

LOCAL AUTHORITY NOTICE 1251 OF 2026

**BA-PHALABORWA LOCAL MUNICIPALITY**



**TOWNSHIP & RURAL ECONOMIES BY-LAW**

The Municipal Manager of Ba-Phalaborwa Local Municipality hereby, in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000 read together with section 156 (2) & 162 of the Constitution of the Republic of South Africa, publishes the Control of Outdoor Advertising for Ba-Phalaborwa Local Municipality as approved by its Council, as set out hereunder.

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## 1. PREAMBLE

Whereas sections 152(1) and 153(a) of the Constitution of the Republic of South Africa, 1996 (“Constitution”), require municipalities to promote social and economic development within their jurisdictional areas;

And whereas the Spatial Planning and Land Use Management Act, 2013 (Act No. 05 of 2013), mandates municipal spatial development frameworks to identify current and future economic nodes where public and private investment will be prioritized and identify the designation of areas where incremental upgrading approaches to development and regulation will be applicable;

And whereas the Limpopo Business Registration Act, 2003 (Act No. 05 of 2003), provides for law regarding the registration and carrying on of businesses in the Province; establishment of the Limpopo Directorate of Business Registration and Business Registration Centers; and to provide matters incidental to;

And whereas the dense concentration of poverty, unemployment and related social ills make townships a priority for inclusive growth and development;

And whereas the Municipality acknowledges that townships must be vibrant economic centres;

And whereas section 22 of the Constitution guarantees the right of every citizen to choose his or her trade, occupation or profession freely, and empowers the Municipality to regulate the practice of a trade, occupation or profession by law;

And whereas Government recognizes that participation and meaningful inclusion of businesses in townships will transform the economy, Be it therefore enacted by the Municipal Council of Ba-Phalaborwa Local Municipality, as follows:

Therefore, the Municipal Manager of the Ba-Phalaborwa Local Municipality hereby in terms is section 13(a) Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), presents this Township and Rural Economies By-Laws for the Ba-Phalaborwa Local Municipality as set out hereunder

- (a) The Municipality recognizes the objective of its existence in terms of the Constitution, which includes-
- i. To promote social and economic development.
  - ii. To promote a safe and healthy environment;
  - and iii. Municipal planning, trading regulations, licensing and control of undertakings that conduct trading to the public, markets, public places, municipal roads and street trading.
- (b) The Municipality therefore recognizes the need to adopt a developmental approach to enable access to job and entrepreneurial opportunities as envisaged by the local Economic Development Strategy within the Trading sector, to harmonise the relationship between the Informal Trading sector and the formal trading sector and to facilitate the migration of Informal Trading into the formal trading sector.
- (c) To achieve and fulfill the above-mentioned constitutional objective and responsibility in terms of the Vision and the Mission statement of the Municipality, and after an extensive consultation process with the relevant stakeholders. The municipality has an obligation to develop and adopt a Trading by-law, which aims at creating opportunities for both Formal and Informal Trading sector to share in the benefits of, and further contribute to, the Municipality's local economic growth.
- (d) The purpose of this By-Law is therefore to regulate both Formal and Informal Trading within the jurisdictional area of the Municipality in a manner that recognizes and enhances the municipality's Vision and Mission statement and other statutory obligations.

## DEFINITIONS AND INTERPRETATIONS

In this Regulations unless the context otherwise indicates:

**"Apartment Building"** means a premise, not being a hotel or rooming house, which is divided into not less than three dwelling units, occupied, or equipped to be occupied as rental accommodation.

**"Applicant"** means a person or corporation who makes application for a license under the provisions of this By-law.

**"Automobile Rebuilder"** means a person who rebuilds vehicles from parts obtained from wrecking on site one or more other vehicles.

**"Automobile Wrecker"** means a person who removes used parts from vehicles for resale and disposes of the remainder as junk, salvage, or scrap.

**"Authorised Official"** means-

(a) An employee of the Municipality who has been to administer, implement and enforce the provisions of the Mpumalanga Business Act No.2 of 1996 and this By-law.

