

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

**Provincial Gazette
Kasete ya Profensi**

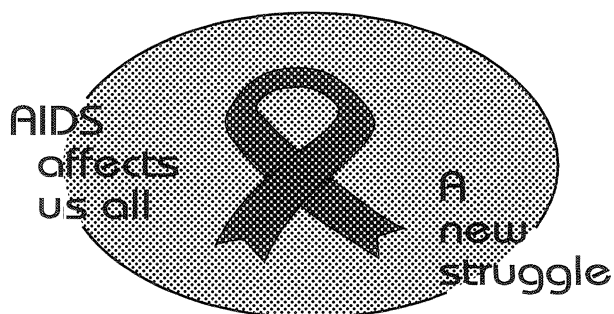
**iGazethi YePhondo
Provinsiale Koerant**

Vol. 20

KIMBERLEY, 25 NOVEMBER 2013

No. 1752

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DEPARTMENT OF HEALTH

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GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 124 OF 2013

NOTICE OF APPLICATION FOR CHANGE OF LAND USE / REZONING IN TERMS OF THE NORTHERN CAPE PLANNING AND DEVELOPMENT ACT, 1998 (ACT 7 OF 1998): PHOKWANE LOCAL MUNICIPALITY

Maxim Planning Solutions (Pty) Ltd (2002/017393/07) being the authorised agent of the owners of the Remainder of Lot 2082 and 2081, Vaal-Harts Settlement A, hereby gives notice that we have applied to the Phokwane Local Municipality for change of land use / rezoning of a portion of Lot 2082 and 2081, Vaal-Harts Settlement A, situated in the northern portion of Vaa-Harts and West of the N18 (Vryburg/Kimberley) Road, Phokwane Local Municipality, from "Agricultural Zone II" to "Special", for the purposes of a groundnut factory, including shelling, blanching, processing and storage.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Phokwane Local Municipality, 24 Hertzog Street, Hartswater, for the period of 30 days from 25 November 2013.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or posted to Private Bag X 3, Hartswater, 8570 within a period of 30 days from 25 November 2013.

Address of authorised agent: MAXIM PLANNING SOLUTIONS (PTY) LTD (2002/017393/07), UNIT 35 CORPUS NOVEM OFFICE PARK, 35 DR. YUSUF DADOO AVENUE, WILKOPPIES, KLERKSDORP, 2571, P.O. BOX 6848, FLAMWOOD, 2572, TEL: 018-468 6366, (2/1506)

KENNISGEWING 124 VAN 2013

Alg/2013

PHOKWANE PLAASLIKE MUNISIPALITEIT

KENNISGEWING VAN AANSOEK OM VERANDERING VAN GRONDGEBRUIK / HERSONERING IN TERME VAN DIE NOORD-KAAP BEPLANNING EN ONTWIKKELINGSWET, 1998 (WET 7 VAN 1998): PHOKWANE PLAASLIKE MUNISIPALITEIT

Maxim Planning Solutions (Edms) Bpk (2002/017393/07) synde die gemagtigde agent van die eienaars van Lot 2082 en 2081, Vaal-Harts Settlement A, gee hiermee kennis dat ons by die Phokwane Plaaslike Munisipaliteit aansoek gedoen het om verandering van grondgebruik / hersonering van 'n gedeelte van Lot 2082 en 2081, Vaal-Harts Settlement A, geleë in die noordelike deel van Vaal-Harts en Wes van die N18 (Vryburg/Kimberley) Pad, Phokwane Plaaslike Munisipaliteit, vanaf "Landbou Sone II" na "Spesiaal", vir die doeleindes van 'n grondboontjie fabriek, insluitende uitdop, blansjeer, prosessering en stoor.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Phokwane Plaaslike Munisipaliteit, Hertzogstraat 24, Hartswater, vir 'n tydperk van 30 dae vanaf 25 November 2013.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 25 November 2013 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Privaatsak X 3, Hartswater, 8570 ingedien of gerig word.

Adres van gemagtigde agent: MAXIM PLANNING SOLUTIONS (EDMS) BPK (2002/017393/07), EENHEID 35 CORPUS NOVEM KANTOOR PARK, DR. YUSUF DADOOLAAN 35, WILKOPPIES, KLERKSDORP, 2571, POSBUS 6848, FLAMWOOD, 2572, TEL: (018) 468-6366, (2/1506)

NOTICE 125 OF 2013**NOTICE OF APPLICATION FOR CHANGE OF LAND USE / REZONING AND SIMULTANEOUS REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN TERMS OF THE NORTHERN CAPE PLANNING AND DEVELOPMENT ACT, 1998 (ACT 7 OF 1998): PHOKWANE LOCAL MUNICIPALITY**

Maxim Planning Solutions (Pty) Ltd (2002/017393/07) being the authorised agent of the owner of Erf 78, Hartswater, hereby gives notice that we have applied to the Phokwane Local Municipality for change of land use / rezoning of Erf 78, Hartswater, situated at 34 Strydom Street, Hartswater, from "Residential 1" to "Residential 2", for the purposes of eighteen (18) dwelling units, as well as the simultaneous removal of Conditions (b)(2) and (f)(4) as contained in Deed of Transfer T2238/2006.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Phokwane Local Municipality, 24 Hertzog Street, Hartswater, for the period of 30 days from 25 November 2013.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or posted to Private Bag X 3, Hartswater, 8570 within a period of 30 days from 25 November 2013.

Address of authorised agent: MAXIM PLANNING SOLUTIONS (PTY) LTD (2002/017393/07), UNIT 35 CORPUS NOVEM OFFICE PARK, 35 DR. YUSUF DADOO AVENUE, WILKOPPIES, KLERKSDORP, 2571, P.O. BOX 6848, FLAMWOOD, 2572, TEL: 018-468 6366, (2/1501)

KENNISGEWING 125 VAN 2013*Alg /2013***PHOKWANE PLAASLIKE MUNISIPALITEIT****KENNISGEWING VAN AANSOEK OM VERANDERING VAN GRONDGEBRUIK / HERSONERING EN GELYKTYDIGE OPHEFFING VAN BEPERKENDE TITELVOORWAARDES IN TERME VAN DIE NOORD-
KAAP BEPLANNING EN ONTWIKKELINGSWET, 1998 (WET 7 VAN 1998):
PHOKWANE PLAASLIKE MUNISIPALITEIT**

Maxim Planning Solutions (Edms) Bpk (2002/017393/07) synde die gemagtigde agent van die eienaar van Erf 78, Hartswater, gee hiermee kennis dat ons by die Phokwane Plaaslike Munisipaliteit aansoek gedoen het om verandering van grondgebruik / hersonering van Erf 78, Hartswater, geleë te Strydomstraat 34, Hartswater, vanaf "Residensieel 1" na "Residensieel 2", vir die doeleindes van agttien (18) wooneenhede, asook die gelyktydige opheffing van Voorwaardes (b)(2) en (f)(4), soos vervat in Titelakte T2238/2006.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Phokwane Plaaslike Munisipaliteit, Hertzogstraat 24, Hartswater, vir 'n tydperk van 30 dae vanaf 25 November 2013.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 25 November 2013 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Privaatsak X 3, Hartswater, 8570 ingedien of gerig word.

Adres van gemagtigde agent: MAXIM PLANNING SOLUTIONS (EDMS) BPK (2002/017393/07), EENHEID 35 CORPUS NOVEM KANTOOR PARK, DR. YUSUF DADOO LAAN 35, WILKOPPIES, KLERKSDORP, 2571, POSBUS 6848, FLAMWOOD, 2572, TEL: (018) 468-6366, (2/1501)

NOTICE 126 OF 2013

Gen /2013

SOL PLAATJE MUNICIPALITY

PUBLICATION OF THE SOL PLAATJE MUNICIPALITY

RESIDENTIAL BUSINESS, BED & BREAKFAST, CRECHES, CHILDCARE CENTRE, LIQUOR TRADING AND CAR WASH BYLAWS 2011

The Municipal Manager of the Sol Plaatje Municipality hereby publishes in terms of section 13 (a) of the Local Government; Municipal System Act, 2000 (Act 32 of 2000), read with section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996). Publishes the RESIDENTIAL BUSINESS, BED & BREAKFAST, CRECHES, CHILDCARE CENTRE, LIQUOR TRADING AND CAR WASH BYLAWS 2011 for Sol Plaatje Municipality, as contemplated in the SCHEDULE hereafter and shall come into operation on the date of publication hereof.

