCAL MUNICIPALITY



### CONTROL OF PUBLIC TRANSPORT AND RELATED NUISANCES BY-LAW

Notice is hereby given in terms of Section 13(a) of the Local Government Municipal System Act, Act No 32 of 2000, that Moses Kotane Local Municipality has resolved to approve By-laws on Control of Public Transport and Related Nuisances for Moses Kotane Local Municipality's precincts as approved by its Council as set out hereunder.

#### APPLICABLE LEGISLATION

- National Road Traffic Act 1996 (Act no 93 of 1996)
- Municipal System Act 2000 (Act no 32 of 2000)
- National Land Transportation 2009 (Act no 5 of 1999)
- Criminal Procedure Act 1977 (Act no 51 of 1977)
- Administrative Adjudication of Road Traffic Offences Act (AARTO) 1998 (Act no 46 of 1998)

**To provide for the regulation of public transport vehicles and traffic within the area of jurisdiction of the Moses Kotane Local Municipality; and to provide for matters connected therewith.**

### **Preamble**

**WHEREAS** section 156(2) of the Constitution provides that Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer;

**WHEREAS** municipal public transport is listed as a local government matter in Part B of Schedule 4 to the extent set out in section 155(6)(a) and (7);

**WHEREAS** municipal roads and traffic and parking is listed as local government matters in Part B of Schedule 5, to the extent set out in section 155(6)(a) and (7);

**AND WHEREAS** the Municipality intends to control nuisances emanating from the operation of public transportation within the jurisdiction of the Moses Kotane Local Municipality;

**AND NOW THEREFORE, BE IT ENACTED** by the Council of Moses Kotane Local Municipality as follows:

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In this By-Law, any word or expression that has been defined in the National Road Traffic Act 1996, (Act 93/1996) and /or the regulations in terms of the National Road Traffic Act 1996 (Act 93/1996), shall have such meaning, and unless the context otherwise indicates: carrying of passengers, and that is not subject to restrictions in respect of fares and timetables and excludes a Metered Taxi Service,

**“Act “** means the National Road traffic Act, Act No 93 of 1996

**“By-laws”** means by-law promulgated in terms of Section 80A of the Act read together with Section 12 & 13 of the Local Government Municipality System Act 2000 (Act 32 of 2000).

**”Municipality”** means Moses Kotane Local Municipality

**“Municipal Manager** “means the accounting officer of the Municipality, any person authorised by the Council to act on its behalf, any person acting in its stead and any person designated by the Council to enforce these By-Laws.

“**Council**” means the Council named Moses Kotane Local Municipality established in terms of section 12 of the Local Government Municipal Structure Act 1998 (Act No 171 of 1998 ) read with section 155 of the constitution or its successor in title and any committee or person to which or to whom an instruction has been given or any power, function or duty has been delegated or sub delegated in terms of , or as contemplated in ,section 59 of the Local Government Municipal System Act,2000 (Act No 32 of 2000)

“**Law enforcement officer**” means Traffic officer or any member of the recognised law enforcement agency.

“**Driver**” means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle or who leads any draught, pack or saddle animal or herd or flock of animals, and drive or any like word has a corresponding meaning.

“**Holding area**” in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place.

“**marshal / dispatcher**” means a person who arranges passengers and vehicle-related procedure at taxi facilities.

“**metered taxi**” means a motor vehicle designed for conveying not more than five people (including the driver) and which must be fitted with a taxi meter.

“**A taximeter**” is a mechanical or electronic device installed in taxicabs and auto rickshaws that calculates passenger fares based on a combination of distance travelled and waiting time. Its shortened form, “**taxi**”, is also a metonym for the hired cars that use them.

“**Midi-bus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the Act, to carry from 19 to 35 seated person, excluding the driver

“**Minibus**” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the Act, to carry from 9 to 18 seated person, excluding the driver.

“**motor car**” means a motor vehicle, other than a motor cycle, motor tricycle or motor Quadra-cycle as defined in the Act, designed or lawfully adapted by a registered manufacturer in compliance with the Act to carry not more than 8 persons excluding the driver

“**Passenger**” means any person who pays for the service of being conveyed from one point to another, by any public passenger road transport service.

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

- (a) The verge of any such road, street or thoroughfare
- (b) Any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (c) Any other work or object forming part of or connected with or belonging to such road, street or thoroughfare; and
- (d) A public passenger road transport facility

“**route**” means the road lines, route or part of the route specified in the operating licence for a bus or taxi, or railway lines that are traversed by a vehicle or train from point of origin to point of final destination or, in case of road-based transport, where no roads are clearly demarcated, the route followed by the particular vehicle as described with reference to the operating licence.

“**stopping place**”, in relation to

{i} a taxi, means a place designated by the Municipality where a taxi may stop to pick up or off load passengers; and

{ii} a bus, means a demarcated stop where a bus may stop to off load and pick up passengers.

“**taxi**” means a motor vehicle which plies for hire, is operated for reward and for the purpose of this By-law includes

{i} a mini-bus, a midi-bus, motor tricycle or motor Quadra-cycle and

{ii} a metered taxi

“**taxi association**” means taxi association recognised by the Municipality in terms of guidelines prescribed by the Province for registering taxi associations.

“**Taxi rank / terminal**” in relation to a taxi, means a place on a public road established by the council where a taxi may stand or ply for hire or to pick up and convey passengers for reward.

“**Decal**” refers to the trading rights licence of Moses Kotane Local Municipality, a colour-coded sticker or other means of identification or a sticker which shall be issued at the predetermined annual fee for authority to trade or sell goods from vehicle or convey passengers within Moses Kotane Local Municipality.

“**Metered taxi service**” means a public transport service operated by means of a motor vehicle which is designed, or lawfully adapted, in compliance with the Road Traffic Act, 1989 (Act No 29 of 1989), to carry fewer than nine seated persons, including the driver, where that vehicle

- (a) Is available for hire by hailing by telephone or otherwise;
- (b) May stand for hire at a rank, and
- (c) Is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable.

“**public transport service**” means a service for the carriage of passengers by road or rail, whether the service is subject to a contract or not, and where the service is provided for a fare or other consideration or reward, including any service that is

- (a) A scheduled service
- (b) An unscheduled service, which includes a minibus taxi-type service
- (c) A charter service
- (d) A long distance service
- (e) A meter taxi service
- (f) A rail service

- (g) A tourist service
- (h) A staff service

**“Car guard** “means a person rendering a service to another person for reward at a public place or at a place which is commonly used by the public or any section thereof by making himself or herself available for the protection of vehicles in accordance with an arrangement with such other person, and car guards must be registered with Security Industry Regulatory Authority (SIRA), and they must carry their appointment cards at all times when on duty.

**“public place”** includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access.

**“public property”** is a property owned by the government or one of its agencies, division, or entities commonly a reference to parks, playgrounds, streets, sidewalk, schools, libraries and other property regularly used by the general public.

A **Street** is a public thoroughfare (usually paved) in a built environment. It is a public parcel of land adjoining buildings in an urban context, on which people may freely assemble, interact, and move about. A Street can be as simple as a level patch of dirt, but is more often paved with a hard, durable surface such as concrete, cobblestone or brick. Portions may also be smoothed with asphalt, embedded with rails, or otherwise prepared to accommodate non-pedestrian traffic.

**“Street”** includes a side sidewalk.

**“Taxi facility”** means a holding area, a special parking or a stopping place for taxis which a permit has been issued.

**“Facility”** means rank, terminal, parking spaces, holding areas and similar facilities provided by the Council for use of public transport purpose.

**“Passenger-carrying motor vehicle** “means a taxi or a bus used or designed to convey passengers for reward

**“authorised officer”** includes-

(a) a person in the service of Moses Kotane Local Municipality whose duty is to inspect licences, examine vehicles, examine driving licences, or who is a traffic officer or a road traffic law enforcement officer, and also any other person declared by the Minister of Transport by regulation made in terms of the National Road Traffic Act to be an authorised officer; and

(b) a person appointed as an inspector or law enforcement officer by Moses Kotane Local municipality as contemplated in section 86 of the National Land Transport Act, 2009 (Act No. 5 of 2009);

**“authorised official”** means an employee of Moses Kotane Local Municipality responsible for carrying out any duty or function, or delegated to carry out any duty or function, in terms of this By-law;

“**bus**” means a motor vehicle designed or adapted for the conveyance of more than 16 persons, including the driver;

“**drive**” or any like word has a corresponding meaning;

“**holder**”, in relation to a rank token, means the owner to whom a rank token has been issued in terms of section 3(2);

“**kerb line**” means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;

“**motor vehicle**” means any self-propelled vehicle and includes—

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include—

(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“**non-motorised vehicle**” means a vehicle or device utilised for land road based transport for the conveyance of goods or passengers, which is propelled either, solely by animal power or by human power or a combination of human power, assisted by an alternative source of power or provided by any form of fossil fuel;

“**operating licence**” means an “**operating licence**” as defined in section 1 of the National Land Transport Act, 2009 (Act No. 5 of 2009);

“**owner**”, in relation to a vehicle, means—

(a) the person who has the right to the use and enjoyment of a vehicle in terms of the common law or a contractual agreement with the title holder of such vehicle;

(b) any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the title holder in accordance with the contractual agreement referred to in paragraph (a); or

(c) a motor dealer who is in possession of a vehicle for the purpose of sale, and who is registered as such in accordance with the regulations under section 4 of the Act, and

“**owned**” or any like word has a corresponding meaning;

“**park**” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

“**ply for hire**” means use of a vehicle for conveying passengers for hire or reward;

“**permit**” means a permit as defined in section 1 of the National Land Transportation Act, 2009 (Act No. 5 of 2009);

**“public transport conductor”** means a person who, in a public place or on a public road, renders a conductor service to public transport drivers and passengers, including –

- (a) soliciting and touting for business;
- (b) controlling and managing access to vehicles; and
- (c) collecting fares.