(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 1995]; or

(d) Peace Officer, contemplated in terms of Section 334 of the Criminal Procedure Act, 1977[Act No.51 of 1977]

**"Beauty and Wellness Centre"** means a premise used to improve beauty and wellness through styling, cutting, or chemical treatment of hair and through skin and body treatments, including pedicures, manicures, facials, microdermabrasion, waxing, laser, hydrotherapy, anti-aging, skin rejuvenation therapy, aromatherapy, stone therapy massage, and relaxation massage but excludes fitness centres, personal training centres, and health enhancement centres.

**"Bed and Breakfast"** means a business operation carried on by the members of a family as a home occupation to provide temporary sleeping accommodations, with or without meals being provided, all provided for a prescribed charge on a daily basis, where the maximum length of occupancy by a patron is not more than 30 days in a 12-month period.

**"Bookshop"** means a shop where books are sold.

**"Bone Dealer or Dealer in Used Goods"** means a dealer who sells used goods.

**"Business"** means carrying on a commercial or industrial undertaking of any kind or nature, or providing professional, personal or other services for the purpose of gain or profit.

**"Businesses Act"** means the Businesses Act, 1991 (Act No. 71 of 1991);

**"Business Activity"** means the selling of goods, or the supplying or offering to supply a service for remuneration;

**"Business Licence"** means a licence or permit issued by a local government that allows an individual or company to conduct business within the government's geographical jurisdiction;

**"Business Registration Centre"** means Ba-Phalaborwa Local Municipality designated as a business registration centre in terms of section 6 of LIBRA.

**"Business Services Office"** means a business which offers services to a person or another business, including but not limited to typing, answering service and faxing.

**"Café Keeper"** means a business which sells light meals and drinks.

**"Carwash"** means an area or structure equipped with facilities for washing automobiles.

**"Council"** means the Council of Ba-Phalaborwa Local Municipality and include any municipal councillor or employee to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to these regulations.

**"Dairy shop"** means a building where milk and milk products are sold.

**"Designated Area"** means an area Prescribed by the Council in terms of this By-Law, subject to the Act, as the area in which Business can be conducted.

**"Farm Produce Sales"** means a premise used for the retail sale of agricultural and horticultural products which are grown on the same lot as the premises or in the Republic of South Africa

**"Financial Agent"** means a person who carries on the business of lending money, or financing for other persons the sale or purchase of goods or services.

**"Fishmonger or fish fryer"** a person or shop that sells fish for food.

**"Fitness Centre"** means a premise used for the development of physical fitness including health centres, gymnasias, racket and ball courts, and reducing salons if the training or instruction is primarily in group sessions or classes but excludes personal training centres.

**"Foodstuff"** means any article or substance, except drugs as defined in the Drugs and Drug Trafficking Act, 1992[Act No. 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, as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

**“Foreigner”** means an individual who is neither a South African citizen, nor a permanent resident, but is not an illegal foreigner in terms of the Immigration Act, 2002 (Act No. 13 of 2002);

**“Fruit & Vegetable Dealer”** means a person or shop that sells fresh fruit and vegetables.

**“Funeral Parlor”** means an establishment where the dead are prepared for burial and cremation.

**“Furniture Shop”** means a shop that sells furniture.

**“Clothing Retail Shop”** means a shop where clothing is sold.

**“General Dealer”** means a shop that sells a wide variety of goods including groceries.

**“Goods”** means a product marketed for human use or consumption;

**“Illegal goods”** means— (a) goods which may not have been lawfully acquired or disposed of; (b) goods that are prohibited from sale or distribution under any applicable national, provincial, or municipal law; (c) counterfeit goods as defined in the Counterfeit Goods Act, 1997 (Act No. 37 of 1997);

**“Grocery Shop”** means a shop where foodstuffs and drinks are sold.

**“Hairdressing Salon”** means a premise where the primary use is the styling, cutting or chemical treatment of hair.

**“Hair Stylist”** means a person who styles, cuts or treats hair at the residence of a client or at a place of business or premises other than a hairdressing salon.

**“Hardware Store”** means a store where tools and other durable equipment is sold.

**“Health Enhancement Centre”** means a premise used to enhance health through therapeutic touch techniques including acupressure, reflexology, bio-kinesiology, but excludes body rub parlours, fitness centres, beauty and wellness centres, and personal training centres.

**“Hotel”** means a premise providing temporary accommodation by way of furnished sleeping, housekeeping or dwelling units and includes a motel.

