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PROVINCIAL NOTICE

No. 24

3 September 2007

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF ROADS AND TRANSPORT

APPOINTMENT OF REGISTERING AUTHORITY IN TERMS OF ROAD TRAFFIC ACT, 1989 (AC:T 29 OF 1989)

I, Thobile Mhlahlo, Member of the Executive Council (MEG) responsible for Transport in the Eastern Cape Province acting in terms of section 2 of the Roads Traffic Act, 1989 (Act 29 of 1989), appoint Matatiele Local Municipality as the Registering Authority for all areas under the jurisdiction of the Local Municipality with effect from 1 September 2007.

All Matatiele registered motor vehicles having KwaZulu-Natal registration number plates have one (1) year, from the date of this publication to change to Eastern Cape registration plates

T MHLAHLO

MEC: Roads and Transport

Date: 24/08/2007

GENERAL NOTICES

No. 291

DEPROCLAMATION AND CLOSURE OF DIVISIONAL ROAD 2381 (DR2381)

Notice is hereby given in terms of sections 10 and 7 of the Eastern Cape Roads Act (Act 3 of 2003), that the MEC for the Department of Roads & Transport intends de-proclaiming and closing Divisional Road No. 2381 in the Graaff-Reinet District. This emanates from the application received from the King Karoo Game Ranch for the de-proclamation and closure of the road due to the following reasons:

- The existence of the road DR2381 hinders further development of the King Karoo Game Ranch.
- The farming community in the area have sold their farms in favour of the establishment of game reserves hence the population density has been reduced drastically rendering the road a little bit useless.
- The road has been neglected and has deteriorated to such an extent that it does not deserve to be public road.

The attached Map outlines the location of the proposed road to be de-proclaimed (between points A and B).

In terms of section 17 (2) (a) of the Roads Act, comments and/or objections are hereby invited from interested persons concerning the closure and de-proclamation of DR2381. All correspondence related to this matter should be directed to the following address:

District Roads Engineer (Att: Marrius Keyser)

Department of Roads & Transport

Private Bag X111 00

ALGOA BAY

6006

Tel: (041) 452-2073

Fax: (041) 456-1666

SKETS VOLG



No. 292

DEPARTMENT OF ROADS AND TRANSPORT: EASTERN CAPE PROVINCE
**PROPOSED DEPROCLAMATION AND CLOSURE OF MINOR ROAD 213/MNSOS52 IN THE
NELSON MANDELA BAY METROPOLITAN MUNICIPALITY**

Notice is hereby given to invite public opinion, comments and/or objections from all interested parties for the proposed de-proclamation and closure of Minor Road 213/MN50552 in terms of section 17 of the Eastern Cape Roads Act (Act 3/2003).

The following reasons were put forward as motivation behind the proposed road closure:

- The section concerned of the road was never maintained as a Provincial Road and is just a track and has not been used for a number of years.
- The road closure will not affect other property owners as they have alternative access available.
- The land-owner wishes to develop a residential estate on the farm and to ensure privacy to the future home-owners the closure of this road became necessary.

