



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

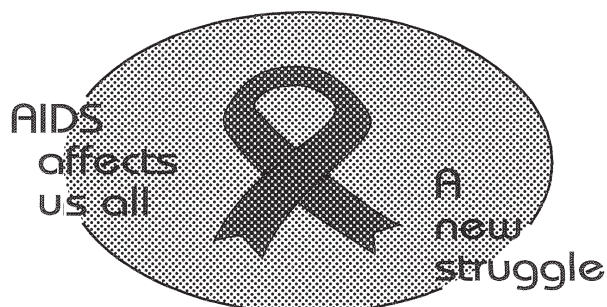
(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol: 28

NELSPRUIT
26 February 2021
26 Februarie 2021

No: 3234

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4512



9 771682 451008



0 3 2 3 4

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GENERAL NOTICES • ALGEMENE KENNISGEWINGS			
8	Local Government: Municipal Systems Act (32/2000), as amended: Chief Albert Luthuli Municipality Business By-law and Public Road and Miscellaneous By-Laws	3234	3
PROCLAMATION • PROKLAMASIE			
10	Emalahleni Spatial Planning and Land Use Management By-Law, 2016: Rezoning of Erven 1755 – 1757, Duvhaphark Extension 8	3234	42
11	Govan Mbeki Municipal By-Law on Spatial Planning and Land Use Management, 2016: Secunda Extension 78	3234	43
12	Town-planning and Townships Ordinance (15/1986): Tekwane South Extension 2	3234	47
13	Msukaligwa Spatial Planning and Land Use Management By-law, 2016: Ermelo Amendment: Schemes 822 & 833	3234	51
14	Msukaligwa Spatial Planning and Land Use Management By-law, 2016: Ermelo Amendment: Schemes 822 & 833	3234	52
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS			
14	Mpumalanga Gaming Act (5/1995), as amended: Application for amendment of a site operator license: Bhekumuzi Bethuel Ngacane	3234	53
15	Mpumalanga Gaming Act (5/1995), as amended: Application for amendment of a site operator license: Bhekumuzi Bethuel Ngacane	3234	54
16	Thaba Chweu Spatial Planning and Land Use Management By-law, 2016: Portion 41 (a portion of Portion 16) of the Farm Rooidraai 34, Registration Division JT, Province of Mpumalanga	3234	55
17	Mpumalanga Gaming Act (5/1995), as amended: Application for amendment of a site operator license: Bhekumuzi Bethuel Ngacane	3234	56

GENERAL NOTICES 8 OF 2021**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 Bylaw:

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
12. Restricted conduct
13. Obstruction of pedestrian
14. Obstruction of vehicle traffic
15. Removal and impoundment
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- <ul style="list-style-type: none">(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- <ul style="list-style-type: none">(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- <ul style="list-style-type: none">(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 conducting 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 is 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

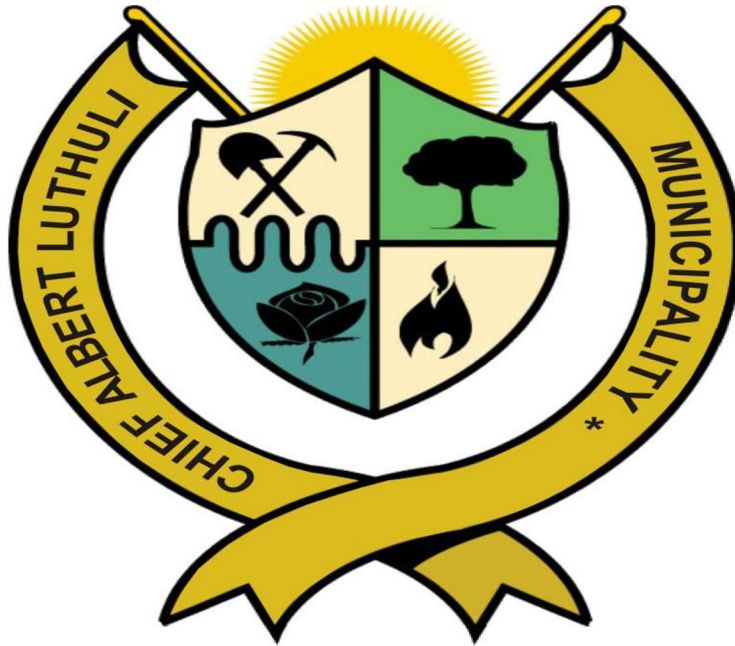
- (1) Any by-laws adopted by the Municipal Council or any Municipal Council of any Municipality now forming an administrative unit of the Municipality and relating to informal trading are hereby repealed.

24. SHORT TITLE

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

25. ANNEXURES

CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY



PUBLIC ROAD AND MISCELLANEOUS BY-LAWS

TABLE OF CONTENTS

CHAPTER 1

INTERPRETATION

1. Definitions and interpretation

CHAPTER 2

PUBLIC ROADS AND MISCELLANEOUS

2. Ropes, wires or poles across public road
3. Damage to trees
4. Barbed wire, dangerous and electrical fencing
5. Protection of public roads
6. Cleanliness of public roads
7. Article placed in building facing public road
8. Damaging of Council's property
9. Cleaning and repairing on public roads
10. Excavations in public roads
11. Defacing, marking or painting public roads
12. Races and sports events
13. Loitering on public roads and touting at places of public entertainment
14. Public decency
15. Public road collections
16. Control of stormwater and watercourses on public road
18. Obstruction on public roads
19. Planting on sidewalks
20. Permission to hoard in footway

CHAPTER 3

TRAFFIC MATTERS

21. Control of traffic

- 22. Clinging to moving vehicles
- 23. Removal of obstructions
- 24. Games, throwing stones, on public roads
- 25. Shoeing, cleaning, of animals on public roads
- 26. Animals on public roads 28. Parking meters
- 27. Medical practitioner exempt

CHAPTER 4

GENERAL PROVISIONS

- 28. Offences and penalties 31. Repeal of by-laws 32. Short title

SCHEDULE 1

REPEALED BY-LAWS

SCHEDULE 2

CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE

CHAPTER 1

INTRODUCTORY PROVISIONS

1. Definitions and interpretation

In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996) has that meaning and, unless the context otherwise indicates –

“authorised official” means –

(a) Any person or official authorised as such, in writing, by the Council/Municipality

“backfill” means to replace the structural layers, including the base, sub-base, sub-grade and subgrade but excluding the surfacing, in a trench dug in, or other excavation of, a road reserve, and “backfilling” is construed accordingly;

“these By-Laws” includes the schedules;

“Municipality” means the Municipality of Chief Albert Luthuli or any mechanism, as contemplated in section 76 of the Municipal Systems Act, which is engaged in the provision of a municipal service;

“class licence” has the meaning given in the Electronic Communications Act;

“Code of Practice” means the Code of Practice for Work in the Road Reserve contained in schedule2;

“Council” means –

(a) the council of the Municipality, as provided for in section 157 of the Constitution of the Republic of South Africa, 1996, in exercising the executive authority of the Municipality, as provided for in section 11(1) of the Municipal Systems Act; or (b) where applicable, any person or body to whom a power of the council as provided for in paragraph (a) has been delegated in terms of section 59 of the Municipal Systems Act or any mechanism, as contemplated in section 76 of the Municipal Systems Act, which is engaged in the provision of a municipal service;

“demarcated space” means a space so laid out and marked on the roadway as a place within which a vehicle is to be parked;

“Electronic Communications Act” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“electronic communications network service” has the meaning given in the Electronic Communications Act;

“emergency works” means any works in the road reserve, which are necessary to prevent, end or avert a dangerous situation or unplanned interruption in the provision of services by a service provider;

“individual licence” has the meaning given in the Electronic Communications Act;

“CALM” means Chief Albert Luthuli Municipality, a municipal entity as defined in the Municipal Systems Act, in which the Municipality is the sole shareholder, or such other mechanism, as provided for in section 76 of the Municipal Systems Act, through which the road network of the Municipality is from time to time provided and maintained;

“licensee” means the holder of an individual licence or a class licence in terms of the Electronic Communications Act to provide electronic communications network services;

“municipal area” means the area falling within the boundaries of the Municipality.

"municipal store" means the municipal store of the Council;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"official website" means the website of the Municipality as provided for in section 21B of the Municipal Systems Act;

"parking meter" means a device for registering and visibly recording of a parking period in accordance with the insertion of a coin or other prescribed object therein and includes a post or fixture to which it is attached;

"parking period" means that period of parking in a demarcated space which is permitted by the insertion into the parking meter allocated to such space of a coin or other object as prescribed;

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

"prescribed fee" means a fee determined by the Council by resolution in terms of section

"public road" means a road including a street, footpath, pavement, sidewalk, square, road island, subway, bridge, public passageway or other thoroughfare, which the public has the right to use, in the municipal area, for which the Council is responsible, and does not include a provincial road or national road within the municipal area;

"public service provider" means a service provider, other than a licensee, which is –

(a) an organ of state, as defined in the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); or

(b) engaged in the provision of a municipal service as defined in the Municipal Systems Act;

"reinstate" means to replace the surfacing, including the bituminous surfacing, paving blocks, paving slabs, earth or grass, as the case may be, of a road reserve, and "reinstatement" is construed accordingly;

"restore" means to place a public road in the state in which it was found prior to the performance of any works in the road reserve, including to backfill and reinstate the road reserve, and "restoration" is construed accordingly;

"road reserve" means the full width of a public road, and includes the verge and roadway;

"service" means a utility or other service provided to the public or a section of the public over a network including, but not limited to, electricity, water, gas and electronic communications network services and any other system for supplying a public need;

"service provider" means the provider of a service;

"storekeeper" means the person in the service of the Council who holds the position of storekeeper or a person acting in that capacity;

"token" in respect of a trolley, means a sign on which the name or trade name and the address of the owner appears;

"watercourse" means a watercourse as defined in section 1 of the National Water Act, 1998 (Act No. 36 of 1998);

"works in the road reserve" means any work that may affect motorists, cyclists, pedestrians, the public road, footways, kerbing, traffic signs, traffic signals, street lighting, underground or over ground services or any other structure or service that is contained in the road reserve and includes the excavation of trenches, tunnelling, erection of signboards, hoardings and other structures, shaping and landscaping in the road reserve;.

