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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 48 OF 2019**NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTION 62(1) AND 94(1)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016 - STEVE TSHWETE AMENDMENT SCHEME NO. 778**

I, Laurette Swarts Pr. Pln., of Korsman & Associates, being the authorized agent of the registered owner of Erf 245 Kranspoort Extension 1 Holiday Town, Registration Division J.S., Province of Mpumalanga hereby give notice in terms of Section 62(1) and 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the Town Planning Scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the above mentioned property situated at Elands Crescent, Kranspoort Holiday Town from "Residential 1" to "Residential 2" to accommodate two Dwelling Houses. Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from 12 July 2019. Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 2497000, for a period of 30 days from 12 July 2019.

Address of the Applicant: 9 Langa Crescent, Corridor Hill, Witbank, 1035, Private Bag X7294, Suite 295, Witbank, 1035. Telephone no: 013 650 0408, Email: admin@korsman.co.za

Reference: R19257-AdvGazette

12-19

KENNISGEWING 48 VAN 2019**KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPS-BEPLANNINGSKEMA, 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1)(A) VAN DIE STEVE TSHWETE RUIMTELIKEBEPLANNING EN GRONDGEBRUIKSBESTUUR BYWET, 2016 - STEVE TSHWETE WYSIGINSKEMA NO. 778**

Ek, Laurette Swarts Pr. Pln., van Korsman & Vennote, synde die gemagtigde agent van die geregistreerde eienaar van Erf 245 Kranspoort Vakansiedorp, Registrasie Afdeling J.S., Provinsie van Mpumalanga, gee hiermee ingevolge artikel 62(1) en 94(1)(A) van die Steve Tshwete Ruimtelikebeplanning en Grondgebruiksbestuur Bywet, 2016, kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering van die bogenoemde eiendom geleë te Elandsingel, Kranspoort Uitbreiding 1, Vakansiedorp van "Residensieel 1" na "Residensieel 2" om twee Woonhuise te akkommodeer. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipalegebou, Wandererslaan, Middelburg, 1050, vir 'n tydperk van 30 dae vanaf 12 Julie 2019. Besware of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 12 Julie 2019, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Adres van Applikant: Langasingel 9, Corridor Hill, Witbank, 1035, Privaatsak X7294, Suite 295, Witbank, 1035. Telefoon No: 013 650 0408, Email: admin@korsman.co.za

Verwysing: R19257-AdvGazette

12-19

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 107 OF 2019**STEVE TSHWETE AMENDMENT SCHEME 775, ANNEXURE A650****NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTIONS 62(1), AND THE REMOVAL OF RESTRICTIVE CONDITIONS IN TERMS OF SECTION 63 AND 94(1) (A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.**

I, Jaco Peter le Roux, of Afriplan CC being the authorized agent of the owner of **Erf 879, Middelburg X 1** hereby give notice in terms of Section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for:

- the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of Erf 879, Middelburg X 1 situated at 16 Olifant Street, from "**Residential 1**" to "**Residential 3**"; and
- Removal of Restrictive Conditions on Title Deed No T1198/17 conditions A(g), A(i) and A(j).

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 2497000, for a period of 30 days from **12 July 2019** (last day for comments being 12 August 2019). Any person who cannot write may during office hours attend the Office of the Municipal Manager, where an official will assist that person to lodge comment.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from **12 July 2019**.

Details of agent: Afriplan CC, PO Box 786, Ermelo 2350. Tel: 013 282 8035 Fax: 013 243 1706. E-mail: jaco@afriplan.com/vicky@afriplan.com

PROVINSIALE KENNISGEWING 107 VAN 2019

STEVE TSHWETE WYSIGINGSKEMA 775, BYLAAG A650

KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2004, INGEVOLGE ARTIKELS 62(1) EN OPHEFFING VAN BEPERKENDE VOORWAARDES IN TERME VAN ARTIKEL 63 EN 94(1)(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUURSVERORDENING, 2016

Ek, Jaco Peter le Roux, van Afriplan CC synde die gemagtigde agent van die eienaar van **Erf 879, Middelburg** x 1 gee hiermee ingevolge Artikel 94(1) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuursverordening, 2016, kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het vir:

- die wysiging van die Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering van Erf 879, Middelburg x 1, geleë te Olifantstraat 16, vanaf "**Residensiëel 1**" na "**Residensiëel 3**";
- Opheffing van beperkende voorwaardes op Titelakte T1198/17 voorwaardes A(g), A(i) en A(j).