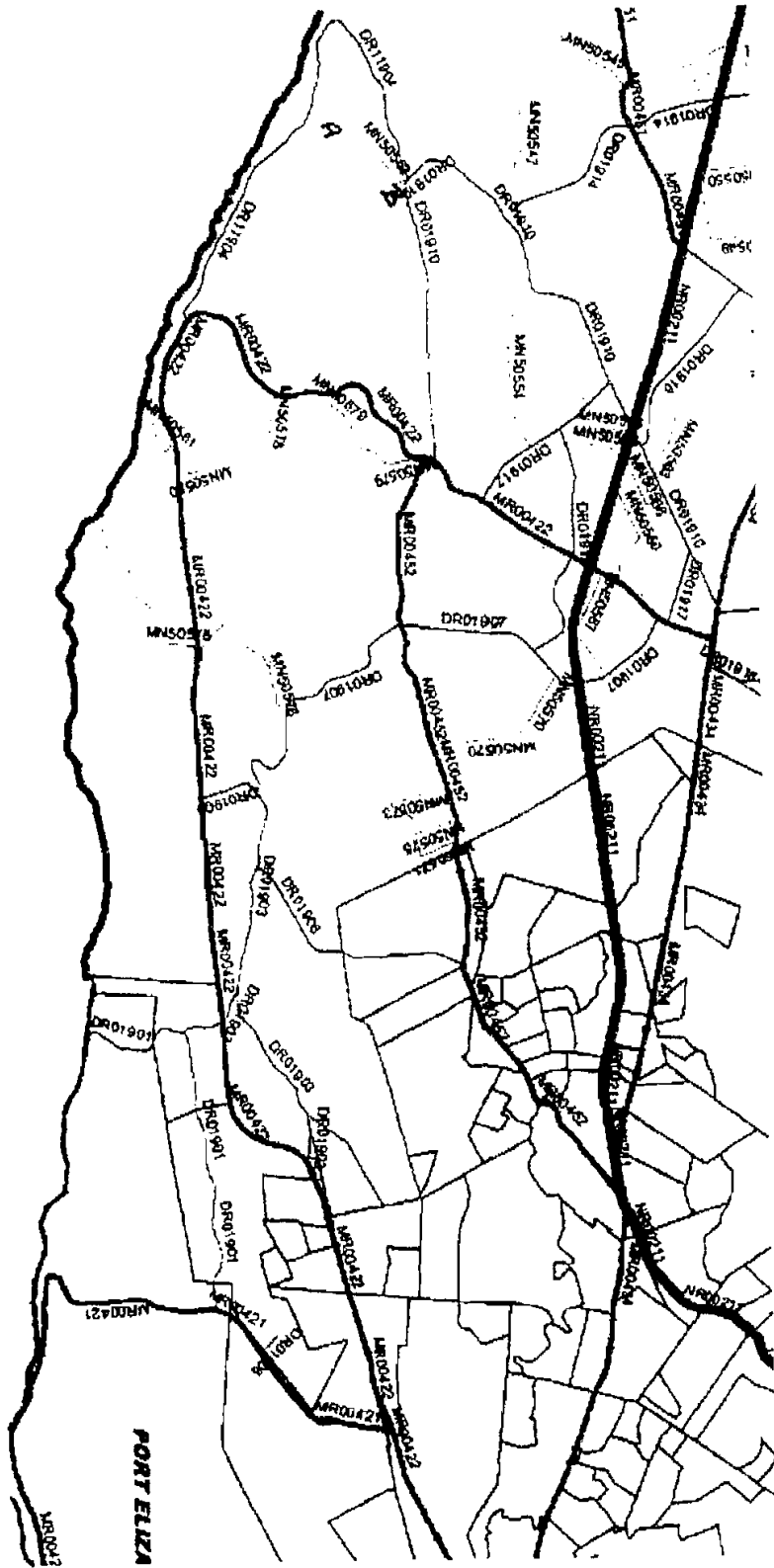
The District Roads Engineer for Cacadu Region supports the proposed road closure as it will have no effect on transportation in the area.

The road map is attached to outline the location of the road to be de-proclaimed.

All correspondence containing comments about this matter must be directed to the following address/numbers within 30 days from publication of this notice:

District Roads Engineer-Cacadu Region
Department of Roads & Transport
PO Box 11100
ALGOA PARK
Port Elizabeth
6005
Tel: (041) 452-2073
Fax: (041) 456-1666
E-mail: Wilma.snyman@dot.ecprov.gov.za
Marius.keyser@dot.ecprov.gov.za
Contact: Mr Marius Keyser

SKETS VOLG



No. 293

MAKANA MUNICIPALITY

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)

ERVEN 237 & 238 GRAHAMSTOWN

It is hereby notified in terms of section 3 (6) of the above Act that the undermentioned application has been received and is open for inspection at the Department of Local Government, Housing & Traditional Affairs, Tyamzashe Building, 4th Floor, Room 4178, Bisho, 5605 and at the Directorate of Technical & Infrastructural Services, Church Square, Grahamstown.

Any objections, with full reasons therefor, should be lodged in writing to the Municipal Manager, Municipality of Makana, P.O. Box 176, Grahamstown, 6140, on or before Tuesday, 2 October 2007, quoting the above Act and the objector's erf number.

Applicant: M E H Solter & Son Professional Land Surveyors

Nature of application: Removal of title condition, paragraph 1 as contained in Title Deed No. T7542/1961 applicable to Erven 237 and 238, which states "The land shall be used for recreational purposes only" to permit the land to be utilized for General Residential purposes.

Dr PRAVINE NAIDOO, Municipal Manager

Reference: R/R (237 & 238)

Notice Number: 60/2007

MAKANA MUNISIPALITEIT

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)

ERWE 237 & 238 GRAHAMSTAD

Kragtens artikel 3 (6) van bostaande wet word hiermee kennis gegee dat onderstaande aansoek ontvang is en ter insae lê by die Department van Plaaslike Owerheid, Behuising en Tradisionele Sake, Tyamzashe Gebou, 4de Vloer, Kamer 4178, Bisho, 5605 en die Direkoraat van Tegniese en Infrastrukturele Dienste, Munisipale Kantoor, Kerkplein, Grahamstad.

Enige besware, met die volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Munisipaliteit van Makana, Posbus 176, Grahamstad, 6140, ingedien word op of voor Dinsdag, 2 Oktober 2007, met vermelding van bogenoemde Wet en die beswaarmaker se ernommer..

Aansoeker: M E H Solter & Son Professional Land Surveyors

Aard van aansoek: Opheffing van titelvoorwaardes, paragraaf 1 soas uiteengesit in Titel Akte No. T7542/1961 van toepassing op Erwe 237 en 238 wat bepaal "Die eiendom sal alleenlik vir ontspanningsdoeleindes gebruik word!" om toestemming te verleen dat die eiendom vir Aigemene Hesidensiele doeleindes gebruik mag word.

