



BUSHBUCKRIDGE

LOCAL MUNICIPALITY

DRAFT TOWNSHIP, VILLAGE & RURAL ECONOMIES BY-LAW

AS APPROVED BY MUNICIPAL COUNCIL AND PROMULGATED THEREOF

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. 16 of 2013), mandates municipal spatial development frameworks to identify current and future economic nodes where public and private investment will be prioritised and identify the designation of areas where incremental upgrading approaches to development and regulation will be applicable;

And whereas the Mpumalanga Businesses Act, 1996 (Act No. 02 of 1996), provides for municipalities to declare and prohibit trading in zones within their jurisdictional areas;

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 recognises that participation and meaningful inclusion of businesses in townships will transform the economy, Be it therefore enacted by the Municipal Council of Bushbuckridge Local Municipality, as follows:

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

- (a) The Municipality recognizes the objective of its existence in terms of the Constitution, which includes-
- i. To promotes 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.

1. DEFINITIONS AND INTEPRETATIONS

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.

"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.

"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 Bushbuckridge 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, gymnasia, 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. **"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, by the use of a projector, machine or other appropriate technology, the motion picture may be viewed, exhibited or projected.

"Municipality" means Bushbuckridge 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 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.

"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]

"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 m2 gross floor area.

"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.

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

"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.

2. 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.

3. 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.

4. 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.

5. 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 Mpumalanga Business Act, No. 2 of 1996.

(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 on 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.

6. APPLICATION FOR ISSUE OF TRADING LICENSE.

(e) All applications for issue of trading licenses under this regulation must be made to the Licensing Authority Division 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

the premise specified in the license, subject to the terms and conditions specified on the license.

7. PERIOD OF LICENSE

Licenses issued under these regulations and or as stipulated in Regulation 5 of the Mpumalanga Business Act, No. 2 of 1996 are renewable annually at a specified amount in terms of Council approved tariffs.

8. 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.

9. 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.

10. 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 12(1) of the Mpumalanga Business Act, No. 2 of 1996 or any other regulation applicable to law enforcement.

11. REFUSAL OF A LICENSE

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

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

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

12. GRANTING OF A LICENSE

(a) The Business Licensing Division may grant a license under these regulations or as stipulated in the Mpumalanga Business Act, No. 2 of 1996, where the Business Licensing Division 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.

13. 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.

14. SUSPENSION OR CANCELLATION OR REVOKING OF A BUSINESS LICENSE

- (a) A license may be suspended or cancelled or revoked by Council or the Business Licensing Authority for reasonable cause.
- (b) Without limiting Subsection (7) 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 Licensing Authority must give the license holder notice of the proposed action and an opportunity to be heard.

15. APPROVAL PROCESS

- (a) The applicant lodges an application for a trading licence to the licensing authority together with the following accompanying document:
 - Copy of Identity Document.
 - Conditional Use Permit (Issued by Town Planning Division)
 - Tax Clearance Certificate or SARS confirmation letter; (If applicable)
 - Proof of property ownership (if applicable);
 - Lease agreement or confirmation letter from the landlord.
- (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) The application form is submitted for comments to:
 - (i) Relevant department or division(s)
- (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 Licensing division will issue the license which will be signed by the Municipal Manager or his/her delegated Official.

16. 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,

17. OFFENCES AND PENALTIES

Any person who contravenes any provision of these regulations by:

(a) doing any act or thing which the person is prohibited from doing; or

(b) failing to do any act or thing which the person is required to do is guilty of an offence;

(c) No person shall hinder, interrupt or cause to be hindered any employee of the municipality or its contractors, servants and agents or workers, in the exercise of the powers or duties as authorized or required in terms of these regulations.

- (d) Any person who is convicted of an offence pursuant to these regulations is liable to a fine or imprisonment for not more than one (1) month, or both, and in default of payment of any fine imposed, to imprisonment for a term not exceeding one (1) month.

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 9;
- (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 10;
- (c) (i) The disposal of any Property which has been removed and impounded, as contemplated in terms of Section 11; and
- (d) The liability of any person for any reasonable expenses incurred in connection with such removal, Impoundment and disposal
- (e) Any matter which may prescribed in terms of this By-Law and any matter which may facilitate the application of this By-Law.

(2)(a) The Council shall, 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. 32of 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. Miscellaneous

This By-Law shall be called Bushbuckridge Township Economies By-Law as approved by Municipal Council and effected thereof on promulgation.