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale gebou, Wandererslaan, Middelburg, 1050, vir 'n tydperk van 30 dae vanaf **12 Julie 2019** (laaste datum vir kommentare 12 Augustus 2019). Enige persoon wat nie kan skryf nie sal tydens kantoor-ure deur 'n amptenaar by die Kantoor van die Munisipale Bestuurder bygestaan word om kommentaar in te dien.

Besware of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **12 Julie 2019**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

*Besonderhede van die agent: Afriplan CC, Posbus 786, Ermelo 2350. Tel: 013 282 8035 Faks: 013 243 1706.
E-pos: jaco@afriplan.com/vicky@afriplan.com*

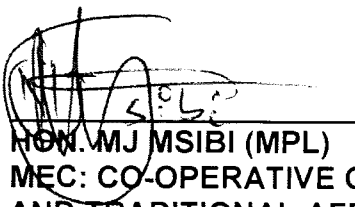
PROVINCIAL NOTICE 109 OF 2019

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

DETERMINATION OF DATE FOR BY-ELECTION

I, Mandla Jeffrey Msibi, Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs in the Mpumalanga Province, hereby give notice in terms of section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have determined **21 August 2019** as the date on which the by-election as indicated in the Schedule should be held.

Given under my hand at Mbombela on 19 July 2019.



Handwritten signature of Mandla Jeffrey Msibi, consisting of stylized initials and a surname, written in black ink over a horizontal line.

HON. MJ MSIBI (MPL)
MEC: CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS

SCHEDULE

- | | | | | |
|-----|------|-----|---|-------------------------------------|
| (a) | MP | 315 | - | Thembisile Hani Local Municipality |
| | Ward | | - | Eight 83105008 |

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 40 OF 2019**STEVE TSHWETE LOCAL MUNICIPALITY****PERMANENT CLOSURE OF A PARK
ERF 3881 TOWNSHIP OF MHLUZI EXTENSION 1**

Notice is hereby given in terms of Section 75 of the Steve Tshwete Municipality Spatial Planning and Land Use Management By-laws and Section 21 of the Local Government: Municipal Systems Act 32 of 2000 that the Steve Tshwete Local Municipality intends to permanently close Park Erf 3881 Township of Mhluzi Extension 1, measuring 3 543m² in extent.

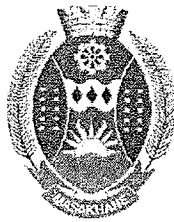
A plan indicating the said portion of the park to be closed is available and may be inspected, during office hours, at Room B218, Legal and Administration Department, First Floor, Steve Tshwete Local Municipality, for a period of 28 days from the date of publication of this notice.

Any person desirous of objecting to the proposed closure or wishing to make recommendations in this regard, should lodge such objection or recommendation, as the case may be, in writing to the Municipal Manager, Steve Tshwete Local Municipality, P.O. Box 14, Middelburg, 1050, to reach him no later than 28 days from the date of publication of this notice.

B. KHENISA
Municipal Manager

LOCAL AUTHORITY NOTICE 41 OF 2019

STEVE TSHWETE LOCAL MUNICIPALITY



AMENDED PROHIBITION AND CONTROL OVER THE DISCHARGE OF FIREWORKS BY-LAWS

STEVE TSHWETE LOCAL MUNICIPALITY

PROHIBITION AND CONTROL OVER THE DISCHARGE OF FIREWORKS BY-LAWS

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STEVE TSHWETE LOCAL MUNICIPALITY

PROHIBITION AND CONTROL OVER THE DISCHARGE OF FIREWORKS BY-LAWS

1. DEFINITIONS

In this by-law, unless the context provides otherwise:

- i. **“Act”** means the Explosives Act, 2003 (Act No. 15 of 2003) read together with the Fire Brigade Services Act, 1987 (Act No. 99 of 1987)
- ii. **“Fireworks”** means any pyrotechnic substance which –
 - a. Is manufactured for the purposes of amusement or entertainment;
and
 - b. Is divided into such classes as may be prescribed.