Dr PRAVINE NAIDOO, Munisipale Bestuurder

Verwysing: R/R (237 & 238)

Kennisgewingnommer: 80/2007

No. 294

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

(EASTERN CAPE PROVINCE)**KOUGA MUNICIPALITY**

REMOVAL OF RESTRICTIONS ACT, 1967

ERF 342, JEFFREY'S BAY

Under section 2 (1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 342, Jeffrey's Bay, conditions C6 (a) (b) (c) (d), in Deed of Transfer No. T11811 of 1982 are hereby removed.

No. 295

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

(EASTERN CAPE PROVINCE)

CAMDEBOO MUNICIPALITY

REMOVAL OF RESTRICTIONS ACT, 1967

ERVEN 3525/2226, GRAFF-REINET

Under section 2 (1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erven 3525/2226, Graaff-Reinet, conditions 1.C. 3(a) (b) (c) (d) (e) and 2.B.3 (a) (b) (c) (d) (e), in Deed of Transfer No. T44674 of 1996 are hereby removed.

No. 296

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

(EASTERN CAPE PROVINCE)

NELSON MANDELA BAY MUNICIPALITY

REMOVAL OF RESTRICTIONS ACT, 1967

ERF 159, HUMEWOOD

Under section 2 (1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, and on application by the owner of Erf 159, Humewood, conditions C(v) (a) (b) (c), in Deed of Transfer No. T38109 of 2002 are hereby removed.

No. 297

(Regulation 21(10) of the Development Facilitation Regulations in terms of the Development Facilitation Act, 67 of 1995)

SETPLAN on behalf of TRIED AND TESTED PROPERTIES CC has lodged an application in terms of the Development Facilitation Act for the establishment of a land development area on **Portions 18, 19, 20 and 21 (all portions of Portion 6) of THE FARM NO. 437 GREAT KEI LOCAL MUNICIPALITY, DIVISION OF KOMGA, PROVINCE OF THE EASTERN CAPE**

The application will consist of the following:

- **The consolidation and re-subdivision of the portions**

The relevant plan(s), document(s) and information are available for inspection at **Department of Housing, Local Government & Traditional Affairs" Room 4149, Fourth Floor, Tyamzashe Building, BHISHO** for a period of **14** days from **3 SEPTEMBER 2007**

The application will be considered at a TRIBUNAL HEARING to be held at the **The Department of Housing, Local Government & Traditional Affairs, 2nd Floor Boardroom, Tyamzashe Building, BHISHO on 6 December 2007 at 10h00** and the **PRE-HEARING** conference will be held at **The Department of Housing, Local Government & Traditional Affairs, 2nd Floor Boardroom, Tyamzashe Building, BHISHO on 1 November 2007 at 10h00,**

Any person having an interest in the application should please note:

1. You may within a period of 14 days from the date of the publication of this notice, provide the Designated Officer with your written objections or representations; or
2. If your comments constitute an objection to any aspect of the land development application, you must appear in person or through a representative before the Tribunal on, the date mentioned *above*.

Any objection or representation must be delivered to the Designated Officer at the **Department of Housing, Local Government & Traditional Affairs, Room 4149, Fourth Floor, Tyamzashe Building, BHISHO** and you may contact **Mr M.M. Mona** if you have any queries on Telephone **No.040 609 5449** or Fax No : **040 635 1161**

[Regulasie 21 (10) van die Regulasies op Ontwikkelingsfasilitering ingevolge die Wet op Ontwikkelingsfasilitering, 67 van 1995]

SETPLAN, namens TRIED AND TESTED PROPERTIES CC het 'n aansoek ingevolge die Wet op Ontwikkelingsfasilitering, ingedien vir die stigting van 'n grondontwikkelingsarea op **Gedeeltes 18, 19, 20 en 21 (almal gedeeltes van Gedeelte 6) van die Pias Nr, 437 Great Kei Plaaslike Bestuur, Afdeling van Komga, Provinsie van die Oos Kaap,**

Die ontwikkeling sal uit die *volgende* bestaan:

- **Die konsolidasie en her-onderverdeling van die gedeeltes.**

Die betrokke plan(e), dokument(e) en inligting is ter insae beskikbaar vir inspeksie by die **Aangewese Beampte, Departement van Behuising, Plaaslike Bestuur en Tradisionele Sake, Kamer 4149, Vierde Vloer, Tyamzashe Gebou, BHISHO, vir 'n tydperk van 14 dae vanaf 3 September 2007.**

Die aansoek sal oorweeg word by 'n Tribunaal *verhoor* wat gehou sal word te die **Departement van Behuising, Plaaslike Bestuur en Tradisionele Sake, Tweede Vloer konferensie kamer, Tyamzashe Gebou, BHISHO op 6 Desember 2007 om 10hOO**, en die *voorverhoor* konferensie sal gehou word te die **Departement van Behuising, Plaaslike Bestuur en Tradisionele Sake, Tweede Vloer konferensie kamer, Tyamzashe Gebou, BHISHO op 1 November 2007 om 10hOO.**