The following bylaws are herewith published.

1. Residential business By-laws 2011
2. Bed & breakfast and guest house establishments By-laws 2011
3. Crèches, childcare centres and nursery school By-laws 2011
4. Liquor trading By-laws 2011
5. Car wash enterprises By-laws 2011

The Municipal Manager

G Akharwaray

25 November 2013

By-laws No. RESIDENTIAL BUSINESS BY-LAW 2011**BY-LAW**

To provide for the by-law of and to control residential businesses in the Sol Plaatje municipality; and for matters connected therewith.

The Sol Plaatje Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with sections 11 - 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-law and therefor:

BE IT ENACTED by the Sol Plaatje municipality, as follows:-

Definitions

1. (1) In these Bylaws, unless the context otherwise indicates –

“**Residential Business**” means any activity conducted by a resident within a dwelling or accessory structures for financial gain. A residential business is an accessory use to the primary use of the property.

"**Municipality**" means Sol Plaatje Municipality and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation

“**Municipal manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998); or his or her designate or other persons being designated to act for the purposes of this bylaw,

“**Tuck Shop**” means a building attached or separate from a residence used for the sale of household consumables

“**Non-resident employees**” mean employees who do not live on the property being used for a residential business.

“**Gross Floor Area**” means gross floor area shall include all heated and ventilated and thereby habitable rooms on the property including basements, attic space and accessory buildings.

General provisions

2. (1) Permit the residents of the municipality a broad choice in the use of their homes as places of livelihood and the production or supplementing of personal and family income;
- (2) Protect residential property values;
- (3) Protect residential areas from any adverse impacts associated with residential businesses;
- (4) Ensure that the rights of neighbors and other townspeople are not compromised by intrusive, hazardous, or environmentally degrading business activities;
- (5) Establish performance criteria and standards for residential businesses that will provide fair and equitable administration and enforcement of this section.

- (6) To encourage business development in the municipality and enhance local employment opportunities

Use Permitted by Right and with Site Plan Approval

3. (1) Residential businesses shall be allowed by right in the residential, agricultural, business, and industrial areas provided they meet the requirements in clause 4 and 5 herein.
- (2) Residential businesses in the residential, agricultural and business areas shall require a Site Plan Approval from the municipality and must meet the Performance Standards in clause 4 and 5 herein

Performance Standards for Residential Businesses

4. (1) The following standards shall be used as requirements for all residential businesses:
- (i) Residency Requirements; the principal residence of the owner/operator of every residential business shall be the dwelling unit on the premises in which the business operates.
 - (ii) Minimum Dimensional Requirements: The site must meet the density and dimensional requirements of the municipality for the area in which it is located.
 - (iii) Parking Standards: In the residential and agricultural areas off-street parking for any residential business must be provided on the premises and must be located at the side or rear of the principal building. While adequate off-street parking must be provided for all regular employees, visitors, and clients, the property owner is urged to minimize providing excessive parking areas.
 - (iv) Landscaping is required to screen parking areas from the road and from adjacent landowners.
- (2) Storage of Heavy Equipment and Commercial Vehicles: All heavy equipment such as tractor trailers, semi-trailers, or construction equipment must be either garaged or screened with plantings or fencing to at least the height of the equipment.
- (3) One commercial vehicle which is not heavy equipment and which is not more than two tons in rated capacity may be parked outdoors on the property. Additional commercial vehicles must be garaged or screened as for heavy equipment.
- (4) Screening Materials: Screening materials, such as plants or fencing must provide at least 90% opacity to a height of at least six feet in all seasons. If such screening is not provided by existing or proposed vegetation, it shall be supplemented by additional plantings or fencing. All screening materials shall be aesthetically appropriate and in keeping with the character of the district.
- (5) Signs: The municipal By-law for Outdoor Advertising Signs is applicable
- (6) (i) Lighting standards: Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries. Lighting must be compatible with the character of the district
- (ii) Dimensions of lighting: See the municipal Outdoor Advertising Signs By-law
- (7) Hours of Operation: In no case shall a residential business be open to the public,

including non-resident employees, clients, visitors, and deliveries, earlier than 07h:00 nor later than 21h00 with the exception of Tuck Shops that may operate from 06h00-22h00.

- (8) **General Nuisances:** Any activity that might result in excessive noise, electrical interference, smoke, dust, odors, heat, or glare beyond that which is common to the residential character of the area is prohibited. The municipality's enforcement officer may require an application to provide tests demonstrating such conformance.
- (9) **Hazardous Materials:** No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials shall be used, stored, or manufactured on the premises in amounts exceeding those which are typically found in normal residential use., to be read in conjunction with the National Building Regulations and Building Standards Act (Act 103 of 1977).
- (10) **Retail Sales:** There shall be no sales of services or products on the premises which are not produced on the premises, except those sales which are incidental to the business. For example, a music teacher may sell sheet music. In addition, there shall be no designated area intended specifically for retail sales.
- (11) **Traffic:** Traffic associated with a residential business, such as deliveries or visits by clients, shall not place an unreasonable burden on the town, the roads, or the neighborhood of the residential business because of safety concerns, excessive noise, or aesthetics. Residential business owners are reminded that traffic concerns will be reviewed as part of the permitting and renewal process for all residential businesses.
- (12) **Compliance with Standards:** All residential businesses must comply with all applicable legislation, by-laws of the municipality and local regulations.

Additional Performance Standards for Residential Businesses

5. (1) **Employees:** No more than two (2) employees who do not live on the premises shall be permitted to work on the premises at anyone time for a residential business.
- (2) **Floor Area:** A residential business may not use more of the gross floor area of the buildings for business purposes, as in accordance with the municipality's Land Use Management Scheme, from time to time. Floor area, in this case, shall include the gross floor area of all heated and ventilated and thereby habitable rooms on the property including basements, attic space and accessory buildings.

Tuck Shops

6.

- (1) Tuck shops will only be permitted in the economic zone of support, promotion and stimulation of the municipality's policy and shall have a floor area as in accordance with the municipality's Land Use Management Scheme, from time to time, including storage area. If the owner wants a bigger area, it is within the municipality's discretion to allow a bigger area as it deems fit and proper and the tuck shop shall serve a minimum of at least 60 households and be at least 200m from a formal business opportunity (distance as per street access)
- (2) Tuck shop trade is restricted to general household consumables and liquor sales shall not be permitted.
- (3) Tuck shops shall only be allowed to operate between the hours of 06h00 to 22h00.

- (4) Tuck shops shall be of a separate, permanent structure and must be separated by a wall and/or door from other activities in the residential home, such as sleeping, cooking, or entertainment areas, if attached to the house.
- (5) Tuck shops must adhere to the conditions as prescribed by the municipality's Environmental Health By-law and must comply with the National Building Regulations and Building Standards Act, 1977 (Act 102 of 1977)

Offences and penalties

7. (1) Any person who –
 - (a) contravenes or fails to comply with any provision of this By-Law;
 - (b) fails to comply with any notice issued in terms of this By- Law;
 - (c) fails to comply with any lawful instruction given in terms of this By-Law
 - (d) who obstructs or hinders any authorized representative in the execution of his or her duties under this By-Law, is guilty of an offence and liable on conviction to a fine not exceeding R2000-00 or, in default of payment, to imprisonment for a period not exceeding 3 (three) months and in the case of a continuing offence, to a further fine not exceeding R2000-00 or, in default of payment, to imprisonment not exceeding one day, for every day during the continuation of such offence, after written notice has been issued by the municipality and served on the person concerned, requesting the discontinuation of such offence.