“class 7 – fireworks” The term “fireworks” shall comprise firework composition and manufactured fireworks. The fireworks shall consist of two divisions;

Division 1 shall comprise firework composition, which term shall mean any chemical compound or mechanically mixed preparation of an explosive or inflammable nature that is used for the purpose of making manufactured fireworks and is not included in any other class of explosive, and also any star and any coloured fire composition that is not included in Division 2.

Division 2 shall comprise manufactured fireworks, which terms shall mean an explosive of any class and any firework composition, when such explosive or composition is enclosed in any case of contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals, such as flights of rockets, mines, rockets, serpents, shells, rocket distress signals, Very's signals, wheels and coloured fire compositions when such compositions are of a nature not liable to spontaneous combustion, and in a quantity not exceeding 500 grams enclosed in a substantially constructed hermetically closed metal case.

Note – Manufactured fireworks that are not liable to explode violently and which do not contain their own means of ignition shall be classed

as “Shop Good”, such as fireworks showers, flashlight powders, fountain, golden rain, gerbs, lawn lights, pin wheels, devil-among-tailors, Roan candles, sparklers, toy caps, volcanoes, Chinese crackers when the length does not exceed 80 millimetres and the diameter 15 millimetres, and mine, Jack-in-the-boxes and Feu de Joie, not exceeding 500 grams gross mass and rockets not exceeding 120 grams

- iii. **“Fireworks display”** means fireworks discharged by any person or body for either a religious, cultural or traditional celebration purposes for own pleasure or the pleasure of others.
- iv. **“Licenced dealer”** means a dealer who is in terms of section 13 of the Act licensed to deal in fireworks.
- v. **“Municipal area”** means the area under the jurisdiction of the Steve Tshwete Local Municipality
- vi. **“Chief Fire Officer”** means the person appointed by the Council in terms of Section 5 of the Fire Brigade Services Act and includes any member of the service appointed in terms of Section 6 of the Fire Brigade Services Act, who represents the Chief Fire Officer in the execution of the provisions of the Fire Brigade Services Act.
- vii. **“Suitable person”** means a person –
 - a. who is 18 years or older;
 - b. is a South African citizen, the holder of a valid work permit;
 - c. is of stable mental condition and is not inclined to violence;
 - d. is not dependent on any substance which has an intoxicating or narcotic effect;
 - e. has not been convicted of any offence under the Act or the Explosives Act, 1956 (Act No. 26 of 1956), and sentenced to imprisonment without the option of a fine.
- viii. **“Inspector”** unless otherwise qualified, means a Chief Inspector of Explosives, or any person deputed to act as an inspector under section two;
- ix. **“premises”** means any land, road, harbour, river, building, structure, ship, boat, or other vessel, or any part thereof, or any tent, railway truck, cart, van, or other vehicle;

-
- x. **“Fire Cracker”** means small fireworks with entwined fuses used solely as noise makers and not for pyrotechnic effect.
 - xi. **“Nuisance Fireworks”** means a fireworks product that produces an effect involving a screech or noise, or is being altered or misused that has the effect of creating fear or disturbance to residents. These include fireworks such as air bombs, supersonic bang, sound shells, fountain whistle, screeches etc.
 - xii. **“Family Package”** means outdoor low hazard recreational fireworks.
 - xiii. **“Pyrotechnic”** means the art of making and using fireworks.
 - xiv. **“New Year’s Eve”** means the night of December 31.
 - xv. **“New Year’s Day”** means the beginning of the calendar year.
 - xvi. **“Lag b’omer”** means a Jewish festival celebrated on the 18th day of Lyar, being the 33rd day of the Omer.
 - xvii. **“Chinese New Year”** also known as the spring festival in China start on the 23rd day of the 12th Lunar month of the Chinese calendar.
 - xviii. **“Human Rights Day”** means a National day that commemorated annually on the 21st of March to remind South Africans about the sacrifices that accompanied the struggle for the attainment of Democracy in South Africa.
 - xix. **“Freedom Day”** is celebrated on the 27th of April for the commemoration of the 1st post-apartheid elections held on that day in 1994.
 - xx. **“Diwali”** means Hindu Festival of lights held in the period October to November.
 - xxi. **“Guy Fawkes Day”** means November 5, observed in England to commemorate the foiling of the attempt led by Guy Fawkes in 1605 to blow up the King and members of Parliament in retaliation for increasing repression of Roman Catholics in England.