Enige persoon wat 'n belang in die aansoek het, moet asseblief daarop let dat:

1. U binne 'n tydperk van 14 dae vanaf die datum van die publikasie van hierdie kennisgewing die Aangewese Beampte *van* u geskrewe besware of vertoe kan voorsien, of
2. Indien u kommentaar of 'n beswaar teen enige aspek van die grondontwikkelingsaansoek daarstel, u of u verteenwoordiger persoonlik *voor* die Tribunaal moet verskyn op die datum hierbo vermeld.

Enige geskrewe beswaar of vertoe moet afgelewer word by die **Aangewese Beampte, Departement van Behuising, Plaaslike Bestuur en Tradisionele Sake, Kamer 4149, Vierde Vloer, Tyamzashe Gebou, BHISHO**, en indien u enige navrae het, kan u die Aangewese Beampte **Mnr M M Mona** kontak by telefoon nommer **(040) 609 5449** en faks nommer **(040) 6351161.**

No. 298

**GAMBLING AND BETTING ACT, 1997 (EASTERN CAPE)
(ACT NO.5 OF 1997) (as amended)**

NOTICE OF LODGEMENT OF APPLICATION IN RESPECT OF GAMBLING LICENCES

NOTICE IS HEREBY GIVEN that applications in regard to gambling licences, particulars of which are set out in the schedules hereunder, have been lodged with the Eastern Cape Gambling and Betting Board.

The applications may be inspected by any person at the offices of the Board and at the premises of the applicant concerned.

Any objections, petitions or representations shall be lodged with the Chief Executive Officer of the Board within one month of the date of publication of this notice.

All objections and comments shall specify: the application to which the objection or comment relates; the grounds on which the objection is founded; in the case of comment, full particulars and facts in substantiation thereof: the name, address, telephone and fax number of the objector or person making the comment and a statement whether the objector or person making the comment wishes to make oral representations when the application is heard.

A person lodging representations may show cause why the Board may determine that his or her identity should not be divulged.

The under-mentioned figures used in brackets in the schedules have the following meanings:

- 1 The name and address of the applicant;
- 2 If the applicant is a company or other corporate body, the names of all persons who have a financial or other interest of 5% or more in the applicant;
- 3 In the case of a company, the initials and surnames of all directors of the company;
- 4 The type of licence applied for;
- 5 The address of the premises from which the applicant intends to operate.

RMZWANE
ACTING CHIEF EXECUTIVE OFFICER
EASTERN CAPE GAMBLING AND BETTING BOARD
ECGGB Building
Quenera Park
Quenera Drive
Beacon Bay
EAST LONDON



SCHEDULE A: APPLICATIONS RECEIVED FROM LUCKAT IT (EASTERN CAPE) (PTY) LTD

A	1	Star Choice Trading CC 159 (Pty) Limited (Reg. No. CK2002j002261/07) trading as Merino Hotel, No. 101 Beaconsport Drive, Beaconsport, East London, Eastern Cape.
	2	Bernhardus Jacobus Booyens, Hester Harette Claasen and Leon Delpont.
	3	N/a
	4	Limited Gambling Machine Site Licence (3 to 5 machines)
	5	No. 21 and 23 Maclear Street, Elliot, Eastern Cape.

LOCAL AUTHORITY NOTICES

No. 148

NELSON MANDELA BAY MUNICIPALITY

CLOSURE OF PORTIONS OF BRADY AND MKOYE STREETS ADJOINING ERVEN 472, 508, 509 AND 6850, KORSTEN
(E01/13/00509) (02130135)

Notice is hereby given in terms of section 137 (1) of the Municipal Ordinance 20 of 1974, that portions of Public Road adjoining Erven 472, 508, 509 and 6850, Karsten are now closed.

Surveyor-General's reference: (S/10309/15 V1 P 163)

NELSON MANDELABAAI MUNISIPALITEIT

SLUITING VAN GEDEELTES VAN BRADY- EN MKOYESTRAAT LANGS ERWE 472, 508, 509 EN 6850, KORSTEN
(E01/13/00509) (02130135)

Kennis word ingevolge artikel 137 (1) van die Munisipale Ordonnansie 20 van 1974, gegee dat gedeeltes van die openbare pad langs Erwe 472, 508, 509 en 6850, Karsten, gesluit is.

Landmeter-generaal se verwysing: (S/10309/15 V1 P 163)

No. 149

CAMDEBOO MUNICIPALITY: GRAAFF-REINET

CLOSURE OF PART OF DOPPRUIM AND CRASSULA STREETS: ADJOINING ERVEN 8863, 8864, 8895, 8896 AND 9010:
GRAAFF-REINET

Notice is hereby given in terms of section 137 (1) of the Municipal Ordinance 20 of 1974, that the Camdeboo Municipality has closed Doppruim and Crassula Streets adjoining Erven 8863, 8864, 8895, 8896 and 9010, Graaff-Reinet.