Waiver of provisions

8. (1) The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of this By-law: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- (2) In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent and such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

Complaints and Enforcement

9. (1) Any person may file a complaint at the By-law Compliance and Enforcement Office at the municipality, who will address the complaint and inform the relevant department
- (2) The Municipal Manager, the Director of the relevant department or his or her designate or other persons being designated to act for the purposes of this bylaw, are authorized to examine an area within the municipal boundaries on which an infraction is suspected, to determine whether the provisions of this bylaw are being observed or have been violated.

Appeals

10. (1) Any person whose rights are affected by a decision of the municipality or of any authorized official under these Bylaws may, in terms of Section 62 of the

Local Government Municipal System Act, 2000 (Act No 32 of 2000), appeal against the decision by giving written notice of the appeal and the reasons for the appeal to the municipal manager within 21 days of the date of the issue of the notification of the decision.

- (2) The municipal manager will refer the appeal to the appropriate appeal authority in terms of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000). The appeal authority must commence with the appeal within 6 weeks and decide the appeal within a reasonable period.

Short title and commencement

11. This By-law shall be called the Residential Business By-law 2011 and will commence on the date of publication in the Provincial Gazette.

By-law no. Bed & Breakfast- and Guest House Establishments By-law 2011

BY-LAW

To provide for the by-law of and to regulate Bed and Breakfast- and Guest House Establishments in the Sol Plaatje municipality; and for matters connected therewith.

The Sol Plaatje Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with sections 11 - 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-law and therefor:

BE IT ENACTED by the Sol Plaatje municipality, as follows:-

Definitions

1. (1) In these Bylaws, unless the context otherwise indicates -

"**authorized official**" means any person authorized as such by the Municipality for purposes of these Bylaws to perform and exercise any or all of the functions specified therein;

"**guest house and bed & breakfast facility**" means temporary accommodation, including the serving of meals to patrons, with a maximum length of stay by the guest of 3 months, which is registered at the Municipal Tourism Office and graded in terms of the Tourism Grading Council of South Africa, the description and definition thereof, as in accordance with the municipality's Land Use Management Scheme, as applicable from time to time,

(a) being operated from a private single dwelling house;

(b) being managed by a resident owner or resident lessee;

(c) providing sleeping accommodation and breakfast;

(d) aimed primarily at the tourist or business market; and

(e) where the facilities and services offered are for the exclusive use and benefit of overnight registered guests,

"**lettable room**" means a habitable room;

"**Licensing Authority**" means any local authority, or person or body, designated or appointed under section 2 of the Business Act, 1991 (Act No 71 of 1991);

"**Municipality**" means Sol Plaatje Municipality and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation

"**Municipal Manager**" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998); or his or her designate or other persons being designated to act for the purposes of this bylaw,

"**nuisance**" means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person, or which causes an annoyance or disturbance to any person or to the residents of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment, or which may potentially harm or damage the environment;

"Town Planning Scheme" means the Town Planning Scheme(s) of the Sol Plaatje Municipality

Specific requirements for premises

2. (1) No person may operate a bed and breakfast or a guest house facility on any premises unless he/she has complied with all applicable legislation, including:-
 - (a) the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) where all buildings constructed on the premises must comply with this Act and its by-laws;
 - (b) the municipality's applicable Town Planning Scheme with specific reference to parking, floor area ratio, height, coverage and zoning, number of rooms, if prescribed by a Town Planning Scheme applicable to the area where the property is located and with municipality's Outdoor Advertising Signs Bylaws with reference to signage.
 - (c) the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) as amended, and the By-laws governing general hygiene requirements for food premises and the transport of food, and the provisions of the National Health Act, 2003, (Act No 61 of 2003) in general.
 - (d) the Broadcasting Act, 1999 (Act No 4 of 1999), as amended, if the lettable room is supplied with a television set;
 - (e) the South African Music Rights Organisation (SAMRO) where a licence is required if background music is to be played to the guests;
 - (f) the Northern Cape Liquor Act 4, 2008 (Act No 4 of 2008) read together with the Liquor Act 59, 2003, (Act 59 of 2003) if liquor, including complimentary drinks, are served to guests;
 - (g) the Tobacco Products Control Amendment Act, 1999 (Act No 12 of 1999), as amended, where it is a requirement that signs are displayed in areas designated for smoking and no-smoking signs are displayed elsewhere;
- (2) The premises must provide:
 - (a) access to bedrooms and bathrooms at all times for registered guests;
 - (b) a serviceable lock and key (for privacy) to each lettable room;
 - (c) an area where breakfast can be served, adequate for the use of, and easily accessible to any guest on the premises;
 - (d) a bathroom and toilet for each lettable room suitably placed in a separate compartment which is close to the lettable room and is easily accessible to the guest/s of a lettable room and separate to that of the owner of the facility;
- (3) No kitchen facility may be provided to guests in the lettable rooms;
- (4) The operation of the facility may not detract from the residential character and amenities of the property or the immediate surroundings;
- (5) The facility must be of such a nature that the predominant land use is retained and if in a residential area, the residential character of the house is retained.
- (6) The facility may not include a place of public assembly or a place of public amusement.

- (7) At least 20% of residential guest houses' site must be attributed to a garden area for common usage.
- (8) At least 40% of the commercial guest houses' site must be attributed to a garden area for common usage.
- (9) Effective, paved parking, together with the necessary manoeuvring area shall be provide on the erf to the satisfaction of the municipality, in accordance to the following ratios:
 - (a) 1 parking space per bedroom or suite; plus
 - (b) 1 parking space for staff; and
 - (c) 1 parking space for visitors
- (10) The area for parking, including manoeuvring area, is calculated at 27.5 square metre per parking space. A parking bay must be 2.5m by 5.0m in size with a manoeuvring space of at least 6.0m between parking bays.
- (11) No relaxation of parking requirements will be granted by the municipality.

Special consent and business licence required to operate a bed and breakfast or guest house facility

3. (1) A person who wants to operate a bed and breakfast or guest house facility must apply to the municipality in writing in the prescribed format for municipality's approval;
- (2) When the municipality receives an application to operate a bed and breakfast or guest house facility and, before deciding whether or not to approve the application, the municipality –
 - (a) may request the applicant to provide any further information which the municipality considers relevant to enable it to make an informed decision;
 - (b) will take into consideration –
 - (i) the scale and size of the proposed establishment in relation to the character of the area;
 - (ii) whether the premises are suitable for the proposed use;
 - (iii) whether there is sufficient on-site parking facilities for motor vehicles; and
 - (iv) any other matter which would, in its opinion, interfere with the amenities and character of the neighbourhood; and
 - (c) must ensure that the relevant premises are inspected by authorized officials as soon as reasonably possible.
- (3) Subject to subsection (2), the municipality may -
 - (a) approve the application for special consent subject to such terms and conditions that are reasonably aimed at eliminating or reducing the risk, if any, which is likely to be caused by the relevant activity; or

- (b) refuse the application for special consent.

Suspension, cancellation and amendment of special consent

4. (1) The municipality may by written notice to the owner of the property on which a special consent was granted, suspend or cancel the special consent –
- (a) with immediate effect, if the authorized official reasonably believes that it is urgently necessary to do so to eliminate or reduce a significant risk to public health posed by a nuisance; or
 - (b) after expiry of the period stipulated in a notice affording the owner a reasonable opportunity to comply with the notice and the owner having failed to comply with the notice.
- (2) The municipality may add to the conditions of the special consent by written notice to the owner of the property, if the authorized official reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the special consent was issued.

Duties of operator of bed and breakfast or guest house facility

5. A person who operates a bed and breakfast or guest house facility must -
- (a) be resident on the property;
 - (b) abide by all relevant health, fire, business, labour, town planning and media laws and by-laws;
 - (c) ensure that the application for municipality's special consent to operate a bed and breakfast or guest house facility is accompanied by letters of consent from the registered owners of the adjoining properties;
 - (d) keep all sanitary, ablution and water supply fittings in good working order;
 - (e) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen and cloths of whatever nature used in connection with the facility in a clean, hygienic and good condition at all times;
 - (f) supply fresh linen and unused soap for each letting; and
 - (g) take adequate measures to eradicate pests on the premises.