- xxii. **“Christmas Eve”** means the evening before Christmas Day, 24 December.
- xxiii. **“Hindu new year”** also known as the Vikram Samvat falls on the 1st day after the new moon day in the 1st month of Lunar calendar, Chaitra.

2. PROHIBITION OF KEEPING, STORAGE AND POSSESSION OF FIREWORKS

- 2.1. No person shall keep, possess or store any fireworks within the Municipal area, save for:
 - i. A licensed dealer; or
 - ii. A person who bona fide transports fireworks to an area where this by-law does not apply; or
 - iii. A person who obtains permission as envisaged in Section 14 of the Explosives Act; or
 - iv. The religious, cultural or traditional groups who obtain permission as envisaged in Section 15 of the Explosives Act.
- 2.2. Every premises dealing in fireworks must be registered by the Deputy Director: Fire & Rescue Services in the prescribed form on an annual basis.
- 2.3. A registration fee as prescribed by the Local Authority will be payable on application for the registration in dealing with fireworks.
- 2.4. Premises dealing in fireworks must be registered annually before the last day of November each year and the prescribed fees payable on application.
- 2.5. Premises that were licenced in the sale of fireworks before the promulgation of these by-laws are not required to pay a registration fee but shall pay the annual licence fee as prescribed in this by-law.
- 2.6. A dealer in the sale of fireworks shall keep a register of all sales including the name, age, address of the purchaser and value of the fireworks.

3. PROHIBITION OF USE AND DISCHARGE OF FIREWORKS

3.1 No approved dealer shall sell fireworks other than in a family pack which contains an assortment of family fireworks or firecrackers.

3.2 An authorised or peace officer of the Municipality may seize fireworks being held in violation of this by-law and shall dispose them without compensation.

3.3 Unless so authorised in terms of this by- law ,no person may use fireworks-

- a) Within 500 metres of any explosives factory, explosives storage place, petrol depot or petrol station;
- b) Inside any building;
- c) On any agricultural holding;
- d) at any public place; or
- e) at any school; old age home or hospital.

3.4 No person may light or ignite fireworks in any place where animals are present.

3.5 Unless so authorized in terms of section 4, no person may light or ignite fireworks on any day or at any time except –

DESCRIPTION OF EVENT	STARTING TIME	ENDING TIME
New Year’s Eve	23h00	01H00
New Year’s Day	19h00	22H00
Lag b’omer	19h00	22H00
Chinese New Year	19h00	22H00
Human Rights Day	19h00	22H00
Freedom Day	19h00	22H00
Diwali	19h00	22H00
Guy Fawkes Day	19h00	22H00
Christmas Eve	19h00	22H00
Hindu new year	19h00	22H00

3.6 No person may allow any minor under his or her control to use; light or ignite fireworks.

3.7 No person may present a fireworks display unless-

- a) Authorised to do so by the Council as contemplated in section 5;

- b) Authorised to do so by the Chief Inspector of Explosives
 - c) The display is at all times under that persons supervision and control;
 - d) That person has insured that-
 - (i) An area with a radius of at least 50 metres is clearly demarcated for the launching of fireworks at the display; and
 - (ii) Measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
- 3.8 A pyrotechny is at all times present and responsible for the use of fireworks at a display

4. PERMISSION FOR DISCHARGE OF FIREWORKS

- i. A person or bodies who wish to discharge fireworks for religious, cultural or traditional purposes shall acquire prior permission from the Legal and Administration department of the Municipality.
- ii. Permission is subject to strict compliance with the condition imposed in Section 7 and such other conditions as the department of Legal and Administration may determine.

5. APPLICATION FOR PERMISSION

- 5.1 Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by submitting an application in writing together with the prescribed fee and the following documentation:
- a) Proof that an application for the fireworks display has been submitted to the Inspector of Explosives of the SAPS;
 - b) A letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
 - c) A sketch plan of the proposed venue for the fireworks display; including the demarcated area for the launching of the fireworks.
- 5.2 The application letter; prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.
- 5.3 If the Council decides to approve an application to present a fireworks

display; the Council shall provide the applicant with written confirmation of its decision and any conditions that it may impose to safeguard persons and property.

- 5.4 The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under the supervision and control of an official designated by the Council.

6. GRANTIING OF PERMISSION

- i. The Chief Fire Officer will make recommendations to Legal and Administration department for approval or disapproval.
- ii. In the event of the Chief Fire Officer disapproving of the application, he/she shall furnish written reasons for such disapproval and grant the applicant at least two (2) days to better his/her application.

