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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 52 OF 2019

STEVE TSHWETE AMENDMENT SCHEME 784 AND ANNEXURE A652 NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTION 62(1), AND 94(1)(A) & (2)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016

I, Johannes Petrus Coetzee (ID 750723 5047 088) of Urban Dynamics Mpumalanga (PTY) LTD being the authorised agent of the registered owner of Portion 1 of Erf 835, Middelburg hereby give notice in terms of Section 94(1)(a) & (2)(a) Chapter 6 of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that we 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 abovementioned property situated at 11 Francois Street, Middelburg by rezoning the property from "Residential 1" to "Special" as contained in the Annexure. 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 09 August 2019 with the last date of comments being 8 September 2019 (30 days after first date of application) in the manner as described in Section 99 of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016. 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: 013 249 7000, for a period of 30 days from 09 August 2019. Inquiries can be addressed to Mr Meshack Mahamba, Head of Town Planning and Human Settlements at telephone number 013 – 249 7000. Any person who cannot read or write may consult with any staff member of the office of the Senior Manager: Town Planning and Human Settlement during office hours and assistance will be given to transcribe that person's objections or comments.

Address of the Applicant: 7 Dolerite Crescent, Aerorand, 1070, Postal address P.O. Box 11677, Aerorand, Middelburg, 1070, Telephone no. 013 244 1598, Fax no: 013 244 1560, email: mail@urbanmbg.co.za.

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KENNISGEWING 52 VAN 2019

STEVE TSHWETE WYSIGINGSKEMA 784 EN BYLAAG A652 KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1)(A) & 2(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR BYWET, 2016

Ek, Johannes Petrus Coetzee (ID 750723 5047 088) van Urban Dynamics Mpumalanga (PTY) LTD, synde die gemagtigde agent van die geregistreerde eienaar van Gedeelte 1 van Erf 835, Middelburg, gee hiermee ingevolge artikel 94(1)(a) & (2)(a) Hoofstuk 6 van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikbestuur bywet, 2016 kennis dat ons by die Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering van bogenoemde eiendom geleë te Francoisstraat 11, Middelburg vanaf "Residensieel 1" na "Spesiaal" soos uiteengesit in die bylaag. Geskrewe kommentaar of besware ten opsigte van die aansoek en die gronde van die besware of verhoë met volledige kontakbesonderhede moet skriftelik ingedien word by die Munisipale Bestuurder, Posbus 14, Middelburg, 1050 binne 30 dae vanaf 09 August 2019, waar die laaste dag van kommentaar 08 September 2019 is (30 dae na eerste datum van publikasie) soos uiteengesit in Artikel 99 van die Steve Tshwete Ruimtelike Beplanning en Grondgebruikbestuur bywet, 2016. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale Gebou, Hoek van Wandererslaan, Middelburg, 1050, Tel: 013 249 7000, vir 'n tydperk van 30 dae vanaf 09 August 2019. Navrae kan gerig word aan Mnr Meshack Mahamba, Hoof van Stadsbeplanning en Menslike Nedersettings by telefoonnommer 013 – 249 7000. Enige persoon wat nie kan lees of skryf nie mag enige personeellid van die kantoor van die Senior Bestuurder: Stadsbeplanning en Menslike Nedersettings gedurende kantoor ure raadpleeg en bystand sal aan sodanige persoon verleen word om die beswaar of kommentaar saam te stel.

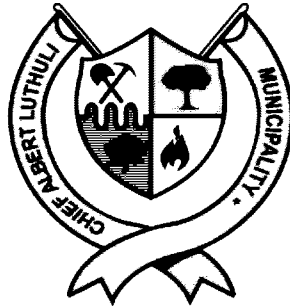
Adres van Applicant: 7 Doleriet Singel, Aerorand, 1070, Posbus 11677, Aerorand, Middelburg, 1070, Tel: 013-244 1598, Faks: 013 244 1560, email: mail@urbanmbg.co.za

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NOTICE 55 OF 2019

Chief Albert Luthuli Municipality

*The transparent, innovative and developmental municipality
that improves the quality of life of its people*



CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY LIQUOR TRADING BY-LAW

2019



CONTROL SHEET	
<i>Policy Number</i>	41/2018
<i>Policy Name</i>	Chief Albert Luthuli Local Municipality Liquor Trading By Law
<i>Policy Status</i>	New
<i>Date of last Approval</i>	New
<i>Policy review / Development</i>	Policy to be reviewed annually
<i>Date of next review</i>	This policy shall remain effective until such time approved otherwise by Council
<i>Purpose</i>	The purpose of the Liquor Trading By Law is to regulate the hours and days during which liquor may be sold and matters related thereto.
<i>Aims and objectives</i>	This policy document aims and objective is to ensure that a contract or agreement procured through the supply chain management policy of the municipality is properly enforced; monitor on a monthly basis the performance of the contractor under the contract or agreement. administrate the contract with the necessary competencies and delegations, ensuring effective management of con-tracts.
<i>Policy custodian</i>	Corporate Services: Legal Section
<i>Related Policies and Legislations</i>	<ul style="list-style-type: none"> • Municipal Finance Management Act 53 of 2003 • Section 217 Of the Constitution of the Republic of South Africa • Chief Albert Luthuli Supply Chain Management Policy and Regulations of 2018 • Municipal System Act 32 of 2000 • Municipal Structure Act • Circular 32 of the National Treasury •
<i>Approving authority</i>	Council
<i>Applicability</i>	This policy applies to all departments within the municipality
<i>Amendments to the Policy</i>	<ul style="list-style-type: none"> • None
<i>Policy Benchmark and References</i>	Rustneburg Municipality
<i>Stakeholders Consulted</i>	All CALM Departments and All Services Providers appointed and rendering Services for CALM
<i>Accountability</i>	The Municipal Manager is accountable for the proper implementation of this policy in terms of the Systems Act.

CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY LIQUOR TRADING BY-LAW

To provide for the control of undertakings selling liquor to the public within the Chief Albert Luthuli Local Authority in order to ensure a safe and healthy environment.

Preamble

WHEREAS a Municipality has the executive authority, in terms of Section 156(1)(a) read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, to control undertakings that sell liquor to the public;

WHEREAS a Municipality may, in terms of Section 156(2) of the Constitution, make and administer by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS a Municipality may, in terms of Section 11(3)(m) read with sections 12 and 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), pass by-laws;

WHEREAS it is the intention of the Municipality to set trading days and hours subject to certain conditions for all licensed premises, business or outlets situated within the Chief Albert Luthuli municipality that sell liquor to the public, in terms of Section 35(2)(b) of the Mpumalanga Liquor Licencing Act, 2006 (Act 5 of 2006);

NOW THEREFORE, BE IT ENACTED as follows:

1. Definitions

(1) In this By-law, unless the context indicates otherwise;

“**Act**” Means the Mpumalanga Liquor Licencing Act, 2006 (Act 5 of 2006);

“**Agricultural areas**” means an area predominately zoned agriculture or any other equivalent zoning, with the purpose to promote and protect agricultural activity on a farm, where limited provision is made for non-agricultural uses;

“**Authority**” means the Mpumalanga Liquor Authority established by Section 4 of the Act;

“**Business areas**” means an area predominantly zoned Business 1, 2 of 3 in terms of the Land Use Scheme, 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;

“**Industrial Area**” means an area predominantly zoned industrial that accommodate all forms of industry, but do not include noxious or hazardous trade risk activities;

“**licensee**” means any person who is licensed to sell liquor in terms of the Act and includes any licensed premises, business, outlet or land use activity from which liquor is sold;

“**liquor**” means liquor as defined in Section 1 of the Act;

“**Municipality**” means the Chief Albert Luthuli Local Municipality established by the Establish Notice published in Provincial Gazette;

“**micro-manufacturer**” – means micro manufacturer as defined in terms of the Act;

“**motor vehicle**” means a vehicle designed or adapted for propulsion or haulage on a road by means of fuel, gas or electricity, including a trailer or an agricultural or other implement designed or adapted to be drawn by such vehicle and include vehicles designed or adapted to transport passengers;

“official” means any person authorized by the Municipality to perform the function of an officer under this By-law and includes any member of the South African Police Services and any person appointed in terms of the Act;

“person” means a natural person or a juristic person which may include –

- (a) a licensee or any person in charge or managing the licensed premises for the purposes of the sale of liquor;
- (b) any body of persons corporate or unincorporated,
- (c) any company incorporated or registered as such under any law or any village management board, or like authority.