2. Application

(1) Chapter 4 of these By-laws applies to persons other than licensees.

(2) Chapter 5 of these By-laws applies to licensees installing electronic communications facilities in the municipal.

CHAPTER 2

GENERAL REQUIREMENTS IN RESPECT OF PUBLIC ROADS

3. Damage to trees

(1) No person may climb upon, or break or damage or in any way mark or paint on any tree on any public road within the municipal area.

(2) No person may, without the prior written permission of the Council, lop, top, trim, cut down or remove any tree on any public road: provided that a licensee may exercise its rights in terms of Chapter 4 of the Electronic Communications Act in accordance with the procedure specified in Chapter 5 of these By-laws.

4. Barbed wire, dangerous and electrical fencing

(1) No owner or occupier of land -

(a) other than an owner or occupier of an agricultural holding or farm land, may, along any public road, erect or cause, or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road;

(b) including an owner or occupier of an agricultural holding or farm land, may, along any public road, erect or cause, or permit to be erected, or have any electrified fence, railing or other electrified barrier unless -

(i) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than 1,8 metres high;

(ii) the fence, railing, or other barrier is designed and installed in accordance with any relevant specifications determined by the Council and any standard issued in terms of the Standards Act, 2008 (Act No. 8 of 2008); and

(iii) the prior written permission of the Council, in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) has been obtained.

(2) The full technical details of the proposed electrified fence, railing, wall or other electrified barrier must accompany any application for permission submitted to the municipality in terms of subsection (1)(b)(iii).

5. Protection of public roads

- I. No person may place upon or off-load on a public road any material or goods that are likely to cause damage to that public road unless the person has taken reasonable precautions to protect the surface of the public road against damage.
- II. No person may make or cause to be made any hole, trench, pit or tunnel on or under any road reserve or remove any soil, metal or macadam from the road reserve without the prior written permission of the Council and on payment of the prescribed fee, unless that person is authorised to do so in terms of any other law.
- III. Prior to performing any work in the road reserve, the person referred to in subsection (II) must, once written permission has been obtained, follow the procedures contained in the Code of Practice.

6. Cleanliness of public roads

(1) Any person who spills, drops or places or permits to be spilled, dropped or placed, on a public road, any matter or substance that may interfere with the cleanliness of the public road, or cause or be likely to cause annoyance, danger or accident to any person, animal, vehicle or other traffic using the public road, must remove the matter or substance in question or cause it to be removed from the public road immediately (within 24 hours).

(2) If a person referred to in subsection (1), fails to remove the matter or substance in question, the Municipality may remove such matter or substance and recover the costs of removal from that person.

7. Article placed in building facing public road

No person may place any article likely to cause injury or damage to any person or property if it were to fall on a public road, in any building near a public road without taking all reasonable steps necessary to prevent the article falling onto the public road.

8. Damaging of Council's property

No person may deface, tamper, damage, remove, or in any way interfere with any of the Municipality's property or work on or along any public road.

9. Cleaning and repairing on public roads

No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any public road except in the case of an emergency breakdown of a vehicle, when emergency repairs may be done.

10. Defacing, marking or painting public roads

No person may in any way deface, mark or paint any public road or part of a public road or any structure related to such road, without the prior written permission of the Council.

11. Races and sports events

- I. An application for consent to hold a race or sports event on any public road in terms of regulation 317(2) of the National Road Traffic Regulations, 2000, under the National Road Traffic Act, 1996 (Act No. 93 of 1996), must be submitted in writing to the Municipality on the prescribed form at least 30 days prior to the envisaged event.
- II. The applicant must pay the prescribed deposit for the costs to be incurred by the Council during and after the race or sports event, to the Council, prior to commencement of the race or sports event and an adjustment must be made after the conclusion of the race or sports event as soon as the Council has determined actual costs incurred by it.

12. Loitering on public roads and touting at places of public entertainment

(1) No person may -

- (a) lie, sit stand, congregate, loiter or walk, or otherwise act, on any public road in any manner that may obstruct traffic;
- (b) loiter at or within twenty (25) metres of the entrance of any place of public worship during the time of divine service or during an assembly at the place of worship or departure from such place of the congregation so as to obstruct or annoy any person going to, attending at, or leaving such place of worship.
- (c) No person may loiter or, except when forming part of a queue, congregate on any public road within twenty (20) metres of the entrance to any place of public entertainment so as to obstruct traffic or persons proceeding to, attending at, or departing from such place of entertainment.
- (d) No person may, without the prior written permission of the Council tout or solicit a driver of any motor vehicle who parks a motor vehicle at a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle.

13. Public decency

- (1) No person may appear unclothed or indecently clothed on any public road.
- (2) No person may on or in view of any public road urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act.
- (3) No person may on any public road sing any obscene or profane song, or use any profane, foul, indecent or obscene language.
- (4) No person may on any public road in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging.
- (5) No person may on a public road use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned.

14. Public road collections

- I. No collection on a public road may be organised or held without the prior written permission of the Council.
- II. Application for such permission must be made on a form provided for this purpose by the Council.
- III. Every application must be accompanied by proof that the organisation or person intending to hold the public road collection is authorised to collect a contribution in terms of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997), or the Fund-Raising Act, 1978 (Act No. 107 of 1978), as the case may be.
- IV. The Council may grant permission referred to in subsection (I) to an organisation or person to hold a collection on a specified public road, date and at a specified time and reserves the right to determine the number of collections which may be held on any one day on the public road so specified.
- V. Every organisation or person, holding a public road collection is entitled to use his, her or its own identifiable collection boxes and if any organisation or person does not possess any boxes, the Council's collection boxes may be used upon payment of the prescribed fee.

15. Control of storm water and watercourses on public road

- (1) No person may, without prior written permission of the Municipality, to which conditions may be attached -
- (a) Lead or discharge any water on or over or across a public road; or
 - (b) By any means whatever, raise the level of water in any river, dam or watercourse so as to cause interference with or endanger any public road.
- (2) The municipality may, subject to any other applicable laws and after obtaining consent of the owner and the occupier, if any, of any land which is affected -

(a) deviate any watercourse, stream or river if the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a public road;

(b) Divert storm water from or under any public road onto private property other than land occupied by buildings, other structures or improvements; and

(c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken in terms of subsection(2)(a) or (b) or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965).

16. Obstruction on public roads

No person may deposit or cause to be deposited or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on any portion of any road reserve unless it is deposited within an enclosure in respect of which the prior written permission of the municipality has been obtained.

17. Planting on sidewalks

No person may plant or cause to be planted, any tree, shrub or other plant on any road reserve, which obstructs or interferes with pedestrian traffic on such road reserve or allow any such tree, shrub or plant to remain on that road reserve.

CHAPTER 3

TRAFFIC MATTERS

18. Control of traffic

An authorised official may direct any form of traffic by means of any visible or audible signal and every person must obey such signal.

19. Traffic diversion

Heavy traffic vehicles are not allowable to drive on CBD internal streets, only the earmarked roads should be utilised, failure to adhere/comply may result to fines and penalties

21. Removal of obstructions

- (1) Subject to Chapter 4 and 5, if any person causes an obstruction on a public road, an authorised official may order such person to, refrain from causing, or remove, the obstruction.

- (2) If a person causing an obstruction cannot be found, or fails or neglects to remove, or to cease causing, such obstruction, an authorised official may take such steps as may be necessary to remove the obstruction, or to prevent its continuance and the Council may if the person concerned fails or neglects to remove or cease causing the obstruction, recover the cost of the removal of the obstruction from that person.
- (3) Any activity which is authorised to be conducted on a public road in terms of these By-laws or any other law shall be deemed for the purposes of this section not to cause an obstruction.

22. Games, throwing stones, on public roads

(1) No person may roll a hoop or fly a kite or throw stones or use a bow and arrow, or by any means discharge any missile upon, over or across any public road, or play cricket, football or any other game on a public road.

(2) No person may erect a tent or place chairs or any article on a public road for the purpose of a funeral, party or any other event without the prior written permission of the CALM.

23. Shoeing and cleaning of animals on public roads

No person may shoe any animal, or clean, dress, train or break-in livestock on any public road.

24. Animals on public roads

(1) No person may turn any livestock loose on a public road.

(2) No person may leave any injured, feeble, emaciated, diseased or dying animal on a public road except for the purpose of seeking assistance for the removal of such animal.

(3) Any livestock at large on a public road may be taken to a place designated by the Council, by any authorised official.

(4) Any person contravening subsection (1) is liable, in addition to any penalty which may be imposed by a Court, to pay to the Council the costs incurred by it in acting in terms of subsection (3).

(5) No person may walk a dog on a public road unless it is on a leash and under control of that person.

(6) Any excretion left by a dog on a public road, must immediately be removed by the person in charge of the dog and be deposited in a waste receptacle provided by the Council or removed from the road.

25. Parking meters

- (1) No person shall park a vehicle or cause a vehicle to be parked in a demarcated space unless a coin or other prescribed object is forthwith inserted -

- (a) Into the meter allocated to such space; or
- (b) if the meter controls more than one demarcated space, into the meter controlling such spaces as indicated by markings or signs on the roadway or sidewalk, and the meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the coin or other prescribed object inserted.