**“public transport vehicle”** means a public motor vehicle used for the conveyance of passengers or of passengers and goods for hire or reward, including buses and taxis;

**“public transport service”** means a scheduled or unscheduled service for the carriage of passengers by road whether subject to a contract or not, and where the service is provided for a fare or any other consideration or reward, including Cabotage in respect of passenger transport as defined in the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998) and except where clearly inappropriate, the term **“public transport”** must be interpreted accordingly;

**“public transport”** means any transport which used to convey passengers for monetary benefit such as taxis, metered taxis, mini-bus, midi-bus and buses.

**“rank”** includes –

- (a) a public transport interchange or a place upon a public road from which a public transport service may ply for hire or convey and drop off passengers for reward; and
- (b) any place designated or demarcated as a rank or for the exclusive parking of specific public transport vehicles by a road traffic sign,

and **“ranking”** and **“public transport facility”** have corresponding meanings;

**“rank token”** means a rank token issued in terms of section 3;

**“roadway”** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;

**“shoulder”** means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;

**“taxi facility”** means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the City for the exclusive use of taxis;

**“touting”** means soliciting passengers for a public transport vehicle by shouting, hooting, whistling or any other conduct, and **“tout”** has a corresponding meaning;

**“trolley”** means a device used to transport anything or person and which is propelled or pulled by human or animal power, and includes a pram or cart;

**“vehicle”** means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

**“Related nuisances”** means anything that causes inconvenience or annoyance such as noise or any disturbance of peace and safety such as littering or any behaviour that causes irritation.

## **CHAPTER 2**

### **2.1 MINIBUS TAXIS**

#### **2.1.1 Parking and stopping of minibuses**

- (1) No person may park a minibus on any public road for the purpose of providing a public transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of National Road Traffic Act, 1996 (Act No 93 of 1996) for that vehicle or at a designated taxi rank.
- (2) No person shall stop or park a minibus on any public road for the purpose of providing a public transport service.
- (3) Notwithstanding the provisions of section 2.1 of these By-laws, in emergency situations or at recreational and other similar functions the Council may set aside temporary taxi facilities suitably identified by the Head of Traffic for the parking and stopping of minibus taxis.

#### **2.1.2 Use of taxi rank**

- (1) A driver of a minibus taxi may only park, load and off load passengers at a taxi platform allocated by the Council according to the route and/or destination to be travelled by the specific minibus taxi.
- (2) A driver of a minibus taxi shall, when plying for hire at a taxi rank at the applicable platform, do so in a queue and shall
  - (a) Place his/her taxi in the first vacant place available in such queue immediately behind any other taxi already in a front position;
- (3) The driver of a minibus taxi may not use a hooter or sounding device to attract potential passengers or customers especially where there are houses next to the road or play loud music.

#### **2.1.3 Behaviour and clothing of drivers / engagement with passengers**

- (1) Every driver of a minibus taxi shall be clean and decently clothed, properly groomed, shall conduct himself in a proper, civil and decorous manner, and shall refrain from using insulting language or conduct himself/herself in an improper or unbecoming manner.
- (2) No driver of any minibus taxi shall:-
  - (a) While engaged under hire, take alcoholic liquor or smell of such liquor and/or
  - (b) Without the consent of the passenger smoke any tobacco or other substance whilst engaged under hire.



#### 2.1.4 Servicing or washing of a motor vehicle at a facility

A person may not service or wash a vehicle in a facility, except in a place demarcated for washing or servicing of vehicles and indicated as such by a sign erected by the

Council.

#### 2.1.5 Damage to municipal property prohibited

- (1) A person may not damage, disfigure, mutilate, obliterate, remove or in any other way interfere with any municipal property related to passenger transport.

#### 2.6 Conveyance of filthy or diseased person

- (1) A driver of minibus taxi may refuse to convey or carry
- (a) any person who is obviously in a state of filth or obviously suffering from any Contagious disease or involved in an accident and or mentally retarded person.

#### 2.7 Customer Care and Operational plans

- (1) Taxi/Bus association operating within the borders of MKLM must submit to the Municipality customer care/operational plan every year, and it must address at least the following issues:
- (a) customer needs assessment
  - (b) service frequencies and times
  - (c) type of service rendered in the area
  - (d) discount structure
  - (e) estimates of waiting, dispatcher periods and safety
  - (f) care for special groups including aged, disabled and school children

#### 2.8 Possession of dangerous or offensive articles.

- (1) If the driver of a minibus taxi reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm, the driver or any other passenger may request the first mentioned passenger to hand such article to the driver or report to the nearest police station.
- (2) If a passenger is in possession of a fire-arm, the driver may request the passenger to display a valid licence for such fire-arm or, if the passenger is required to carry the fire-arm

as a member of the National or a Municipal Police Service established in terms of the South African Police Service Act, 1995, or as a member of the National Defence Force Act 1995, or as a member of the National Defence Force under Act 1957, the driver may request the passenger to display the current identity document which was issued to the passenger by such service or force.

- (3) If the passenger refuses to hand the article referred to in subsection (28(a) & (b)), or fails to display the licence or identity document referred to in subsection (2), to the driver, the driver may refuse engagement to the passenger.

## **2.9 Clean vehicle**

- (1) The owner and the driver of any minibus taxi must keep the vehicle clean and in neat condition at all times while engaged in public passenger road transport services.
- (2) The owner and the driver of any minibus taxi is not allowed to drive without shoes.

## **2.10 Taxi meter seals to be kept intact**

- (1) All seals affixed to any taxi meter shall at all times be kept intact and undamaged by the holder.
- (2) The driver of the metered taxi shall forthwith upon accidental breakage or defacement of the seals to a taxi meter, and before such taxi is used as a passenger carrying vehicle, apply to the Chief Traffic Officer or any organization approved by the Council to replace or renew the seal or seals.

## **CHAPTER 3**

### **3.1 Metered Taxis**

1. A metered taxi shall comply with all the conditions set out by the operating permit.
2. Any metered taxi must have an approved authentic distance measure.
3. Taxi meters shall measure the distance and time.

## **CHAPTER 4**

### **4.1 BUSES**

#### **4.1.1 Stopping places for public transport**

- (1) A driver of a bus may stop it for the purpose of loading and off-loading of passengers only at a stopping place designated by the Council and in such a manner that will not disturb the free flow of traffic.

#### **4.1.2 Engagement of passengers**

- (1) Drivers shall not play high sound music whilst commuters are on board.
- (2) Drivers shall not use vulgar or insulting words against commuters on board.

### **CHAPTER 5**

#### **5.1 Permit / Operating licence to be produced on demand**

- 5.1.1 Vehicles conveying passengers to and from work, scholars transport and or metered taxis shall have an authentic operating licence and must be carried in the vehicle at all times.
- 5.1.2 No public vehicle may be used within the boundaries of Moses Kotane Local Municipality unless it is possession of a valid operating licence issued by the relevant authorities.

### **CHAPTER 6**

#### **6.1 APPLICATION FOR OPERATING LICENCES**

##### **6.1.1 Requirements for the application of operating licences will be:**

- (1) A letter for confirmation of ranking facilities must be obtained from the Municipality
- (2) A valid road worthy certificate for the motor vehicle concerned
- (3) Copy of registration certificate
- (4) Copy of certified ID of the owner
- (5) Proof of residence
- (6) Letter giving concern from the association and property owner
- (7) Area of operation e g Mogwase complex to Maseru
- (8) Letter from applicant's association

### **CHAPTER 7**

#### **OFFENCE AND PENALTIES (penalties and impoundment)**

## 7.1 PENALTIES

7.1.1 Any person who contravenes or fails to comply with, or who causes, permits or encourages any person to contravene or fails to comply with the provisions of these or any notice given in terms thereof shall be guilty of an offence and liable upon conviction to a fine not exceeding R2500.00 or imprisonment not exceeding a period of 6 months or to both such a fine and such imprisonment.

## 7.2 IMPOUNDMENT

7.2.1 Any authorised officer who is satisfied on reasonable grounds that a motor vehicle is being used by any person for the operation of public transport within Moses Kotane Local Municipality area without the necessary operating licence or permit or operating in the municipal property or operational area with unlicensed or unpermitted vehicle, shall impound the vehicle pending the investigation and prosecution of that person for the offences as stipulated in Section 127 (1)(a) or (b) of the National Land Transport Transition Act No 22 of 2000. The vehicle shall be impounded for 14 days at a cost determined by the municipality.

## CHAPTER 8

### 8.1 Damage to public property prohibited / Road signs

8.1.1 No person shall remove, damage, deface, conceal or tamper with public property / road traffic signs.

## CHAPTER 9

### 9.1 Surface of street may not be defaced

Except in the performance of his or her official duties, no person shall mark, paint or, in any manner, defaced the surface of any street or part thereof.

## CHAPTER 10

### 10.1 Display of signs, poster and banners regulated

10.1.1 No person shall display any sign, poster or banner that is indecent, offensive or lewd –

(1) In, on or at a public place, or

(2) In such a manner that it is readily visible from a public place.

10.1.2 Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality no person shall:

(1) At a public place, or

(2) On private property (except private property for business related or industrial related purpose by or under any law, guide plan, town planning scheme or title deed) in such a manner that it is readily visible from a public place, advertise by displaying any sign, poster or banner.