“Place of amusement” means land used or a building designed or used for the sale of alcohol and/or food for consumption on the premises and may include live entertainment or entertainment generated by way of mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement. A place of amusement includes a beer hall, public hall, theatre, cinema, drive-inn movie, music-hall, concert hall, sports bar, ladies bar, cocktail bar, billiard saloon, sports stadium, skating ring, dance hall, night club and an amusement park or any other recreational purpose with or without a view to profit. A Place of amusement does not include adult entertainment.

“premises” includes any place, land, building or conveyance or any part thereof which is registered or which is seeking to be registered to trade in liquor;

“Residential area” means an area predominantly zoned Residential 1, 2 or 3 or any other equivalent zoning, with the purpose of accommodating predominantly single-families which include controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

“sell” means sell as defined in terms of the Act;

“tariffs” is an amount annually determined by the Municipality in terms of Section 75A of the Municipal Systems Act, Act 32 of 2000

“trading days” means the days on which liquor may be sold during trading hours;

“trading hours” means the hours during which liquor may be sold during trading days;

“undertaking” means a business involved with the sale of liquor to the public;

“zoned” means zoned and zoning as the case may be in terms of the applicable zoning scheme;

(2) In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act has that meaning read together with the applicable Land Use Scheme Regulations and the By-Law relating to streets, public places and the Prevention and suppression of nuisances.

2. Purpose of By-law

The Municipality aims to regulate the hours and days during which liquor may be sold and matters related thereto.

3. Application for comments from the Municipality

(1) An application for comments from the Municipality in terms of section 35(2)(b) of the Act shall be accompanied by;

(a) An application fee of R500 or as subsequently approved in the municipality's yearly tariff schedule;

(b) A plan indicating the locality of the application premises in relation to educational institutions and places of worship situated within a radius of 500 metres from the application

premises. The 500 meter radius must be measured from the centre of the main customer entrance door of the application premises;

(c) Comments on the application from the principal and the governing body of any educational institution, and the leadership of any place of worship, situated within a radius of 500 metres from the application premises. The educational institution and/or place of worship shall be deemed to be within the 500 meter radius if any part of the property on which the educational institution and or place of worship is situated falls within the 500 meter radius as measured in (b).

(2) Comments may in terms of Section 35 of the Act contain terms and conditions as deemed necessary by the Municipality.

(3) All comments, terms and conditions provided by the Municipality in support of an application shall only be valid for the period the licence is granted, and be subject thereto that any renewal application must be resubmitted for comments to the Municipality prior to the renewal application being submitted to the Authority.

4. Trading days and hours

A licensee may sell liquor in terms of the type of licence applied for on the days and hours as set out in the schedule to this By-law

5. Display of signage and other obligations of the licensee

The licensee or person in charge must ensure that the hours of trade of the business as determined by the Municipality are prominently displayed on the outside of the business on the front door or window of the premises in characters not less than five centimetres in height, to the satisfaction of the Municipality.

6. Safety and Security

(1) Licensees must ensure that the licensed premises meets and complies with all environmental, planning, safety laws and that the conditions imposed by the Municipality are adhered to.

(2) The licensee or person in charge must ensure that reasonable and adequate safety and security measures are in place for the protection of the public/clients of the premises by ensuring, amongst others but not limited to, that –

(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 or by-law promulgated by the Municipality; and

(c) There is adequate lighting on the outside of the premises where the public/clients and staff access and exit the licensed premises.

7. On-consumption Liquor premises must be weapon free

Right of admission to an on-consumption liquor premises is reserved and no weapons or sharp objects are permitted inside an on-consumption liquor premises. A safe should be available at all times at an on-consumption liquor premises for the storage of firearms in the possession of patrons.

8. Nuisances

(1) Any person selling liquor to the public must take all reasonable steps to ensure that noise from the liquor premises remain within the walls of such liquor premises at all times.

(2) Any person 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.

(3) The licensee remains liable and responsible for all land pollution and littering within the liquor premises. The liquor premises must be kept clean at all times.

(4) There shall be no loitering or littering by patrons inside or outside the liquor premises and all sales and consumption of liquor shall be confined to the liquor premises.

9. Provision of free drinking water

Free drinking water, which includes tap water, must be made easily available at all on-consumption liquor outlets to the patrons.

10. Provision of ablution facilities for patrons

All on-consumption outlets must provide ablution facilities for each gender and cater for people with disabilities at no additional cost to the patrons.

11. Offences and Penalties

(1) Any person who contravenes or fails to comply with any –

(a) provision of this By-law;

(b) condition or instruction served in connection with this By-law; or

(c) written notice from an authorised official,

is guilty of an offence and is liable to a fine not exceeding the amount as approved by the local Magistrate or in default of payment to any fine imposed, imprisonment for a period not exceeding three years, or to both such fine and such imprisonment.

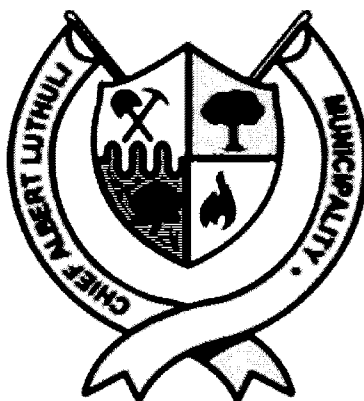
(2) Any person who commits a continuing offence shall be guilty of an offence for each day during which that person fails to comply with this By-law.

(3) A court convicting a person of an offence under this By-law may impose alternative sentencing in place of a fine or imprisonment.

12. Short title and commencement

This By-law shall be called the Chief Albert Luthuli Local Municipality Liquor Trading By-law, and shall come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE		
TRADING DAYS AND DAYS		HOURS
MAXIMUM PERMITTED TRADING HOURS TYPE		
1. Manufacturers:		
All Manufacturers	7 days a week	24 hours for both macro and micro
Tasting	Monday – Sunday including Public Holidays	10:00 – 18:00
2. Distribution:		
Distribution	Monday – Saturday	06:00 – 18:00
Sundays including Public Holidays	09:00 – 17:00	
3. Off Consumption licences:		
Off-Consumption licences	Monday - Saturday	09:00 – 20:00
Sundays including Public Holidays	09:00 – 17:00	
4. On Consumption (Business and Industrial areas):		
Other on-consumption licences	Monday – Sunday	10:00 – 00:00
Places of Amusement	Monday – Sunday	10:00 – 06:00
5. On Consumption (those in residential areas):		
Other on-consumption licences	Monday – Saturday	10:00 – 21:00
Sundays	10:00 – 17:00	
Places of Amusement	Monday – Saturday	10:00 – 00:00
Sundays	10:00 – 00:00	
Accommodation Establishments	Monday – Sundays	10:00 – 00:00
6. Special Events:		
Business and Industrial areas	On the day of the event	10:00 – 00:00
Residential areas	On the day of the event	10:00 – 22:00

NOTICE 56 OF 2019**CHIEF ALBERT LUTHULI MUNICIPALITY**

The Council of Chief Albert Luthuli Municipality has in terms of section 156 and 162 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following By-law:

BUSINESS BY-LAW**TABLE OF CONTENTS**

1. Definitions
2. Interpretation
3. Licensing authority and licensing of businesses
4. Categories of businesses
5. Right to trade
6. Lease and allocation of stands
7. General conduct of street traders on predetermined areas
8. Environmental health and safety
9. Signs indicating restricted and prohibited areas
10. Cleanliness
11. Prohibited conduct
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13. Obstruction of pedestrian
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16. Trading restricted to specified hours in certain places
17. Trading restricted to specified goods or services in certain places
18. Trading restricted to demarcated stands or areas in certain places
19. Demarcated areas
20. Trading in stands or areas which have
21. Offences and Penalties
22. Annexures