**“Ice Cream Vendor”** means a person who sells or offers to sell ice cream and related food items from a vehicle to the public for immediate consumption. For the purposes of this definition, vehicle includes, without limitation, carts, wagons, trailers, trucks and bicycles, regardless of the type of motive power employed to move the vehicle from one point to another.

**"Environmental Health Practitioner"** means a practitioner with appropriate academic training registered with the Health Professions South Africa.

**"Laundry"** means a premise used for the business of washing clothes or other fabrics or for the business of supplying linen to others.

**"Licensed Premise (Any Business Primary)"** means a licensed establishment holding a primary license.

**"Limpopo Business Registration Act, no 5 of 2003"** means the law regarding the registration and carrying on of businesses in the Province; establishment of the Limpopo Directorate of Business Registration and Business Registration Centers; and to provide matters incidental to

**"Livestock Dealer"** means a person who sells animals and birds that are kept in a farm.

**"Motion Picture Film"** means photographic film, pre-recorded videotapes, pre-recorded video disks and includes any other object or device on which or in which there is recorded, by photographic, electronic or other means, the contents of a motion picture, and from which, using a projector, machine of other appropriate technology, the motion picture may be viewed, exhibited or projected.

**"Municipality"** means Ba-Phalaborwa Local Municipality established by the Provincial Notice, as published in the Provincial Gazette, Mpumalanga Province, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"Municipal Council"** means a municipal council referred to in section 157(1) of the Constitution-Ba-Phalaborwa Local Municipal.

**"Municipal Manager"** means a person appointed by Council as the head of the municipal administration or that any person appointed to act in that capacity or powers delegated to him/her or the Municipal Manager's designated official.

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

**"Nuisance"** means conduct or behaviour by a person, an organisation, business or institution or the use, keeping, producing, by-producing, harbouring or conveying, as the case may be, of any item, substance, matter, material, equipment, tool, plant or animal or causing or creating a situation or condition in or on private property or in a public place or anywhere in a municipality which causes

damage, annoyance, inconvenience, noise pollution or discomfort to the public or to a person, in the exercise of rights common to all or of a person;

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**“Obstruct”** means to do anything which blocks or is likely to block vehicular or pedestrian traffic flow on a public road or private road, open or public space or private space;

**“PAIA”** means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

**“Personal Training Centre”** means a premise used for the provision of physical fitness or personal training including yoga, pilates, and weight loss if the exercise or instruction is primarily on a one-to-one basis, and the premises do not exceed 200 m<sup>2</sup> gross floor area.

**“Pharmacy”** means a premise licensed as a pharmacy under the Pharmacists, Pharmacy Operations and Drug Scheduling Act ;

**“Public Monument”** means any one of the "public monuments and memorials", as defined in section 2 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

**“Public Place”** means a building, square, park, recreation ground or open space to which the public has the right of access, or which is shown on a general plan or land use scheme of a township filed in the deeds registry, Surveyor-General’s office or a municipality, and has been provided for the use of the public or the owners of erven in such township;

**“Public Road”** means a public road as defined in section 1 of the National Road Traffic Act;

**“Pharmacy”** means a premise licensed as a pharmacy under the Pharmacists, Pharmacy Operations and Drug Scheduling Act

**“Recycling Depot”** means a building which is used or intended to be used for collecting, sorting, refunding and redistributing recyclable materials and specifically excludes the processing of recyclable material, other than the breaking of glass bottles.

**“Recycling Plant”** means a premise in which recoverable resources, including newspapers, magazines and other paper products, glass and metal cans, are recycled, reprocessed and treated to return the products to a condition in which they may again be used for production.

**“Restaurant”** means a place where people pay to sit and eat meals that are prepared and served on the premises.

**"Rooming House"** means a building not being a hotel containing rooms used exclusively as sleeping units where lodging for three or more persons is provided.

**"Salvage Yard"** means a premise primarily used for storing, wrecking, crushing, piling and similar handling of vehicles, machinery and other equipment which is otherwise considered unusable and includes a junk yard but does not include a recycling plant or recycling depot.

**"Scrap Dealer"** means a person whose primary business is the collection and delivery of scrap to a licensed salvage yard, recycling plant or recycling depot.