## **CHAPTER 11**

### **11.1 REGULATION OF CAR GUARDS**

- (11.1.1) No person shall Act as a car guard unless that person is:
- (1) Registered as a security service provider in terms of the Private Security Regulation Act, 2001 (Act No56 of 2001), and
  - (2) Employed by an organisation for car guards and acts in the employ of and under the control of that organisation.
- (11.1.2) An organisation for car guards shall not render a car guard service unless that organisation:
- (1) Has obtained the prior written permission of the Municipality and acts in accordance with the conditions set out in that written permission
  - (2) Is a “security business” as defined in the Private Security Industry Regulation Act, 2001, and complies with the provisions of section 20(2) of that Act.
  - (3) Ensure that any of its employees rendering a car guard service:
  - (4) Is at all times duly registered as a security service provider in terms of the Private Security Industry Regulation Act,2001 and
  - (5) Complies with the provisions of the code of conduct for security service providers referred to in section 28 of the Private Security Industry Regulation Act 2001.
- (11.1.3) Conditions contemplated in subsection (13.1)(a,b,c) ,(i) (ii)) must include, but shall not be limited to :-
- (11.1.4) Delimitation of the area in which such organisation for car guards may render a car guard service;
- (11.1.5) Hours during which such organisation for car guards may render a car guard service
- (11.1.6) Places prohibited for such organisation for car guards to render a car guard service; and
- (11.1.7) The period (not exceeding one year) for which the permission is granted.

## **CHAPTER 12**

### **12.1 UNLAWFUL ACTS IN RELATION TO PUBLIC PLACES**

No person shall leave, spill, drop or place in, on or at a public place any matter or—

- (a) That may impede the cleanliness of such public place; or
- (b) That may cause annoyance or danger to any person, animal or vehicle using such public place.
- (c) No person shall spit, urinate or defecate in, on or at a public place
- (d) No person shall be drunk in, or at a public place.

## **CHAPTER 13**

### **13.1 INHALATION, PROVISION OR DISPOSAL OF CERTAIN SUBSTANCES PROHIBITED.**

- 13.1.1 Subject to the Drugs and Drug Trafficking Act, 1992 (Act No 140 of 1992) no person shall inhale the fumes of any glue, adhesive or volatile substance that has an intoxicating or hallucinating effect
- 13.1.2 No person shall dispose of any container of a substance referred to in subsection (15.1):
- (1) Through the municipal refuse system, or
  - (2) By leaving it in, on or at a public place.
- 13.1.3 Subject to the Drugs and Drug Trafficking Act 1992, no person shall, for payment or otherwise, provide a substance referred to in subsection (15.1) to any person if it is reasonably evident that the substance is acquired with the purpose of contravention of that subsection.

## **CHAPTER 14**

### **14.1 DUMPING, LEAVING OR ACCUMULATION OF CERTAIN OBJECTS OR SUBSTANCES IN PUBLIC PLACES PROHIBITED.**

- 14.1.1 No person shall dump, leave or accumulate any garden refuse, motor vehicle wreck or spare part, building waste, rubbish or other waste:
- (1) In, on or at a public place
  - (2) Except at a place designated by the Municipality for dumping.
- 14.1.2 Except with the prior written permission of the Municipality and in accordance with any condition as may be determined by the Municipality, no person shall place or permit any object or substance referred to in subsection (16.1) to be placed in, on or at a public place from premises owned or occupied by such person.

## **CHAPTER 15**

### **15.1 UNLAWFUL ACTS IN RELATION TO TREES IN PUBLIC PLACES.**

- 15.1.1 No person shall:
- (1) Break or damage a tree in a public place; or
  - (2) Mark or paint such tree
- 15.1.2 Except with the prior written permission of the Municipality; no person shall
- (1) Display an advertisement on a tree in a public place;
  - (2) Lop, top, trim, cut down or remove such tree.

## **CHAPTER 16**

### **16.1 GATHERING OR OBSTRUCTION OF STREETS PROHIBITED.**

16.1.1 Subject to the Regulation of Gathering Act, 1993 (Act No.205 of 1993), no person shall gather, sit, lie or walk in a street in such a manner as to cause obstruction to traffic or to jostle or otherwise impede any other person using such street without prior written approval from the municipality.

## **CHAPTER 17**

### **17.1 PROHIBITION IN RELATION TO PLACE OF RELIGIOUS WORSHIP.**

(1) No person shall erect a tent or any structure that will be used as a place of worship without the written permission from the municipality.

(2) No person shall use a park or any recreational facilities or erect a tent or any structure for the purpose of worship at a recreational park/facility or in any public facilities.

## **CHAPTER 18**

### **18.1 NUISANCE PROHIBITED**

(1) No person shall, in, on or at a public place :-

- (a) Use indecent, offensive or lewd language
- (b) Ignite or burn rubble or refuse:
- (c) Burn any matter that produces an offensive smoke;
- (d) Cause an offensive smell;
- (e) Fight, threaten anyone with violence or disturb other persons by shouting or arguing
- (f) Cause excessive noise by:
  - (i) Singing
  - (ii) Playing musical instrument / loud music
  - (iii) The running of an engine
  - (iv) The use of a loudspeaker, radio, television or similar device; or
  - (v) Any other means

## **CHAPTER 19**

### **19.1 DISTURBANCE OF PEACE PROHIBITED**

- (1) No person shall disturb the peace in a residential area by causing excessive noise or by fighting, playing loud music, shouting or arguing in a boisterous way.
- (2) Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall explode a firecracker or any other fire work causing a loud noise.
- (3) The provision of subsection 19.1 shall not be construed so as to prohibit noise emanating from a *bona fide* cultural or religious gathering

## **CHAPTER 20**

### **20.1 ADVERTISING BY SOUND-AMPLIFYING EQUIPMENT REGULATED.**

- (1) Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the municipality, no person shall, by the use of any sound-amplifying equipment on business premise:
  - (a) Play music; or
  - (b) Use a microphone or recording to invite any member of the public to enter those premises or to do business there;In such a way that it can be heard from a public place.

## **CHAPTER 21**

### **21.1 TOUTING REGULATED**

- (1) Except in an area designed by the Municipality and during hours determined by the Municipality, no person shall, in or from a public place:
  - (a) Tout, or
  - (b) In any way indicate to any member of the public his or her willingness to do for reward any work or perform any task.

## **CHAPTER 22**

### **22.1 PARKING OF VEHICLES AT THE COMPLEX OR SHOPPING**

- (1) No person shall park his / her motor vehicle contrary to the provisions set out by the National Road Traffic Act 1996 (Act No. 93 of 1996)

## **CHAPTER 23**



## 23.1 PLYING FOR HIRE AND RANKING REQUIREMENTS

### 23.1.1 Parking and plying for hire

- (1) Subject to subsection (2), a driver of public transport vehicle who plies for hire, or picks up or drops off passengers may park such public transport vehicle at a rank or any parking place demarcated for such public transport vehicles.
- (2) Despite subsection (1), the Municipality may, in emergencies or at recreational and other similar functions, set aside temporary public transport facilities identified by the authorised officer as suitable for the parking and stopping of public transport vehicles.
- (3) No driver of a public transport vehicle may park such vehicle at a stopping place or any other place not demarcated for such public transport vehicles.
- (4) No driver of public transport vehicle may, except with the written authorisation of the relevant operating licensing authority, may deviate from the allocated route and take short cuts through community roads for the purpose of plying for hire or driving to pick up or drop off passengers.

## 23.2 RANK TOKENS

- (1) No person shall rank with a public transport vehicle at a rank unless a rank token in respect of such vehicle has been issued to him or her in terms of subsection (5).
- (2) No person must be issued with a rank token, unless he or she provides—
  - (a) a certified copy of the operating licence or public permit;
  - (b) a certified copy of certificate of roadworthiness;
  - (c) an identification document or driving licence;
  - (d) registration papers of the vehicle; and
  - (e) letter of support from the relevant association.
- (3) No person may be issued with a rank token if he or she has outstanding warrants for the non-payment of traffic fines.
- (4) The rank token referred to in subsection (1) is valid for a period of 12 months from the date it was issued.
- (5) The authorised official shall, subject to subsections (2), issue in respect of a ranking public transport vehicle, a rank token specifying –
  - (a) the rank at which the rank token applies;
  - (b) the period for which such rank token is granted;
  - (c) the registration number allotted to the vehicle concerned;
  - (d) the make of such vehicle;
  - (e) in respect of metered taxis, the number of the taxi-meter approved for use in such vehicle;
  - (f) the operating license number of the vehicle; and
  - (g) the routes for which such vehicle has authority to ply for hire.

- (6) An application for approval for a rank token must be submitted to the authorised official -
- (a) by the owner; and
  - (b) in a form as contained in the Schedule.
- (7) The authorised official may issue one rank token for each public transport vehicle.
- (8) Subject to section 77 of the National Land Transport Act, 2009 (Act No. 5 of 2009), the owner in respect of which a rank token has been issued shall, in writing, advise the authorised official of –
- (a) any change in his or her address during the operating period in which such rank token was issued;
  - (b) his disposing of or otherwise ceasing to be the owner of such vehicle during such period;
  - (c) the name and address of the person to whom it was disposed of; and
  - (d) the cause of his or her ceasing to be the owner, within 7 days of such event.
- (9) The owner shall pay to the City a charge which shall be fixed by the Council from time to time for the use of each rank token issued in terms of this section.
- (10) No person may forge, imitate, deface, mutilate, alter or make a mark upon, a rank token.