1. DEFINITIONS

(1) For the purpose of this by-law, unless the context indicates otherwise:

- "Authorized official"** means
- (a) an official of the Council authorized to implement the provisions of the by-law and "officer" shall have a corresponding meaning;
 - (b) A traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996]
 - (c) A member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995 [Act NO 68 of 1996]
 - (d) A peace officer, contemplated in terms of Section 334 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977]
- "Building"** means normal brick structures and includes informal structures such as "shanties or movable such as caravans";
- "foodstuff"** means any article or substance [except a drug as defined in the Drugs and Drugs Trafficking Act, (Act 140 of 1992)], ordinarily eaten or drunk by persons or purporting to be suitable, or manufactured or sold, for human consumption, and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance;
- "Formal trader"** means any natural or juristic person selling goods for profit whether or not such good have been manufactured by same person or sourced from other entities;
- "Garden or park"** means a garden or park to which the public has a right of access;
- "Goods"** means any transferable interest but excludes any living thing and hazardous substances;
- "Impoundment costs"** means all costs incurred by the Municipality in respect impounding and storing of impounded Good or Property and, where applicable, costs incurred in respect of disposal of impounded goods;
- "License"** in relation to a business, means a business or informal traders license issued by the licensing authority in terms of this by-law;
- "License Holder"** means a person who is the holder of a license;
- "Licensing authority"** means Chief Albert Luthuli Municipality;

"litter"	means any waste materials and includes any container or other matter which has been discarded, abandoned or left behind by a person trading or his/her customers;
"Municipality"	means the Chief Albert Luthuli Municipality;
"Municipal Council"	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
"Municipal Manager"	<p>means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person -</p> <ul style="list-style-type: none"> a) acting in such a position; b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
"National monument"	means a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969);
"Nuisance"	means any action or behavior by anyone which constitutes a disturbance or causes discomfort to anyone;
"Pavement"	means a sidewalk or that portion of a road reserved for the use of pedestrians;
"Perishables foodstuff"	<p>means any foodstuff with a limited lifespan as indicated by the manufacturer by means of a "best before date", "use by date" or "expiry date".</p> <p>This includes all foodstuff usually consumed on its own or that forms part of a meal when combined with other foodstuff.</p> <p>Raw unprocessed fruits and vegetables are excluded from this definition for the purpose of this By-law;</p>
"Person"	means any person carrying an business referred to in item 3 (1) of schedule 1 of the Act;
"Premier"	means the Premier of Mpumalanga Province or Member of the Executive Council who is charged with the responsibility of the administration of the Business Act (Act No. 2 of 1996);
"Prohibited area"	means any place declared or to be declared under subsection 6A (2) of the Act by resolution of the Council to be an area in which street trading may be prohibited;
"property"	means in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he/she trades;
"Public building"	means a building occupied solely by the State or the Council or any organs or state;

- "Public place"** means any square, park, recreation ground, sport ground, sanitary lane or open space which has-
- (a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owner or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
 - (b) at any time been dedicated to the public;
 - (c) Been used without interruption by the public.
 - (d) at any time been declared or rendered such by a Council or other competent authority;
- "Public road"** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) 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; and
 - (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;
- "Informal trader"** means a person that is mobile and sells goods for own profit whether such goods are the product of his/her own labour or not;
- "Sell"** means alienation for value and includes supply to and also-
- (a) exchange or hire;
 - (b) store, expose, offer or prepare for sale, and "sale" has a corresponding meaning;
- "Services"** means and includes any advantage or gain for consideration or reward;
- "The Act"** means the Mpumalanga Business Act, 1996 (act No. 2 of 1996);
- "Trade"** means the lawful sale of goods or services in a public road or public place, and "trading" has a corresponding meaning;
- "Verge"** means a verge as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989), and any word or expression to which a meaning has been assigned in the Business Act, 1996 (Act No, 2 of 1996).

2. INTERPRETATION

- (1) Meaning of words and expressions in the Act incorporated in this By-law – unless context indicate otherwise, any word or expression to which a meaning has been assigned in the Act shall have a corresponding meaning in this By-law.
- (2) For the purpose of this by-law a single act of selling within the public domain shall constitute trading.

3. LICENSING AUTHORITIES AND LICENSING OF BUSINESSES

- (1) For the purpose of this By-law, the Municipality as the local authority is the licensing authority.

- (2) The Municipality shall subject to the provisions of the Act, issues business licenses and informal trading permits which have been properly applied for unless –
- (a) The business premises do not comply with the requirements related to town planning and or the health and safety of the community;
 - (b) Any apparatus, equipment, storage space, working surface , structure, vehicle conveyance or any other article or place used for or in connection with the preparation, handling or sale of foodstuffs, does not comply with the laws related to Health and Safety;
 - (c) The Municipality believes that the applicant is not a fit and proper person to operate such business;
 - (d) In case of an informal trader application, if it was found that the license of which the applicant is a holder of has been withdrawn at any time during the preceding 12 months.
- (3) For the purpose of subsection 2 (c), the Municipality may ask the South African Police Service for a report stating particulars of all convictions (if any) recorded against an applicant concerned or against any person in control of the business.
- (4) For the purpose of such report, the applicant will be required to provide the South African police Service with particulars such as fingerprints, palm prints and foot prints.
- (5) In considering the application for a business license, the Municipality may –
- (a) Grant the application on condition that:
 - (i) The prescribed fees and all attachments have been provided;
 - (ii) The business premises comply with the town planning and health requirements as set out in sub- section 2 (a);
 - (iii) Any apparatus, equipment, storage, working surface, structure, vehicle, conveyance, article or place shall, before the license is issued comply with requirements contemplated in sub-section 2(b);
- (6) The Municipality may, on application by a prospective license holder, by way of endorsement on the license –
- (a) Amend a condition;
 - (b) Extend the license period;
 - (c) Revoke condition; and
 - (d) Indicate that a condition specified in the license has been complied with.
- (7) The Municipality may at any time of issuing the license to the applicant withdraw or suspend the license –
- (a) On grounds that the business does not comply with any requirements of this By-law;
 - (b) On the grounds that the license is found to have contravened the conditions of the license;
 - (c) On the grounds that the license holder is found to be conduction illegal activities within the business premises; and
 - (d) In case the license is not renewed;
 - (e) In case any foodstuffs sold by the license holder do not comply with the requirements of the Health and Safety Regulations;
- (8) If the Municipality refuses to grant the license subject to certain conditions or amend any condition –
- (a) The applicant or license holder will be notified in writing of such decision;
 - (b) The applicant or license holder will be furnished reasons of the decision; and
 - (c) The applicant will be informed of his or her right to appeal the decision.
- (9) Issuing of a license does not in any manner relieve the license holder of his duties to comply with the laws related operating his or her business and the premises.

4. CATEGORIES OF BUSINESSES

(1) Businesses which require a business license in terms of this By-law are:

Category A: The sale or supply of meals or perishable foodstuffs

- (a) Any foodstuff in the form of meals for consumption on or off the business premises;
- (b) Any perishable foodstuff.

Category B: Provision of certain types of health facilities or entertainment –

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

Category C: Hawking meals or perishable foodstuffs –

- (a) The carrying of a business, whether as principal, employee or agent, by selling any foodstuffs in the form of meals or perishable foodstuffs –
 - (i) Which is conveyed from place to place, whether by vehicle or otherwise;
 - (ii) On a public road or at any other place accessible to the public; or
 - (iii) In, on or from a movable structure or stationary vehicle.

Unless the business is covered by a license for a business in terms Category A.

Category D: Hawking in terms of a special business license or permit for specified events –

- (a) The carrying of a business on specified events;
- (b) The carrying of business on specified areas for a specified event and period.

5. RIGHT TO TRADE

Subject to compliance with the provisions of this By-law, the Act and any other law, any member of the public who has the legal capacity may be permitted to trade in any business mentioned in this By-law.