Appeals

6. Any person whose rights are affected by a decision of the municipality or of any authorized official under these Bylaws may,
- (1) in terms of Section 62 of the Local Government Municipal System Act, 2000 (Act No 32 of 2000), appeal against the decision by giving written notice of the appeal and the reasons for the appeal to the municipal manager within 21 days of the date of the issue of the notification of the decision.
 - (2) The municipal manager will refer the appeal to the appropriate appeal authority in terms of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000). The appeal authority must commence with the appeal within 6 weeks and decide the appeal within a reasonable period.

Offences and penalties

7. (1) Any person who -
- (a) contravenes or fails to comply with a provision of these Bylaws or a direction issued by the municipality in terms of these Bylaws, or a condition imposed under these Bylaws;
 - (b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these Bylaws; or
 - (c) furnishes false, incorrect or misleading information when applying for permission from the municipality in terms of a provision of these Bylaws, is guilty of an offence and liable, on conviction, to a fine of R2000-00 or in default of payment to imprisonment for a period not exceeding six months, or to both.

Waiver of provisions

8. (1) The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of this By-law: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- (2) In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

Complaints and Enforcement

9. (1) Any person may file a complaint at the By-law Compliance and Enforcement Office at the municipality, who will address the complaint and inform the relevant department
- (2) The Municipal Manager, the Director of the relevant department or his or her designate or other persons being designated to act for the purposes of this bylaw, are authorized to examine an area within the municipal boundaries on which an infraction is suspected, to determine whether the provisions of this bylaw are being observed or have been violated.

Short title and commencement

10. This Bylaw shall be called the Bed & Breakfast- and Guest House Establishments By-law 2011 and will commence on the date of publication in the Provincial Gazette.

By-law No. 2011 CRÈCHES, CHILDCARE CENTRES AND NURSERY SCHOOLS BY-LAW 2011**BY-LAW**

To provide for the by-law of and to regulate the crèches, child care centres and nursery schools in the Sol Plaatje municipality; and for matters connected therewith.

The Sol Plaatje Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with sections 11 - 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-law and therefor:

BE IT ENACTED by the Sol Plaatje municipality, as follows:-

Definitions

1. (1) In these Bylaws, unless the context otherwise indicates –

“**act**” means the Child Care Act, 1983 (Act No 74 of 1983) as amended; and the Childrens’ Act 2005 (Act 38 of 2005) as amended by the Childrens’ Amendment Act, 2007

“**child**” means a child admitted to a child care facility in terms of these by-laws or the Act and “**children**” has a corresponding meaning;

“**child care facility**” means any building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two or more children of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, with the inclusion of creches; child care centres, creches-cum-nursery schools; nursery schools; day care premises; playgroup premises; after school centre and private hostels but shall not include a boarding school, school hostel or other establishment which is maintained or used mainly for the tuition or training of children and which is controlled by, registered at or approved by the Northern Cape Provincial Department of Education;

“**council**” means the municipal council of the Sol Plaatje Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

“**residential crèche or childcare centre**” means a crèche or childcare centre restricted to a maximum of 30 children, on any Residential 1 zoned stand and means a building or premises or part thereof which is maintained or used for the custody and care of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises.

“**creche-cum-nursery school**” means any building or premises where a nursery school programme applies and which is maintained or used for the custody, care and tuition of more than six children of pre-school going age during the whole or part of

the day, on all or only some days of the week, but does not include a play group or day care premises;

“**commercial crèche or childcare centre**” means a commercial crèche or childcare centre whose number of children is restricted by the municipality in terms of the motivated application and is restricted to nodes and/or erven fronting onto collector roads.

“**daycare premises**” means any residential building or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of ten children of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, but does not include a playgroup premises.

“**holder**” means the person who has applied for the registration of a child care facility in terms of the provisions of these by-laws or the Act, and to whom a registration certificate for the child care facility concerned has been issued;

“**municipality**” means Sol Plaatje Municipality and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation

“**municipal manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998); or his or her designate or other persons being designated to act for the purposes of this bylaw,

“**play group premises**” means any residential building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of twenty children, of different parents or guardians apart from their parents or guardians, for not more than five days per week for a full day or part of a day, but does not include a day care premises;

“**registration**” means :

- (a) in the event of a child care facility where a maximum of six children are to be accommodated, registration with the municipality;
- (b) in the event of a child care facility where seven or more children are to be accommodated, registration in terms of the Act (No 74/1983).

Licensing

2. (1) No person or body of persons shall establish, erect, maintain or conduct a crèche, child care centre or facility, or a crèche-cum-nursery school unless such person or body is in possession of a license from the municipality authorizing him to do so, specifying the premises to which such license relates and stating the number and ages of children permitted to be kept on such premises.
- (2) A license shall not be granted in terms of subsection (1) unless a crèche, child care centre or crèche-cum-nursery school complies with the provisions of these by-laws to the satisfaction of the municipality’s officer of health

- (3) The person, or in the case of crèche or crèches-cum-nursery school administered by a body of persons, such body, licensed in terms of subsection (1), shall be responsible for the care and supervision of the children specified in such license and shall at all times be responsible to the municipality for the satisfactory performance of his obligations in terms of such license.
- (4) A license issued in terms of this section shall not be transferable.
- (5) A license issued in the form of a certificate of approval must be displayed at all times on the inside of the main door of the child care facility, crèche or crèche-cum-nursery school.

Specific requirements in respect of buildings for children aged 3 years and over but under school-going age for all-day care

3. (1) The following minimum accommodation and facilities shall be provided in respect of crèche, child care centres and crèches-cum-nursery schools admitting for all-day care children aged 3 years and over but under school-going age.
 - (a) An office
 - (b) A staff room provided that one room may, subject to the approval of the officer of health, be used as an office and staff room combined;
 - (c) An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in wash-hand basin with hot and cold running water and equipped with a first-aid cupboard and equipment and bed or stretcher
 - (d) A playroom for play activities, serving of meals and sleeping purposes with a minimum free-playing area of 3m² for every child, not more than one-third of the total indoor play area may consist of a covered veranda or stoep, which shall be protected against wind, rain and other inclement weather conditions.
 - (e) A kitchen complying with the following requirements
 - (i) The kitchen including scullery, shall have a minimum floor area of 14m² for a maximum of 30 children accommodated with an additional 0,3 m² per child for 30 to 100 children and a further 0.1 m² per child for every child in excess of
 - (ii) The kitchen shall be provided with a double compartment sink, wash-hand basin, vegetable washing sink and where the officer of health deems it necessary; an approved pot-washing sink shall be installed on the premises
 - (iii) In the discretion of the municipality and after due consideration having been given to the manner, amount and nature of cooking undertaken on the

premises, there shall be provided, immediately above every cooking stove, oven or similar apparatus, a hood or canopy of adequate size, having a flue at least 300mm in diameter and in addition such mechanical device as the Municipality shall deem necessary in these circumstances, exhausting to the atmosphere at such a position or manner as is necessary to prevent the discharge there from constituting a nuisance or annoyance to the neighbourhood: provided that where the municipality is satisfied that the purposes of this subsection will be effectively achieved thereby, a mechanical device may be provided instead of a hood or canopy as aforesaid;

- (iv) The washbasins mentioned in paragraph (5)(b) shall be made of stainless steel or other approved impervious material and shall have an adequate and wholesome supply of hot and cold running water effectively distributed and laid over the sinks and wash-hand basins
- (v) Each bowl of the double –compartment sink shall have a minimum depth of 225mm and minimum capacity of 55 litres
- (vi) The draining boards of the sinks shall be fitted with 150 mm splash screens and installed 100mm from any wall surface, and every part of a wall surface within 600mm from any part of the sink or draining board so installed, shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height at least 1.5 m from the floor.
- (vii) The floor of the kitchen shall be of concrete or other similar impervious material
- (viii) Natural light and ventilation shall be provided in accordance with the municipality's building by-laws
- (ix) Wall surfaces shall be tiled or smooth-plastered and oil-painted in light-coloured oil
- (x) Ceilings shall be dust proof
- (xi) All cupboards, shelves and other equipment for the storage of kitchen utensils and equipment shall be of metal and shall be so fitted or situated as to be easily cleaned and not for favour the harbourage of insects, rodents and other vermin;
- (xii) All worktables shall be constructed of metal with a stainless steel top;
- (xiii) The stove or other cooking units shall be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surfaces to allow for cleaning;
- (xiv) Facilities for the storage of vegetables shall be provided;