7. CONDITIONS

- i. The Council shall delegate a person(s) to render assistance at the display. Costs incurred as a result of the assistance shall be borne by the organisers. Costs shall be as determined from time to time.
- ii. The display may not start before and may not continue after the prior agreed time.
- iii. Safety distances in accordance with the size of the display and the area where it shall occur, shall be strictly adhered to.
- iv. The Legal and Administration department may summons the applicant to give forward prior written notice to persons who shall be affected by the display or to place an advertisement in the newspaper(s) of the Chief Fire Officer's choice or to give both such written notice and place an advertisement.
- v. The Director: Legal & Administration shall affix on the site plan the situation and position of emergency vehicles, access and lead away routes which emergency vehicles shall use, the situation of fire hydrant ends, water ends and other fire-fighting equipment that should be kept free of obstruction.
- vi. The area where the display occurs shall be kept free of all flammable and combustible material.

- vii. At the display of fireworks, it shall be an offence:
 - a. For any person to wilfully enter on or remain in the area reserved for receiving falling residue from aerial fireworks; or
 - b. For any unauthorised person to wilfully proceed to the area demarcated by the organisers of the display for spectators.

8. STORAGE AND SALE OF FIREWORKS BY LICENCED DEALERS

8.1 No person may deal in fireworks unless-

- a) That person holds a required fireworks license in terms of the Explosives Act; and
- b) Has the written authority of the Chief Fire Officer.

8.2 Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated at section 3, must-

- a) Complete an application in the form and manner determined by the Council; and
- b) Submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.

8.3 The Chief Fire Officer may cancel any written authority to dealing fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.

8.4 The following fire prevention measures shall be adhered to:

- i. A dedicated fire extinguisher of the Dry Chemical Powder type shall be provided in close vicinity of the storage and display area.
- ii. A dedicated fire hose reel within the shop covering the storage and display area must be provided, should the total floor area exceed 250m² of floor area.
- iii. Fireworks may only be traded from within licensed premises.
- iv. Fireworks may only be stored or displayed in a dedicated area solely for that purposes and properly demarcated.
- v. Fireworks to be stored in a lockable glass cabinet.

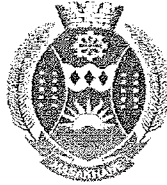
9. LIST OF CONTRAVENTIONS / TRANSGRESSIONS

	CONTRAVENTIONS / TRANSGRESSIONS	REGULATION
9.1	Trading without fireworks license	Chapter 9.9.2 of the Act
9.2	Street trading of fireworks	Section 10 of the street trading By-laws
9.3	Fail to keep less than 500kg gross mass of the fireworks	Section 9.1B(a) of the Act
9.4	Stacking outside the display	Section 9.1B(a) of the Act
9.5	Displaying fireworks on any window & other place where fireworks can be interfered with by the public	Chapter 9.12.3 of the Act
9.6	Fail to display symbolic safety signs indicating no smoking and open flames	Chapter 9.13.1(b) of the Act
9.7	Selling fireworks to a child under the age of 16 Years	Chapter 9.18(d) of the Act
9.8	Storage premises does not comply with the Act	Chapter 9.12.1 of the Act
9.9	Fail to keep 4,5kg dry chemical powder fire extinguisher at the display area	Section 8.4(i) of this By-law
9.10	Fail to have a dedicated fire hose reel in the shop that exceeds 250 m ² of floor area	Section 8.4(ii) of this By-law

10. PENALTIES

- 10.1 Any person who contravenes a provision of this by-law shall be guilty of an offence and on conviction be liable to a fine or imprisonment as determined by the Court of law.
- 10.2 An authorised official of the Municipality may seize fireworks being held in violation of this By-law and shall dispose of them without compensation.

LOCAL AUTHORITY NOTICE 42 OF 2019



STEVE TSHWETE LOCAL MUNICIPALITY

**CONTROL OF UNDERTAKINGS THAT SELL
LIQUOR TO THE PUBLIC BY-LAWS**

Steve Tshwete Local Municipality

Control of Undertakings that Sell Liquor to the Public By-law

To provide for the control of undertakings selling liquor to the public including the control of trading times in order to ensure a safe and healthy environment in the Steve Tshwete Local Municipality and provide for matters related thereto.