6. LEASE AND ALLOCATION OF STANDS

- (1) Any person who intends to carry on a business as Informal Trader in terms of the provisions of this By-Law may apply to the Municipality in the prescribed manner for a lease or allocation of a stand.
- (2) The Municipality may grant subject to conditions, or refuse, an application referred to in subsection (1).
- (3) If such application is successful –
 - (a) an Informal Trader must enter into a lease agreement with the Municipality in respect of such stand, which lease agreement must be produced at the request of an Authorised Official;
 - (b) in respect of the allocation, as well as the lease of a stand a permit shall be issued to an Informal trader as proof of an Informal Trader's rights to occupy the stand for the purpose of conducting Informal Trading;

- (c) an Informal Trader must, at all times while carrying on business on the stand or public space, retain such token on his or her person ready for display to an Authorised Official, if requested; and
 - (d) the Municipality may, on the written request of an Informal Trader, issue a permit to a bona fide employee of the Informal Trader.
- (4) Any person who carries on Informal Trading on a stand or Public Place and who, without a reasonable explanation, is unable to produce a valid lease agreement or token as envisaged in subsection (3) above, shall be guilty of an offence.
- (5) Any person who carries on Informal Trading on a stand or Public Place and who, without a reasonable explanation, fails to comply with the terms and conditions of the lease agreement shall be guilty of an offence.

7. GENERAL CONDUCT OF STREET TRADERS ON PRE-DETERMINED AREAS

A person must -

- (a) not place his/her property on a verge or public place except for the purpose of commencing to trade;
- (b) ensure that his/her property does not cover an area of a public road, public place or pavement which is greater in extent than three square meters (3m²) unless written permission for a greater area is obtained from the Council ;
- (c) not trade on pavements narrower than 2,5m
- (d) not place or stack his/her property in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;
- (e) not erect any structure for the purpose of providing shelter or sleep overnight at the place of business without the prior written approval of the Council provided that where approval is given for a shelter to protect goods he/she shall not erect an unsightly structure from which to conduct business;
- (f) not obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles and/or services;
- (g) on concluding business for the day, remove his/her property, except any permanent structure permitted by the Municipality , to a place which is not part of a public road or public place;
- (h) on request by an employee or agent of the Municipality or any supplier of telecommunication or electricity or other services, move his/her property so as to permit the carrying out of any work in relation to a public road, place or any such service;
- (i) not attached any object or goods by any means to any building structure, pavement, tree, parking meter, lamp post, electricity pole, telephone booth, post box, traffic sign, fence, bench or any other street furniture in or on a public road or public place;
- (j) not make an open fire at a place of trading or in circumstances where it could harm a person or damage a building or vehicle;
- (k) not store his/her property in manhole or storm water drain, bus shelter, public toilet or tree;
- (l) not sell his/her goods in a street by constantly using megaphones, radios, loudspeakers, or constantly shouting or singing in a manner which shall constitute a nuisance or disturbance in the area;
- (m) not commence any businesses under this By-law unless he/she registers with the Municipality and pay such fees or costs for services reasonably required including the costs of leasing any trading space or structure provided by the Municipality.

8. ENVIRONMENTAL HEALTH AND SAFETY

- (1) An Informal Trader must-

keep the area or site occupied by him or her for the purposes of conducting Informal Trading in a clean and sanitary condition;

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

- (b) dispose of Litter generated by his or her business in whatever refuse receptacle is provided by the Municipality for the public or at a disposal site of the Municipality;
 - (c) not dispose of Litter in a manhole, storm water drain or other place not intended for the disposal of Litter;
 - (d) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of conducting Informal Trading is free of Litter.
 - (e) take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a Public Road, or Public Place or Into a storm water drain, of any fat, oil or grease;
 - (f) ensure that no smoke, fumes or other substance, odours, or noise, emanating from his or her activities associated with Informal Trading, causes pollution of any kind;
- On request by an Authorised Official, move his or her property so as to permit the cleansing of the space or the area or site. Where he or she a conducting Informal Trading, or the effecting of Municipal Services.

9. CLEANLINESS

(1) A Person trading shall-

- (a) keep his/her property and or the area or site occupied by him/her for the purpose of such business in a clean and sanitary condition.
- (b) dispose of litter generated by his/her business in whatever receptacles provided therefor by the Municipality , including recycling and dumping sites, and not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (c) ensure that on completion of business for the day the area or site occupied by him/her for the purpose of trade is free of litter.
- (d) take such precautions as may be necessary or prescribed by the Municipality to prevent the spilling onto a public road or public place of any fat, oil, grease or any hazardous substances in the course of conducting his/her business and prevent any smoke, fumes, odor or noise emanating from his/her activities from becoming a nuisance.

(2) The Municipality shall-

- (a) ensure that the site on which the informal traders are trading are cleaned and sanitized on a regular basis;
- (b) provide receptacles on the sites in order to facilitate the disposal of litter by the informal traders; and
- (c) ensure that the receptacles are emptied on a regular basis in order to facilitate clean trading sites.

10. PROHIBITED CONDUCT

(1) No person shall carry on the business of an Informal Trader-

- (a) at a place or in an area declared by the Municipality in terms of section as a place or area in which conducting a business is prohibited;
- (b) in a Garden to which the public has a right of access;
- (c) directly alongside-
 - (i) a building belonging to the South African Police and or a Police Station;
 - (ii) a church, mosque, synagogue or other place of worship;
 - (iii) a building declared to be a public monument;
 - (iv) an auto teller bank machine;
- (v) at a place where it causes an obstruction in respect of-
 - a fire hydrant; or
 - any entrance to or exit from a building;
- (d) at a place where it is likely to obstruct vehicular traffic;

- (e) on that half of a Public Road, contiguous to a building used for residential purposes, if the owner or person in control or any occupier of that building objects thereto and such objection is made known to the traders by an Authorised Official;
- (f) on a stand or in any area demarcated by the Municipality, if he or she is not in possession of written proof that he or she has hired such stand or area from the Municipality or that such stand has otherwise been allocated to him or her by the Municipality;
- (g) 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 Trader, if the Goods are sold by the Informal Trader without the prior consent of such person and an Authorised Official has informed the Informal Trader that such consent does not exist.

11. OBSTRUCTION OF PEDESTRIANS

No person shall trade at a place where such trading-

- (a) obstructs access to or use of street facilities such as a bus passenger bench or shelter or queuing line, refuse disposal bin or other facility intended for the use of the general public;
- (b) obstructs the visibility of a display window, signboard or premises, if the person carrying on business in the premises concerned objects thereto;
- (c) obstructs access to a building in width, automatic bank teller machine, pedestrian crossing or motor vehicle;
- (d) leaves less than 1,5m in width of a sidewalk clear for pedestrian use, or in any manner substantially obstructs pedestrians in their use of a sidewalk.

12. OBSTRUCTION OF VEHICLE TRAFFIC

No person shall trade at a place where such trading-

- (a) causes an obstruction on a roadway;
- (b) limits access to parking or loading bays or other facilities for vehicular traffic;
- (c) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this or any other by-law; or
- (d) interferes in any way with any vehicle that may be parked alongside such place;
- (e) Obscures or impedes the view of any user of the road, any traffic sign or any other road user.

13. TRADING RESTRICTED TO SPECIFIED HOURS IN CERTAIN PLACES

No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building; or
- (b) in a restricted area, which is specified in Schedule A, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, outside the hours so specified in relation to each garden, park, verge or area.

14. TRADING RESTRICTED TO SPECIFIED GOODS OR SERVICES IN CERTAIN PLACES

No person must trade-

- (a) on a verge contiguous to any place of worship, national monument or public building;

- (b) in a restricted area, which is specified in Schedule B, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, other than the goods or services so specified in relation to each such garden, park, verge or area; or
- (c) on a verge contiguous to that part of a building in which business is being carried on by a person other than a department store or supermarket or other large supplier of many different lines of goods of the same nature as or of a similar nature to goods being sold by the first-mentioned person without the consent of the second-mentioned person.