**"Scrap Metal Dealer"** means a scrap metal dealer as defined in Scrap Metal.

**"Sell"** means exchange, offer, display, deliver, supply or dispose of, for sale or authorise, direct or allow a sale;

**"Services"** means activities or value created, generated or performed for human consumption;

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

**"Spatial Planning and Land Use Management Act"** means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);

**"Spaza Shop"** means an informal convenience shop usually run from home.

**"Townships"** means residential townships where only the most basic amenities and infrastructure are provided which were initially established during the Colonial and Apartheid eras for occupation by Black South Africans on the outskirts of towns and cities and now also include newly created residential townships, in and on the outskirts of towns and cities, which have been created as a result of South Africa's history; and

**"Township Economies"** means business activities (formal or informal) undertaken in townships.

**"Warehouse"** a large building where raw materials or manufactured goods may be stored prior to their distribution for sale.

**"Wholesale Dealer"** means a person who carries on the business of dealing in a commodity by selling the commodity to retail dealers or to other wholesale dealers or to contractors or to manufacturers for use in their businesses, but does not include a warehouse operator, where the owner of the warehouse does not employ a representative other than the warehouse operator to solicit orders for, or to handle or distribute the commodities.

**"Workshop"** means a room or building where goods are manufactured or repaired.

### **3. SCOPE AND APPLICATION OF THESE REGULATIONS**

The regulations apply to all owners or operators or license holders of businesses in general, whether formal or informal, and their employees within the area of jurisdiction of the Municipality.

### **4. FREEDOM TO ENGAGE IN BUSINESS ACTIVITIES**

(1) Subject to subsection (2) any person that has a business licence, may engage in business activities within the area of jurisdiction of a municipality.

(2) A municipality may, based on its developmental objectives, determine quotas on the proportion of businesses within specific categories of businesses, to be owned and operated by foreigners in line with all the relevant legislation.

(3) In determining the quotas a municipality must ensure, amongst others, that a proportion of the total staff employed in the business are South African citizens or permanent residents in line with all relevant legislation.

(4) A business activity referred to in subsections (1) and (2), is subject to the provisions of— (a) legislation in the Republic of South Africa;

(b) applicable permits or licencing requirements;

(c) other applicable municipal by-laws and policies; and

(d) this standard draft by-law.

(5) A person may not carry on a business activity within the area of jurisdiction of a municipality unless that person is a holder of a business permit issued or transferred to him or her by the municipality.

### **5. REGISTRATION AND PERMITTING OF BUSINESS ACTIVITIES**

(1) A municipality shall delegate the authority to deal with the registration, permitting and enforcing of the by-law for township economies to the municipal manager or any other delegated official.

(2) The delegated official is responsible for—

(a) creating awareness about the application process and applicable policies and by-laws;

(b) assisting and supporting applicants in the application process;

- (c) administering the processing of applications and the timely processing of applications within a set period;
  - (d) reviewing and approving applications for registration or permitting including—
    - (i) receiving, reviewing and approving applications for registration or permitting within a set period;
    - (ii) investigating the feasibility of the application and the compilation of a report thereon;
    - (iii) submitting the application and the feasibility report to the delegated authority; and
    - (iv) issuing of registration cards or permits;
  - (e) resolving complaints and disputes occurring between the municipality and a business; and
  - (f) facilitating efficiency and municipal responsiveness in registering and permitting businesses, as well as enforcing by-laws.
- (3) Application forms for registration or permitting can be accessed physically at the municipal offices and on the municipal website.
- (4) The municipal manager or a delegated official is responsible to establish and maintain a database of registered businesses, which may contain the following information and must be managed in accordance with PAIA guidelines:
- (a) The full name, surname, gender and disability status of the business owner;
  - (b) the identity number of the business owner concerned;
  - (c) the physical and postal address of the business concerned;
  - (d) the location where the business concerned is authorised by such registration to carry on business, and if such registration applies to a trading plan area, the trading bay or market allocated to such a business in accordance with the applicable trading plan;
  - (e) a description of the goods or services that the business concerned is authorised by such registration to sell or provide;
  - (f) a distinguishing registration number;

- (g) citizenship status, passport number, section 22 asylum seeker permit, section 24 refugee permit, valid visa allowing foreign national to be in the Republic to work or conduct business; and
  - (h) any other information that may be required by this by-law or any other law
- (5) The applicant must provide a sworn affidavit stating that he or she is not engaged in the trade of illegal goods as defined in this by-law and that his or her business operations are within applicable norms and standards.
- (6) The municipality reserves the right to conduct background checks on applicants, including liaising with law enforcement agencies, to verify the legality of their business activity.
- (7) A registered business must be issued with a registration card or permit that must be always displayed and be available for inspection.
- (8) The responsible official must put in place a complaints system that can be used by residents and community members to report and receive feedback regarding their complaints or concerns and an appeal process.