Preamble

WHEREAS a municipality may, in terms of Section 156 of the Constitution of the Republic of South Africa, 1996 make and administer by-laws for the effective administration of matters which it has the right to administer;

WHEREAS it is the intention of the Municipality to set trading times and enforcement mechanisms for the control of licensed undertakings that sell liquor to the public and which are situated within the jurisdiction of the Steve Tshwete Local Municipality;

AND NOW THEREFORE, BE IT ENACTED by the Council of Steve Tshwete as follows:-

INTERPRETATION

Definitions

1. In this By-law, unless the context indicates otherwise –

“agricultural area” means an area predominantly zoned for agriculture or any other equivalent zoning, with the purpose to promote and protect agricultural activity on a farm as an important economic, environmental and cultural resource, where limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource;

“authorised official” means a delegated employee of the Municipality, authorised official delegated to enforce the provisions of this by-law;

“business premises” means a property from which business is conducted and may include a restaurant, pub, bar or tavern or other building for similar uses, but exclude a place of entertainment, guest accommodation establishment, hotel, sports and community club’

“casino” means a casino as defined in the National Gambling Act, 2004 (Act No.7 of 2004) and includes a hotel, business premises, venue for hosting of events, place of entertainment or other recreation facility or tourist attraction as part of the complex;

"Certificate of acceptability" means a certificate of acceptability referred to in Regulation 3; of Foodstuffs, Cosmetics and Disinfectants Act (54/1972): Regulations governing hygiene requirements for food premises and the transport of food (R962);

"compliance notice" means a written instruction of an authorised official as contemplated in Section 6;

"Council" means a municipal council referred to in Section 157 of the Constitution of the Republic of South Africa, 1996;

"general business area" means an area predominantly zoned general business or any other equivalent zoning, with the purpose to promote economic activity in a business district and development corridor, and includes a wide range of land uses such as business, residential and community uses;

"guest accommodation establishment" means premises used as temporary residential accommodation, and includes the provision of meals for transient guests for compensation and includes a backpacker's lodge, a bed-and-breakfast establishment, guest house and guest farm or lodge, as well as facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

"hotel" means premises used as temporary residential accommodation for transient guests where lodging or meals are provided for compensation, and includes –

- (a) a restaurant forming part of the hotel;
- (b) a conference and entertainment facility that is subservient and ancillary to the dominant use of the premises as a hotel; and
- (c) premises licensed to sell liquor for consumption on the property, but excludes an off-consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

"industrial area" means an area predominantly zoned general industry or any other equivalent zoning, with the purpose to accommodate all forms of industry including manufacturing and related processing, but excludes noxious or hazardous risk activity;

"licensee" means a person who is licensed to sell liquor in terms of the Act and includes the manager who is responsible for the management of the business and is subject to the same duties, obligations and liabilities as the licensee;

"liquor" means liquor as defined in the Act;

"local business or neighbourhood business area" means an area predominantly zoned local business or mixed use or any other equivalent zoning with the purpose to accommodate low intensity commercial and mixed use development serving local needs of a convenience goods, personal service or small scale business nature or serve as an interface between general business, industrial and adjacent residential areas;

“off-consumption premises” means the place of business from which a licensee sells liquor to be consumed at a location removed from the place of business;

“on-consumption premises” means the place of business and location in which liquor is sold and consumed;

“organised function” means a celebration, party or similar festivity shared at a licensed premises;

“person” means a natural person or juristic person;

“place of entertainment” means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside standard business hours or generate noise from amplified or live music or revelry on a regular basis, and includes a cinema, theatre, amusement park, dance hall, gymnasium, totalisator or facility for betting, gambling hall, karaoke bar and nightclub, but excludes a casino;

“Population certificate” means an occupancy certificate aimed at the prevention and control of overcrowding;

“residential area” means an area predominantly zoned informal, single or general residential or any other equivalent zoning, with the purpose to accommodate predominantly single-family dwelling houses in low to medium density neighbourhoods, as well as higher density living accommodation and which includes controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

“sell” includes –

- (a) to supply, exchange, offer for sale, display for the purpose of sale; or
- (b) to authorise, direct or allow a sale, supply, exchange, offer for sale or display for sale; for the exchange of money or any other type of consideration; and **“sale”** and **“sold”** have corresponding meanings;