15. TRADING RESTRICTED TO DEMARCATED STANDS OR AREAS IN CERTAIN PLACES

No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building; or
- (b) in a restricted area, which is specified in Schedule C, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act outside a stand or area set apart for trading purposes as contemplated in subsection 6A(3)(b) of the Act.

16. NO TRADING IN STANDS OR AREAS WHICH HAVE BEEN LET EXCEPT BY THE LESSEE

- (1) If the Municipality has let or otherwise allocated any stand or area set apart or otherwise established for informal trading purposes, as contemplated in subsection 6A (3) (c) of the Act, no person may trade in such area if he/she is not in possession of proof that he/she has hired such stand or area from the Council or that it has otherwise been allocated to him/her.

17. NO TRADING NEAR CERTAIN PUBLIC BUILDINGS, PLACES OF WORSHIP AND NATIONAL MONUMENTS

- (1) No person shall trade on a verge contiguous to any place of worship, national monument or public building which is specified in Schedule D, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, unless he/she obtains written consent from the Council, which consent shall not be unreasonably withheld.

18. NO TRADING IN PROHIBITED AREA

- (1) No person shall trade in any prohibited area, prohibited for that purpose by the Council.

19. DEMATCATED AREARS

- (1) The Municipal demarcated areas will be published on an as and when basis, depending on the review of Spatial Development Framework.

20. TRADING NEAR RESIDENTIAL BUILDINGS

- (1) No person shall, outside an area specified in Schedule E, compiled according to the consultation process outlined in subsections 6A(a) to (j) of the Act, trade in that half of a public road contiguous to a building used exclusively for residential purpose if-
 - (a) the owner, person in control or occupier of any part of the building facing onto such road has objected thereto in writing; and
 - (b) The fact that such objection was made has been made known in writing to the first mentioned person by an authorized official.

21. SIGNS INDICATING RESTRICTIONS AND AREA

The Municipality may-

- (a) by resolution, after consultation with all interested parties, prescribe signs, markings or other devices indicating-
 - (i) specified hours, places, goods or services in respect of which informal trading is restricted;
 - (ii) the location or boundaries of a restricted area;
 - (iii) the boundaries of a stand or area set apart for the purpose of the carrying on of the business of informal trading.
 - (iv) the fact that any such stand or area has been let or otherwise allocated;
 - (v) any restrictions or prohibition against trading in terms of this by-law;
 - (vi) the location of boundaries of a prohibited area; and
- (b) display any such sign, marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area of stand concerned.

22. REMOVAL AND IMPOUNDMENT

- (1) An officer may remove and impound any goods, articles, receptacle, vehicle or structure-
 - (a) which he/she reasonable suspects is being used or has been used in or in connection with informal trading; and
 - (b) which he/she finds at a place where informal trading is restricted or prohibited in terms of sections 5 to 13 inclusive and which, in his/her opinion, constitutes an infringement of any such section; or
 - (c) which constitutes an infringement of subsection 3(d) hereof.
- (2) Any officer acting in terms of these provisions shall-
 - (a) except in the case of goods which have been left or abandoned, issue forthwith to the person carrying on the business of informal trader a detailed receipt for any property so removed and where the property will be impounded and the procedure for reclaiming such property; and
 - (b) forthwith deliver any such property to the Municipality.
- (3) Any property removed and/or impounded as contemplated by subsection 6A of the Act-
 - (a) may, in the case of perishable property, be sold or destroyed by the Municipality concerned within a reasonable time after the impoundment thereof, provided that such property shall subject to the provisions of 15 (4) hereunder, at any time prior to the disposal thereof, be returned to the owner on request and proof of ownership by such owner to the Municipality concerned, provided such perishables are still fit for human consumption;
 - (b) shall, subject to the provisions of 15(4) hereunder, in the case of property other than perishable property, be returned to the owner thereof on request and proof of ownership by such owner to the Municipality concerned within a period of one month of the date of impoundment?
- (4) The Municipality concerned shall be entitled to keep the property concerned until all reasonable expenses have been paid to it, failing which the property may be sold by public auction upon 14 days' notice being given to the owner or in the case of perishable goods either be sold or destroyed by Municipality

- (5) In case of a sale of impounded property by a Municipality, the proceeds of such shall be paid onto a special fund created by Municipality dedicated to the development of the informal sector.

23. OFFENCES

- (1) Any person who-

- (a) contravenes or fails to comply with any provision of this by-law;
- (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for purpose of this by-law;
- (c) contravenes or fails to comply with any approval or conditions granted or imposed in term this by-law;
- (d) fails to comply with a written instruction to move or remove his/her property;
- (e) deliberately furnishes false or misleading information to an officer or an employee of the Municipality ; or
- (f) threatens, resists, interferes with or obstructs an officer or employee of the Municipality the performance of his/her powers, duties or functions under this by-law; shall be guilty of an offence.

24. PENALTIES

- (1) Any person who is guilty of an offence in terms of this by-law shall on conviction be liable to a fine not exceeding R5 000 00 (five thousand rand) or to imprisonment for a period not exceeding six (6) months.

25. RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS

- (1) When an employee of a person conducting the business of informal trading does or omits to do anything which would be an offence in terms of this by-law for that person to do or omit to do, that person shall be deemed himself/herself to have done or omitted to do the act, unless he/she satisfies the court that-

- (a) he/she neither connived at nor permitted the act or omission by the employee concerned;
- (b) he/she took all reasonable steps to prevent the act or omission; and
- (c) an act or omission, whether lawful or unlawful, of the nature charged on no condition or under no circumstances fell within the scope of the authority or employment of the employer concerned, and the fact that the said person issued instructions whereby an act or omission that nature is prohibited shall not in itself be sufficient proof that he/she took all reasonable steps to prevent the act or omission.

19. RESPONSIBILITY OF EMPLOYEES

- (1) When a person carrying on the business of informal trading is by virtue of section 18 liable for an act of omission by an employee of that person, that employee shall also be liable as if he/she was the person carrying on the business concerned.

20. APPEALS

- (1) Any person who feels him/herself aggrieved by the decision of the Municipality may appeal against such decision to an appeal committee in accordance with the provisions set out herein.
- (2) Any person who feels him/herself aggrieved by a decision of the Municipality shall notify the Municipality of his/her intention to appeal the decision in writing within 10 days of having received notification of the Council's decision.

21. CONSTITUTION OF AN APPEAL COMMITTEE

- (1) The Member of Mayoral Committee responsible for Planning and Development shall be the Chairperson.
- (2) Representatives of the informal traders association and designated persons as members and alternate members of the Appeal Committee as appointed by Council.
- (3) The Appeal Committee shall consist of a maximum of 7(seven) members with at least 1(one) member from the relevant sector.
- (4) When the chairperson is unable to perform the function of Chairperson, the Deputy Chairperson shall perform the function of Chairperson.
- (5) If the Chairperson is of the opinion that a particular person is able to assist the Appeal Committee, he/she may co-opt that person for that purpose.
- (6) A person so co-opted shall not be entitled to vote at any meetings of the Committee.
- (7) The chairperson shall notify the aggrieved person of the date, time and place of the meeting of the Appeal Committee at which his/her presence is required within 10 days of receipt of one Notice of Appeal.
- (8) The aggrieved person who has received notice in terms of provision 21 (7) shall personally appear at the meeting or appoint a legal representative or any other person to appear on his/her behalf.
- (9) An authorized official or a legal representative may represent the Council concerned.

22. PROCEDURE AT APPEAL MEETINGS

- (1) The Chairperson shall determine the procedure of the meeting, provided-
 - (a) such procedures adhere to the *Audi alter am partum* principle; and
 - (b) All parties are advised seven days prior to the hearing and the procedures to be observed.
- (2) All members shall be present at the meeting of the Appeal Committee.
- (3) Any person present at the meeting may-
 - (a) be called upon by the Chairperson to give evidence;
 - (b) be called upon by the Chairperson to produce to the Committee any document or any other property which is in his/her possession or under his/her control; or
 - (c) Be questioned by the Committee on the matter before it.
- (4) The Appeal Committee shall review the decision of the Municipality and make a finding having regard to the following considerations;
 - (a) Whether the decision of the Municipality was fair and equitable in the circumstances;
 - (b) The effect of the decision on the ability to trade of the aggrieved person; and
 - (c) Whether alternative measures may be adopted to facilitate the continued business of the aggrieved person.
- (5) A decision of the Committee shall be taken by a majority of votes of the members present at the meeting and in the event of an equality of votes; the Chairperson shall have a casting vote in addition to his/her deliberative vote.
- (6) The Appeal Committee may after consideration by it of the evidence presented-

- (a) refuse the appeal;
- (b) uphold the appeal; or
- (c) Take such other steps as it may think fit.