### **23.3 PLACES OF VALIDITY OF RANK TOKEN**

- (1) No person shall, except with the written consent of an authorised officer, ply for hire with a public transport vehicle from any place other than the route, rank or other place specified on the rank token issued in terms of section 3(5) in respect of such vehicle.
- (2) No person shall –
- (a) affix a rank token to any vehicle other than the vehicle in respect of which it was issued;
  - or
  - (b) ply for hire with a public transport vehicle –
- (i) unless the rank token issued in respect of such public transport vehicle for the current year is affixed to the left hand side of the windscreen thereof so that its face is clearly visible from outside;
  - (ii) whilst any rank token other than the rank token issued in respect of such public transport vehicle for the current year is affixed thereto; or
  - (iii) whilst any rank token which has ceased to be valid is affixed to such public transport vehicle.

### **23.4 RANK TOKEN TO BE PRODUCED ON DEMAND**

- (1) The holder of a rank token issued in terms of this By-law must -
- (a) maintain such rank token in a good and legible condition; and
  - (b) keep and display it in the motor vehicle to which it relates at all relevant times when such vehicle is being operated as a public transport vehicle.
- (2) Any authorised officer of the City may call upon the driver of any public transport vehicle to stop and may demand from him or her -
- (a) to produce the rank token required under the provisions of this By-law; and
  - (b) to supply his or her full name and address and also the name and address of the owner or operator of such public transport service.

- (3) No driver referred to in subsection (2) may, when called upon to do so by any authorised officer -
- (a) refuse to stop;
  - (b) refuse to supply his or her full name and address;
  - (c) refuse to supply the correct name and address of the owner or operator of the vehicle in his or her charge;
  - (d) refuse to produce a rank token; or
  - (e) give a false name or address.

### **23.5 SUSPENSION OR WITHDRAWAL OF A RANK TOKEN**

- (1) Where the holder of a rank token has been found guilty of contravening this By-law, and irrespective of whether any other penalty by a court of law has been imposed, the Municipality may, subject to section 7, after all the circumstances of the case have been taken into consideration, act in terms of subsection (2).
- (2) The Municipality may, after taking all the circumstances of the case into consideration, suspend a rank token for a period determined by the authorised officer or withdraw the rank token if –
- (a) the owner of the public transport vehicle -
    - (i) does not comply with an instruction issued in terms of this By-law; or
    - (ii) does not maintain the public transport vehicle at all times in a sanitary state and in a roadworthy condition; and
    - (iii) has outstanding arrest warrants for the payment of traffic fines.
  - (b) an authorised officer inspects the public transport vehicle and finds that such vehicle -
    - (i) is constructed in such a way or is in such a condition that the public transport vehicle is unsafe for the number of passengers that it is authorised to carry; or
    - (ii) does not comply with the conditions specified in this By-law or the Act.
- (3) No person may use or allow a vehicle to be used as a public transport vehicle at a public transport facility if the rank token of such public transport vehicle has been suspended or withdrawn, or has expired.
- (4) If an operating licence has been suspended, cancelled or withdrawn by the relevant licencing authority, the rank token issued by the City is automatically suspended, cancelled or withdrawn, as the case may be.
- (5) Where on appeal by the holder of an operating licence to the relevant authority the suspension, cancellation or withdrawal of an operating licence is reversed, the City may re-issue a rank token subject to certain specified conditions.

### **23.6 PROCEDURE FOR SUSPENSION OR WITHDRAWAL OF A RANK TOKEN**

- (1) A rank token may not be suspended or withdrawn unless

- (a) the authorised official has given the holder of a rank token and any public transport association or council of which the holder is a member, at least 14 day written notice by certified mail of his or her intention to suspend or withdraw the rank token, and such a notice must give -
- (i) the reasons for the proposed action and an adequate statement setting out the nature of the action;
  - (ii) an invitation to the holder of the rank token to make representations on the matter;
  - (iii) an address for the submission of representations as contemplated in subparagraph (ii); and
  - (iv) the date, time and place of a hearing, which may not be less than 28 days from the date of the notice, to consider the suspension or withdrawal, and an indication that the holder may submit representations and appear at the hearing.
- (b) the holder of a suspended or withdrawn rank token is given an opportunity, to either personally or through his or her duly authorised representative, appear at a hearing and to make representations to the Municipality.
- (2) If a holder of a rank token who has received a notice referred to in subsection (1) wishes to appear and to oppose the proposed action, he or she must, within 14 days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing by hand or by certified mail to the address indicated in the notice.
- (3) After the hearing referred to in subsection (1), the Municipality must give a ruling on whether or not to suspend or withdraw the rank token and the authorised official must give the holder of such rank token his or her reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.
- (4) A record of the proceedings at the hearing referred to in subsection (1) must include -
- (a) the evidence given, if any;
  - (b) any objection made to any evidence received or submitted; and
  - (c) the ruling given at the hearing.

### **23.7 CHANGES OF ADDRESS**

- 23.7.1 The holder of a rank token must give notice to the Municipality in writing of any change of address within 14 working days thereof by pre-paid registered post, telefax or hand delivery.

### **23.8 AMENDMENT AND REPLACEMENT OF A RANK TOKEN**

- (1) Subject to section 3, if the particulars reflected on a rank token are incorrect by virtue of a change in such particulars or for any other reason, the holder of such rank token must submit such rank token to the Municipality for the amendment thereof.
- (2) If a rank token is damaged in a manner that the particulars thereon cannot reasonably be ascertained, the holder of a damaged rank token must submit it to the Municipality and the authorised official may replace such damaged rank token at the cost of the holder of the rank token.

### **23.9 USE OF RANKS**

- (1) The driver of public transport vehicle must, when plying for hire at a rank, do so in a queue and must
  - (a) position his or her public transport vehicle in the first vacant place available in the queue immediately behind any other public transport vehicle already in front in the lane for which he or she has the route authority; and
  - (b) move his or her vehicle forward as the queue moves forward.
- (2) When plying for hire at a rank, a driver
  - (a) of any public transport vehicle which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her vehicle so long as it remains in such a position;
  - (b) may not position his or her public transport vehicle ahead of any public transport vehicle that arrived and took up a position in the queue before he or she did; and
  - (c) may, if his or her vehicle is the first public transport vehicle in the queue, and any person calls for a public transport service, respond to the call, unless the person clearly indicates his or her preference for another public transport service not in front of the queue.
- (3) No person may park or stop a vehicle which is not in good working order as required by the Act, in a rank, or cause or permit the vehicle to remain in a rank.
- (4) No person may park or stop any vehicle in a rank except a public transport vehicle for which a rank token, specifying the rank, has been issued for the period in question, in terms of section 3.
- (5) No person may wash any motor vehicle at a rank, except at a wash bay at the facility that has been specially constructed for this purpose.

### **23.10 RIGHT OF ENTRY**

An authorised officer may, in enforcing the provisions of this By-law, at any reasonable time and without prior notice

- (a) enter a public transport service facility to inspect the facility; and
- (b) make enquiries from a person connected with such facility.

## **CHAPTER 24**

### **24.1 LICENCE AND OPERATING LICENCE**

#### **24.1.1 DRIVER OF MOTOR VEHICLES TO BE LICENCED.**

(1) No person shall drive a motor vehicle on a public road

(a) except under the authority and in accordance with the conditions of a licence issued to him or her in terms of the Act or of any document deemed to be a licence for the purposes of the Act; and

(b) unless he or she keeps such licence or document or any other prescribed authorisation with him or her in the motor vehicle.

#### **24.1.2 MOTOR VEHICLE TO BE LICENCED**

(1) Subject to the provisions of the Act, every motor vehicle in the City shall, whether or not it is operated on a public road, be licenced by the owner of such motor vehicle, in accordance with the provisions of the Act, with the relevant licencing authority.

#### **24.1.3 DRIVER TO HAVE OPERATING LICENCE OR PERMIT**

(1) Subject to the provisions of section 32 of the Act, no person shall drive a motor vehicle of a class prescribed in terms of the Act on a public road except

(a) in accordance with the conditions of a permit issued to him or her in accordance with the provisions of the Act; and

(b) if he or she keeps such permit with him or her in the motor vehicle, provided that this subsection shall not apply to the holder of a learner's licence who drives such motor vehicle whilst he or she is accompanied by a person registered as a driver in respect of that class of vehicle.

#### **24.1.4 OPERATING LICENCE TO BE PRODUCED ON DEMAND**

(1) The holder of an operating licence must

(a) maintain the operating licence in a good and legible condition; and

(b) keep the operating licence in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a taxi or bus.

(2) A traffic officer / law enforcement officer may call on the driver of a taxi or bus to stop and may demand that he or she

(a) produce the operating licence; and

(b) give his or her full name and address and also the name and address of the owner of the taxi or bus.

(3) A driver referred to in subsection (2) may not –

(a) operate a public transport service without a valid operating licence; or

(b) allow the operating licence to be used for a vehicle other than that specified in such operating licence.

#### **24.1.5 UNATHORISED HANDING OVER OR ABANDONMENT OF TAXIS OR**

1. No driver of a taxi or bus may

- (a) abandon his or her vehicle; or
- (b) allow any other person to drive the taxi or bus under his or her control without the consent of the holder of the operating licence or public permit concerned.

## **CHAPTER 25**

### **25.1 CONDUCT OF DRIVERS, CONDUCTORS AND PASSENGERS**

#### **25.1.1 Preventing engagement of a public transport vehicle**

(1) No person may, by using force, intimidation, threats or by any other means, prevent or try to prevent

- (a) any person from obtaining or engaging a public transport vehicle; or
- (b) the driver of a public transport vehicle from taking on passengers.