- (xv) There shall be provided suitable refrigeration facilities for the storage of perishable foodstuffs
 - (xvi) There shall be provided a sufficient number of metal bins with covers for the temporary storage of refuse pending disposal
- (2) Nothing contained in these by-laws shall preclude the use of a domestic kitchen, situated on the premises of a nursery school or crèche-cum-nursery school, provided such kitchen complies with the requirements of these by-laws;
- (3) A storeroom or pantry, properly ventilated and rodent-proof, having a minimum floor area of 6.5 m² and a minimum width of 2m.
- (4) Storage for stretchers, bedding and linen
- (5) Storage for personal belongings of every child
- (6) Storage accommodation for indoor and outdoor play materials and equipment
- (7) Sanitary and ablution facilities for the children complying with the following requirements
- (a) Easy access between ablution facilities, play rooms and outdoor play area shall be provided
 - (b) There shall be provided one water closet for every 10 children or part of 10 children
 - (c) No division of toilets for the sexes is necessary
 - (d) Seats of water closets should be reduced size, juvenile type as approved by the officer of health seats should be of tilt-up and front-cut away type
 - (e) There shall be provided one wash-hand basin for 10 children or part of 10 children and such basin shall be so fitted that the upper surface shall not be more than 500mm above floor level
 - (f) A constant supply of running cold water or thermostatic controlled water shall be provided to the wash-hand basins set aside for use by the children
 - (g) The floors of the ablution block shall be of impervious material rendered to a smooth surface
 - (h) There shall be provided a sufficient number of impervious bins with cover for the temporary storage of paper, paper towels, tissues and other articles pending disposal

- (8) Sanitary and ablution facilities for the staff shall be entirely separate from such facilities provided for the children and shall have no direct communication with any apartment used in connection with the children;
- (9) There shall be provided 1 toilet and 1 wash-hand basin for every 15 persons or part of 15 persons
 - (a) A constant supply of hot and cold water shall be provided to each wash-hand basin.
 - (b) All wash-hand basins shall be close fitting to walls and the walls at the rear of such basins shall be glaze tiled to a height of not less than 450mm above the upper surface of such wash-hand basis, or be treated in some other material similar to tiling.
- (10) Laundry facilities shall be provided to the satisfaction of the officer of health
- (11) Outdoor areas of minimum of 5.5 m² per child shall be provided. This area shall provide for grassy areas and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels

Specific requirements in respect of building for children under 3 years of age

- 4. (1) The following minimum accommodation and relevant services shall be provided for the accommodation of children under 3 years of age:
 - (a) An office
 - (b) A staff room provided that one room may, subject to the approval of the officer of health, be used as an office and staff room combined
 - (c) An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in wash-hand basin with hot and cold running water and equipped with a first –aid cupboard and equipment and bed or stretcher
 - (d) A nursery which shall provide 3.5 m² indoor area per child. Cots shall be arranged so that there shall be a minimum of 750 mm between the cots. Not more than one-third of the total indoor nursery space may consist of covered veranda or stoep, which shall be protected against wind, rain, and other inclement weather conditions
 - (e) A wash-hand basin shall be provided in each nursery
 - (f) A milk kitchen with a minimum size of 8.5 m² for a maximum number of 25 babies and thereafter the size of the room and facilities to be increased according to the satisfaction of the officer of health. The milk kitchen shall comprise
 - (g) Receiving compartment for sterilizing bottle, fitted with a stainless steel double-compartment sink.

- (h) Preparation compartment separate from receiving compartment fitted with refrigeration unit, stove and wash- hand basin.
- (i) A kitchen in terms of section 4;
- (j) A pantry in terms of section 4;
- (k) Storage for bedding and linen;
- (l) Storage for prams;
- (m) Storage for personal belongings of child;
- (n) Sanitary and ablution facilities for children complying with the following requirements-
 - (i) A sluice room, with a minimum floor area 6, 5 m² equipped with a sluice sink, fitted with 150 mm splash screen and installed 100 mm from wall surface. Every part of a wall surface within 600 mm from sink shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1, 5 m from floor. Wash hand basin to be provided in sluice room.
 - (ii) A bathing unit with minimum floor area of 6,5m² fitted with 2 baby bathing units for every 20 children, such units to be approved by the officer of health. The flow of water to be supplied to bathing units by side inlets or movable overhead fittings and the temperature of the water to be supplied to bathing units hands basin shall be provided in the bathing unit and a constant supply of hot and cold running water shall be provided to a sluice sink and wash-hand basin.
 - (iii) For children not using napkins, toilet equipment of such a nature as meets with the approval of the officer of health shall be provided. Such equipment shall be suitably stored and used only in sluice room, save where it may be required for use in the isolation.
 - (iv) Napkins by means of-
 - (aa) a recognised napkin service, in which case provision shall be made for separate storage facilities for clean and soiled napkins; or
 - (bb) a laundry service on the premises in an approved laundry which shall comprise 3 units as follows-
 - (aaa) Receiving and pre-cleaning unit;
 - (bbb) Washing, dry and ironing unit;

- (ccc) Storage and despatch.
- (o) A sufficient number of impervious bins with covers for temporary storage of soiled paper, tissues, paper towels and other articles pending disposal; and
- (p) Floors of sluice rooms and bathing unit of impervious material;
- (q) Sanitary and ablution facilities for the staff in terms of section 6(1)
- (r) Storage for indoor and outdoor play materials and equipment.
- (s) Washing and laundry facilities on or off the premises shall be provided to the satisfaction on the officer of health.
- (t) The minimum outdoor area of 3m² per child shall be provided for the use of perambulators and playpens and outdoor activities for the toddler group; this area shall provide for lawns and shade and shall be free of excavations and dangerous steps or surfaces.

General requirements relating to building and parking facilities

- 5. (1) All buildings for child care facilities, crèches and crèches-cum-nursery schools shall comply with the following requirements
 - (a) The building shall be constructed of such material and in such a manner as to conform to the National Building By-laws and any other relevant laws;
 - (b) The window of all offices, playrooms, isolation rooms and other apartment shall be equal to not less than 15% of the floor area of each such room. The window areas of store rooms, sanitary blocks, sculleries and laundries shall be equal to not less than one –tenth of the floor area. At least half of the total window area in any such room shall be capable of being opened for ventilation purposes. Adequate artificial lighting shall be available throughout any such building. Window in playrooms, office and isolation rooms shall not be more than 750 mm from ground level and shall be especially constructed so as not to open at a level dangerous to the children;
 - (c) All floors and skirting's shall be finished with a smooth surface, free of dangerous defects, and shall be incapable of collecting dust or dirt; Except as otherwise herein provided, the internal walls throughout shall be smooth surfaced and shall be covered with a light-coloured, durable washable finish;
 - (d) All rooms shall be sealed and such ceilings and cornices shall be tight-joined and close-fitting and shall be covered with a light-coloured, durable washable finish;
 - (e) All internal woodwork shall be, of sound construction and so designed or fitted as not to favour the collection of dust or the harbourage of insects;

- (f) Every apartment on the premises shall be so provided with windows, doors or other openings as to ensure the proper cross ventilation of such apartment;
 - (g) All external wall, pillars, roof, roof gutters and down pipes and any other external part of the building or buildings shall be of sound construction and in a clean and slightly state.
- (2) Parking for a crèche, child care centre shall be provided as follows:
- (a) 1 parking bay per class room plus 1 parking bay for every 10 children
 - (b) All parking and zones for dropping off and picking up of children shall be on site
 - (c) In the Economic zone for stimulation and promotion the above parking requirements may be relaxed by the municipality

Accommodation

6. (1) When employees are provided with accommodation, such accommodation shall be separate for the sexes and shall be so situated and constructed as to conform to the relevant Building Control By-laws.
- (2) Where no accommodation is provided on the premises of the crèche or crèche –cum-nursery school, a cloakroom or lockers for personal effects shall be provided.
- (3) The following facilities shall be provided on the premises for the use of employees of the crèche or crèche-cum-nursery school:-
- (a) Separate water-closet accommodation;
 - (b) Separate ablution facilities in the form of shower or baths;
 - (c) The facilities referred to in paragraphs (a) (b) shall be provided in separate apartments but shall form one composite block, within which or in close proximity to which a wash-hand basin shall be placed;
 - (d) A constant supply of hot and cold water shall be provided at the baths, showers, sinks and wash hand basin;
 - (e) Soap, nailbrushes and clean towels shall be provided in the ablution block at all times;
 - (f) The area shall be screened from any part of the crèche or crèche-cum-nursery school.