## **6. LICENSE REQUIRED**

- (a) No person will carry on a business in the municipality without holding a valid and subsisting license for the business carried on except for those businesses specifically exempted in terms of the Limpopo Business Registration Act, No. 05 of 2003.
- (b) Where a business is carried on; in or from more than one premise in the municipality, the business carried on, in or from each premise is deemed to be a separate business.
- (c) Where a business is carried on as a partnership, it will be sufficient compliance with this regulation if one license is taken out in the name of the partnership or firm and the license fee is paid for the license.

- (d) No person will in the course of that person's business or otherwise operate or permit to be operated any gaming facility except as otherwise expressly permitted by this regulation or by any other by-law of the municipality as may be in existence at any time, or from time to time.
- (e) A business license is required for every business carried out in the municipality or with respect to which any work or service is performed in the municipality whether or not the business is carried on in or from premises in the municipality.
- (f) All building plans for businesses should ensure that there is an existing business licensing as part of the approval process.

#### **7. APPLICATION FOR ISSUE OF TRADING LICENSE.**

- (e) All applications for issue of trading licenses under this regulation must be made to the Licensing Authority; Ba-Phalaborwa Business Registration Centre on the application form provided for that purpose.
- (f) Every applicant must make a true and correct statement in writing on the application form disclosing the nature and character of the business to be carried on, the address of the business, and all other facts as are required by the application form.
- (g) A license issued under this regulation shall, state that the holder is licensed to carry on the business stipulated in the license in a lawful manner for the periods specified in the license at

#### **8. PERIOD OF LICENSE**

Licenses issued under the Limpopo Business Regulation, 2015 and or as stipulated in the Limpopo Business Registration Act, No. 5 of 2003 are renewable annually at a specified amount in terms of Council approved tariffs.

#### **9. LICENSE FEES**

- a) Every applicant for a license must pay to the Municipality at the time of application, the proper license fees set out in the Council approved tariff and no license will be issued until payment of the fee is made.
- b) A penalty prescribed by Council will be added to gross license fees remaining unpaid 30 days after the due date.

## **10. TRANSFER OF LICENSE**

- (a) An applicant desiring to obtain a transfer of a license, or interest in a license, issued under this regulation and held by another applicant, must make an application the same as that required to obtain a license under same regulations, and the powers, conditions, requirements, and procedures relating to the granting and refusal of licenses and appeals will apply to the application.
- (b) An applicant who purchases the interest of, or part of the interest of, an applicant licensed under this regulation must not carry on or continue the business without first obtaining a transfer of license or a new license.
- (c) An applicant to whom a license has been issued under this regulation who changes the location of the premises in which the business is carried on must first apply to the Inspector to have the license altered, and the powers, conditions, requirements, and procedures relating to the granting or refusal of licenses and appeals will apply to the application.

## **11. INSPECTION**

Business Inspectors or

Compliance Officials, Public Safety/ By-law Enforcers, Peace Officers, Environmental Health Practitioner and any Law Enforcement Officer is authorized to enter at all reasonable times, any house, place, premises, vehicle, or other place in respect of which a license has been applied for, granted or may be required under this By-law, to ascertain whether the regulations and provisions of this regulation or any other regulations are being obeyed. No person will prevent, obstruct, or

attempt to prevent or obstruct the entry of a person authorized entry under Section 9(1) and (2) of the Limpopo Business Registration Act, No. 5 of 2003 or any other regulation applicable to law enforcement.

## **12. REFUSAL OF A LICENSE**

(1) An application for a license may be refused by Council or the Business Registration Centre in any specific case, provided that:

- (a) The application must not be unreasonably refused; and
- (b) Council or the Business Registration Centre must give reasons for the refusal.

(2) If the Business Registration Centre has refused to grant a license, the applicant who is subject to the decision is entitled to have Council reconsider the matter.