(S.G. Reference S/7698/90 v1p. 120 dated 2006-09-11).

M. G. LANGBOOI, Acting Municipal Manager

Notice 62/2007

(50630--22783)

CAMDEBOO MUNISIPALITEIT: GRAAFF-REINET

SLUITING VAN GEDEELTES VAN DORPPRUIM- EN CRASSULASTRAAT GRESEND AAN
ERWE 8863, 8864, 8895, 8896 EN 9010

Kennis geskied hiermee, ingevolge die bepalings van artikel 137 (1) van Ordonnansie No. 20 van 1974, dat die Camdeboo Munisipaliteit gedeeltes van Doppruim en Crassulastraat, grensend aan erwe 8863, 8864, 8895, 8896 en 9010, Graaff-Reinet gesluit het (L.G. verw. S/7698/90 v1 bl. 120 gedateer 2006-09-11).

M. G. LANGBOOI, Wnde. Munisipale Besluurder

Kennisgewing 62/2007

(50630-22783)

No. 150

CLOSING OF PORTION OF DUNBAR STREET AND PORTION OF ERF 6514 ADJOINING ERF 6530, QUEENSTOWN

Notice is hereby given in terms of section 137 (1) of the Municipal Ordinance No. 20 of 1974, that a Portion of Dunbar Street and Portion of Erf 6514, adjoining Erf 6530: Queenstown, be permanently closed.

Mr. BACELA, Municipal Manager

No. 151

CLOSING OF PORTION OF BATCHELOR STREET ADJOINING ERF 3190, QUEENSTOWN

(SURVEYOR GENERAL REF. No. S8898/44 vi p63)

Notice is hereby given in terms of section 137 (1) of the Municipal Ordinance No. 20 of 1974, that a Portion of Batchelor Street, adjoining Erf 3190, Queenstown. be permanently closed.

Mr. BACELA, Municipal Manager

No. 152

INTSIKA YETHU MUNICIPALITY



BUILDING REGULATIONS FUNCTION POLICY

INTSIKA YETHU MUNICIPALITY EC 135
POLICY ON BUILDING REGULATIONS FUNCTION WITHIN INI'SIKA
YETHU MUNICIPALITY

OPERATIONAL SYSTEMS
COVERAGE

The National Building Regulations and Standards Act, 103 of 1997 (NBR & S ACT) is applicable nationwide, irrespective of the setup of settlement, as long as building activities, which affect both life and property, are being exercised. The intention of the Act is to protect the public from harmful malpractices within the built environment.

This means that a phased approach will have to be adopted.

As a First Phase, it is crucial that all institutional structures in rural areas will have to obtain approval prior to construction due to their nature of being public utilities. This means that construction of churches, shops, schools etc will have to receive approval of the relevant authority prior to the construction. Government Departments will also and all stakeholders will also have to comply with this requirement. This would have to be communicated directly with all Provincial Departments. The housing programs in rural areas will also be used as vehicles for the process.

The Second Phase would have to provide an interim arrangement for existing and planned private domestic structures. There is a need for a programme to integrate previous programmes by Department of Agriculture on land allocation in rural areas and the municipality's land reform programmes together with the objectives of the National Building Regulations and Standards Act, 103 of 1997 (NBR & S Act) . This could close a major gap in performing this function in rural areas.

The Third phase would be the full compliance of all areas within Intsika Yethu Municipality with requirements of the NBR & S Act. It is thus advised that Municipality consider a 50% discount for people earning below the R3500 per month mark. All people earning below this value become eligible to benefit from housing subsidy schemes. This arrangement will require submission of valid proof. A copy of recent pay slip and / or a letter from the employer together with a n affidavit from the local police station might be regarded as sufficient proof, until indigent policies of the local Municipality is in place to supercede this.

Contravention	Fines
The erection of any building in respect of which plans have not been approved	<ol style="list-style-type: none"> 1. Commencements of any physical work up to foundation level R700 2. Between foundation level and window sill level RI500 3. Between foundation level and wall plate R2000 4. Between wall plate level and completion R5000. 5. Complete other than single storey dwelling R1000.
The construction of any foundation before the trenches have been inspected and passed by the Local Authority or the backfill or enclosure of any drainage installation before such installation has been inspected tested and approved by the Local Authority	R250.
Where building work deviates from approved plans	R1000
Where the owner of a building has allowed the building to become dilapidated and dangerous or has allowed people to occupy a building, which has become unsafe and has failed to demolish the building after receipt of a written notice from the Local Authority calling on him to do so.	R2000
Where the owner of a building causes or allows such building to be demolish without written permission of the Local Authority	R1000
Where the owner of a property where a building is being erected or demolish has failed to keep out or protect the public by means of fence hoarding or barricade to be erected	R1000
Where the owner of a property of any land has failed to remove any surplus material from the site or any adjoining land or public place after a written notice	R500 and / or cost of removal by Council
Where the owner of a property on which a building has been erected fails to obtain a certificate of occupancy within 14 days of completion of such a building	R500.00
<u>Any person</u> who hinders or obstructs a Building Control	R2000.00

Officer in the exercised of his / her powers.	
Failing to ensure that access to a swimming pool is controlled	R500.00
Failing to provide sanitary facilities on building site	R500.00

That the Intsika Yethu Municipality persue with the relevant Magistrates, delegation of authority to convict and issue fines as presented on the table above.