### **25.2 CONVEYING DANGEROUS OR OFFENSIVE ARTICLES IN PUBLIC TRANSPORT VEHICLES.**

(1) A person who is in charge of a public transport vehicle may not knowingly convey a person or thing or allow that person or thing to be conveyed in such vehicle, whether or not the public transport vehicle has been engaged, if that person or thing

- (a) is not permitted to be conveyed in terms of an existing law; or
- (b) has obviously been exposed to or contaminated by an infectious or contagious disease contemplated in the Act.

### **25.3 BOARDING AND DISEMBARKING OF PUBLIC TRANSPORT VEHICLES.**

(1) No person may board a public transport vehicle until all persons desiring to disembark from such vehicle have done so.

(2) No person may insist on boarding a public transport vehicle where the number of passengers would be in excess of the total number of passengers which it is authorised to carry.

(3) No person may board or alight or attempt to board or disembark from any public transport vehicle whilst such vehicle is in motion.

### **25.4 QUEUES AT PUBLIC TRANSPORT FACILITIES**

(1) At any established ranking facility, the Municipality may erect or cause to be erected a queue sign that

consists of a notice board indicating the location and the manner in which persons waiting to enter a public transport vehicle will stop and form a queue, and such a sign may be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.

(2) All passengers intending to enter any public transport vehicle at an established ranking facility or stopping place must queue from the point at which it is indicated that such public transport vehicle will leave.

- (3) Where no queue sign has been erected, passengers waiting to enter a public transport vehicle must form themselves into a queue not exceeding two abreast or in a single file when required to so by an approved public transport conductor or authorised official of the City.
- (4) A passenger may only enter a public transport vehicle when he or she gets to the front of the queue.
- (5) Every passenger queuing must comply with all the instructions given by a public transport conductor, authorised officer or authorised official when on duty.

#### **25.5 GARMENTS AND IDENTIFICATION OF PUBLIC TRANSPORT SERVICE CONDUCTOR.**

- (1) Every public transport service conductor must, while on duty and presenting himself or herself as available for service, be dressed in a retro-reflective bib or jacket, and must ensure that an identification card issued to him or her in terms of any other law is visibly displayed.
- (2) No public transport service conductor or any other person may engage in touting.

#### **25.6 DUTY OF CARE**

- (1) The owner, driver and conductor of a public transport vehicle must, at all times, exercise a duty of care by maintaining the inside of such public transport vehicle in a sanitary state of affairs.

#### **25.7 PAYMENT OF FARES**

- (1) A passenger must pay the determined fare for the journey on request.

#### **25.8 RIGHTS AND DUTIES OF PASSENGERS WHEN A PUBLIC TRANSPORT VEHICLES BECOMES DEFECTIVE.**

- (1) If a public transport vehicle becomes defective or, for any reason whatsoever, is unable to proceed, the passengers must, at the request of the driver, disembark such defective vehicle and should the passengers have already paid their fares, they are entitled to a refund to the amount of their fares so paid.
- (2) Upon agreement with the driver of the defective public transport vehicle, passengers are allowed to travel with the next available public transport vehicle for the remainder of the distance in respect of the paid fares, at the cost of the owner of the defective public transport vehicle.
- (3) A driver who refuses to refund a passenger, as contemplated in subsection (1), or who refuses to allow a passenger to travel in the manner as contemplated in subsection (2) commits an offence.

#### **28.6 ANIMALS**

- (1) No passenger may enter a public transport vehicle with any animals other than a guide dog assisting a blind person.



## **28.7 ACTIONS PROHIBITED ON A PUBLIC TRANSPORT VEHICLE.**

- (1) The following actions are prohibited on a public transport vehicle:
- (a) smoking;
  - (b) playing offensive or excessively loud music;
  - (c) using obscene or offensive language;
  - (d) committing an offensive act;
  - (e) interfering with the comfort of any passenger;
  - (f) damaging anything and interfering with the equipment of the public transport vehicle in any way;
  - (h) forcibly causing the driver to deviate from his route;
  - (i) endangering the life of another person; and
  - (j) interfering with the actions of the driver.

## **28.8 BEHAVIOUR PROHIBITED AT A PUBLIC TRANSPORT**

- (1) A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law and may be removed from a queue or the vicinity of a public transport facility by any authorised officer of the Municipality

## **28.9 PROPERTY LEFT IN PUBLIC TRANSPORT VEHICLES**

- (1) The driver of a passenger-carrying vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must
- (a) deliver that property to the person who left it behind; or
  - (b) if he or she is unable to deliver that property to the person who left it behind, take the
  - (c) property, as soon as possible, to the lost property office of his or her employer or to the nearest police station and deposit it with the officer on duty and obtain a receipt for it.

## **CHAPTER 26**

### **26.1 ROAD SAFETY**

#### **26.1.1 OVERLOADING**

- (1) No driver of a public transport vehicle may allow more than the specified number of passengers as indicated in the public permit.

#### **26.1.2 OBSTRUCTION AND DISRUPTION OF TRAFFIC**

- (1) No person may park or allow a public transport vehicle to park in a stopping place designated for specific public transport vehicles.
- (2) No driver of public transport vehicle or his or her conductor may depress the button of a traffic control signal so as to speedily activate the green pedestrian light in order to force vehicular traffic to stop.
- (3) No public transport vehicle may traverse a pedestrian crossing when stopping to enable passengers to be picked up or dropped off.

- (4) No public transport vehicle may park for the purpose of plying for hire in a demarcated parking bay any longer than is required to enable waiting passengers to be picked up or dropped off.

### **26.1.3 DUTIES OF PEDESTRIANS**

- (1) A pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than 50 metres from such pedestrian crossing or intersection.
- (2) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.
- (3) Where a traffic-control light signal ("robot"), which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.
- (4) Where no pedestrian signals are operating at an intersection, but such intersection is controlled by a traffic-control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction opposite to that in which he or she is proceeding.
- (5) Where a traffic-control light signal, which embodies pedestrian signals, are operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.
- (6) No pedestrian may carelessly, negligently or recklessly disregard, or endanger his or her own safety, or the safety of a person or vehicle using a public road.

### **26.1.4 USE OF HOOTER**

- (1) No person shall on a public road use the sounding device or hooter of a vehicle except when such use is necessary in order to comply with the provisions of this By-law or any other law or on the grounds of safety.

### **26.1.5 DUTY TO INDICATE WHEN CHANGING LANES**

- (1) The driver of a vehicle on a public road divided into traffic lanes by appropriate road traffic signs shall not turn from one lane into or across another lane unless he or she can do so without obstructing or endangering other traffic.
- (2) A driver may not turn from one lane into or across another lane without giving a conspicuous signal visible to any person approaching him or her from the front or from the rear or from the side, and of a duration sufficient to warn any such person of his or her intention.

### **26.1.6 DRIVING ON SHOULDER**

- (1) Subject to subsection (2), no person shall drive a motor vehicle on the shoulder of a public road.
- (2) Notwithstanding subsection (1), the driver of a motor vehicle may, during the period between sunrise and sunset, drive such motor vehicle on the shoulder of a public road
- (3) which is designated for one lane of traffic in each direction:
  - (a) while such motor vehicle is being overtaken by another vehicle;
  - (b) if he or she can do so without endangering himself or herself, other traffic, pedestrians or property on such public road;  
and
  - (c) if persons and vehicles upon a public road are clearly discernible at a distance of at least 150 metres.

### **26.1.7 DRIVER OF MOTOR VEHICLE TO BE LICENCED**

- (1) No person shall drive a motor vehicle on a public road
  - (a) except under the authority and in accordance with the conditions of a licence issued to him or her in terms of the Act or of any document deemed to be a licence for the purposes of the Act; and
  - (b) unless he or she keeps such licence or document or any other prescribed authorisation with him or her in the motor vehicle.

### **26.1.8 MOTOR VEHICLE TO BE LICENCED**

- (1) Subject to the provisions of the Act, every motor vehicle in the Municipality shall, whether or not it is operated on a public road, be licenced by the owner of such motor vehicle, in accordance with the provisions of the Act, with the relevant licencing authority.

### **26.1.9 DRIVER TO HAVE OPERATING LICENCE OR PERMIT**

- (1) Subject to the provisions of section 32 of the Act, no person shall drive a motor vehicle of a class prescribed in terms of the Act on a public road except –
  - (a) in accordance with the conditions of a permit issued to him or her in accordance with the provisions of the Act; and
  - (b) if he or she keeps such permit with him or her in the motor vehicle, provided that this subsection shall not apply to the holder of a learner's licence who drives such motor vehicle whilst he or she is accompanied by a person registered as a driver in respect of that class of vehicle.

## **CHAPTER 27**

### **27.1 COMMUNICATIONS DEVICES**

#### **27.1.1 PROHIBITION ON USE OF COMMUNICATION DEVICE WHILE DRIVING**

- (1) Subject to any other law, no person shall drive a motor vehicle on a public road:
- (a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;
  - (b) while using or operating a cellular or mobile telephone or other communication device unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used, to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph (a), and remains so affixed while being used or operated.
- (2) For the purposes of this section —
- (a) the word “headgear” includes a device which is specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver; and
  - (b) the phrases “cellular or mobile telephone or any other communication device” and “cellular or mobile telephone or other communication device”, excludes land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the fixture in the vehicle.
- (2) Subject to subsections (1) and (4), an authorised officer may, in the public interest and safety of the public, confiscate and impound a hand held communication device. The authorised officer must, when confiscating any hand held communication device –
- (a) inform the owner of such communication device of the reasons of confiscating and impounding;
  - (b) issue a receipt to the owner of such hand held communication device, stating the place at which such device may be claimed ; and
  - (c) follow all procedures contained in any policy of the Municipality dealing with the confiscation and impoundment of property.