(7) The Appeal Committee shall as soon as it is practicable-

- (a) Notify the aggrieved person of its decision in writing; and
- (b) Furnish the aggrieved person with written reasons for its decision.

23. REPEAL OF BY-LAWS

- (1) Any by-laws adopted by the Municipal Council or any Municipal Council of any Municipality now forming an administrative unit of the Municipality and relating to informal trading are hereby repealed.

24. SHORT TITLE

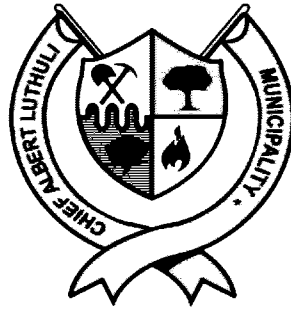
- (1) This by-law shall be called the Chief Albert Luthuli Municipality Business By-law 2019.

25. ANNEXURES

NOTICE 57 OF 2019

Chief Albert Luthuli Municipality

*The transparent, innovative and developmental municipality
that improves the quality of life of its people*



PREVENTION AND SUPPRESSION OF NUISANCE BY-LAW

2019



CONTROL SHEET	
<i>Policy Number</i>	42/2018
Policy Name	Chief Albert Luthuli Local Municipality Prevention and Suppression of Nuisance By Law
Policy Status	New
Date of last Approval	New
Policy/By Law review / Development	By Law to be reviewed when necessary or when circumstances necessitate.
Date of next review	This By Law shall remain effective until such time approved otherwise by Council
Purpose	The purpose of the Prevention and Suppression of Nuisance By Law is to regulate unreasonable interferences such as noise, violence, litter and blockage of roads.
Aims and objectives	This By Law aims to provide the control with regards to the disturbance of peace and offences against decency and morality.
Policy custodian	Corporate Services: Legal Section
Related Policies and Legislations	<ul style="list-style-type: none"> • Constitution of the Republic of South Africa (Act 108 of 1996). • Municipal System Act 32 of 2000 • Municipal Structure Act (Act 117 of 1998).
Approving authority	Council
Applicability	This by law applies to all citizens within the jurisdiction of the Chief Albert Luthuli Municipality
Amendments to the Policy	<ul style="list-style-type: none"> • None
Policy Benchmark and References	Msukaligwa Local Municipality
Stakeholders Consulted	All CALM Departments, Citizens within the Chief Albert Luthuli Municipality
Accountability	The Municipal Manager is accountable for the proper implementation of this By Law in terms of the Municipal Systems Act (Act 32 of 2000).

THE PREVENTION AND SUPPRESSION OF NUISANCE BY-LAW

In terms of section 156 of the Constitution of the Republic of South Africa (Act 108 of 1996) read in conjunction with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), Chief Albert Luthuli Municipality made the following By-law which By-law shall come into operation on the date of publication of this notice.

(1) DEFINITIONS

(1) In these By-laws, unless the context otherwise indicates -

“**Council**” means the Chief Albert Luthuli Local Municipality and its successor in law, and includes the Council or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these By-laws.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

(3)

(2) DISTURBANCE OF THE PEACE

No person shall disturb the public peace in any public place by making unseemly noises or by shouting, roaring, wrangling or quarrelling, or by collecting a crowd, or by fighting or challenging to fight, or by striking with or bandishing or using in a threatening manner any stick or other weapon, or by any other riotous, violent or unseemly behaviour, at any time of the day or night.

(3) SUBJECT TO OBTAINING PRIOR WRITTEN APPROVAL OF THE COUNCIL

3.1 No person shall advertise any wares or services in any public place by means of any megaphone, loudspeakers or other similar device, or ringing of bells in such manner to constitute a public nuisance in the neighbourhood. i. No person, being in or on any private premises, shall disrupt the public peace in the neighbourhood of

such premises by making therein or thereon any unseemly noise, shouting, quarrelling, wrangling or singing or the continuous playing of musical instruments, radios or

The like or by the continuous or over-loud use of loudspeakers, or the like.

3.2. Any itinerant vocalist or musician performing in any public place shall, when so required by any protection officer or police officer or by any person residing in the neighbourhood where such vocalist or musician is performing, depart from such neighbourhood.

3.3 No person shall discharge fireworks or light any bonfire in any public space, without prior written permission of the Council.

3.4. No person shall, without lawful cause, discharge any firearm or airgun within the Municipality, provided that this By-law shall not apply to any persons engaged in authorised target practice in places set aside for that purpose or to any person to whom written permission to do so has been given by the Council. No person shall carry any knife, dagger or other dangerous weapon or any other lethal

Weapon in any public place, provided that this By-law shall not apply to the following:

3.5. Any person in the Military or Police service when on duty.

3.6 Any security officer or police officer.

3.7 Any person who shall have obtained from the police a written exemption from the Operation of this By-law, which exemption the police are hereby authorised to grant.

3.8 No persons armed with lethal weapons shall be permitted to congregate in any part of the Municipality for any purpose or in any manner liable or calculated to cause a breach of the peace.

3.9. No person shall, in any public place, use any abusive or threatening language or commit any act which is liable or calculated to cause a breach of the peace.

3.10 No person shall engage in drag racing, spinning and over raving of cars and/or bikes, excessive hooting in any area of the Chief Albert Luthuli Municipal jurisdiction.

4. OFFENCES AGAINST DECENCY AND MORALITY

(1) No person shall, in any public place, commit any indecent or immoral gesture or act or wilfully and obscenely expose his person.

(a) No person shall appear in any public place without being decently clothed.

(b) No person shall be or appear in any public place in a state of intoxication.

(c) No person shall write, print, or draw any obscene or indecent words or figures in any public place or upon any wall, door, window or other part of premises in or within Sight of any public place, nor use any foul, obscene or indecent language in any public place within the hearing of any person therein.

(d) No person shall litter upon any street or footpath, which might in any way endanger the safety of pedestrians, or pollute the environment.

(e) No person shall allow any goods or other article, whether they be his own property

or in his charge or custody, to be or remain in or on any street or footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may be necessary for loading and unloading, and in no case after receipt of a notice requiring him to remove same given by any security officer, police officer or authorised official.

(f) No person shall, for trading or any other purpose, place any goods, wares or articles

on any stand or support on or overhanging or protruding over any pavement or street, nor place such goods, wares or articles upon any pavement, nor place, fix or hang such goods, wares or articles upon any verandah post, stays or ceiling on or over any public footpath or street.

(g) No person shall carry on or take part in any trade or calling nor open, unpack or pack any cases, furniture, goods, materials or merchandise in any street.

(h) No person shall place any flower pot or box or other heavy article in any window or

upon any window sill in any building abutting on any street or pavement unless proper precautions are taken to prevent such flower pot box or other heavy article from being blown or falling into or on to such street or pavement.

(i) No person shall hold any auction sale in any street or in or from any doorway, Window or other opening of any premises abutting on any street without the written Consent of the Council and then only subject to such conditions as may be imposed In such consent.

(j) No person shall place or deposit any slops, trimmings of hedges, fences or trees or

Any garden or other refuse or waste material of any kind on any street or pavement

Unless same is placed in approved boxes or receptacles for the purpose of removal
By the Council's employees or contractors.

(k) No person shall urinate in public.

(l) the breaking of bottles in the public is strictly prohibited.

(m) (A) No person, other than a person appointed for the purpose by a registered Welfare organisation which has been authorised by the Council to cause a collection of money to be taken or to hold a cake sale on its behalf in any public place, shall Collect or attempt to collect money or hold such cake sale in any public place.