“small holding or rural area” means an area predominantly zoned rural or any other equivalent zoning, with the purpose to accommodate smaller rural properties that may be used for agricultural purposes, but may also be used primarily as places of residence in a more country or rural setting;

“sparkling wine” means an effervescent wine resulting from the fermentation of grapes, whether by natural or artificial process and includes Champagne;

“Sports and community club” means premises or a facility used for the gathering of community or civic organisations or associations, sports clubs or other social or recreation clubs run mostly not for profit and may include community service clubs and community centres or similar amenity facilities, but exclude a night club;

“standard trading” means trading days and trading hours as contemplated in Sections 4 and 5 of this By-law, and excludes extended trading days and hours that may be approved by the local authority in terms of section 6 of this By-law;

“the Act” means the Mpumalanga Liquor Act, 2006 (Act No. 5 of 2006);

“winery” includes premises or facilities which are used in the production of wine and such premises or facilities include facilities for crushing grapes and fermentation and aging of wine, tasting rooms, barrel and storage rooms, bottling rooms, tank rooms, laboratories or offices and other accessory or ancillary facilities incidental to the production of wine, which may include-

- (a) a restaurant and other food services; or
- (b) a subsidiary retail facilities to tours or visitors, and

“zoned” means zoned as the case may be in terms of the Steve Tshwete Town Planning Scheme (2004) or any succeeding town planning scheme thereto; and “zoning” has a corresponding meaning.

Application

2. This By-law is applicable to licensees that sell liquor to the public within the jurisdiction of the Steve Tshwete Local Municipality.

General Prohibition

3. No person may sell liquor to the public for on consumption or off consumption –
 - (a) outside of the days and hours that have been determined by the Municipality.
 - (b) without a valid liquor licence that has been issued as contemplated in the Act.

STANDARD TRADING TIMES

On-Consumption Premises

4.
 - (1) A licensee may sell liquor for consumption on the licensed premises on the following days and hours :
 - (a) on any day of the week; and
 - (b) during the hours of trade as set out in the schedule.
 - (2) A licensee may allow a patron to complete the consumption of liquor on the premises at a time when the sale of liquor is not permitted by this By-law, but may not allow such consumption on the premises for more than 30 minutes

after the time permitted by this By-law.

- (3) Despite the provisions of this By-law, a licensee as contemplated in subsection (1), may sell sparkling wine to guests who are part of an organised function where admittance is controlled –
 - (a) from 08h00 to 11h00 for seven days a week; and
 - (b) as part of a meal.
- (4) A hotel or guest accommodation establishment licensed to sell liquor for on consumption, may provide access to a bar facility inside each private suite or room for the enjoyment of a guest occupying such private suite or room.

Off-Consumption Premises

5. A licensee may sell liquor for off-consumption on Mondays to Saturdays from 08:00 to 20:00, and on Sundays and Public Holidays from 10:00 to 17:00.

Compliance Notice

6.
 - (1) An authorised official may serve a compliance notice on a licensee thereby instructing such licensee to comply with the provisions of this By-law.
 - (2) The compliance notice must specify –
 - (a) the contravention and the expected remedy of the contravention;
 - (b) the time frame in which the licensee must remedy the contravention and comply with any lawful instruction contained in the compliance notice; and
 - (c) the consequences of failure to comply with paragraphs (a) and (b).
 - (3) A licensee commits an offence if such licensee fails to adhere to the instructions contained in a compliance notice.

PREVENTION OF SALE OF LIQUOR AND SEIZURE OF LIQUOR

Prevention of Sale of liquor and Seizure of Liquor

7.
 - (1) The Municipality may, in the instance that the licensee has contravened this By-law and failed to adhere to a compliance or suspension notice that was served –

- (a) cause the prevention of sale of liquor; and
 - (b) seize any liquor on the premises in accordance with the procedures as contemplated in the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) Where the sale of liquor is prevented and liquor is seized as contemplated in subsection (1), the Municipality may recover any costs incurred from the licensee.

Display of signage, population certificate, certificate of acceptability and other obligations of licensee

8.

- (1) The licensee must ensure that the relevant approval relating to hours of trade and zoning together with the population certificate and certificate of acceptability are always present and displayed on the premises.
- (2) Licensees must ensure that the licensed premises meets and complies with all environmental health, planning, safety laws and with conditions imposed by the Municipality.