Provided that -

- (i) such coin or prescribed object need only be inserted during such hours indicated on the meter as prescribed;
 - (ii) (i) a vehicle may be parked in a demarcated space without the insertion of a coin or other prescribed object in the parking meter allocated to such space for such part only of any parking period as such meter may indicate to be unexpired; (iii) where such parking meter is out of operation or not operating properly, the driver of a vehicle may leave his or her vehicle in the demarcated space appropriate to such meter for so long as the parking meter continues to be out of order but not for longer than the parking period determined for that space and the vehicle may not be returned to such space within 15 minutes of removing it therefrom.
- (2) No person may, with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a demarcated space after the expiry of the parking period as indicated by the parking meter allocated to such space or return his or her vehicle to that space within 15 minutes after the expiry of the parking period or prevent the use of that space by any other vehicle.
- (3) The insertion of a coin or other prescribed object into a parking meter and the putting into operation of such meter where necessary in accordance with the instructions appearing on such meter entitles the person inserting it to park a vehicle in the demarcated space for the period corresponding with the payment so made, provided that, notwithstanding the making of a payment as aforesaid, nothing in this section contained shall entitle any person to contravene a notice or road traffic sign exhibited by the Council in terms of these by-laws prohibiting the parking.
- (4) The period during which a vehicle may be parked in any demarcated space and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to such space shall be as prescribed and the said period and the coin or other prescribed object to be inserted in respect thereof must at all times be clearly indicated on the parking meter itself.
- (5) No person may—
- (a) insert or attempt to insert into a parking meter a coin or object except -
 - (i) a coin of South African currency of a denomination as prescribed;
 - (ii) an object which is prescribed as another method of payment;

- (b) damage or deface, or write or draw on, or affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter, unless the Council determines otherwise;
 - (c) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time other than by the insertion of a coin or other prescribed object;
 - (d) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose;
 - (e) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any sign or notice erected for the purpose of this section; or
 - (f) remove or attempt to remove a parking meter or any part thereof from the post of other fixture to which it is attached.
- (6) Every vehicle must be so placed in a demarcated space, other than one which is at an angle to the kerb line, that its near side wheels are not more than 450 mm from the kerb line and that it is laterally within that space and that the driver's seat, or in the case of a motor vehicle with left-hand drive, the front passenger's seat, is opposite and close to the mark known as the driver's marker, painted on the surface of the road or in the case of a one-way street in which parking on the right-hand side thereof is permitted, on the roadway.
- (7) No person may place or cause or permit to be placed or to stand any vehicle not specially designed or constructed for the carriage of goods in any loading space in any portion of a public road in which parking meters have been erected, otherwise than for the shortest possible time necessary for the loading or unloading of passengers.
- (8) Where a vehicle parked in a demarcated space occupies by reason of its length so much of an adjoining space that another vehicle cannot be parked in such space in the manner referred to in subsection (6), the person parking the first mentioned vehicle must immediately after parking it insert an appropriate coin or other prescribed object into the parking meters of both the said spaces.
- (9) No person may park a two-wheeled vehicle without a side-car in any demarcated space unless such space is designed for the use of such vehicle by means of a road traffic sign or notice.
- (10) No heavy traffic vehicles are allowed to neither drive nor park on the main road of the Council CBD roads and any roads adjustment of the main road, only on the authorised roads

26. Medical practitioner exempt

A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked in a demarcated space, to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the Health Professions Council of South Africa for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

CHAPTER 4**WORKS ON, ACROSS OR UNDER ANY PUBLIC ROAD****27. Ropes, wires or poles across public road**

(1) No person may place or hang any rope, wire, pole or cable on, under, along or across any public road, without the prior written permission of the Council and on payment of the prescribed fee, unless that person is authorised to do so in terms of any other law.

(2) Prior to performing any work in the road reserve, the person referred to in subsection (1) must, once written permission has been obtained, follow the procedures contained in the Code of Practice.

28. Permission to hoard in footway

(1) No person may erect, remove, alter, repair or paint any part of a building or structure or carry out any excavation, on any part of any land which is within two metres of the road reserve of a public road without, prior to commencing the work in question, enclosing or causing to be enclosed a space in front of such part of the building, structure or land by means of a hoarding, fence, planked shed or other enclosure.

(2) If the hoarding, fence or other enclosure contemplated in subsection (1), will occupy or project over any portion of a public road, the person concerned may not erect the hoarding, fence, planked shed or other enclosure without the prior written permission of the Council and on payment of the prescribed fee, and, where the person making application for such permission is not the owner of the building or land on which the work is to be done, the owner of that building or land must countersign the application.

(3) Where a permit referred to in subsection (2) is granted, the Council shall specify in the permit-

(a) that portion of the public road which may be used for the purpose of carrying out the works;

(b) the conditions, if any, under which such permit is granted;

(c) the area and precise position of that part of the public road where hoarding, fence, planked shed or other enclosure may be erected and the period for which the permit is granted.

(4) The Council may withhold the issue of a permit required in terms of subsection (2) until all prescribed fees have been paid.

(5) The acceptance of any permit provided for in subsection (2) by the applicant without objection, will be taken as confirming that all kerbs, gutters and other works in the portion of the public road concerned were in good order and condition on the date of issue of such permit.

(6) Prior to performing any work in the road reserve, the person referred to in subsection (2) must, once written permission has been obtained, follow the procedures contained in the Code of Practice.

30. Emergency works by service providers

(1) A service provider may perform any emergency works as and when necessary without first making application for any permission required in terms of this Chapter, where applicable.

(2) A service provider shall comply with the requirements specified in the Code of Practice with regard to emergency works.

31. Other works in the road reserve

(1) A person performing any activity which is authorised in terms of any other law and which necessitates works in the road reserve must comply with the procedures in the Code of Practice.

(2) The requirements to obtain the prior written approval of the Council in terms of sections 28(1), 29(1) and 30(1) are not applicable to a public service provider

(3) A public service provider must comply with the procedures in the Code of Practice.

CHAPTER 5**INSTALLATION OF ELECTRONIC COMMUNICATIONS FACILITIES****32. Works on or under public roads and other municipal land**

(1) No licensee may perform work in the road reserve including -

(a) Entering upon and breaking or opening up any public road to –

(i) install, construct, maintain, alter or remove any electronic communications facilities or pipes, tunnels, trenches or tubes required for electronic communications facilities or electronic communication networks, under the road reserve;

(ii) alter the position of any pipe for the supply of water, gas or electricity, other than a sewer drain or main, for the purpose of installing, constructing, maintaining, altering or removing any electronic communications facilities or pipes, tunnels, trenches or tubes required for electronic communications facilities or ECNs, under the road reserve; or

(b) entering upon any public road to install, construct, maintain, alter or remove any electronic communications facilities or pipes, tunnels, trenches or tubes required for electronic communications facilities or ECNs upon, over, along or across the road reserve;

without first giving notice to the Council, in accordance with the provisions of these By-Laws, of the works to be performed.

- (2) The notice referred to in subsection (1) must be received by the Council no less than thirty (30) days prior to the commencement of the works to be performed.
- (3) The notice referred to in subsection (1) must be submitted to the Council –
- (a) in the form [set out in Schedule 2 Appendix A / prescribed by this purpose by the Council / published on the official website by the Council for this purpose from time to time] and must include –
- (i) a copy of the individual or class licence held by the licensee or details of the specific regulation prescribed in terms of section 6(1) of the Electronic Communications Act in terms of which the licensee is exempted from the requirement to hold a licence to provide electronic communication network services, as the case may be;
 - (ii) an area plan;
 - (iii) an indication of the number of days to be taken to perform the works referred to in subsection (1)(a) or (b) and any works required to be undertaken by the licensee to restore the public road as provided for in section 39;
 - (iv) the times of the day during which the works referred to in subsection (1)(a) or (b) and any works required to be undertaken by the licensee to restore the public road, as the case may be, will be performed;
- (b) 3 (three) copies**
- (a) accompanied by the processing fee, if any, determined by the Council.
- (4) The Council shall, within 30 (Thirty) days of receipt of the notice referred to in subsection (1), in writing acknowledge receipt of that notice.
- (5) The Council may, where any of the requirements of subsection (3) have not been complied with or the information provided by the licensee is deficient, in the acknowledgement of receipt referred to in subsection (4), direct the licensee to comply with those requirements or provide any additional information to the Council within the time specified in such acknowledgment.
- (6) In the circumstances contemplated in subsection (5), the licensee will be regarded as having submitted the notice provided for in subsection (1) on the date on which the licensee complies, to the satisfaction of the Council, with the Council's direction.

33. Area plan

The area plan to be submitted in terms of section 33(3)(a)(ii) must -

- (1) indicate the area on which the work is to be performed by the licensee;
- (2) be prepared to a minimum scale of 1:500;

- (3) indicate the category of the public road on or under which the works are to be performed, as provided for in the Code of Practice;
- (4) depict –
 - (a) North point;
 - (b) a block plan with stand numbers, street names and house numbers, where applicable;
 - (c) the work to be performed by the licensee;
 - (d) the position of and depth below or height above the surface of the ground of any electronic communications facility or pipe, tunnel, trench or tube required for an electronic communications facility that has been installed or constructed or is to be installed or constructed;
 - (e) the distance of the licensee's electronic communications facility or facilities from the public road reserve or property boundary;
 - (f) the position and extent of all structures, including underground structures such as, but not limited to, manholes, chamber and junction boxes;
 - (g) the location of the existing facilities of all other service providers.

34. Agreement in respect of works on municipal land other than a public road

- (1) Where a licensee wishes to install any electronic communications facilities on any land or other property of the Municipality in the municipal area the agreement between the Municipality and the licensee in relation to the right to use that land or other property must address the manner in which the works in question are to be performed.
- (2) The agreement referred to in subsection (1) must address inter alia –
 - (a) the length of time to be taken in performing the works;
 - (b) the manner in which the licensee will access the municipal land in question;
 - (c) the works to be performed;
 - (d) the safety measures to be adopted during the performance of the works to ensure the safety of the public or sections of the public using the municipal land in question;
 - (e) the remuneration to be received by the Municipality in respect of the use of the municipal land in question;
 - (f) any specifications which must be complied with in the installation of electronic communications facilities or electronic communications networks, subject to any regulations published in terms of section 28 of the Electronic Communications Act; and

(g) any specifications with which the restoration of the municipal land must comply and any period during which the works performed in the restoration of the municipal land is guaranteed by the licensee.

(3) The matters to be addressed in the agreement between the Municipality and the licensee are in addition to any matters which are required to be addressed in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and any regulations published under that Act in respect of the granting of rights to use the assets of a municipality.

35. Notification of the public and service providers

- (1) A licensee must, at the same time as giving notice to the Council of any works in the road reserve, as provided for in section 32, to be performed by the licensee -
- (a) give written notice to any service provider whose existing facilities appear on the area plan, of the works to be performed;
 - (b) publish notice in two (2) daily newspapers which are circulated throughout the municipal area of the works to be performed.
- (2) The Council may publish the material details of each notice submitted in terms of section 33(1) on the official website in order to facilitate co-operation between licensees on the allocation and sharing of electronic communications facilities, as provided for in Chapter 8 of the Electronic Communications Act, and the pipes, tunnels, trenches and tubes required for electronic communications facilities.