That the Municipality Building Control Officer be delegated authority to execute the above and report to Works Manager

RECOMMENDAnONS

That the Building Plan fees be set at 0.5% of building cost based on the rates listed in the table below, with a minimum fee of R350.00, expect for Government Subsidized housing projects and building below 60 square meters in plan area.

Item	Recommended rates (0,5 % of)
Dwelling Unit	R 1200/sm
IOut Building	R1000/sm
Flat /Town House / Hotel etc (ground floor)	R1200/sm
Flat /Town House / Hotel etc (first floor)	R1500/sm
Shops / Churches etc (Institutional)	R1200/sm
Offices	R 1300/sm
Carpots	R350 per plan
I Pools	R350 per plan
Temporary Structures	R800 per plan
Patios / Pergolas / Sun Decks	R350 per plan
Drainage only	R350 per plan
Retaining walls and boundary fence above 1.8 m	R350 per plan
Factories and Warehouses (first 500 sq. rn)	R900 /sm
Factories and Warehouses (500 sq. m +)	R800 /sm
Low cost dwelling Unit	R 100 per plan

That all buildings plans with areas less than 60 square meter pay the greater R200 of 0, 5% of estimated value.

That a 50% rebate be applied for all applicants earning less that R3500 per month per household, on the building plan fees

That 10% admin fee be charged for plans withdrawn after submission

That the National Building Regulations and Standards Act 103 of 1977 Contravention Fines be approved by Intsika Yethu Municipality

MUNICIPAL MANAGER

I hereby declare that I have read, understood and approved the policy.

Signed on this 20th day of August year 2007

At place COFMVABA

[Signature]

Signature: Municipal Manager

Zanuxolo SHASHA

Full Name

[Signature]

Signature: Mayor

SITHEMBELE DAVID PLATA

Full Name

No. 153

INTSIKA YETHU MUNICIPALITY

EC-135



FINAL DOCUMENT
STREET TRADING BY-LAW

DATE: JUNE 2006

LOCAL AUTHORITY NOTICE

MUNICIPALITY OF INTSIKA YETHU

DRAFT STREET TRADING BY-LAWS

The Municipal Manager hereby publishes in terms of Section 130f the Local Government: Municipal Systems Act, 2000 [ACT 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws Relating to the Street Traders which shall come into operation on the date of publication thereof

Purpose of By Law

The purpose of this by law is to regulate street trading for the benefit of the public residing and carrying on business within the boundaries of the municipality.

[1] Definitions-In this by-law, unless the context otherwise indicated, words used in the masculine gender includes the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates-

"approval" means approval by the Council and "approved" has a corresponding meaning;

"authorised official" means-

- 1) an official of the Council who has been authorized by it to administer, implement and enforce the provisions of this by-laws;
- 2) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act,1996 [Act No 93 of 1996];
- 3) a member of the police service .as defined in terms of section 1 of the South African Police Service Act, 1995[Act N068 of 1995]; or
- 4) a peace officer, contemplated in terms of section 334 of the criminal Procedure Act, 1977 [Act No. 51 of 1977];

"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 purifying, or supply of water, gas or electricity, or municipal services;

"Council service works" means all property or works of whatever nature necessary for or incidental to any Council services;

"foodstuff" means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 [Act No. 54 of 1972];

"garden or park" means a garden or park to which the public has a right of access;

"goods" means any movable property and includes a living;

"intersection" means an intersection as defined in the regulations promulgated in terms of the Road Traffic Act, 1996 [Act No. 93 of 1996];

"litter" includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers:

"municipality" means the municipality of Intsika Yethu established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998]; and includes any political structure, . Political office bearer, councilor, duly authorized agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated to such political structure, political office bearer, council, agent or employee;

"motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

"prescribed" means determined by resolution of the municipality from time to time;

"property" in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

"public building" means a building belonging to or occupied solely by the sphere of government including the municipality;

"public monument" means anyone of the "public monuments and memorials" as defined in terms of Section 2 of the National Heritage Resources Act, 1999 [Act No 25 of 1999];

"public place" means any square, park, recreation ground or open space which is vested in the Municipality or to which the public has the right to use or is shown on a general plan of a township filed in the deeds registry or a Surveyor General's office and has been provided for the use of the public or the owners of erven in such township;