Safety and Security

9. The licensees must ensure that reasonable safety and security measures are in place for the protection of patrons of the licensed premises by ensuring that, *inter alia* –

- (a) the storage of goods and equipment and the condition of the premises and any structure thereon do not cause a danger to the safety of patrons inside the premises;
- (b) the premises adheres to the requirements of the National Building Regulations and Building Standards Act, 1977, (Act 103 of 1977) and any other permission granted by the Municipality ; and
- (c) there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises.

Nuisances

10. A licensee selling liquor to the public must take reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected and inconvenienced by noise or other nuisances emanating from the premises.

Offences and Penalties

11. Any licensee who –

(a) contravenes sections 3; 4; 5; 6; or 10

(b) fails to comply with any compliance notice served in connection with this By-law,

is guilty of an offence and is upon conviction, liable to a fine or to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment.

Short title

12. This By-law is called the Steve Tshwete Local Authority : Control of Undertakings that Sell Liquor to the Public By-law, 2018

SCHEDULE

Trading hours for on-consumption licensed premises

A. The retail sale of liquor for consumption on the premises where the liquor is sold.

WEEK DAY	TRADING HOURS
Sunday	10 h00 am to 24 h00
Monday	10 h00 am to 24 h00
Tuesday	10 h00 am to 24 h00
Wednesday	10 h00 am to 24 h00
Thursday	10 h00 am to 24 h00
Friday	10 h00 am to 24 h00
Saturday	10 h00 am to 24 h00
Public holidays	10 h00 am to 24 h00

B. The retail sale of liquor for consumption off the premises where the liquor is sold.

WEEK DAY	TRADING HOURS
Sunday and Public holidays	10 h00 am to 17 h00
Monday	08 h00 am to 20 h00
Tuesday	08 h00 am to 20 h00
Wednesday	08 h00 am to 20 h00
Thursday	08 h00 am to 20 h00
Friday	08 h00 am to 20 h00
Saturday	08 h00 am to 20 h00

C. The retail sale of liquor for consumption on and off the premises where the liquor is sold.

WEEK DAY	TRADING HOURS
Sunday	10 h00 am to 24 h00
Monday	10 h00 am to 24 h00
Tuesday	10 h00 am to 24 h00
Wednesday	10 h00 am to 24 h00
Thursday	10 h00 am to 24 h00
Friday	10 h00 am to 24 h00
Saturday	10 h00 am to 24 h00
Public holidays	10 h00 am to 24 h00

D. The retail sale of liquor in terms of a special liquor licence for consumption on and off the premises where the liquor is sold.

WEEK DAY	TRADING HOURS
Sunday and Public holidays	10 h00 am to 02 h00

Monday	10 h00 am to 02 h00
Tuesday	10 h00 am to 02 h00
Wednesday	10 h00 am to 02 h00
Thursday	10 h00 am to 02 h00
Friday	10 h00 am to 02 h00
Saturday	10 h00 am to 02 h00
E. The retail sale of liquor in terms of a special liquor licence in respect of a specified event.	
Sunday and Public holidays	10 h00 am to 04 h00
Monday	10 h00 am to 04 h00
Tuesday	10 h00 am to 04 h00
Wednesday	10 h00 am to 04 h00
Thursday	10 h00 am to 04 h00
Friday	10 h00 am to 04 h00
Saturday	10 h00 am to 04 h00
F. The micro-manufacture and the retail sale of such micro-manufactured liquor for consumption on and off the premises where such liquor is sold.	
Sunday and Public holidays	10 h00 am to 20 h00
Monday	08 h00 am to 20 h00
Tuesday	08 h00 am to 20 h00
Wednesday	08 h00 am to 20 h00
Thursday	08 h00 am to 20 h00
Friday	08 h00 am to 20 h00
Saturday	08 h00 am to 20 h00
G. The micro-manufacture and retail sale of traditional African beer for consumption on and off the premises where such traditional African beer is sold.	
Sunday and Public holidays	10 h00 am to 24 h00
Monday	08 h00 am to 24 h00
Tuesday	08 h00 am to 24 h00
Wednesday	08 h00 am to 24 h00
Thursday	08 h00 am to 24 h00
Friday	08 h00 am to 24 h00
Saturday	08 h00 am to 24 h00