36. Occupation of and works on or under public roads

- (1) Where any works in the road reserve are to be performed by a licensee –
- (a) the licensee must comply with the requirements set out in the Code of Practice; and
 - (b) the licensee must comply with any specifications with regard to the height or depth at which facilities, including electronic communications facilities, must be installed as set out in the Code of Practice or published for this purpose by the Municipality, subject to any regulations published in terms of section 28 of the Electronic Communications Act.
- (2) Where the licensee performs any works, as provided for in section 33(1)(a)(ii) –
- (a) the licensee must co-operate with the Municipality or other service provider responsible for the pipe in question, as the case may be, to determine the most efficient and expeditious, and least disruptive, manner in which the works may be performed; primary objective deve shoe
 - (b) the Municipality or other service provider responsible for the pipe in question, as the case may be, may supervise, in the manner it deems fit, the works performed by

the licensee and may impose reasonable conditions on the manner in which the works should be performed;

(c) the licensee is responsible, in addition to being responsible for the costs of restoration as provided for in section 36, for any and all reasonable costs incurred by the Municipality or other service provider responsible for the pipe in question, as the case may be, as a result of the works performed, including, but not limited to, costs incurred through –

(i) the deployment of personnel to supervise the works;

(ii) any repairs to the pipe which may be necessary due to the works;

(iii) any preparatory work done to determine the manner in which the works should be performed;

(d) the licensee must pay the costs referred to in subsection (3)(c) upon presentation of an invoice by the Municipality or other service provider responsible for the pipe in question, as the case may be, within the period of time specified in that invoice, which shall not be less than thirty (30) days, failing which the Municipality or other service provider concerned shall be entitled to charge interest upon the unpaid amount at the rate specified in the invoice.

37. Control and supervision of works

(1) A licensee must ensure that a copy of the notice submitted to the Council in terms of section 33(1) and the acknowledgement of receipt referred to in section 33(4), is available at the site where any works in the road reserve, including the restoration of the public road, are being performed, for inspection by the Council or law enforcement officials during those times of the day that work is being done.

(2) The Council may, in the acknowledgement of receipt referred to in section 33(4), require a licensee to erect any signage in addition to that provided for in the Code of Practice, indicating that the works in the road reserve are being performed by the licensee and providing contact details for the licensee, and the licensee must then erect any such signage upon commencing the works in question, and must maintain such signage for the duration of the works.

(3) A licensee must ensure that any works in the road reserve, including to restore the public road, which are performed by the licensee –

(a) are planned to be performed and are performed in the shortest possible time and in the manner calculated to cause the least possible disruption to other activities performed on the public road in question and, in particular, that in performing any work under a public road, any excavation is kept to a minimum;

(b) are performed, subject to subsection (4), within the time specified in the notice submitted in terms of section 33(1).

(4) Where the licensee is, for any reason beyond its control, unable to complete the works in the road reserve, including the restoration of the public road, within the time specified in the notice submitted in terms of section 33(1), the licensee must, as soon as it is apparent that the works will not be completed within that time, notify the Council of the delay and the reasons for the delay, and must in such notice indicate the number of additional days which will be required to complete the works.

(5) A licensee may not, subsequent to commencing any works in the road reserve but before completion of such works, abandon the site at which the works are being performed and, where a licensee is unable, for any reason, to complete the works which were intended to be performed, as described in the notice submitted in terms of section 33(1), the licensee must restore the public road and section 39 is applicable, with the necessary changes, to the restoration.

38. Restoration of public roads

(1) Where a licensee performs any works in the road reserve, the road reserve upon, under, over, along or across which the works are performed, must be restored subsequent to the performance of the works and the licensee –

(a) is responsible for the costs of restoration;

(b) in the case of works provided for in section 33(1)(a) –

(i) must backfill the road reserve;

(ii) must, where the permanent reinstatement of the road reserve is to be performed by the CALM, temporarily reinstate the road reserve; and

(iii) may, where permission is granted by the CALM in accordance with subsection (2)(b), permanently reinstate the road reserve,

in accordance with the specifications and guarantee periods set out in the Code of Practice;

(c) in the case of works provided for in sections 33(1)(b), must take all steps necessary to restore the public road; and

(d) must ensure that the public road or other municipal land is restored as soon as practicably possible after performing the works.

(2) In the case of works provided for in section 33(1)(a) –

(a) the licensee must indicate in the notice submitted in terms of section 33(1) either whether it wishes itself to perform the permanent reinstatement of the road reserve, and, if so, details of its expertise and experience in performing such works, or whether the [Municipality / CALM] is required to perform such works;

(b) the [Municipality / CALM] must, where applicable, inform the licensee within 30 days of receipt of the notice submitted in terms of section 33(1), whether the licensee is permitted to perform the permanent reinstatement of the road reserve;

(c) where the [Municipality / CALM] is to perform the permanent reinstatement of the road reserve –

(i) the licensee must temporarily reinstate the road reserve subsequent to the performance of the works provided for in section 33(1)(a);

(ii) an order for permanent reinstatement must be submitted to the [Municipality / CALM] with the completion notice referred to in section 40(1);

(iii) the licensee will be charged by the [Municipality / CALM] for the permanent reinstatement of the road reserve at the applicable rates published for this purpose by the Municipality on the official website from time to time; and

(iv) the licensee must make payment of the amount charged by the Municipality for reinstatement upon presentation of an invoice by the [Municipality / CALM] within the time period specified in that invoice, which shall not be less than thirty (30) days, failing which the [Municipality / CALM] shall be entitled to charge interest upon the unpaid amount at the rate specified in the invoice.

(4) Where, subsequent to the performance of any works performed by the licensee to restore the public road or other municipal land, as the case may be, the Council is not satisfied that the restoration, including, where applicable, any backfilling or reinstatement, complies with any applicable specifications or considers that, during any period during which the restoration is guaranteed, any remedial work is required in order to comply with such specifications, the Council may perform, or may direct the licensee to perform, any work necessary to ensure that the public road or other municipal land is restored in accordance with the applicable specifications, including replacing any material used by the licensee, and the licensee shall be liable for any and all costs incurred in performing such work, and must pay the costs incurred by the Council in this regard upon presentation of an invoice by the Council, within the period of time specified in that invoice, which shall not be less than thirty (30) days, failing which the Council shall be entitled to charge interest upon the unpaid amount at the rate specified in the invoice.

39. Completion

(1) Once the licensee has concluded any works in the road reserve, and the steps required to be taken by the licensee to restore the public road have been performed, and all materials, equipment and rubble have been removed from the site and the site is completely cleared and cleaned, the licensee must give written notice to the Council in the form [set out in Schedule 2 Appendix A / published by the Council for this purpose [on the official website] from time to time], that the works have been completed.

(2) Upon receipt of the notice of completion referred to in subsection (1), the [Council / CALM], as the case may be, will arrange a meeting with the licensee at the site or sites where any works were performed to inspect the site and determine whether the requirements of these By-laws and any applicable specifications have been complied with.

(3) If, following its inspection of the site in terms of subsection (2), the [Council / CALM] is satisfied that these By-laws and any applicable specifications have been complied with, the [Council / CALM] shall issue a certificate certifying that the works notified in terms of section 33(1) have been completed.

(4) If, following its inspection of the site in terms of subsection (2), the [Council / CALM] is not satisfied that these By-laws and any applicable specifications have been complied with, the [Council / CALM] may direct the licensee concerned in writing to take such steps as the [Council / CALM] may consider necessary for such compliance, and the licensee must perform such steps, at its own cost, within the period specified in the direction.

(5) Any period during which the works required to be taken by the licensee to restore the public road or municipal land are guaranteed shall commence from the date on which the certificate of completion referred to in subsection (3) is issued to the licensee.

40. Emergency works by a licensee

(1) A licensee may perform any emergency works as and when necessary without first giving notice, as provided for in section 33(1), of the works to be performed.

(2) A licensee shall comply with the requirements specified in the Code of Practice with regard to emergency works.

(3) All other provisions and requirements of these By-laws, including the requirements with regard to the restoration of public roads and municipal land, completion of works, excavations and road signs and barricading, remain applicable, with the necessary changes, to a licensee who performs emergency works.

41. Notice regarding trees

(1) Where a licensee is of the opinion that a tree or vegetation within the municipal area for which the Council is responsible, obstructs or interferes with or is likely to obstruct or interfere with the operation or maintenance of any electronic communications facilities comprising the licensee's electronic communications network or pipes, trenches, tunnels or tubes required for such electronic communications facilities, as contemplated in section 27(1) of the Electronic Communications Act, in a manner which makes it necessary for the tree or vegetation to be cut down or trimmed, the licensee must give written notice to the Council of the action which is required to be taken to remedy the situation.

(2) The Council shall, subject to section 27(4) of the Electronic Communication Act, perform the action which is required to be performed, or shall notify the licensee of the reasons, on the basis of section 27(4) of the Electronic Communications Act, that such action cannot be taken or any further action to be taken by the licensee, as soon as reasonably practicable and, in any event, within 30 (Thirty) days of receipt of the notice referred to in subsection (1).

(3) In the event that, following the expiry of the period referred to in subsection (3), the Council has not performed the required action as specified in the notice given in terms of

subsection (1), or given notice as provided for in subsection (2), the licensee may, subject to section 27(4) of the Electronic Communications Act, take the required action itself: provided that the licensee must ensure that all precautions necessary to ensure the safety of members of the public and any person engaged in performing the required action, and to prevent damage to property, are taken and that the action is performed in the manner calculated to cause the least disruption to other persons or activities performed in the vicinity of the trees or vegetation in question.

(4) Where the Council performs the required action as specified in the notice referred to in subsection (1), the licensee is responsible for all and any reasonable costs incurred by the Council in performing the action, which shall be paid by the licensee upon receipt of an invoice from the Council setting out such costs, within the period of time specified in that invoice, which shall not be less than thirty (30) days, failing which the Council shall be entitled to charge interest on the unpaid amount at the rate specified in the invoice.