"public road" means a public road as defined in section 1 of the National Road Traffic Act, 1996;

"roadway" means a roadway as defined in section 1 of the National Road Traffic Act, 1996;

"sell" includes -

[a] barter, exchange or hire out;

[b] display, expose, offer or prepare for sale;

[c] store on a public road or public place with a view to sell; or

[d] provide a service for reward;

and "sale" or "selling" has a corresponding meaning;

"sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;

"street furniture" means any furniture installed by the municipality on the street for the public use;

"street trader" means a person who carries on the business of street trading and includes any employee of such person;

"street trading" means the selling of any goods or the supplying or offering to supply any service for reward, in a public road, or public place, by a street trader;

"the Act" means the business Act, 1999 [Act No. 71 of 1991] and includes the regulations promulgated thereunder; and

"verge" means a verge as defined section 1 of the National Road Traffic Act, 1996;

[2] Meaning of words and expressions in Businesses Act incorporated in this By-laws

In this by-law, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 [Act No. 71 of 1971], shall have a corresponding meaning in this by-law.

[3] Single act constitutes street trading

For the purpose of this by-law a single act of selling or offering or rendering of services in a public road or shall constitute street trading.

[4] Reference to legislation includes regulations made under

For the purpose of this by-law a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.

[5] Assigning responsibilities of a municipal employee to an employee of a service provider, where a service provider has been appointed- if any provision in this by-law imposes any responsibility of the municipality in or on an employee of the municipality

and such a responsibility has, in terms of Section 76(b) of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], or any other law, been assigned to a service provider, then the reference in such a provision to such employee must be read as a reference to the service provider or a duly authorized employee of the service provider.

[6] Prohibited conduct

[1] No person shall carry on the business of a street trader-

[a] at a place or in an area declared by the municipality in terms of section

6A[2][a] of the Act as a place or area in which street trading is prohibited;

[b] in a garden or a park to which the public has a right of access;

[c] on a verge contiguous to -

[i] a building belonging to, or occupied solely by, the sphere of government or the Council;

[ii] a church or other place of worship;

[iii] a building declared to be a Public monument;

[iv] an auto teller bank machine;

[d] at a place where it causes an obstruction in front of -

[i] a fire hydrant;

[ii] an entrance to or exit from the building;

[iii] a place where it could obstruct vehicular traffic;

[f] at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;

[g] on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to street trader by an authorised official;

[h] on a stand or in any area demarcated by the Council in terms of section 6A [3][b] of the Act, if he or she is not in possession of a written proof that he or she has hired that stand or area from the municipality, or that such stand has otherwise been allocated to him or her;

[i] within five metres of any intersection as defined in regulation 322 of the Road Traffic Act 1996 and;

[j] on a sidewalk contiguous to a building in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader if the goods are sold without the prior consent of such person or and an authorised official has informed the street trader that such consent does not exist;

[2]a person who has hired a stand from, or been allocated a stand by the municipality under subsection [1][h], may not trade in contravention of the terms and conditions of such a lease or allocation.

[7] Restricted conduct

A person carrying on the business of a street trader -

[a] may not sleep overnight at the place of such business;

[b] may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;

[c] may not place his or her property on a public road or public place with the exception of his or her motor vehicle or trailer from which trade conducted. and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act. 1996;

[d] must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres [with a maximum length of three meters] or unless otherwise approved by the Council, and which on any sidewalk leaves an obstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and unobstructed space. the length of the property or area of activity. and not less than 0,5 metres wide, measured from the kerb of the roadway;

[e] may not trade on a sidewalk where the width of such sidewalk is less than four metres;

if] may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;

[g] may not display his or her goods or other property on or in a building. without the consent of the owner, lawful occupier. or person in control of such building or property;

[h] must on a request by an authorised official of the municipality , or supplier of telecommunication or electricity or other municipal services, move his or her property so as to permit carrying out of any work in relation to a public road, public place or any such service;

[i] may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electric pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;

[j] may not carry on such business in such a manner as to -

[i] create a nuisance;

[ii] damage or deface the surface of any public road or public place, or any public or private property; or

[iii] create a traffic and or health hazard, or health risk, or both.

[k] may not make an open fire on a public road or public place;

[l] may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure goods from view;

[m] may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;

[n] may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;

[o] may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of this by-law;

[p] may 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 notice or sign erected or displayed by the municipality for the purposes of this by-law-laws;

[q] may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;

[r] may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;

[s] must on concluding business for the day remove his or her property, except any structure permitted by the municipality, to a place which is not a part of a public road or public place

[t] may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree; and

[u] may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A [2][A] of the Act.