(b) Every welfare organisation desiring to obtain the authority of the Council for any such collection or cake sale on his behalf shall, make a written application to the Council therefor, and shall, if required by the Council, forward the following Documents:

(i) Its certificate of registration.

(ii) A copy of its balance sheet for the preceding financial year.

(c) The Council upon receipt of any such application, may either grant the Application or refuse it. If granted, the authority shall be subject to such conditions as

The Council may prescribe.

(l) (A) No person, being the owner or occupier of any premises abutting on any Street or footpath shall permit any tree, branch or shrub growing on such premises to Overhang or extend onto such street or footpath in such manner as to cause an Obstruction or discomfort to the public, or to come into contact, or to be likely to Come into contact with any wire, pole or public work in or over such street or Footpath, nor permit the roots of any such tree or shrub to grow to such an extent that

They cause or are likely to cause, any damage to the surface of any footpath or street

Or to any drain, sewer, water main, underground cable or pipe laid in or under the Surface of such footpath or street.

(2) The owner or occupier of any such premises shall upon receipt of a notice signed by the Municipal Manager requiring him to cut down or back or remove any such tree or shrub or the roots thereof within a time specified; and if such owner or occupier Shall fail to comply with such notice within such time specified therein the Council

May cause such tree or shrub or the roots thereof to be cut down or back or removed,

And may recover the cost of executing such work from such owner or occupier.

5. OFFENCES AND PENALTIES

Any person who: contravenes or fails to comply with any provision of these By-laws or of any term, condition, restriction, requirement notice or order imposed or issued in terms thereof; resists, hinders, obstructs, molests, or interferes with any officer or employee of the Council in the performance of his duties or the exercise of his powers under these By-laws; or causes or permits any other person to commit any of the aforesaid acts -shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand rand, or in default of payment of any fine imposed, imprisonment for a person not exceeding six months.

6. APPLICATION

The Council may by notice in the *Provincial Gazette*, determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

7. REPEAL

The Nuisances for the Chief Albert Luthuli Local Municipality By-laws, are hereby repealed and replaced by this by-law, which are to become effective on promulgation hereof.

NOTICE 58 OF 2019**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 151*)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for *Amendment of land use scheme (Rezoning)***Application reference number: Case: AS_35902****Property Owner and information:** Erven 9024, 9025 & 9026, Secunda Extension 70, Registration Division I.S., Mpumalanga, located in the south eastern corner of the street in Secunda Extension 70.**Owner: RTM VACUUM & HYDRO JETTING PTY LTD, Registration no. 2007/029911/07, held by Title deeds T14694/2017, T14695/2017 & T14696/2017.**

I the owner /agent hereby gives notice in terms of section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of Erven 9024, 9025 & 9026, Secunda Extension 70, from "Low Impact Mixes Use" to "Special" for the purpose of a Place of education (technical training facility), a Place of refreshment(private cafeteria), Warehousing and packaging and Offices(subservient to the training facility and warehouses).

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period **30 days** from **16 August 2019**.

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 within a period of 30 days from 16 August 2019, being **16 September 2019**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394**Municipal Reference: AS_35902****Our ref: P19663**

NOTICE 59 OF 2019**NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6 (*Amendment Scheme 150*)**

I, Karl Wilhelm Rost, Pr Pln, of the firm Reed Geomatics Incorporated hereby give notice in terms of Section 88 of the Govan Mbeki SPLUM By-Law, that I have applied to the Govan Mbeki Municipality for the following:

Application for *Amendment of land use scheme (Rezoning)*

Application reference number: Case: AS_35901

Property Owner and information: Erf 1340, Secunda Township, Registration Division I.S., Mpumalanga, located on the corner of Albasini, Delagoa and Trichardt Streets in Secunda.

Owners: Gert Benjamin Jordaan. ID no. 580323 5012 08 7, Johannes Hermanus Coetzer ID No. 710422 5037 08 7 and Gert Benjamin Jordaan ID No. 880205 5059 08 4, held by title deed T11799/2018.

I the owner /agent hereby gives notice in terms of section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, of the application for the amendment of the Land Use Scheme known as the Govan Mbeki Land Use Scheme, as amended, 2010, by the rezoning of Erf 1340, Secunda Township, from "Medium Density Residential" to "Special" for the purpose of offices.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3rd floor, South Wing Municipal Buildings, for the period **30 days** from **16 August 2019**.

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 within a period of 30 days from 16 August 2019, being **16 September 2019**.

Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394

Municipal Reference: AS_35901

Our ref: P19679

PROCLAMATION • PROKLAMASIE

PROCLAMATION 39 OF 2019

PUBLIC NOTICE CALLING FOR INSPECTON OF DRAFT LAND USE MANAGEMENT SCHEME

City of Mbombela hereby gives notice in terms of the Mbombela and Umjindi By-Law on Spatial Planning and Land Use Management that the draft Land Use Management Scheme is available for viewing on the municipal website (www.mbombela.gov.za) or during normal office hours at the office of the Senior Manager: Land Use Management, office 205, Civic Centre, 1 Nel Street, Mbombela, 1201, at the following contact number: 013 459 2185.

Written comments and/or objections in the format as stipulated in terms of Section 86 of the Mbombela and Umjindi By-law on Spatial Planning and Land Use Management must be submitted to: the Municipal Manager, P O Box 45, Mbombela, 1200; or delivered to Registry Section of Records, 1st Floor, Civic Centre, 1 Nel Street, Mbombela; or emailed to: registry@mbombela.gov.za, not later than 1 October 2019.

Any person who cannot read or write may consult with any staff member of the office of the Senior Manager: Development Control Section during office hours and assistance will be given to transcribe that person's comments, queries or objections.

Public Consultation Meetings will be held as follows:

WARDS	VENUE	DATE	TIME
18, 19, 20, 21	KaNyamazane Community Hall	07 August 2019	10:00
15, 16, 17, 12, 14	Mbombela Civic Centre, Council Chambers	12 August 2019	17:00
2, 4, 22, 23, 24, 26, 29, 40	KaMashego Community Hall	13 August 2019	10:00
1, 3, 5, 6, 7, 8, 9, 25, 39	Manzini Community Hall	14 August 2019	10:00
10, 11, 31, 32, 33, 34, 35, 36, 37	KaBokweni Community Hall	20 August 2019	10:00
30, 38	White River Community Hall	21 August 2019	17:00
13, 27, 28, 41, 42, 43, 44, 45	Barberton Town Hall	23 August 2019	10:00

For any enquiries in this regard, please contact Mr Maarten Coetzee at 013 759 9173 during office hours.

09-16

SATISO NGEKUHLOLWA KWELUHLAKA LWEKULAWULWA KWEKUSENTJENTISWA KWEMHLABA.

Masipala waseMbombela ukhipha satiso ngekwemtsetfo weTekuhlelwa kwetiNdzawo nekuPhatfwa kanye neKulawulwa kwekusetjentiswa Kwemhlaba eMbombela naseMjindi kutsi Luhlaka lwetekulawulwa kwekusetjentiswa kwemhlaba luyatfolakala ekhasini letekuchumana laMasipala (www.mbombela.gov.za), luyatfolakala nangetikhatsi temsebenti eHhovisini lemphatsi lomkhulu kulelikheli: Land Use Management, Office 2015, Civic Centre, 1 Nel Street, Mbombela, 1201. Nakulenombolo yelucingo: 013 459 2185.

Imibono lebhaliwe noma lephikisako lebhaleke ngekewe Sahluko 86 seTekuhlelwa kwetiNdzawo nekuPhatfwa kanye neKulawulwa kwekusetjentiswa Kwemhlaba eMbombela naseMjindi ingatfunyelwa kunali likheli: The Municipal Manager, PO Box 45, Mbombela, 1200, nobe iletwe ngesandla kutelihhovisi le Registry Section of Records, 1st Floor, Civic Centre, 1 Nel Street, Mbombela. Lenye indlela kungaba kutfumela ku registry@mbombela.gov.za, kungakadluli mhlaka 1 ku Imphala 2019.