## **CHAPTER 28**

### **28.1 OFFENCES AND PENALTIES**

- (1) Any person who contravenes or fails to comply with any provision of this By-Law or any requirements or condition there under shall be guilty of an offence.
- (1) Any person convicted of an offence in listed above shall be liable to a fine or to imprisonment for a period not exceeding 6 months, or **R5500-00** or both fine and such imprisonment.
- (2) Any person who stops or parks his / her motor vehicle on the undemarcated or prohibited area or contravene the provisions of this by-law and provisions of the National Road Traffic Act 1996 (Act No 93 of 1996) the vehicle will be impounded by

either clamping wheels or towed to the municipal pound. Such person shall be liable to a fine of **R800.00** and a storage fee of **R300.00** per day

### **General Provision**

This By-law shall be called the Moses Kotane Local Municipality

## **CONTROL OF PUBLIC TRANSPORT AND RELATED NUISANCES BY-LAW**

**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

**PROVINCIAL NOTICE 356 OF 2022**

**NOTICE OF APPLICATION FOR AMENDMENT SCHEME IN TERMS OF SECTION 56 OF THE “DRAFT”  
MADIBENG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY LAW 2016**

**AMENDMENT SCHEME 2245**

I, Masilakhe Sydney Thuntubele of the company THE PALACE AFRIKA GROUP (PTY) LTD registration number 2020/653790/07 as authorized by the property owner of **ERF 176 Mooinooi Township**, North West Province, hereby gives notice in terms of Section 56 of the “draft” Madibeng Local Municipality Spatial Planning and Land Use Management By Law 2016, that I have applied to the Madibeng Local Municipality for the amendment of Peri-Urban Areas Town Planning Scheme, 1975, for the change of land use rights by way of Rezoning the property described above from Residential 1 to Special Use For the purpose of attached dwelling units.

This application contains the following proposals: A. The property shall be used entirely for the proposed. B. The adjacent properties and others in the area will be affected. C. The proposed rezoning has the following development parameters: Property size: 1311m<sup>2</sup>, Maximum Height: 2 Storeys, Maximum Coverage: 28.5% Maximum FAR: 0.3, Particulars of the application will lie for inspection during normal working hours at: **Madibeng Local Municipality Office, Room 223, Second Floor, Madibeng Municipality office, 52 Van Velden Street, Brits**, for two consecutive weeks to or for a period of 28 days from **09 August 2022**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above-mentioned address or at **P.O. BOX 106 Brits, 0250** within 28 days of the specified public participation process. The notice will be placed on the Subject property for a period of 28 days from the date of the first publication on the Provincial Gazette, Beeld and Citizen Newspapers. First Publication date: **09 August 2022**. Closing date for Objections: **06 September 2022**. Address: **Suit 3, Floor 1, 128 Beyers Naude, Rustenburg, 0300**. Owner’s address: **5 Hilda Ave, Mooinooi Township, 0250**. Contact number: **0797159557**.

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**PROVINSIALE KENNISGEWING 356 VAN 2022**

**KENNISGEWING VAN AANSOEK OM WYSIGINGSKEMA IN TERME VAN ARTIKEL 56 VAN DIE  
“KONSEP” MADIBENG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN  
GRONDGEBRUIKBESTUUR DEUR WET 2016**

**WYSIGINGSKEMA 2245**

Ek, Masilakhe Sydney Thuntubele van die maatskappy THE PALACE AFRIKA GROUP (PTY) LTD registrasienuommer 2020/653790/07 soos gemagtig deur die eiendomseienaar van **ERF 176 Mooinooi Township**, Noordwes Provinsie, gee hiermee kennis ingevolge Artikel 56 van die “konsep” Madibeng Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Volgens Wet 2016, dat ek by die Madibeng Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van Peri-Urban Areas Dorpsbeplanningskema, 1975, vir die verandering van grondgebruiksregte by wyse van Hersonering van die eiendom hierbo beskryf vanaf Residensieel 1 tot Spesiale Gebruik Vir die doel van aangehegte wooneenhede.

Hierdie aansoek bevat die volgende voorstelle: A. Die eiendom sal geheel en al vir die voorgestelde gebruik word. B. Die aangrensende eiendomme en ander in die area sal geraak word. C. Die voorgestelde hersonering het die volgende ontwikkelingsparameters: Eiendomsgrootte: 1311m<sup>2</sup>, Maksimum Hoogte: 2 Verdiepings, Maksimum Dekking: 28.5% Maksimum VER: 0.3, Besonderhede van die aansoek le ter insae gedurende gewone werksure by: Madibeng Plaaslike Munisipaliteit Kantoor, Kamer 223, Tweede Vloer, Madibeng Munisipaliteit kantoor, Van Veldenstraat 52, Brits, vir twee opeenvolgende weke tot of vir 'n tydperk van 28 dae vanaf **09 Augustus 2022**. Besware teen of vertoe ten opsigte van die aansoek moet skriftelik by die Munisipale Bestuurder by bogenoemde adres of by P.O. BOX 106 Brits, 0250 binne 28 dae na die gespesifiseerde proses van openbare deelname. Die kennisgewing sal op die Onderwerpse eiendom geplaas word vir 'n tydperk van 28 dae vanaf die datum van die eerste publikasie op die Provinsiale Koerant, Beeld en Citizen Koerante. Eerste Publikasiedatum: **09 Augustus 2022**. Sluitingsdatum vir Besware: **06 September 2022**. Adres: **Suit 3, Vloer 1, 128 Beyers Naude, Rustenburg, 0300**. Eienaarsadres: **Hilda Ave 5, Mooinooi Township, 0250**. Kontaknommer: **0797159557**.

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**PROVINCIAL NOTICE 357 OF 2022****NOTICE OF APPLICATION FOR AMENDMENT SCHEME IN TERMS OF SECTION 17(1) OF THE RUSTENBURG SPATIAL PLANNING AND LAND USE MANAGEMENT BY LAW 2018 AMENDMENT SCHEME 3115**

I, Masilakhe Sydney Thuntubele of the company THE PALACE AFRIKA GROUP (PTY) LTD registration number 2020/653790/07 as authorized by the property owner of ERF 556 R/E Rustenburg, Registration Division J.Q North West Province hereby give notice in terms of Section 17(1)(d) of the Rustenburg Spatial Planning and Land Use Management By Law 2018, that I have applied to the Rustenburg Local Municipality for the amendment of the Town Planning Scheme known as the Rustenburg Land Use Scheme 2021 by way of Rezoning the property described above from Residential 1 to Special Use, for the purpose of Home (Tuckshop), Place of Refreshment (Restaurant) and Service Enterprise (Purified water) as defined in Annexure 3115 to the Scheme. This application contains the following proposals: A. The property shall be used entirely for the proposed. B. The adjacent properties and others in the area will be affected. C. The proposed rezoning has the following development parameters: Property size: 728m<sup>2</sup>, Maximum Height: 2 Storeys, Maximum Coverage: 16.5% Maximum FAR: 0.2, Particulars of the application will lie for inspection during normal working hours at the office of the Municipal Manager Room 319 Missionary Mpheni House, Cnr of Nelson Mandela and Beyers Naude Streets Rustenburg for two consecutive weeks to or for a period of 28 days **from 09 August 2022**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above-mentioned address or at P.O. BOX 16 Rustenburg 0300 within 28 days of the specified public participation process. The notice will be placed on the Subject property for a period of 28 days from the date of the first publication on the Provincial Gazette, Beeld and Citizen Newspapers. First Publication date: **09 August 2022**. Closing date for Objections: **06 September 2022**. Postal Address: 30717 Slocha Section, Mabeskraal, North West. 100 Foord Street, Rustenburg North, 0299. Contact number; 0797159557/0662995065.

**PROVINSIALE KENNISGEWING 357 VAN 2022****AANHANGSKAPPELING VAN WYSIGTE AANBEVELINGS VAN AFDELING 17 (1) VAN DIE RUSTENBURG SPATIËLE VERPLANNING EN LAND GEBRUIK VERBAND GEBRUIK VERBAND DEUR LW 2018 WYSIGING SCHEME 3115**

I, Masilakhe Sydney Thuntubele van die maatskappy DIE PALACE AFRIKA GROEP (PTY) LTD-registrasienumer 2020/653790/07 soos gemagtig deur die eienaar van die eiendom van ERF 556 R/E Rustenburg, Registrasie Afdeling J.Q Noordwes-provinsie gee hiermee kennis ingevolge Artikel 17(1)(d) van die Rustenburg-spatistiekbeplanning en grondgebruikbestuur Deur wet 2018. Dat ek by die Rustenburg Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van die Dorpsbeplanningskema bekend as die Rustenburg Grondgebruikskema 2021 by wyse van die hersonering van die eiendom hierbo beskryf vanaf Residensieel 1 na Spesiale Gebruik, vir die doel van Huis (Snoepie), Plek van Verversing (Restaurant) en Diensonderneming (Gesuiwerde water) soos omskryf in Bylae 3115 by die Skema. Hierdie aansoek bevat die volgende voorstelle: A. Die eiendom sal geheel en al gebruik word vir die voorgestelde B. Die aangrensende eiendomme en ander in die omgewing sal beïnvloed word. C. Die voorgestelde hersonering het die volgende ontwikkelingsparameters: Eiendomsgrootte: 728m<sup>2</sup>, Maksimum hoogte: 2 verdiepings, Maksimum dekking: 16.5% Maksimum FAR: 0.2, Besonderhede van die aansoek sal gedurende normale werksure ter insae lê by die kantoor van die Munisipale Bestuurder Kamer 319 Sendeling Mpheni House, Cnr van Nelson Mandela en Beyers Naude Streets Rustenburg vir twee opeenvolgende weke tot of vir 'n periode van 28 dae vanaf **09 Augustus 2022**. Besware of verhoë ten opsigte van die aansoek moet ingedien word of skriftelik by die Munisipale Bestuurder ingedien word bogenoemde adres of by Posbus 16 Rustenburg 0300 binne 28 dae na die gespesifiseerde openbare deelnameproses. Die kennisgewing sal vir 'n periode van 28 dae vanaf die datum van die eerste publikasie op die Provinsiale Koerant op die onderwerp geplaas word, Beld en Citizen Koerante. Eerste publikasiedatum: **09 Augustus 2022**. Sluitingsdatum vir besware: **06 September 2022**. Pos Adres: 30717 Slocha-afdeling, Maeskraal, Noordwes. 100 Foord straat, Rustenburg Noord, 0299. Kontaknummer; 0797159557/0662995065.