[8] Cleanliness

A street trader must -

[a] Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;

[b] Keep his or her property in a clean, sanitary and well-maintained condition;

[c] Dispose of litter generated by his or her business in whatever receptacle is provided by the municipality for the public or at a dumping site of the municipality;

[d] Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;

[e] Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of of trade is free of litter;

[f] Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public, or public place, or into a storm water drain, of any fat, oil or grease;

[g] Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;

[h] On request by an authorised official of the municipality, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

[9] Signs indicating restricted and prohibited areas

[a] The municipality may, by resolution and in terms of section 6A[2] of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating

[i] specified hours, places, goods or services in respect of which street trading is restricted or prohibited;

[ii] the locations of boundaries of restricted or prohibited areas;

[iii] the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;

[iv] the fact that any such stand or area has been let or otherwise allocated; and

[v] any restriction or prohibition against street trading in terms of this by-law;

[b] The municipality may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;

[c] Any sign erected in terms of this by-law or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and

[d] Any sign may be amended from time to time and displayed by the municipality for the purposes of this by-law, and shall *have* the same effect as a road sign in terms of the Road Traffic Act 1996.

[10] Designated areas

[1] The municipality may, by resolution and in terms of Section 6A(3) (b) of the Act, set apart and demarcate stands or areas for the purposes of street trading on any public road, the ownership or management of which is *vested* in the municipality ,or on any other property in the occupation and under the control of the municipality.

[2] Any such stands or areas may be extended, reduced or disestablished by the resolution of the municipality

[11] Removal and impoundment

[1] An authorised official may *remove* and impound any property of a street trader-

[a] which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and

[b] which he or she is found at a place where street trading is restricted or prohibited. and which, constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.

[2] Any authorised official acting in terms of section 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must -

[l] itemise the property to be *removed* and impounded;

[ii] provide the address where the impounded property will be kept, and the period thereof;

[iii] state the conditions for the release of the impounded property;

[iv] state the terms and conditions relating to the sale of unclaimed property by public auction; and

[v] provide the name and address of a municipal official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.

[3] 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, then any authorised official of the municipality 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.

[4] When any person fails to comply with an order to remove the property referred to in subsection [3], any authorised official of the municipality may take such steps as may be necessary to remove such property.

[12] Vicarious responsibility of persons carrying on business

[1] When an employee or an agent of a street trader contravenes a provision of this by-law the street trader shall be deemed to have committed such contravention him or herself unless such street trader satisfies the court that

[a] he or she neither connived at nor permitted such contravention and;

[b] he or she took reasonable steps to prevent such contravention.

[2] The fact that the street trader issued instructions prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

[13] Offences and Penalties Any person who-

[a] Contravenes or fails to comply with any provision of this by-law;

[b] fails to comply with any notice issued in terms of this by-law; or

[c] fails to comply with any lawful instruction given in terms of this by-law; or

[d] who obstructs or hinders any authorised representative of the municipality in the execution of his or her duties under this by-law-

is guilty of an offence and liable on conviction to a fine not exceeding R1000 or default of payment, to imprisonment for a period not exceeding 3 (three) months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to

imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the concerned, requesting the discontinuance of such offence.

[14] Regulations

[1] The municipality may make regulations regarding -

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

[b] the setting apart and demarcation of stands or areas for the purposes of street trading and extension, reduction or disestablishment thereof, as contemplated in terms of section 10;

[c] [i] the disposal of any property which has been removed and impounded, as contemplated in terms of section 11; and

[ii] the liability of any person for any reasonable expenses incurred in connection with such removal, impoundment and disposal;

[d] [i] the prescription of penalties for the offences contemplated in terms of section 13; and

[ii] the amendment of such penalties from time to time;

[e] any matter which may be prescribed in terms of this by-law and any matter may facilitate the application of this by-law.

[2] [a] The municipality shall, not less than 1 (one) month before promulgating a regulation in terms a subsection [1], cause a draft of the regulation to be communicated to the local community and to be made public in terms of section 21 and 21A of the local Government: Municipal Systems Act, [Act No. 32 of 2000], together with a notice declaring the intention of the municipality to issue such a regulation and inviting comments or presentations.

[b] if the municipality decides to alter the draft regulation as a result of comments or presentations received pursuant to such invitation, then it shall not be necessary to communicate and make public the alteration before the amended draft is promulgated as a regulation

[15] Repeal of by-laws

Any provision of by-laws relating to Street Trading adopted by the Council or any erstwhile Council of a municipality now comprising an administrative unit of the municipality pertaining to any matter regulated in this by law shall be repealed from the date of promulgation of this by-law.

[16] Short title

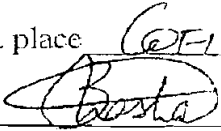
This by-law is called Street Trading By-law, 2006 and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

MUNICIPAL MANAGER

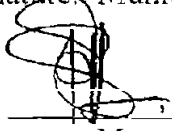
I hereby declare that I have read, understood and approved the policy.

Signed on this 20th day of August year 2007

At place COFIMVABA


Signature: Municipal Manager

TAMUXDO SHASHA
RUN Name


Signature: Mayor

SITHEMBELE DAVID PLATA
Full Name