Equipment

7. (1) Equipment for children, in child care facilities, crèche or crèches-cum-nursery schools shall comply with the following requirements-
- (a) Chairs shall be of such weight that they can be lifted by the child. They shall be free of splinters or other rough or dangerous surfaces and shall be of such a height as to permit the child to sit thereon with both feet on the floor. They shall not exceed 300 mm in height for the age-group 2 years upwards, and 20 mm for the age-group under 2 years;
 - (b) Tables shall be movable and shall be of strong solid construction. They shall be free of splinters or other rough or dangerous surfaces, and shall not exceed 450 mm in height for the age-group 2 years upwards and 350 mm for the under 2 year group;
 - (c) All beds, cots, stretchers, mats or other furniture for resting or sleeping purposes shall be designed to the satisfaction of the officer of health and shall be used by only one child whose name or symbol shall be clearly affixed thereto. An adequate number of sheets, waterproof sheets, blanket, or other bedding shall be readily available for use;
 - (d) Indoor and outdoor playing equipment shall be provided and such equipment shall be of such nature as not likely to enable a child to injure himself or cause injury to others;
 - (e) No padding pool, swimming pool, sand pit or other structure shall be permitted without the prior approval of the officer of health and only subject to such conditions as may laid down by him from time to time.

Medical care of children

8. (1) Every licensee of a child care facility, crèche, child care centre or crèche-cum-nursery school or any other person in charge of the children licensed to be therein shall-
- (a) Strictly observe all children for any signs of illness, indisposition, or other abnormal condition;
 - (b) Immediately notify the parent or guardian of such illness indisposition, or other abnormal condition;
 - (c) If necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner of any child suffering or suspected to be so suffering, or in the event of the unavailability of such medical practitioner, summon a medical practitioner appointed by the crèche or crèche-cum-nursery school;

- (d) Immediately isolate the child or children so suffering in the isolation room provided for the purpose, and devote all care necessary to the comfort and treatment of the child whilst on the premises;
- (e) Carry out all instructions issued by the medical practitioner and in the event of a communicable disease, notify the officer of health immediately; and
- (f) Keep a record of all injuries and illnesses, which occurred whilst the child was on the premises.

Personal toilet equipment

9. (1) Provision shall be made in the ablution block or in an adjacent apartment by means of hooks lockers or other means approved by the officer of health for the separate storage of the personal toilet equipment of each child in a crèche or crèche-cum-nursery school.
- (2) Such storage accommodation and the personal toilet equipment stored shall be clearly marked in such a manner as to be easily recognised by each child.
- (3) The following minimum personal toilet equipment shall be available for the sole use of each child in the crèche or crèche-cum-nursery school:-
- (a) Face cloth;
 - (b) Towel;
 - (c) Handkerchief or disposable tissues;
 - (d) Comb;
 - (e) Soap;
- (4) Provision shall be made for the boiling, washing, or disinfecting of children's toilet equipment.

Safety measures

10. (1) The following measures shall be taken by a licensee of a child care facility, crèche-or crèche-cum- nursery school for the safety of the children therein-
- (a) Adequate measures shall be taken for the protection of the children against fires, hot water installations, electrical fittings, and appliances, heating appliances and any other article or thing, which may be dangerous or cause injury to any child; the consent of the municipality's fire department needs to be obtained regarding the safety issues mentioned herein,
 - (b) Any slats or rails used in enclosures, playpens, beds, cots or for any other purpose whatsoever shall be not more than 75 mm apart and shall be firmly fixed and free from splinters or other rough or dangerous surfaces;

- (c) The premises shall be entirely enclosed by means of a suitable fence; wall or other means so constructed as to completely preclude children from leaving the confines of the premises of their own accord and prevent the entrance of domestic animals. All gates or doors in such boundaries shall be close fitting and securely locked or otherwise closed, so as to prevent children opening them;
- (d) A first-aid box with the necessary materials and equipment to the satisfaction of the officer of health, shall be provided and shall be readily available for use and kept out of the children's reach at all times;
- (e) All medicines, corrosive and other harmful substances shall be stored in a safe manner, and shall not be accessible to children;
- (f) No dog or cat or any noxious or poisonous plant or shrub shall be permitted on the premises of a crèche or crèche-cum-nursery school;
- (g) No person suffering from any infectious or communicable disease and no person who has been in contact with any person so suffering, and who has not cleansed his person and clothing so effectively as to render him incapable of spreading such disease and no person whose body is not in a clean and healthy condition, shall be allowed on the premises of a crèche or crèche-cum-nursery school;
- (h) The provisions of the by-laws regarding the exclusion from school on account of infectious diseases made by the Ministry of Health, shall apply to all crèches, child care centres and crèches-cum-nursery schools.

Duties of the licensee

11. (1) Every licensee of crèche, child care centre or crèche-cum-nursery school shall-
- (a) Maintain every part of the crèche or crèche-cum-nursery school, including outdoor area and all things belonging thereto, at all times in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things;
 - (b) Keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment used for the storage, preparation and serving of sanitary condition and free of any defect;
 - (c) Provide and maintain efficient measures for the prevention and destruction of flies, cockroaches rodents and other vermin in such crèche or crèche-cum-nursery school, and provide and maintain in sound condition sufficient mosquito nets for the protection of children against flies or mosquitoes;
 - (d) Provide and maintain efficient at all times suitable means for protecting all foodstuffs from contamination by dust, dirt, flies or any other vermin;
 - (e) Provide all times an adequate supply of soap, clean towels and nail brushes or any other at wash hand basin;

- (f) Ensure that all persons engaged in the crèche or crèche-cum-nursery school are clean in person and clothing at all times
- (g) Provide clean and sound overalls or coats of light coloured washable material and suitable head covering for the use of persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;
- (h) Provide adequate storage space to the satisfaction of the officer of health for toys, books and other indoor and outdoor toy materials and ensure that such storage space shall be within the easy reach of children from floor level
- (i) Ensure that the children are at all times under the direct supervision or at least one adult;
- (j) Ensure that each child uses his own personal toilet equipment;
- (k) Ensure that all meals provided to the children meet with the requirements of the officer of health.
- (l) Records of menus of all meals shall be kept, and shall be open to inspection at all times. All menus shall be approved by the officer of health;
- (m) Ensure that personnel in charge of food handling is medically examined before employment and proved to be free from infectious or contagious diseases and thereafter ensure the maintenance of such medical examination annually

Application for admission

12. (1) An application in the form stated in paragraph (a) to (f) hereinafter, shall be completed by the parents or guardian of a child before admission to a crèche, child care centre or crèche-cum-nursery school and delivered to the licensee-
- (a) The child's name and date of birth;
 - (b) Dates of admission and discharge;
 - (c) Name, address and telephone number of parents; or
 - (d) Place of employment and telephone number of parents or guardian
 - (e) Name, address and telephone number of a responsible person other than the parents or guardian, who may be consulted in emergencies;
 - (f) Name, address and telephone number of child's medical practitioner and permission to send for him should circumstances so require.

Register

13. (1) The licensee shall keep an admission and discharge register of all the children

admitted to and discharged from the child care facility, crèche-crèche-cum-nursery school.

- (2) The licensee shall keep a record of attendance in with the presence or absence of children at a crèche or crèche-cum-nursery school shall be noted daily.
- (3) A diet register shall be kept in which the nature and times when all foodstuffs are served, shall be noted daily.