42. Failure to give notice

(1) Where a licensee, other than in the circumstances contemplated in section 41(1), does not comply with the requirement to give notice, as provided for in section 33(1), and, having failed to give such notice, commences the performance of any works, the Council or any law enforcement official may direct the licensee immediately to cease any works being performed and to submit the requisite notice in terms of section 33(1) within 30 (Thirty) days] of the date on which the direction was issued.

(2) Where a licensee is directed, in terms of subsection (1), to cease the performance of any works -

(a) the Council may direct the licensee to restore, at its own cost, the public road on a temporary basis, in accordance with any requirements specified by the Council so as to render it safe for use by the public or sections of the public, until the expiry of the period referred to in section 33(2);

(b) the Council may itself take any steps necessary to restore the public road or municipal land, as the case may be, on a temporary basis, so as to render it safe for use by the public or sections of the public, until the expiry of the period referred to in section 33(2), and the licensee shall be responsible for all costs incurred by the Council in taking such steps;

(c) the licensee may be required, at the direction of the Council, to pay a deposit to the Council, in an amount determined by the Council, as security for the costs referred to in subsection (2)(b).

(3) Where a licensee does not submit the requisite notice in terms of section 33(1) within the time period referred to in subsection (1), the Council may direct the licensee to restore the public road and section 39 will be applicable, with the necessary changes, to the licensee.

(4) Where a licensee does not comply with the requirement to have available for inspection, at any site where works in the road reserve are performed, the notice and acknowledgement of receipt, as provided for in section 33, the Council may direct the licensee to cease the works until a copy of the notice and acknowledgement of receipt is made available for inspection.

CHAPTER 6

GENERAL PROVISIONS

43. Offences and penalties

(1) A person who -

- (a) fails to obtain any permit or permission which is required to be obtained in terms of these By-laws;
- (b) fails to obtain any approval which is required in terms of the Code of Practice;
- (c) fails to comply with any notice or direction given by the Municipality in terms of these By-laws, other than a direction referred to in section 43;
- (d) obstructs or hinders any authorised official or employee of the Council in the execution of his or her duties under these By-laws;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding **R1000,00** or in default of payment, to imprisonment not exceeding one day, for every day that the offence continues, after a written notice has been issued by the Council, and served on the person concerned, directing the person to stop the offending activity.

(2) A person who is not a licensee, who installs electronic communications facilities in the municipal area is guilty of an offence.

(3) A licensee who –

- (a) other than in the circumstances contemplated in section 40(1), performs any works in the road reserve without having given notice as provided for in section 32(1), read with section 32(5) and (6);
- (b) performs any works in the road reserve without complying with a requirement imposed in terms of section 37(2);
- (c) Contravenes section 37(5);
- (d) performs any act in relation to a tree or vegetation in contravention of section 42;

(e) Contravenes or fails to comply with a direction made in terms of section 38(3), 39(4), 42(1), 42(3) or 42(4);

is guilty of an offence.

- (4) A person who commits an offence in terms of subsections (2) or (3) is liable on conviction to a fine not exceeding R2 000] or, in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50 000.00, for every day that the offence continues, after a written notice has been issued by the Council, and served on the person concerned, directing the licensee to stop the offending activity.

44. Short title

These By-laws are called the Public Road, Electronic Communications Networks and Miscellaneous By-laws.

PROCLAMATION • PROKLAMASIE**PROCLAMATION 10 OF 2021****EMALAHLENI LOCAL MUNICIPALITY****NOTICE OF APPROVAL OF EMALAHLENI AMENDMENT SCHEME 2358**

The Local Municipality of Emalahleni hereby rectifies notice 36 of 7 September 2018 to declare in terms of the provisions of Section 66 (5) of Emalahleni Spatial Planning and Land Use Management By-Law, 2016, has approved an amendment scheme, being an amendment of the Emalahleni Land Use Management Scheme, 2010, by the rezoning of Erven 1755 – 1757, Duvhapark Extension 8 from “Residential 4” and “Institutional” to “Residential 1”, “Institutional”, “Park” and “Public Road”.

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times. This amendment is known as Emalahleni Amendment Scheme 1802 and shall come into operation on date of publication of this notice.

HS MAYISELA**MUNICIPAL MANAGER**

Civic Centre, Mandela Street, eMALAHLENI, 1035

P.O. Box 3 eMALAHLENI, 1035

Publication date: Provincial Gazette of Mpumalanga: 12 February 2021

PROCLAMATION 11 OF 2021**GOVAN MBEKI LOCAL MUNICIPALITY
PROCLAMATION OF THE TOWNSHIP SECUNDA EXTENSION 78**

In terms of the Provisions of Section 64 of the Govan Mbeki Municipal By-Law on Spatial Planning and Land Use Management, 2016, the Govan Mbeki Local Municipality hereby declares Secunda Extension 78 to be an approved township, subject to the conditions set out in the Schedule hereto.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF CHAPTER 5 OF THE GOVAN MBEKI MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 -- ON REMAINDER PORTION OF PORTION 7 OF THE FARM DRIEHOEK 572, REGISTRATION DIVISION I.S., PROVINCE MPUMALANGA, BY ORANGEVILLE PROPERTIES (PTY) LTD (HEREINAFTER REFERRED TO AS THE TOWNSHIP DEVELOPER) AND BEING THE REGISTERED OWNER OF THE LAND, HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT RELATING TO THE TOWNSHIP WHICH SHALL REMAIN APPLICABLE TO THE TOWNSHIP AND ERVEN IN THE TOWNSHIP IN TERMS OF SECTION 59(3)**1.1 Name**

The name of the township shall be Secunda Extension 78.

1.2 Lay-out / Design

The township shall consist of erven and streets as indicated on SG No. 526/2020

1.3 Access

Access to the township will be granted from

- a 25m road from the Nelson Mandela Drive / Coen Brits intersection
- a 16m road from the Nelson Mandela Drive / Pierneef Street intersection
- the extension Selati street (a 10.5m road in Secunda Extension 20)

2. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE REGISTRATION OF THE ERVEN IN THE TOWNSHIP**2.1 Provision and installation of external and internal services**

2.1.1 The township developer must make the necessary arrangements with Govan Mbeki Municipality in relation to the provision and installation of water, electricity and sanitation services as well as the building of streets and storm water drainage in the township.

2.1.2 The township developer shall install and provide internal engineering services in the township, as provided for in the services agreement.

2.1.3 Govan Mbeki Municipality shall install and provide external engineering services to the township, as provided for in the services agreement.

2.2 Obligations regarding services and guarantees

The township developer must within a period of twelve (12) months or such an extended time period as that Govan Mbeki Municipality may determine, fulfil his obligations with regard to the provision of water, electricity and sanitation services as well as the construction of roads and storm water and the installation of systems thereof, as beforehand agreed between the township developer and Govan Mbeki Municipality. No erven may be alienated or transferred in the name of the buyer before Govan Mbeki Municipality confirmed that sufficient guarantees/cash contributions is delivered by the township developer to Govan Mbeki Municipality for the provision of services.

2.3 Engineering Services**2.3.1 Storm water drainage and street construction**

2.3.1.1 On request of Govan Mbeki Municipality the township establisher shall submit a detailed scheme, complete with plans, sections and specifications, compiled by a registered professional civil engineer approved by Govan Mbeki Municipality, for the storage and drainage of storm water through the township by proper disposal works and for the installation, tarmacking, curbing and canalisation of streets there-in, together with the provision of such retaining walls as Govan Mbeki Municipality may deem necessary, for approval.

2.3.1.2 When required by Govan Mbeki Municipality, the township establisher shall, for his own account, carry out the approved scheme to the satisfaction of Govan Mbeki Municipality under supervision of a registered professional civil engineer, approved by Govan Mbeki Municipality.

2.3.1.3 The township developer is responsible for the maintenance of streets and storm water services in the township to the satisfaction of Govan Mbeki Municipality until such streets and storm water conduits have been taken over by Govan Mbeki Municipality, according to the services agreement.

- 2.3.1.4** Designs and specifications shall be done in accordance with the conditions of Govan Mbeki Municipality taking into consideration:
- 2.3.1.4.1** “Guidelines for the provision of engineering services and facilities in residential township development (Guidelines for Human Settlements Planning and Design, 2000)”, as amended from time to time,
- 2.3.1.4.2** SANS 1200, Standardised specifications for Civil Engineering Construction,
- 2.3.1.4.3** Govan Mbeki Municipality Spatial Planning and Land Use Management By-Law,
- 2.3.1.4.4** The requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and
- 2.3.1.4.5** Clause 12(13) of the Govan Mbeki Land Use Scheme, as amended, 2010 where the latter reads as follows:
 “Where, in the opinion of the Municipality, it is impracticable for storm water to be drained from higher lying erven directly to the public street, the owner of the lower lying erf shall be obliged to accept and permit the passage over the erf of such storm water: provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.”
- 2.3.2 Water and sewerage**
- 2.3.2.1** The township developer, through an approved professional engineer, is responsible for the design and construction of the water provision and sewerage systems in accordance with the requirements and specifications of Govan Mbeki Municipality, taking into consideration:
- 2.3.2.1.1** “Guidelines for the provision of engineering services and facilities in residential township development (Guidelines for Human Settlements Planning and Design, 2000)”, as amended from time to time,
- 2.3.2.1.2** SANS 1200, Standardised specifications for Civil Engineering Construction,
- 2.3.2.1.3** Govan Mbeki Municipality Spatial Planning and Land Use Management By-Law, and
- 2.3.2.1.4** The requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).
- 2.3.2.2** The township developer is responsible for the maintenance of the water and sewerage services in the township to the satisfaction of Govan Mbeki Municipality, until such services have been taken over by Govan Mbeki Municipality, according to the services agreement.
- 2.3.3 Electricity**
- 2.3.3.1** If a private contractor performs the installation of electricity of the township, the township establisher shall appoint a professional engineer that will be responsible for the design and construction of the electricity distribution network and where medium tension installation forms part of the reticulation system the network installation shall be done in accordance with the following:
- 2.3.3.1.1** “Guidelines for the provision of engineering services and facilities in residential township development (Guidelines for Human Settlements Planning and Design, 2000)”, as amended from time to time,
- 2.3.3.1.2** SANS Code 0142, as amended from time to time, and
- 2.3.3.1.3** Govan Mbeki Municipality Spatial Planning and Land Use Management By-Law.
- 2.3.3.2** The township developer is responsible for the maintenance of the electricity services in the township to the satisfaction of Govan Mbeki Municipality, until such services have been taken over by Govan Mbeki Municipality, according to the services agreement.
- 2.3.4 Refuse removal**
- 2.3.4.1** The township developer is responsible for the maintenance of the refuse removal services in the township to the satisfaction of Govan Mbeki Municipality, until such services have been taken over by Govan Mbeki Municipality, according to the services agreement.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be subject to existing conditions of title and servitudes, if any, in accordance with and as proven by a land surveyor certificate.