## **13. GRANTING OF A LICENSE**

(a) The Business Licensing Division may grant a license under these regulations or as stipulated in the Limpopo Business Registration Act, No. 5 of 2003, where the Business Registration Centre is satisfied that the applicant has complied with the requirements of these regulations and other Council By-laws or the Land Use by-laws regulating building, zoning, health and sanitation.

(b) If the application for a license is refused by the Environmental Health Division, the Business Licensing Division must notify the applicant of the right to a reconsideration.

## **14. COMPLIANCE WITH ZONING**

Before a license is granted under this By-law, the Business Licensing Division must be satisfied that the use for which the license is sought is not in violation of the Land Use Management Scheme, and no license will be issued if the carrying on of the business in or from the premises applied for would be contrary to any Municipal By-law.

## **15. SUSPENSION OR CANCELLATION OR REVOKING OF A BUSINESS LICENSE**

- (a) A license may be suspended or cancelled or revoked by Council or the Business Registration Centre for reasonable cause.
- (b) Without limiting Subsection (7e) any one of the following circumstances may constitute reasonable cause:
- (i) the holder fails to comply with a term or condition of the license;
  - (ii) the holder has ceased to comply with a by-law or has otherwise ceased to meet the lawful requirements to carry on the business for which the holder is licensed or with respect to the premises named in the license;
- (c) Before suspending or cancelling a license, the Business Registration Centre must give the license holder notice of the proposed action and an opportunity to be heard.

## **16. APPROVAL PROCESS**

- (a) The applicant lodges an application for a trading licence to the Business Registration Centre with the following accompanying document:
1. Application Form 1 (LIBRA, 2003)
  2. Certified Copy of Identity Document of Applicant or of a Proxy.
  3. Certified Copy of Identity Document of Owners/ Shareholders
  4. Copy of CIPC (company) Certificate
  5. Tax Clearance Certificate or SARS confirmation letter (If applicable)
  6. Proof of Compliance with Specific Fields (Environmental Health Certificate)
  7. Proof of property ownership/ Lease Agreement/ Confirmation letter from the landlord.
  8. Confirmation of Land Use (Issued by Town Planning Division)
  9. Approved Municipal Building Plan
  10. Letter of Recommendation from Traditional Authority/ Proof of Occupancy.
- (b) The applicant pays the lodging/application fees applicable to the current financial year which varies from Established Businesses and Small Businesses and a receipt will be issued.
- (c) A complete application form with the required documents is submitted in terms of Section 10 of Limpopo Business Registration Act, 2003.

- (d) If the requirements have been set by the respective department, the applicant must comply with those requirements.
- (e) If there are no objections from the respective departments, the Business Registration Centre will issue the license which will be signed by the appointed Business Registration Centre Manager.

## 17. PROHIBITIONS AND RESTRICTIONS

- (1) Except in cases where prior approval has been granted by the municipality, a person may not carry out a business activity—
- (a) in a garden or park to which the public has a right of access;
  - (b) On a verge adjacent to—
    - (i) a building belonging to, or occupied by an organ of state;
    - (ii) a church, mosque, synagogue or other formal registered place of worship; or
    - (iii) a building belonging to, or occupied by the municipality;
  - (c) At a building declared to be a public monument;
  - (d) Next to an auto teller bank machine; (e) At a place where—
    - (i) it causes an obstruction in front of a fire hydrant or an entrance to or exit from a building;
    - (ii) it causes an obstruction to vehicular traffic; or
    - (iii) it substantially obstructs pedestrians in their use of a sidewalk;
  - (f) on a verge adjacent to a building in which business is conducted by a person who sells goods of the same nature as or of a similar nature to goods being sold by the seller concerned; and
  - (g) on half of a public road adjacent to a building used for residential purposes, if the owner or person in control or an occupier of the building objects thereto.
- (2) A person carrying on a business—
- (a) may not sleep overnight at the place of such business, except in a case where prior approval has been granted by the municipality or where the business is operating from residential units or structures;
  - (b) may not place his or her property on a public road, except in cases where prior approval has been granted by the municipality;