**PROVINCIAL NOTICE 358 OF 2022**  
**JB MARKS LOCAL MUNICIPALITY**

Notice is hereby given in terms of Section 14 of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) that the JB Marks Local Municipality amended its Property Rates as follows with effect from 1 July 2022.

1. That in terms of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) read with Councils' Property Rates By-laws, the following **Property Rates Tariffs** be determined for the 2022/2023 financial year with effect from 1 July 2022:

<b>PROPERTY RATES</b>		
		<b>2022/2023</b>
1.	Residential property	0.429933
2.	Commercial property	1.289823
3.	Industrial property	1.289823
5.	Agricultural property	0.107489
8.	Public service infrastructure	0.107489
11.	Properties owned by public benefit organisations	0.107489
13.	Public service purpose	1.289823
14.	Places of worship	0.429933
15.	Mining	1.289823
98.	Multiple Use	

2. That cognisance be taken that Councils' Property Rates By-law and Property Rates Policy have been reviewed and no amendments were made.
3. Council adopted the resolution on the Property Rates on 30 June 2022 per item SPC10/2022-06-30.

**S TYATYA**  
**ACTING MUNICIPAL MANAGER**

**Notice 31/2022**  
**/ww**



**PROVINCIAL NOTICE 359 OF 2022****NOTICE IN TERMS OF TERMS OF SECTION 17(2) OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR THE REMOVAL, AMENDMENT OR SUSPENSION OF A RESTRICTIVE CONDITION(S) IN THE TITLE DEED**

I/We, Jan-Nolte Ekkerd of the Firm NE Town Planning CC, being the authorised agent/applicant hereby give notice in terms of Sections 17(1)(d) and 17(2) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 that I/we have applied to the Rustenburg Local Municipality for the removal of certain conditions "4 (e)", "4(g)", "4(g)(i)", "4(g)(ii)", "4(i)", "4(l)" and "4(m)", contained in Title Deed Nr.T32836/2019 of Erf 2360 Rustenburg Extension 4, Registration Division JQ, North West Province, which property is situated at the 88 Dawes Street, Rustenburg Extension 4 industrial area.

Any objection, with the grounds therefore and contact details, shall be lodged with or made in writing to: the Municipality at: Missionary Mpheni House, Room 319, Cnr. Beyers Naude and Nelson Mandela Drive, Rustenburg or at P.O. Box 16, Rustenburg, 0300 for a period of 28 days from date of first publication of the notice; 16 Augustus 2022. Full particulars and plans (if any) may be inspected during normal office hours at the above- mentioned office, for a period of 28 days after the publication of the advertisement in the Provincial Gazette/newspapers and/or Site Notice Boards. Closing date for any objections: 13 September 2022

Address of \*owner/ applicant : 155 Kock Street, Rustenburg, De Dak Building Room 203 or P.O. Box 21139 Protea Park, 0305, Telephone No: 014 5922777 Dates on which notice will be published: 16 and 23 August 2022.

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**PROVINSIALE KENNISGEWING 359 VAN 2022****KENNISGEWING INGEVOLGE ARTIKEL 17(2) VAN DIE RUSTENBURG PLAASLIKE MUNISIPALITEIT RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURS VERORDENING, 2018 VIR DIE VERWYDERING, WYSIGING OF OPSKORTING VAN BEPERKENDE VOORWAARDE(S) IN TITELAKTE VAN EIENDOM**

Ek/ons Jan-Nolte Ekkerd van die firma NE Town Planning BK, synde die gemagtigde agent/applikant gee hiermee ingevolge Artikel 17(1)(d) en 17(2) van die Rustenburg Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2018 kennis dat ek/ons by die Rustenburg Plaaslike Munisipaliteit aansoek gedoen het vir die opheffing/verwydering van sekere voorwaardes "4 (e)", "4(g)", "4(g)(i)", "4(g)(ii)", "4(i)", "4(l)" and "4(m)", soos vervat in Titelakte No. T32836/2019 van Erf 2360 Rustenburg Uitbreiding 4, Registrasie Afdeling J.Q. Noordwes Provinsie, welke eiendom geleë is 88 Dawesstraat, Rustenburg Uitbreiding 4 industriële area. Enige besware of kommentaar, met gronde daarvoor asook kontakbesonderhede, kan gebring word binne 'n tydperk van 28 dae vanaf die eerste datum waarop die kennisgewing verskyn het na die Rustenburg Plaaslike Munisipaliteit: Kamer 319, Missionary Mpheni House, h.v. Nelson Mandela en Beyers Naude Rylane, Rustenburg, of na Posbus 16, Rustenburg 0300. Besonderhede en planne (indien enige) is beskikbaar vir inspeksie gedurende gewone kantoorure by die bovermelde kantore, vir 'n tydperk van 28 dae van die datum van eerste publikasie van die kennisgewing in die Provinsiale Gazette, Beeld en Citizen en/of terrein kennisgewing; 16 Augustus 2022. Sluitingsdatum vir enige besware: 13 September 2022. Adres van applikant: 155 Kockstraat, Suite 203, De Dak, Rustenburg 0299 of NE Stadsbeplanners BK, Posbus 21139, Protea Park, 0305; Telefoon nr: 014 592 2777. Datums waarop kennisgewings gepubliseer word: 16 en 23 Augustus 2022.

16-23

**PROVINCIAL NOTICE 360 OF 2022****NOTICE OF APPLICATION FOR REZONING AND REMOVAL OF RESTRICTIVE CONDITIONS: ERF 6, FLAMWOOD IN TERMS OF SECTION 94(1)(a) OF THE CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016, READ TOGETHER WITH SPLUMA, 2013 (ACT 16 OF 2013), CITY OF MATLOSANA – AMENDMENT SCHEME 1434**

I, Pieter Francis Ernst (ID: 840328 5059 08 3), of the firm Malepa Planning & Projects (Pty) Ltd (2007/015316/07) being the authorised agent of the owner of Erf 6, Flamwood, Registration Division IP, North West Province hereby gives notice in terms of Section 94(1)(a) of the City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016, read together with the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013). That we have applied in terms of;

- Section 56(1)(b)(ii) of the Town-planning and Townships Ordinance 1986, (Ordinance 15 of 1986) and Section 62(1) of the City of Matlosana Spatial Planning and Land Use Management by-Law, 2016, to the City of Matlosana for the rezoning of Erf 6, Flamwood, Registration Division IP, North West Province, situated at 49 Flamwood Drive, Flamwood, Klerksdorp, North West Province for the rezoning from “Residential 1” to “Residential 2” for seven (7) dwelling units.
- Section 63(2) of the City of Matlosana Spatial Planning and Land Use Management by-Law, 2016, for the amendment, suspension or removal of restrictive conditions C(a) on Page 4 and condition (c) on page 5 of Deed of Transfer T99492/99

The intention for the rezoning is for the purpose of seven (7) dwelling units of which the owner will occupy one (1) and the other Six (6) will be leased to tenants on a long-term lease agreement.

Particulars of the application will lie for inspection during normal office hours at the City of Matlosana, Records Section, Basement Floor, Klerksdorp Civic Centre, c/o Bram Fisher and OR Tambo Street, Klerksdorp, for a period of 30 days from 16 August 2022.

Objections or representations in respect of the application, together with the reasons therefore, must be lodged with or made in writing or verbally, if the objector is unable to write, to the authorized agent and the Municipal Manager at the above address or posted to P.O. Box 99, Klerksdorp, 2570, within a period of 30 days from 16 August 2022.

Any person who cannot write, may during office hours visit the City of Matlosana (Mr Danny Selemoseng: 018 487 8300) to assist those person/s by transcribing their comments, objections or representations within this period.

The closing date for submission of comments, objections or representation is 15 September 2022.