The following condition does not affect the township due to location:

- A. Subject to the right to the Electricity Supply Commission to convey electricity over the property hereby conveyed together with Ancillary Rights and subject to the conditions as will more fully appear from Notarial Deed No. 777/1960S.

4. CONDITIONS OF TITLE**4.1 The following new servitudes needs to be registered.****4.1.1** None**4.2 Conditions imposed by Govan Mbeki Municipality in terms of the conditions of the Govan Mbeki Municipality Spatial Planning and Land Use Management By-Law, 2016****4.2.1 All erven**

All erven with the exception of roads are subject to the following conditions:

- 4.2.1.1** The erf is subject to a servitude, 2 metres wide, in favour of Govan Mbeki Municipality, for sewerage and other municipal purposes, along any two of the boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude of 2 metres wide for municipal purposes across the access portion of the erf, if and when required by Govan Mbeki Municipality, provided that Govan Mbeki Municipality may relax or grant exemption from the required servitudes.
- 4.2.1.2** No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2 metres thereof.
- 4.2.1.3** Govan Mbeki Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion, may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by Govan Mbeki Municipality.

5. CONDITIONS THAT IN ADDITION TO THE EXISTING PROVISIONS OF THE TOWN PLANNING SCHEME, IN RESPECT OF SECTION 50(3)(e) OF THE GOVAN MBEKI MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, NEED TO BE INCLUDED IN THE SCHEME**5.1 Zonings**

The following zonings shall be applicable:

- a. ERVEN 9627-9575, 9678-9704,**
The use zone for these erven shall be "Medium High Residential"
- Coverage: 50%
 - Height: 2 storeys
 - F.A.R.: 0.5
- b. ERVEN 9676 & 9677**
The use zone for these erven shall be "Institutional"
- Coverage: 70%
 - Height: 3 storeys
 - F.A.R.: as approved by Council
- c. ERVEN 9708 & 9709**
The use zone for these erven shall be "High Density Residential"
- Coverage: 50%
 - Height: as approved by Council
 - F.A.R.: as approved by Council
- d. ERVEN 9620-9626 & 9705-9707**
The use zone for these erven shall be "Low Impact Mixed Use"
- Coverage: as approved by Council
 - Height: as approved by Council

- F.A.R.: as approved by Council
- e. **ERVEN 9619**
The use zone for these erven shall be "Special"
 - Land use: Retail, Institutional (Medical related uses), Place of Refreshments, Motor sale Mart, Service retail.
 - Coverage: 70%
 - Height: 5 storeys
 - F.A.R.: 2
- f. **ROADS**
All roads will be zoned "Roads"
- 5.2 **Soil and Flood Line Conditions**
- 5.2.1 In order to overcome the proven detrimental soil and flood line conditions on the erf, the foundation and other structural aspects of the building shall be designed by a competent professional registered engineer and the details of such design shall be shown on the building plans submitted to Govan Mbeki Municipality for approval unless it is proved to Govan Mbeki Municipality that such measures are unnecessary or that the same purpose can be achieved by other more effective means. Govan Mbeki Municipality accepts no liability for any claims whatsoever which may result from the unfavourable soil conditions, for it remains the responsibility of the owner to satisfy him or herself that the foundation solution as proposed for the erven in the township is sufficient.
- 5.2.2 The following wording must be included on all building plans submitted to Govan Mbeki Municipality for approval:
 - a. The approval of this building plan by Govan Mbeki Municipality does not imply that the design and precautions to prevent, to control or to combat the possible consequences of possible weak soil conditions and flooding are necessarily sufficient.
 - b. It remains the exclusive responsibility of the owner to satisfy him or herself that the design and precautionary measures are sufficient.
 - c. Govan Mbeki Municipality accepts no liability for any claims whatsoever which may result from the weak soil conditions and flooding of this property.
- 5.3 **Flood lines**
No properties are affected by a flood line, as certified in the attached Layout Plan TE191_Final Layout.

GOVAN MBEKI LOCAL MUNICIPALITY
NOTICE OF APPROVAL OF AMENDMENT SCHEME SCNDX78

The Local Municipality of Govan Mbeki declares hereby in terms of the provisions of Section 66(5) of the Govan Mbeki Spatial Planning and Land Use Management By-Law, 2016, that it has approved an amendment scheme, being an amendment of the Govan Mbeki Land Use Scheme, 2020, comprising the same land as included in the township Secunda Extension 78.

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, Govan Mbeki Local Municipality and are open for inspection at all reasonable times. This amendment is known as Govan Mbeki Amendment Scheme SCNDX78 and shall come into operation on date of publication of this notice.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre	P.O. Box 3
Mandela Street	Govan Mbeki
Govan Mbeki	1035
1035	19/2021
Notice Number	

PROCLAMATION 12 OF 2021**DECLARATION AS AN APPROVED TOWNSHIP**

The City of Mbombela declares hereby in terms of Section 103 (1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), Tekwane South Extension 2 to be an approved township subject to the conditions set out in the schedule hereto.

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE CITY OF MBOMBELA (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNERS) IN TERMS OF THE PROVISIONS OF CHAPTER IV OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 7 OF THE FARM TEKWANE 573 REGISTRATION DIVISION J.U. MPUMALANGA HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be TEKWANE SOUTH EXTENSION 2.

1.2 DESIGN

The township shall consist of erven and streets as indicated on Approved General Plan S.G No: 627/2017

1.3 RECEIPT AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township; in such a way as to fit in with all relevant roads and he shall receive and dispose of the Stormwater running off or being diverted from the road.

1.4 RESPONSIBILITIES IN RESPECT OF ESSENTIAL SERVICES

The township owner shall provide all essential services in terms of the provisions of section 116 to 121 of Ordinance 15 of 1986 prior to the registration of any stands in the township.

1.5 PROTECTION OF STAND PEGS

The township owner shall comply to the requirement with regard to the protection of boundary pegs as determined by the local authority in this regard, when required to do so by the local authority.

1.6 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven in the township shall be made subject to existing conditions and servitudes which were not cancelled or otherwise dealt with, but excluding:

- (a) Een voorwaarde van dit transport zal zyn dat, in het geval van ongelukken aan personen of vee overkomen tengevolge van het bestaan van schachten, tunnels en andere omstandighden onstaande uit prospekter en of mynwerkzaamheden voor de 14de Augustus 1923, op ondernemen, de eigenaar niet gerechtigd zal zyn to vergoeding van het Goevernement of de prospektor of claimhouder.
- (b) De eigenaar van de grond zal tezamen met de huurder of de eigenaar van Gedeelte "A", het resterend gedeelte van Gedeelte "B" het resterend gedeelte van Gedeelte "D" het resterend gedeelte van Gedeelte "E" het resterend gedeelte van Gedeelte "H" van de plaats "BROEDERSHOEK" 281, distrikt Barberton, het recht hebben om een watervoor uit te nemen en het water te leiden uit de Witrivier over de plaats "GOEDEHOOP" 262 (bevattende percelen Nos. 167, 168, 169, 171, 172, 173, 174, 182, 183, 184 en 189 Sektie "E" Kaap Blok) distrik Barberton, op voorwaarde dat de eigenaar van "GOEDEHOOP" 262, het recht zal hebben om de ene helft en de eigenaar van en de huurder of eventuele eigenaar van gedeelte "A" het resterend gedeelte van gedeelte "B" het resterend gedeelte van gedeelte "D" het resterend gedeelte van gedeelte "E" en het resterend gedeelte van gedeelte "H" van de genoemde plaats BROEDERSHOEK 281, het recht, zullen hebben om ieder eenvierde van het aldus afgeleide water te gebruiken; en verder met dien verstande dat de eigenaar van genoemde plaats "GOEDEHOOP" 262 de helft en de eigenaar van en de huurder of eventuele eigenaar van gedeelte "A", het resterend

gedeelte van gedeelte "B", het resterend gedeelte van gedeelte "D", het resterend gedeelte van gedeelte "E" en het resterend gedeelte van gedeelte "H" van de genoemde plaats BROEDERSHOEK 281, ieder een vierde zulle betalen van de kosten verbonden aan het onderhoud van het gedeelte van de gezegde watervoor, dat over "GOEDEHOOP" 262, gaat.

- (c) Gerechtigd tot een servituut van water leiding tegen de grond bestaande uit gedeelte "A", het resterend gedeelte van gedeelte "B", het resterend gedeelte van gedeelte "D" het resterend gedeelte van gedeelte "E" en het resterend gedeelte van Gedeelte "H" van de genoemde plaats "BROEDERSHOEK" 281, distrik Barberton, ten opzichte van de watervoor in klausule (b) bedoeld."

B. The former Portion 20 (a portion of Portion 6), Portion 11, Portion 12, all of the farm BROEDERSVREDE 136, Registration Division J.U. Mpumalanga, of which those portions indicated by the figures B C f B, e E F G H d e and a L A B f D e d c b a on the annexed diagram L G No. 2553/1994 form portions, are subject to the following conditions:

- (a) Further subject to right or power of the Minister of Agriculture, and which is hereby expressly reserved to him, from time to time by writing under his hand to authorise and allow the constructions, laying, repair, maintenance and free use of a channel of furrow or of pipes, through, over or under the land hereby transferred for the purpose of conducting water for domestic, stock, irrigation of other general purposes, from any river or other sources of supply upon, or outside the said land to adjoining or other land, subject to the payment to the Transferee of such compensation for actual damage thereby occasioned to him as may be mutually agreed upon between the transferee and the party or parties for whose benefit the channel or furrow is constructed or pipes are laid or failing such agreement as may be determined by arbitration in manner provided by the Arbitration Ordinance 1904.