- (c) may not construct a permanent structure on a public road or public place other than a shed, shack, Wendy house or poles implanted into the ground,
- (d) may not buy goods from an establishment that does not comply with relevant regulatory prescripts;
- (e) may not sell expired items;
- (f) must ensure that his or her property or area of activity—
  - (i) does not cover an area of a public road, or a public place which is greater than six square metres (with a maximum length of three metres) in extent, unless otherwise approved by the municipality; and
  - (ii) in respect of a sidewalk, leaves an unobstructed space for pedestrian traffic, being not less than one and a half metres wide when measured from any contiguous building to the property or area of activity, and not less than one half metre wide when measured from the kerb line to the property or area of activity;
- (g) may not conduct business on a sidewalk where the width of such sidewalk is less than one metre;
- (h) may not place or stack his or her goods in such a manner that such goods are likely to injure a person or cause damage to property;
- (i) may not sell, distribute or store illegal goods or goods that do not comply with acceptable standards;
- (j) may not carry on business in such a manner as to—
  - (i) create a nuisance;
  - (ii) create a traffic, health hazard, or health risk;
  - (iii) obstruct access to, or the use of, street furniture or any other facility designed for use by the general public;
- (k) must maintain records of the identification of his or her suppliers and be able to provide proof of the legitimate sourcing of the goods upon request by an authorised official; and
- (l) may not knowingly purchase goods from suppliers engaged in the trade of illegal goods.

## 17. OFFENCES AND PENALTIES

17. (1) A person who—

- (a) contravenes, or fails to comply with, a provision of this by-law;
- (b) fails to comply with a notice issued in terms of this by-law;
- (c) fails to comply with a lawful instruction given in terms of this by-law; or
- (d) who obstructs or hinders an authorised official in the execution of his or her duties under this by-law,

Is guilty of an offence and must be served with a written warning advising of the offence, the remedial action and applicable times, consequences for failure to redress, and the appeal process.

(2) Despite the provisions of subsection (1), a person found to be transgressing any provision of this by-law must—

- (a) on a first transgression, be served with a written warning notice informing that person of the transgression and that his or her business licence may be cancelled immediately if he or she does not remedy the transgression within a reasonable time based on industry or sector trends; and
  - (b) on a subsequent transgression, be served with a written notice informing that person of the transgression and that, subject to an appeal process, his or her business licence is immediately cancelled and that he or she will be barred from reapplying for a licence in any municipality for a period of five years after the subsequent transgression.
- (3) Different penalties may be effected in respect of different businesses based on industry trends.

## 18. REGULATIONS

(1) The Council may make regulations regarding-

- a) The declaration of any place to be an area in which Trading is restricted or prohibited and the prescription or making of signs, markings or other devices, as contemplated in terms of section 3 and 4 of the Control of Street Vendors, Peddlers and Hawkers By-Law of 2009.
- b) The setting apart and demarcation of stands or areas for the purposes of street trading and the extension, reduction or disestablishment thereof, as contemplated in terms of Section 8 of the Street Trading By-Law of 2009.
- c) The disposal of any Property which has been removed and impounded, as contemplated in terms of Section 9.1 Street Trading By-Law of 2009.

- d) The liability of any person for any reasonable expenses incurred in connection with such removal, Impoundment and disposal section 9.3 of the Control of Street Vendors, Peddlers and Hawkers By-Law of 2009
- e) Any matter which may be prescribed in terms of this By-Law and any matter which may facilitate the application of this By-Law.

(2)(a) The Council shall, in not less than 1 (one) month before promulgating these regulations in terms of Section [1], cause a draft of the regulation to be communicated to the Local Government: Municipal Systems Act, 2000[Act No. 32 of 2000], together with a notice declaring the intention of the Council to make such a regulation and inviting comments or representations from members of the community.

#### 19. SERVING OF NOTICE

Where any notice document is required by these by-laws to be served on any person, it shall be deemed to have been properly served personally on him or on any member of his household apparently over the age of sixteen years or at his place of residence or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the municipality, or if such person is a company, if served on an officer of that company at its registered office or sent by registered mail to such office.

#### 20. REPEAL OF PREVIOUS BY-LAWS

Ba-Phalaborwa Local Municipality Township and Rural Economies By-Law/s as published in Limpopo Provincial Gazette and any other by-law applicable to Ba-Phalaborwa Local Municipality dealing with Township and Rural Economies By-Law repealed.

#### 21. SHORT TITLE AND COMMENCEMENT

This by-law is called Township and Rural Economies for Ba-Phalaborwa Local Municipality 2025 and shall come into effect on the date of the publication in the Provincial Gazette.