Umuntfu longakwati kubhala noma kufundza angacela lusito kunoma ngangubani losebentela lihovisi lelibuke tekutfufuka ngetikhatsi temsebenti, utawusitwa ngekutsi abhalelwe umbono wakhe.

Imihlangano levulelwe uMphakatsi ihlelwe ngalendlela:

SIGCEME	INDZAWO YEMHLANGANO	LUSUKU	SIKHATSI
18, 19, 20, 21	Ehholeni lemphakatsi Kanyamazane	07 Ingci 2019	10:00
15, 16, 17, 12, 14	Emahhovisi emkahndlu dolobha Mbombela Civic Centre, Council Chambers	12 Ingci 2019	17:00
2, 4, 22, 23, 24, 26, 29, 40	Ehholeni lemphakatsi Kamashego	13 Ingci 2019	10:00
1, 3, 5, 6, 7, 8, 9, 25, 39	Ehholeni lemphakatsi Manzini	14 Ingci 2019	10:00
10, 11, 31, 32, 33, 34, 35, 36, 37	Ehholeni lemphakatsi Kabokweni	20 Ingci 2019	10:00
30, 38	Ehholeni lemphakatsi White River	21 Ingci 2019	17:00
13, 27, 28, 41, 42, 43, 44 45	Eholeni lelidolobha Barberton	23 Ingci 2019	10:00

Uma unembuto ngalokushiwo ngenhla, tsintsana nami Maarten Coetzee kulenombolo 013 759 9173, ngetikhatsi temsebenti.

MR N DIAMOND
MUNICIPAL MANAGER
P O BOX 45
MBOMBELA
1200

09-16

PROCLAMATION 41 OF 2019

EMALAHLENI LOCAL MUNICIPALITY **NOTICE OF APPROVAL OF EMALAHLENI AMENDMENT SCHEMES 1533 AND 2069**

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 57(1)(a) of the Town-Planning and Townships Ordinance, 1986, that it has approved the amendment schemes below, being an amendment of the Emalahleni Land Use Management Scheme, 2010, by the rezoning of the under mentioned properties from their present zonings to the new zoning as indicated below.

Amendment Scheme	Description of property	Present Zoning	New zoning
1533	Portion of the Remainder of the farm Boschmanfontein 12 IS	Agricultural	Industrial 2
2069	Erf 3162, Benfleur Extnsion 16	Residential 3	Residential 2 with an annexure, Annexure 734 for 35 dwelling units per hectare

Map 3 and the scheme clauses of the amendment schemes are filed with the Director, Department of Agriculture, Rural Development and Land Administration Mpumalanga Province, and the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street, eMALAHLENI, 1035

P.O. Box 3 eMALAHLENI, 1035

Publication date: Provincial Gazette of Mpumalanga: 16 Aug 2019

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 116 OF 2019

SCHEDULE B (Regulation 11(2))

NOTICE OF APPLICATION FOR AMENDMENT OF THE TOWN PLANNING SCHEME IN TERMS OF SECTION 57 AND 80(3)(B) OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2016, AMENDMENT SCHEME 152.

I Sello Duma of Dijo Development Planners & Architectural Designs being the authorized agent of the owner of Portion 1, 2 & 3 of Erf 3532 Secunda Ext.7, hereby give notice in terms of section Section 57 and 80(3)(b) of the Govan Mbeki Spatial Planning and Land Use Management By-Law 2016 that I have applied to the Govan Mbeki Municipality for the amendment of the land use scheme known as the Govan Mbeki Land Use Scheme 2010 as amended for the rezoning of the property situated on Nelson Mandela Drive in Secunda from Public Open Space to "General Mixed Use", Medium Density Residential & "Medium-High Density Residential" for the purpose of "Dwelling Units" Particulars of the application will lie for inspection during normal office hours at the office of the municipal manager, Central Business Area, Secunda for the period of 28 days from 31st July 2019 (date of first notice). 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 the Govan Mbeki Municipality, Private Bag X1017, Secunda, 2302, within a period of 28 days from 31st July 2019.

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PROVINSIALE KENNISGEWING 116 VAN 2019

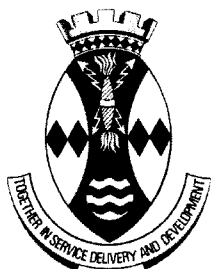
BYLAE B (Regulasie 11(2))

KENNISGEWING VAN AANSOEK OM DIE WYSIGING VAN DIE DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 57 AN 80(3)(B) VAN GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2016, WYSIGINGSKEMA 152.

Ek, Sello Duma van Dijo Development Planners & Architectural Designs, synde die gemagtigde agent van eienaar van gedeelte 1, 2 & 3 van Erve 3532 Secunda Ext.7, gee hiermee kennis ingevolge artikel 57 an 80(3)(b) van Govan Mbeki Spatial Planning and Land Use Management By-Law 2016, kennis dat ek by Govan Mbeki Munisipaliteit aansoek gedoen het om die wysiging van die grondgebruikskema bekend as die Govan Mbeki grondgebruik-skema, 2010, deur diehersonering van die eiendom gelee le GOEDENHOOP straat KINROSS, vanal "Public Open Space" na "General Mixed Use", "Medium Digtheid Residensieei" & "Medium-Hoe Digtheid Residensieei". Besonderhede van die aansoek le ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder. Sentrale besigheidsgebied, Secunda, 28 dae vanaf 31st Julie 2019 (die datum van eerste publikasie van hierdie kennisgewing). Besware teen of vertoe ten opsigte van die aansoek moet binne n tydperk van 28 dae vanaf 31st Julie 2019 skriftelik by of tot die Munisipale Bestuurder, by bovermeide adres of Govan Mbeki Munisipaliteit, Privaatsak X1017, Secunda, 2302, ingedien of gerig word.

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PROVINCIAL NOTICE 118 OF 2019



EMALAHLENI

Local Municipality

P.O. BOX 3,
WITBANK,
MPUMALANGA
1035

TEL.: 013 690 6911
FAX: 013 690 6207

www.emalahleni.gov.za

Emalahleni, Mandela Street
Tel.: 013 6906911

Ga-Nala, Quintin Street
Tel.: 017 648 2241

Ogies, Hoofweg
Tel.: 013 643 1027

RESOLUTION ON LEVING PROPERT RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004 (CT NO 6F 2004)

MUNICIPAL NOTICE NO. 1 OF 2019

Date: 2019/06/25

EMALAHLENI LOCAL MUNICIPALITY

RESOLUTION ON LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2019 TO 30 JUNE 2020

Notice is hereby given in terms of Section 14(1) and (2) of the Local Government Municipal Property Rates Act, 2004: that the Council resolved by way of council resolution number A.083/19 of May 2019 to levy the rates on property reflected in the schedule below with effect from 1st July 2019.

CATEGORY OF PROPERTY	CENT AMOUNT IN THE RAND RATE DETERMINED FOR THE RELEVANT PROPERTY CATEGORY
RESIDENTIAL PROPERTY	0.0108444
BUSINESS AND COMMERCIAL PROPERTY	0.0171703
INDUSTRIAL PROPERTY	0.018074
AGRICULTURAL PROPERTY	0.0018074
MINING	0.018074
PUBLIC SERVICE INFRASTRUCTURE PUBLIC BENEFIT ORGANISATION PRIVATE ROADS PUBLIC ROADS, MUNICIPAL & WORSHIP	0.00000
STATE OWNED PROPERTY	0.018074
PUBLIC SERVICE PROPERTY	0.018074
VACANT URBAN LAND	0.018074

Full details of the Council resolution and rebates, reduction and exclusions specific to each category of property owners or owners of a specific category of properties as determined through criteria in the Municipality's Rates Policy are available for inspection on the municipality's office, website (www.emalahleni.gov.za) and all public libraries.

Enquiries relating to this matter must be made to Vilakazi NF Tel.: 013 690 6432

E-mail: vilakazinf@emalahleni.gov.za

HS MAYISELA
MUNICIPAL MANAGER