C. The former Remaining Extent of Portion 8 of the farm BROEDERSHOEK 129, Registration Division J.U., Transvaal, indicated by the figure K a b c J K on the annexed Diagram LG No. 2553/94 is subject to the following conditions:

- (a) Die eienaar van Gedeelte A van die genoemde plaas en die Resterende Gedeelte van Gedeelte B van die genoemde plaas, groot as sodanig 98,8302 hektaar, die Resterende Gedeelte van Gedeelte D van die genoemde plaas, groot as sodanig 80,1343 hektaar, die Resterende Gedeelte van Gedeelte E van die voornoemde plaas, groot as sodanig 328,3716 hektaar, en die Resterende Gedeelte van gedeelte H van die genoemde plaas, groot as sodanig 187,9145 hektaar, getranspoteer kragtens Akte van Transport Nr 27079/1949 respektiewelik tesame met die eienaar van die hoewe bestaande uit Gedeelte 1 van Gedeelte B, gedeelte 1 van Gedeelte D, Gedeelte 1 van Gedeelte E, Gedeelte 1 van Gedeelte H en Gedeelte C van die plaas BROEDERSHOEK 129 JU, distrik Nelspruit, toegeken deur Kroongrondbrief Nr 178/1923 aan Willem Petrus Erasmus, gedateer 14 Augustus 1923, die reg hê om 'n watervoor uit te neem en die water te lei uit die Witrivier oor die hoewe GOEDEHOOP Nr 262 (bevattende persele Nos. 167, 168, 169, 171, 172, 173, 174, 182, 183, 184 en 189, Seksie E Kaap Blok) distrik Barberton, op voorwaarde dat die eienaar van GOEDEHOOP 262, die reg sal hê om die eenhelfte en die eienaar van die gedeelte van BROEDERSHOEK 129 JU, een-vierde, en die eienaar van die gedeeltes van BROEDERSHOEK 129 JU, toegeken deur Kroongrondbrief 178/1923, een-vierde van die aldus afgeleide water te gebruik, en verder met dien verstande dat die eienaar van die genoemde Hoewe GOEDEHOOP 262, die helfte en die eienaar van die genoemde Gedeeltes van BROEDERSHOEK 129 JU, ieder een-vierde sal betaal van die koste verbonde aan die onderhoud van daardie gedeelte van die watervoor wat oor die plaas GOEDEHOOP 262, loop.
- (b) Onderhewig aan serwituut van waterleiding ten bate van die hoewe bestaande uit Gedeelte 1 van Gedeelte B, Gedeelte 1 van Gedeelte D, Gedeelte 1 van Gedeelte E, Gedeelte 1 van Gedeelte H en Gedeelte C van die plaas BROEDERSHOEK 129, JU distrik Nelspruit, ten opsigte van die watervoor in klousule (a) bedoel.

2. CONDITIONS OF TITLE

- 2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE CITY OF MBOMBELAIN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

ALL ERVEN

- 2.1.1 The erf is subject to a servitude 2m wide in favour of the City of Mbombela, for sewerage and other municipal purposes along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the Council: Provided that the Council may dispense with any such servitude.
- 2.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.
- 2.1.3 The City of Mbombela shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area such material as may be excavated by it during the course of construction, maintenance or removal of such sewerage mains and other works as it, to its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the Council
- 2.1.4 The stand is situated in an area that has soil conditions that could detrimentally affect buildings and structures and be the cause of damage. Building plans which are submitted to the town council for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions, unless proof can be submitted to the town council that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.
3. CONDITIONS WHICH, IN ADDITION TO THE EXISTING PROVISIONS OF THE RULING TOWN PLANNING SCHEME, HAVE TO BE INCORPORATED IN THE NELSPRUIT TOWN PLANNING SCHEME, 1989, IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986

3.1 CONDITIONS APPLICABLE TO ALL ERVEN:

- 3.1.1 except with the written consent of the local authority, and subject to such conditions as it may impose, neither the owner nor any other person shall -
- 3.1.1.1 have the right, save and except to prepare the erf for building purposes, to excavate any material there from;
- 3.1.1.2 sink any wells or bore holes thereon or abstract any subterranean water there from; or
- 3.1.1.3 make, or permit to be made, on the property for any purpose whatsoever, any tiles or earthenware pipes or other articles of a like nature. (This condition shall not apply to erven in Use Zones XI and XII, Industrial 1 and 2).
- 3.1.2 Where, in the opinion of the local authority, it is impracticable for storm water to be drained from higher lying erven direct to a public street, the owner of the lower lying erf shall be obliged to accept and permit the passage over the erf of such storm water: Provided that the owners of any higher lying erven, the storm water from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- 3.1.3 No building whatsoever may be erected on a property which will probably be flooded by a public stream on average every fifty years, as indicated on the Map of the Scheme: Provided that the local authority may permit the erection of buildings on such portion if it is convinced that the said portion will no longer be subjected to flooding.
- 3.1.4 The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the local authority.

- 3.1.5 The main building, which shall be a completed building and not one that has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
- 3.1.6 No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary, this condition may be relaxed by the local authority and subject to such conditions as may be determined by it.
- 3.1.7 A screen wall or walls shall be erected and maintained to the satisfaction of the local authority as and when required by it.
- 3.1.8 If the property is fenced, such fence, and the maintenance thereof shall be to the satisfaction of the local authority.
- 3.1.9 The registered owner is responsible for the maintenance of the whole development on the property. If the local authority is of the opinion that the property, of any portion of the development, is not being satisfactorily maintained the local authority shall be entitled to undertake such maintenance at the cost of the registered owner.

3.2 All Erven

The erf is situated in an area that has soil conditions that could detrimentally affect buildings and structures and be the cause of damage. Building plans which are submitted to the Town Council for approval must contain remedial actions which are in accordance with the recommendations contained in the geo-technical report that was compiled for the township so as to eliminate possible damage to buildings and structures as a result of the unfavourable soil conditions, unless proof can be submitted to the Town Council that such remedial actions are unnecessary or the same result could be achieved in a more effective manner.

LOCAL AUTHORITY NOTICE NELSPRUIT AMENDMENT SCHEME 2265

The City of Mbombela hereby in terms of the provisions of Section 125 of the Town-Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the Nelspruit Town-Planning Scheme 1989, comprising of the same land as included in the Township of Tekwane South Extension 2.

Map 3 and the scheme clauses of the amendment scheme are filed with the office of the Municipal Manager, Civic Centre, Nel Street, Nelspruit, and are open for inspection at all reasonable times.

This amendment is known as the Nelspruit Amendment Scheme 2265 shall come into operation on date of publication hereof.

A copy of this notice will be provided in Afrikaans or Siswati to anyone requesting such in writing within 30 days of this notice.

Municipal Manager
Mr Wiseman Khumalo
No 1 Nel Street
Civic Centre
Nelspruit
1200

PROCLAMATION 13 OF 2021**MSUKALIGWA LOCAL MUNICIPALITY****NOTICE OF APPROVAL OF ERMELO TOWN PLANNING SCHEME, 1982****AMENDMENT SCHEME Nos. 822 & 833**

Notice in terms of the provisions of Section 66(5) of Msukaligwa Spatial Planning and Land Use Management By-law, 2016, that Ermelo Town Planning Scheme, 1982, Amendment Scheme Nos. 822 & 833 have been approved in terms of Section 114(a) of the SPLUM By-law, 2016, by the rezoning of:

1. **ERMELO AMENDMENT SCHEME No. 822:**

Erf 74 & 75 Breyten, from "Residential 1" to "Residential 3" for the purpose of Dwelling units.

2. **ERMELO AMENDMENT SCHEME No. 833:**

Erf 1448 Ermelo Extension 9, from "Residential 1" to "Residential 2" for the purpose of Dwelling units.

This amendment is known as Ermelo Town Planning Scheme, 1982, Amendment Scheme Nos. 822 & 833 and shall come into operation on date of publication of this notice.

Particulars of the application will lie for inspection during normal hours at the office of the Director of Planning and Economic Development, 2nd Floor, Civic Centre, Taute Street, Ermelo for the period of 30 days from 26th February 2021.

H.S. POTGIETER, REED & PARTNERS, 100 Joubert Street, ERMELO, 2351

E-mail: rperm@megaweb.co.za Tel. No.: 017-811-2348/58

Publication date: Provincial Gazette of Mpumalanga: 26 February 2021

PROCLAMATION 14 OF 2021**EMALAHLENI LOCAL MUNICIPALITY****NOTICE OF APPROVAL OF EMALAHLENI AMENDMENT SCHEME 2358**

The Local Municipality of Emalahleni hereby declares in terms of the provisions of Section 66 (5) of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, that it has approved an amendment scheme, being amendment of the Emalahleni Land Use Management Scheme, 2010, by the rezoning of the Remaining Extent of Portion 234 (a portion of Portion 116) of the farm Kromdraai 292 JS from "Agricultural" to "Industrial 1".

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times. This amendment is known as Emalahleni Amendment Scheme 2358 and shall come into operation on date of publication of this notice.