Medical report

14. (1) A medical report containing the following data shall be obtained in respect of each child and kept by the licensee.
 - (2) Information concerning the child's general state of health;
 - (a) Children's ailments and other communicable disease from which the child has suffered and the dates on which he had them;
 - (b) Details of immunisation against smallpox, poliomyelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis;
 - (c) Possible allergies and diseases such as epilepsy

Journal

15. (1) A journal shall be kept by the licensee in which important and outstanding events such as accidents requiring hospitalisation, the programme of daily activities and other relevant data are noted in respect of each child.

Termination of operations

16. (1) The licensee shall notify the municipality of the temporary or permanent termination of the operation of the crèche, child care centre or crèche-cum-nursery school to which the license relates.

Application of standard by-laws to existing crèche, child care centres, facilities and creches-cum nursery schools

17. (1) The owner of a crèche, child care centre and crèche-cum-nursery school licensed by the Municipality before the date of coming into operation of these by-laws, shall be permitted to comply with the provisions of these by-laws within twelve months after the date of promulgation thereof in the Provincial Gazette
 - (2) The Municipality may, in case where reason to its satisfaction is given, extend the period stated in subsection (1) to a maximum of eighteen months.

Offences and penalties

18. (1) Any person who-

- (a) contravenes or fails to comply with a provision of these Bylaws or a direction issued by the municipality in terms of these Bylaws, or a condition imposed under these Bylaws;
- (b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these Bylaws; or
- (c) furnishes false, incorrect or misleading information when applying for permission from the municipality in terms of a provision of these Bylaws, is guilty of an offence and liable, on conviction, to a fine of R3000-00 or in default of payment to imprisonment for a period not exceeding six months, or to both.

Withdrawal of licence

19. (1) The Municipality may at its discretion withdraw a licence issued in terms of these by-laws, should the licensee be convicted of a breach of any of the provision of these by-laws.

Complaints and Enforcement

20. (1) Any person may file a complaint at the By-law Compliance and Enforcement Office at the municipality, who will address the complaint and inform the relevant department
- (2) The Municipal Manager, the Director of the relevant department or his or her designate or other persons being designated to act for the purposes of this bylaw, are authorized to examine an area within the municipal boundaries on which an infraction is suspected, to determine whether the provisions of this bylaw are being observed or have been violated.

Appeals

- 21 (1) Any person whose rights are affected by a decision of the municipality or of any authorized official under these Bylaws may, in terms of Section 62 of the Local Government Municipal System Act, 2000 (Act No 32 of 2000), appeal against the decision by giving written notice of the appeal and the reasons for the appeal to the municipal manager within 21 days of the date of the issue of the notification of the decision. The municipal manager will refer the appeal to the appropriate appeal authority in terms of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000). The appeal authority must commence with the appeal within 6 weeks and decide the appeal within a reasonable period.

Waiver of provisions

22. (1) The Municipality may, if it deems it desirable to do so in the public

interest, waive compliance with or relax the provisions of this By-law: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.

- (2) In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

Short title and commencement

23. This Bylaw shall be called the Crèches, Childcare Centres and Nursery Schools By-law 2011 and will commence on the date of publication in the Provincial Gazette.

By-law No

LIQUOR TRADING BY-LAW 2011

BY-LAW

To provide for the by-law of and to control times and days at/on which liquor could be sold and allocation of sale time to different establishments in the Sol Plaatje municipality; and for matters connected therewith.

The Sol Plaatje Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with sections 11 - 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-law and therefor:

BE IT ENACTED by the Sol Plaatje municipality, as follows:-

Definitions

1. (1) In these Bylaws, unless the context otherwise indicates –

"municipality" means Sol Plaatje Municipality and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation

"municipal manager" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998); or his or her designate or other persons being designated to act for the purposes of this bylaw,

"establishment" means the type of premises, business, outlet or land use activity as described and defined in the Act or relevant applicable local zoning scheme, and

"undertaking" has a corresponding meaning;

"the Act" means the Northern Cape Liquor Act (Act No. 4 of 2008) as amended, as read with the Liquor Act 59 of 2003

Trading days and hours for consumption on licensed premises

2. (1) Businesses licensed to sell liquor in terms of the Act may sell liquor for consumption on licensed premises of such business situated within the area of jurisdiction of the Sol Plaatje Municipality, on the following days and hours:

- (a) On any day of the week from Monday to Sunday; and
- (b) During the hours of trade as set out in the Schedule.

Trading days and hours for consumption off licensed premises

3. (1) Retail food stores licensed to sell liquor by the Liquor Licensing Board in terms of the Act may sell liquor for consumption off the licensed premises of such business situated within the area of jurisdiction of the Sol Plaatje Municipality, on the following days and hours:

- (a) On any day of the week from Monday to Sunday; and
- (b) During the hours of trade as set out in the Schedule.

- (2) Liquor or bottle store undertakings licensed to sell liquor by the Liquor Licensing Board in terms of the Act may sell liquor for consumption off the licensed premises of such business situated within the area of jurisdiction of the Sol Plaatje Municipality, on the following days and hours:
- (a) On any day of the week with the exception of Sundays or public holidays; And
 - (b) During the hours of trade as set out in the Schedule.

Offences and penalties

4. (1) Any person who -
- (a) contravenes or fails to comply with any provision of this By-Law;
 - (b) fails to comply with any notice issued in terms of this By-Law;
 - (c) fails to comply with any lawful instruction given in terms of this By-Law;
 - (d) who obstructs or hinders any authorized representative in the execution of his or her duties under this By-Law, is guilty of an offence and liable on conviction to a fine not exceeding R2000-00 or, in default of payment, to imprisonment for a period not exceeding 3 (three) months and in the case of a continuing offence, to a further fine not exceeding R2000-00 or, in default of payment, to imprisonment not exceeding one day, for every day during the continuation of such offence, after written notice has been issued by the municipality and served on the person concerned, requesting the discontinuation of such offence.
- (2) Any person's license to conduct business may, or can be revoked by the municipality and his business closed down, if such a person is found guilty of an offence as mentioned above in sub-clause(1)

Waiver of provisions

5. (1) The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of this By-law: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- (2) In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

Complaints and Enforcement

6. (1) Any person may file a complaint at the By-law Compliance and Enforcement Office at the municipality, who will address the complaint and inform the relevant department
- (2) The Municipal Manager, the Director of the relevant department or his or her designate or other persons being designated to act for the purposes of this bylaw, are

authorized to examine an area within the municipal boundaries on which an infraction is suspected, to determine whether the provisions of this bylaw are being observed or have been violated.

Appeals

7. (1) Any person whose rights are affected by a decision of the municipality or of any authorized official under these Bylaws may, in terms of Section 62 of the Local Government Municipal System Act, 2000 (Act No 32 of 2000), appeal against the decision by giving written notice of the appeal and the reasons for the appeal to the municipal manager within 21 days of the date of the issue of the notification of the decision.
- (2) The municipal manager will refer the appeal to the appropriate appeal authority in terms of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000). The appeal authority must commence with the appeal within 6 weeks and decide the appeal within a reasonable period.

Short title and commencement

8. This By-law shall be called the **Liquor Trading By-law 2011** and will commence on the date of publication in the Provincial Gazette.

By-law No. CAR WASH ENTERPRISES BY-LAW 2011

BY-LAW

To provide for the by-law of and to formulize and regulate Car Wash Enterprises in the Sol Plaatje municipality; and for matters connected therewith.

The Sol Plaatje Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with sections 11 - 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-law and therefore:

BE IT ENACTED by the Sol Plaatje municipality, as follows:-

Definitions

1. (1) In these Bylaws, unless the context otherwise indicates -

“**car wash**” means any facility where cars are being washed\cleaned for payment.

“**municipality**” means Sol Plaatje Municipality and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation

“**municipal manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998); or his or her designate or other persons being designated to act for the purposes of this bylaw,

General

2. Anybody who wants to establish a car wash enterprise shall lodge an application with the licensing authority of the Sol Plaatje municipality in terms of the Land Use Management Scheme or any other statute.

The car wash site

3. (1) An area (36 square metre) and boundary should be stipulated.