**Address of authorised agent: Malepa Planning and Projects (PTY) Ltd., 12 Fanny Avenue, Flamwood, Klerksdorp, 2571, P.O. Box 451, Klerksdorp, 2570, Email: [info@malepa.com](mailto:info@malepa.com), Tel No: (018) 462 4465**

16-23

**PROVINSIALE KENNISGEWING 359 VAN 2022****KENNISGEWING VAN AANSOEK OM HERSONEËRING EN OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES: ERF 6, FLAMWOOD IN TERME VAN ARTIKEL 94(1)(a) VAN DIE "CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016", SAAMGELEES MET "SPLUMA, 2013 (ACT NO. 16 OF 2013)", STAD VAN MATLOSANA – WYSIGINGSKEMA 1434**

Ek, Pieter Francis Ernst (ID: 840328 5059 08 3), van die firma Malepa Planning & Projects (Edms) Bpk, (2007/015316/07) synde die gemagtigde agent van die eienaar van Erf 6, Flamwood, Registrasie Afdeling IP, Noord Wes Provinsie gee hiermee ingevolge Artikel 94(1)(a) van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016", saamgelees met die "Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) dat ons aansoek gedoen het ingevolge;

- Artikel 56(1)(b)(ii) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), en Artikel 62(1) van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016", by die Stad van Matlosana vir die hersoneëring van Erf 6, Flamwood, Registrasie Afdeling IP, Noord Wes Provinsie geleë te Flamwood Laan 49, Noord Wes Provinsie vanaf "Residensieel 1" na "Residensieel 2" vir sewe (7) wooneenhede.
- Artikel 63(2) van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016" vir die opheffing van beperkende voorwaardes C(a) op Bladsy 4 en voorwaarde (c) op bladsy 5 van Transportakte T99492/99.

Die bedoeling vir die hersonering is vir die doel van sewe (7) wooneenhede waarvan die eienaar een (1) sal beset en die ander Ses (6) op 'n langtermyn-huurooreenkoms aan huurders verhuur sal word.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Stad van Matlosana, Rekords Afdeling, Kelder Verdieping, Burgersentrum, h/v Bram Fisherstraat en OR Tambo Straat, Klerksdorp, vir 'n tydperk van 30 dae vanaf 16 Augustus 2022.

Besware teen, of vertoë ten opsigte van die aansoek, tesame met die redes daarvoor, moet skriftelik of mondelings by die Stad van Matlosana ingedien word of gerig word aan die gemagtigde agent en die munisipale bestuurder by bogenoemde adres of aan Posbus 99, Klerksdorp, 2570 binne 'n tydperk van 30 dae vanaf 16 Augustus 2022. Enige persoon wat nie kan skryf nie, mag gedurende kantoorure die Stad van Matlosana besoek waar 'n aangewese amptenaar van die Stad van Matlosana (Mnr Danny Selemoseng: 018 487 8300) daardie persone sal assisteer deur die kommentaar, beswaar of vertoë te transkribeer.

Die sluitingsdatum vir die indiening van kommentaar, besware of vertoë is 15 September 2022.

**Adres van gemagtigde agent: Malepa Planning & Projects (PTY) Ltd., Fanny Laan 12, Flamwood, Klerksdorp, 2571, Posbus 451, Klerksdorp, 2570. Tel Nr: (018) 462 4465, e-pos: [info@malepa.com](mailto:info@malepa.com)**

16-23

**PROVINCIAL NOTICE 361 OF 2022****NOTICE OF SIMULTANEOUS SUBDIVISION AND CONSOLIDATION APPLICATION: ERF 141 AND ERF 132, URANIIVILLE IN TERMS OF SECTION 94(1)(a) OF THE CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016, READ TOGETHER WITH SPLUMA, 2013 (ACT 16 OF 2013), CITY OF MATLOSANA**

I, Pieter Francis Ernst (ID: 840328 5059 08 3), of the firm Malepa Planning & Projects (Pty) Ltd (2007/015316/07) being the authorised agent of the owners of Erf 141 and Erf 132, Uraniaville, Registration Division IP, North West Province hereby gives notice in terms of Section 94(1)(a) of the City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016, read together with the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) for the following:

- Section 92(1)(a) of the Town-planning and Townships Ordinance 1986, (Ordinance 15 of 1986) and Section 67 of the City of Matlosana Draft Spatial Planning and Land Use Management by-Law, 2016, read together with SPLUMA, 2013 (Act 16 of 2013), for the subdivision of Erf 141, Uraniaville, Registration Division IP, North West Province, situated adjacent to 08, 10, 12 and 14 Electron Road, Uraniaville, Klerksdorp, North West Province and also 11, 13, 15a, 15b, 15c, 17 and 19 Radium Road, Uraniaville, Klerksdorp, North West Province
- Section 92(1)(b) of the Town-planning and Townships Ordinance 1986, (Ordinance 15 of 1986) and Section 73 of the City of Matlosana Draft Spatial Planning and Land Use Management by-Law, 2016, read together with SPLUMA, 2013 (Act 16 of 2013), for the consolidation of Erf 141, Uraniaville, North West Province with Erf 132, Uraniaville, Registration Division IP, North West Province, situated at 17 Radium Road, Uraniaville, Klerksdorp, North West Province, whereby a reserved consolidated Erf number has been reserved as (proposed portion 1 of Erf 141), Uraniaville, Registration Division IP, North West Province

Particulars of the application will lie for inspection during normal office hours at the City of Matlosana, Records Section, Basement Floor, Klerksdorp Civic Centre, c/o Bram Fisher and OR Tambo Street, Klerksdorp, for a period of 30 days from 16 August 2022.

Objections or representations in respect of the application, together with the reasons therefore, must be lodged with or made in writing or verbally, if the objector is unable to write, to the authorized agent and the Municipal Manager at the above address or posted to P.O. Box 99, Klerksdorp, 2570, within a period of 30 days from 16 August 2022.

Any person who cannot write, may during office hours visit the City of Matlosana (Mr Danny Selemoseng: 018 487 8300) to assist those person/s by transcribing their comments, objections or representations within this period.

The closing date for submission of comments, objections or representation is 15 September 2022.

**Address of authorised agent: Malepa Planning and Projects (PTY) Ltd., 12 Fanny Avenue, Flamwood, Klerksdorp, 2571, P.O. Box 451, Klerksdorp, 2570, Email: [info@malepa.com](mailto:info@malepa.com), Tel No: (018) 462 4465**

16-23

**PROVINSIALE KENNISGEWING 361 VAN 2022****KENNISGEWING VAN AANSOEK GELYKWEGENDE ONDERVERDELING EN KONSOLIDASIE: ERF 141 EN ERF 132, URANIVILLE IN TERME VAN ARTIKEL 94(1)(a) VAN DIE "CITY OF MATLOSANA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016", SAAMGELEES MET "SPLUMA, 2013 (ACT NO. 16 OF 2013)", STAD VAN MATLOSANA**

Ek, Pieter Francis Ernst (ID: 840328 5059 08 3), van die firma Malepa Planning & Projects (Edms) Bpk, (2007/015316/07) synde die gemagtigde agent van die eienaars van Erf 141 en Erf 132, Uraniaville, Registrasie Afdeling IP, Noord Wes Provinsie gee hiermee ingevolge Artikel 94(1)(a) van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016", saamgelees met die "Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) vir die volgende:

- Artikel 92(1)(a) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), en Artikel 67 van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016", saamgelees met SPLUMA, 2013 (Wet 16 van 2013) vir die onderverdeling van Erf 141, Uraniaville, Registrasie Afdeling IP, Noordwes Provinsie, geleë langs 08, 10, 12 en 14 Elektronweg, Uraniaville, Klerksdorp, Noordwes Provinsie en ook 11, 13, 15a, 15b, 15c, 17 en 19 Radiumweg, Uraniaville, Klerksdorp, Noordwes Provinsie.
- Artikel 92(1)(b) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) en Artikel 75 van die "City of Matlosana Spatial Planning and Land Use Management By-Law on Spatial Planning and Land Use Management, 2016", saamgelees met "SPLUMA, 2013 (Act No. 16 Of 2013) vir die konsolidasie van Erf 141, Uraniaville, Noordwes Provinsie met Erf 132, Uraniaville, Registrasie Afdeling IP, Noordwes Provinsie, geleë te Radiumweg 17, Uraniaville, Klerksdorp, Noordwes Provinsie, waardeur 'n gereserveerde gekonsolideerde Erfnommer gereserveer is as (voorgestelde gedeelte 1 van Erf 141), Uraniaville, Registrasie Afdeling IP, Noordwes Provinsie.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Stad van Matlosana, Rekords Afdeling, Kelder Verdieping, Burgersentrum, h/v Bram Fisherstraat en OR Tambo Straat, Klerksdorp, vir 'n tydperk van 30 dae vanaf 16 Augustus 2022. Besware teen, of verhoë ten opsigte van die aansoek, tesame met die redes daarvoor, moet skriftelik of mondelings by die Stad van Matlosana ingedien word of gerig word aan die gemagtigde agent en die munisipale bestuurder by bogenoemde adres of aan Posbus 99, Klerksdorp, 2570 binne 'n tydperk van 30 dae vanaf 16 Augustus 2022. Enige persoon wat nie kan skryf nie, mag gedurende kantoorure die Stad van Matlosana besoek waar 'n aangewese amptenaar van die Stad van Matlosana (Mnr Danny Selemoseng: 018 487 8300) daardie persone sal assisteer deur die kommentaar, beswaar of verhoë te transkribeer.

Die sluitingsdatum vir die indiening van kommentaar, besware of verhoë is 15 September 2022.

**Adres van gemagtigde agent: Malepa Planning & Projects (PTY) Ltd., Fanny Laan 12, Flamwood, Klerksdorp, 2571, Posbus 451, Klerksdorp, 2570. Tel Nr: (018) 462 4465, e-pos: [info@malepa.com](mailto:info@malepa.com)**

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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](mailto:info.egazette@gpw.gov.za)  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065  
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