HS MAYISELA**MUNICIPAL MANAGER**

Civic Centre, Mandela Street, eMALAHLENI, 1035

P.O. Box 3 eMALAHLENI, 1035

Publication date: Provincial Gazette of Mpumalanga: 19 February 2021

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICES 14 OF 2021****NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR AMENDMENT OF A SITE OPERATOR LICENSE**

Notice is hereby given that Bhekumuzi Bethuel Ngacane Identity Number 9004166156086 trading as ZE Ngacane's Tavern, intends submitting an application for an amendment of site operator license to the Mpumalanga Economic Regulator on 26 February 2021. 1. The purpose of the application is to amend the site operator selected route operator from Grand Gaming Mpumalanga (Pty) Ltd to Vukani Gaming Mpumalanga (Pty) Ltd. 2. The applicant's site premises (business) is located at: Stand 470 B, Madadeni, Nkomzai Municipality, Ehlanzeni District, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr Bhekumuzi Bethuel Ngacane. The application will be open for public inspection at the office of the Mpumalanga Economic Regulator at First Avenue, White River, South Africa 1240, from 26 February 2021. Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Board Act, 1995 (Act No. 5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the applications. Such objection should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, First Avenue, Private Bag X9908, White River, South Africa, 1240, ceo@mer.org.za within 30 days from 26 February 2021

PROVINCIAL NOTICES 15 OF 2021

NOTICE**MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR AMENDMENT OF A SITE OPERATOR LICENSE**

Notice is hereby given that Bhekumuzi Bethuel Ngacane Identity Number 9004166156086 trading as ZE Ngacane's Tavern, intends submitting an application for an amendment of site operator license to the Mpumalanga Economic Regulator on 26 February 2021. 1. The purpose of the application is to amend the site operator selected route operator from Grand Gaming Mpumalanga (Pty) Ltd to Vukani Gaming Mpumalanga (Pty) Ltd. 2. The applicant's site premises (business) is located at: Stand 470 B, Madadeni, Nkomzai Municipality, Ehlanzeni District, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr Bhekumuzi Bethuel Ngacane. The application will be open for public inspection at the office of the Mpumalanga Economic Regulator at First Avenue, White River, South Africa 1240, from 26 February 2021. Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Board Act, 1995 (Act No. 5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the applications. Such objection should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, First Avenue, Private Bag X9908, White River, South Africa, 1240, ceo@mer.org.za within 30 days from 26 February 2021.

PROVINCIAL NOTICES 16 OF 2021

NOTICE OF APPLICATION FOR AMENDMENT OF THE THABA CHWEU LAND USE SCHEME, 2018, IN TERMS OF ARTICLE 66 OF THE THABA CHWEU SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 READ WITH THE ACT ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2013 (ACT 16 OF 2013) AND WITH CLAUSE 13.5 AND 13.24 OF THE THABA CHWEU LAND USE SCHEME, 2018: PORTION 41 (A PORTION OF PORTION 16) OF THE FARM ROODIDRAAI 34, REGISTRATION DIVISION J.T., PROVINCE MPUMALANGA – THABA CHWEU AMENDMENT SCHEME 34/2018

Notice is hereby given in terms of Article 98 of the Thaba Chweu Spatial Planning and Land Use Management By-law, 2016 that the under-mentioned application has been received by the Thaba Chweu Local Municipality and is open for inspection during normal office hours with the Town Planning Office, Room 30, Thaba Chweu Local Municipality situated in the Municipal Offices (Civic Centre), Corner of Viljoen- and Sentraal Streets, Lydenburg. Any objections/representations must be lodged with or made in writing, or verbally if unable to write (municipal employee will be available during normal office hours at above mentioned address to transcribe verbal objections), to the Municipal Manager, at the above-mentioned address/email or posted to PO Box 61, Lydenburg, 1120 on or before the closing date for the submission of objections/representations, quoting the above-mentioned heading, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's erf and phone numbers and address.

CLOSING DATE FOR SUBMISSION OF OBJECTIONS/REPRESENTATIONS: 28 MARCH 2021**NATURE OF APPLICATION:**

I, Nicolaas Johannes Blignaut (I.D. 681211 5030 08 4) of Welwyn Town and Regional Planning CC, 1998/005829/23, being the authorised agent of the owner, hereby apply to Thaba Chweu Local Municipality in terms of Article 66 of the Thaba Chweu Spatial Planning and Land Use Management By-Law, 2016 read with the Act on Spatial Planning and Land Use Management, 2013 (Act 16 of 2013) and with clause 13.5 and 13.24 of the Thaba Chweu Land Use Scheme, 2018, to amend the land use scheme known as Thaba Chweu Land Use Scheme, 2018, by the rezoning of Portion 41 (a Portion of Portion 16) of the farm Roodidraai 34, Registration Division J.T., Province Mpumalanga, from "Agriculture" to "Transportation" for the purpose of using the property for a "Truck Stop" and "Petro Port". The property is situated at property coordinates 25°07'31, 75" South and 27°24'50, 35" East, located north and adjacent the R577 and the R540 T-Junction.

OWNER : AFROFLO (PTY)LTD (REGISTRATION NUMBER 2017/075414/07)
APPLICANT : N.J. Blignaut (I.D. 681211 5030 08 4) of Welwyn Town and Regional Planning CC (Reg. Nr. 1998/005829/23)
ADDRESS : Wilge Park Office Park, Corner of Govan Mbeki- and Piet Uys Street, Potchefstroom, 2531 and/or P.O. Box 20508, Noordbrug, 2522

TEL. NR. & EMAIL : 082 562 5590 / planner@welwyn.co.za
MUNICIPAL MANAGER: Ms. S.S. MATSI

26-5

-GO TSENYA TIRIŠONG GA PHETOLO YA LEANO LA GO DIRIŠWA GA LEFASE LA THABA CHWEU, 2018, GO YA KA ARTICLE 66 YA GO ABIWA GA LEFASE LE TAULO YA GO DIRISWA GA LEFASE GO YA KA MOLA, 2016 BALA KA MOLAO WO O LEGO MABAPI LE GO ABIWA GA LEFASE LE TAULO YA GO DIRISWA GA LEFASE, 2013 (ACT 16 YA 2013) LE KA TLELOSE 13.5 LE 13.24 YA LEANO YA GO DIRISWA GA LEFASE LA THABA CHWEU, 2018: PORTION 41 (A PORTION OF PORTION 16) YA POLASA YA ROODIDRAAI 34, REGISTRATION DIVISION J.T., PROVINCE MPUMALANGA – THABA CHWEU AMENDMENT SCHEME 34/2018

Se ke go dira tlhokomedišo go ya ka Article 98 ya mabapi le Go Abiwa ga Lefase le Taolo ya go Dirišwa ga Lefase go ya ka Molao ya Thaba Chweu, 2016 gore go ya ka lengwalo la kgopelo leo le lego ka mo tlase le amogetšwe ke Mmasepala wa Selegae wa Thaba Chweu le gore le ka bonwa ofising nakong ya diiri tša mošomo gotee le Ofising ya go Rulaganywa ga Toropo, Room 30, Mmasepala wa Selegae wa wo o lego Diofising tša Mmasepala (Civic Centre), Corner of Viljoen- le Sentraal Streets, Lydenburg. Ge e ba o na le pelaelo o ka e tliša goba wa ngwalela goba wa bolela le Molaodi wa Mmasepala ge e ba o sa kgone go ngwala (bašomi ba mmasepala ba tla ba ba le gona nakong ya diiri tša mošomo ofising atereseng yeo go boletšwego ka yona ka mo godimo go ngwalolla dipelaelo tšeo di bolelwago), atereseng/imeiling yeo e lego ka mo godimo goba goba di romelwe ka poso go PO Box 61, Lydenburg, 1120 ka goba pele ga letšatši la go tswalela bakeng sa go tliša dipelaelo, go tsopola sehlogo seo se lego ka mo godimo, baganetši ba taba ye, motheo wa dipelaelo, objector's erf le dinomoro tša mogala le aterese.

LETŠATŠI LA GO TSWALELWA GA GO ROMELWA GA DIKGANETŠO: 28 HLAKOLA 2021**NATURE OF APPLICATION:**

Ke, Nicolaas Johannes Blignaut (I.D. 681211 5030 08 4) wa Welwyn Town le Regional Planning CC, 1998/005829/23, e lego moemedi wa molao wa mong wa lefelo, o dira kgopelo go Mmasepala wa Selegae wa Thaba Chweu go ya ka Article 66 ya Go Abiwa ga Lefase le Taolo ya go Diriswa ga Lefase go ya ka Molao ya Thaba Chweu, 2016, Bala ka Molao Wo O Lego Mabapi le go Abiwa ga Lefase le Taolo ya go Diriswa ga Lefase, 2013 (Act 16 ya 2013) le ka Tlelose 13.5 le 13.24 ya Leano ya go Diriswa ga Lefase la Thaba Chweu, 2018, go tsenya tirišong leano la go dirišwa ga lefase leo le tsebjwago e le Leano la go Dirišwa ga Lefase la Thaba Chweu, 2018, go ngwadišwa leswa ga Portion 41 (Karolo ya Portion 16) ya polasa ya Roodidraai 34, Registration Division J.T., Province Mpumalanga, go se sa ba ya "Temo" eupša e be ya "Dinamelwa" ka morero wa gore lefelo le le dirišetšwe go "Emišetša Dilori" le go ba "Petro Port". Lefelo le le a hwetšagala ka 25°07'31, 75" South le 27°24'50, 35" East, le ka leboa go bapa le R577 go T-Junction ya R540.

MONG WA LEFELO : AFROFLO (PTY)LTD (NOMORO YA NGWADIŠO 2017/075414/07)
MOKGOPEDI : N.J. Blignaut (I.D. 681211 5030 08 4) of Welwyn Town le Regional Planning CC (Reg. Nr. 1998/005829/23)
ATERESE : Wilge Park Office Park, Corner of Govan Mbeki- and Piet Uys Street Potchefstroom, 2531 and/or P.O. Box 20508, Noordbrug, 2522

TEL. NR. & EMAIL : 082 562 5590 / planner@welwyn.co.za
MOLAODI WA MMASEPALA: Ms. S.S. MATSI

26-5

PROVINCIAL NOTICES 17 OF 2021**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR AMENDMENT OF A SITE OPERATOR LICENSE**

Notice is hereby given that Bhekumuzi Bethuel Ngacane Identity Number 9004166156086 trading as ZE Ngacane's Tavern, intends submitting an application for an amendment of site operator license to the Mpumalanga Economic Regulator on 26 February 2021. 1. The purpose of the application is to amend the site operator selected route operator from Grand Gaming Mpumalanga (Pty) Ltd to Vukani Gaming Mpumalanga (Pty) Ltd. 2. The applicant's site premises (business) is located at: Stand 470 B, Madadeni, Nkomzai Municipality, Ehlanzeni District, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr Bhekumuzi Bethuel Ngacane. The application will be open for public inspection at the office of the Mpumalanga Economic Regulator at First Avenue, White River, South Africa 1240, from 26 February 2021. Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Board Act, 1995 (Act No. 5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the applications. Such objection should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, First Avenue, Private Bag X9908, White River, South Africa, 1240, ceo@mer.org.za within 30 days from 26 February 2021

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Provincial Legislature: Mpumalanga**, Private Bag X11289, Room 114, Civic Centre Building,
Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.