(2) The site should at least be above the 1: 100 year floodline.

(3) Grass and trees should landscape the site where possible.

Structures

4. (1) No permanent structures should be built on the site.

(2) Structures must be temporal since the land belongs to the Sol Plaatje Municipality

(3) Structures must be as strong as possible to withstand bad weather conditions and they should be built according to the specifications of The Building By-laws.

(4) The following should be accommodated in the structures:

- (a) A reception, a storeroom, ablutions for both male and female staff and customers,
- (b) Change rooms for both male and female staff, a waiting and restroom for customers, a cafeteria for employees (optional).
- (c) The structures should be up to required building standards i.e. ablutions etc. and be properly connected to the public sewer.
- (d) There must be potable running water for domestic use and ablutions, electricity and telephone (optional).

The car washing bay

5. (1) The car wash bay needs a proper design i.e. Proper slope
- (2) It should be well drained (it should not allow stagnant water) and connected to the public sewer.
- (3) Durable slab should surface the bay.
- (4) The bay should be kept free of soil/ earth. This could be done through the construction of concrete ridges on the sides of the bay.
- (5) Car Wash Equipment and Material: The recommended equipment and material:
- (a) Water: A potable and reliable source.
 - (b) Soap: Environmentally friendly
 - (c) Buckets and Brooms
 - (d) Protective clothing: Dust coats, gumboots and gloves
 - (e) Hoase pipe
 - (f) 1 Standpipe or two
 - (g) Washing swabs
 - (h) Vacuum cleaner e.g. Hoover
 - (i) Refining equipment and material: Polish etc.
 - (j) Any other approved by authority
- (6) The Staff:
- (a) The staff should be well trained in the different affiliated fields in the car washing business e.g. a licensed driver
 - (b) Child labor is discouraged.

Other requirements

6. (1) Solid Waste containment facilities i.e. Trash and recycle bins at strategic points.
- (2) Firefighting equipment
- (3) First aid kits.
- (4) Documented and displayed maintenance plan for all structures and systems.

Water Pollution: Impact mitigation measures

7. (1) In order to control water pollution, the following shall be applicable:

- (a) Installation of an oil separator at the discharge point of the drainage network.
- (b) Testing of effluent from oil separator.
- (c) Connection to public sewer.
- (d) Use of durable material during construction i.e. pipes, cement etc
- (e) No use of river water
- (f) Water stored in tanks should be clean and safe for domestic use.
- (g) A maintenance plan for the wastewater system must be formulated.

Soil Pollution: Impact mitigation measures

8. (1) In order to control soil pollution, the following shall be applicable:
- (a) Durable surfacing of car washing bay.
 - (b) The car wash bay must be properly designed to easily drain away water.
 - (c) Bare surfaces should be landscaped and grassed
 - (d) Durable ridges on the edges of the car wash should be constructed to keep the bay free from soil.
 - (e) Material used in the construction of the car wash bay has to be durable
 - (f) Enviro-friendly chemicals have to be the preferred option e.g. biodegradable soaps.
 - (g) A maintenance plan for the car wash bay must be formulated and 'Car Wash Owner' displayed.

Land Degradation: Impact mitigation measures

9. (1) In order to control land degradation, the following shall be applicable:
- (a) Landscaping of bare surfaces with grass.
 - (b) Installation of gabions on river banks to prevent landslides.
 - (c) Durable surfacing of site wherever possible.
 - (d) Installation of gutters or durable slabs on the temporal structures.
 - (e) The site should be moderately sloped.
 - (f) Surface drains above the site should be opened to redirect the flow of water away from site.

Biodiversity: Impact mitigation measures

10. (1) In order to control biodiversity, the following shall be applicable:
- (a) No unreasonable and excessive removal of vegetation.
 - (b) Onsite fauna found should be given time to migrate
 - (c) No water pollution.
 - (d) No soil pollution.

Land Encroachment: Impact mitigation measures

11. (1) In order to control land encroachment, the following shall be applicable:
- (a) Marking out and fencing of plot boundaries before any construction activities.
 - (b) All business Car Wash Owner activities should be kept within the site and measures to prevent overlaps must be implemented.

Poor solid waste management: Impact mitigation measures

12. (1) In order to control poor solid waste management the following shall be applicable:
- (a) Provision of waste containers i.e. waste bins, recycle bins etc.
 - (b) Waste production at source should be minimized through the use of recyclable and reusable material.

Refuse Collection: Impact mitigation measures

13. (1) In order to control refuse collection, the following shall be applicable .
- (a) Regular clean-ups on and around site.
 - (b) Re-use of waste like tyres to prevent land degradation and for landscaping.
 - (c) No burning of waste on, near and around site.
 - (d) No illegal dumping/ littering on and around the site.

Poor sewage and wastewater management: Impact mitigation measures

14. (1) In order to control poor sewage and wastewater management, the following shall be applicable.
- (a) No discharge of any liquid or wastewater into the nearest river
 - (b) Well-connected and drained ablutions and car wash bays.
 - (c) Well-designed and concrete surfaced car wash bay and drains.
 - (d) Sanitary facilities should be up to standard in accordance with the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) and the By-laws governing general hygiene requirements.
 - (e) Application to the for connection and sewage and wastewater management.
 - (f) Efficient and conservative use of water.
 - (g) Connected to commercial meter since the water supply would be for commercial use, preferably the use of borehole water.
 - (h) Effective solid waste management
 - (i) Effective sewage and wastewater management.
 - (j) Landscaping of site.
 - (k) No unreasonable and excessive vegetation removal.
 - (l) The use of approved equipment and material to wash cars.

Sanitation and Hygiene

15. (1) Effective sewage and wastewater management system
- (2) Effective solid waste management system
- (3) No environmental pollution.
- (4) Regular clean ups of the site including the bay and available structures.
- (5) Safe keeping of working equipment and material in a lockable storeroom
- (6) Health and Safety
- (a) Availability of male and female ablutions for staff and customers.
 - (b) Provision of firefighting equipment
 - (c) Provision of first aid kits and medical contact numbers.

- (d) Proper protective clothing for relevant activities within site.
- (e) Proper construction and set up of structures, systems and connections.
- (f) Efficient documented maintenance plan for structures, systems and connections

Offences and penalties

16. (1) Any person who –
- (a) contravenes or fails to comply with any provision of this By-Law;
 - (b) fails to comply with any notice issued in terms of this By-Law;
 - (c) fails to comply with any lawful instruction given in terms of this By-Law
 - (d) who obstructs or hinders any authorized representative in the execution of his or her duties under this By-Law, is guilty of an offence and liable on conviction to a fine not exceeding R1000 or, in default of payment, to imprisonment for a period not exceeding 3 (three) months and in the case of a continuing offence, to a further fine not exceeding R1000-00 or, in default of payment, to imprisonment not exceeding one day, for every day during the continuation of such offence, after written notice has been issued by the municipality and served on the person concerned, requesting the discontinuation of such offence.

Waiver of provisions

17. (1) The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of this By-law: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound t hereby.
- (2) In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

Complaints and Enforcement

18. (1) Any person may file a complaint at the By-law Compliance and Enforcement Office at the municipality, who will address the complaint and inform the relevant
- (2) The Municipal Manager, the Director of the relevant department or his or her designate or other persons being designated to act for the purposes of this bylaw, are authorized to examine an area within the municipal boundaries on which an infraction is suspected, to determine whether the provisions of this bylaw are being observed or have been violated.

Appeals

19. Any person whose rights are affected by a decision of the municipality or of any authorized official under these Bylaws may,
- (1) in terms of Section 62 of the Local Government Municipal System Act, 2000 (Act No 32 of 2000), appeal against the decision by giving written notice of the

appeal and the reasons for the appeal to the municipal manager within 21 days of the date of the issue of the notification of the decision. The municipal manager will refer the appeal to the appropriate appeal authority in terms of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000). The appeal authority must commence with the appeal within 6 weeks and decide the appeal within a reasonable period.

Short title and commencement

20. These Bylaws are called the Car Wash Enterprises By-law 2011 and will commence on the date of publication in the Provincial Gazette.
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