Annexure A

STANDARD OPERATING PROCEDURE ON BUSINESS LICENCE APPLICATION

Contents

1. Context

BUSINESS IN RESPECT OF WHICH A LICENSE IS REQUIRED {Schedule 1 amend by s5 of Act No. 186 of 1993 and by s 34 of Act No. 65 of 1996} {Mpumalanga:

Schedule 1 repealed by S. 8 of Act No. 2 of 1996 (Section 2) Item 1: - Sale or Supply of meals or perishable foodstuff (1) The carrying on of business by the sale or supply to consumers of – (a) any food stuff in the form of meals for consumption on or of business premises: or (b) any perishable foodstuff (2) for the purpose of sub item (1) “perishable foodstuff” means any foodstuff or category of foodstuff declared by an Administrator by notice in the Official Gazette to be a perishable foodstuff in the province concerned for the purposes of this item.

Provision of certain types of health facilities or entertainment such as:

- (a) Providing Turkish baths, saunas, or other health baths,
- (b) Providing massage and infra-red treatment,
- (c) Making the services of an escort, whether male or female, available to any other person
- (d) Keeping three or more mechanical, electronic, or electrical contrivances, instruments, apparatus, or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or value consideration either by the insertion of a coin or disc therein or in an appliance attached thereto or in any other manner,
- (e) Keeping three or more snooker or billiard tables,
- (f) Keeping or conducting a night club or discotheque

Hawking in means of perishable foodstuff.

The carrying on of business, whether as principal employee or agent, by selling any foodstuff in the form of meals or any perishable foodstuff- (a) which is conveyed from place to place, whether by vehicle or otherwise, on a public road or any other place accessible to the public, or in, on or from a movable structure or stationary vehicle, unless the business is cover by a license for a business referred to in item 1 of this Schedule.

2. Generic Applicable Documents

The following documents are applicable for the generic needs assessment procedure:

- a) South African Constitution of 1996
- b) Mpumalanga Business Act of 1996
- c) Bushbuckridge Trading by-law (Notice 34)

3. Business Application Procedure

	PROCEDURE	FREQUENCY	RESPONSIBLE PERSON
1.	Procedure On New Applications for Trading Licenses		
1.1.	The applicant lodges an applicant with the Authority	As and when	Authority
1.2.	The applicant must submit the following documents when applying		Applicant
1.2.1.	In the case of a company attach a schedule of registered name or names and address of the company, the full name and residential, postal, and business address of each director or member and a copy of the Certificate of Incorporation	As and when	Applicant
1.2.2.	In the case of partnership, a schedule must be attached reflecting the full name, identity number and residential and business address of each partner	As and when	Applicant
1.2.3.	Attach a consent use approval form (Town Planning) Land Use Management section on all new establishments.	As and when	Applicant
1.2.4.	Attach Tribal resolution or Permission to Occupy (PTO) if the business is in rural under Traditional leadership	As and when	Applicant
2.	Payment Procedure (Cashier)		
2.1.	The applicant must produce an application form with supporting documents mentioned in 1.1 to the cashier	Every Application	Applicant & Cashier
2.2.	The applicant must pay as per Tariff schedule as per financial year	Every Application	Applicant
2.3.	Issue the applicant with a receipt as proof of payment	Every Application	Cashier
2.4.	At the end of the day cash up, during the cash up the manager or delegated official must be present and bank the next morning	Daily	Cashier
2.5.	After cash up put the money in the safe and bank the next morning	As and when	Cashier

2.6.	Bank the next morning, then complete a Business Licensing Daily Revenue Management sheet which the Cashier, Supervisor and Manager must sign	Daily	Cashier, Supervisor & Manager
3.	Procedure After Payment Submission of Application.		
3.1.	The authority will send a licensing officer on the proposed business premises for pre inspection. Within 5 days after receipt of payment.	After Submission and Payment	Business Licensing Officer
3.2.	On arrival the licensing officer conducts a pre-inspection to certify that the business premises comply with the requirements and regulations in terms of section 4 (a) and (b) of the Act (Mpumalanga Business Act, No. 2 of 1996) <ul style="list-style-type: none"> - Compliance with town planning regulations. - Safety - Environmental health of the public (Consumers) 	After Submission & Payment	Business Licensing Officer
3.3.	A licensing authority may consider an application for a licence and grant the applicant on conditions. Issue a licence subject to any conditions therein specified in terms of which the licence is issued and shall in connection of the business premise. within 10 working days.	After Inspection	Business Licensing Officer
3.4.	A trading license is issued to the applicant after the authority has certified that the application has met the requirements in terms of Regulation 8 of the Licensing of Business Regulations, 1996, made under Section 6, Schedule 2 of the Mpumalanga Business Act No. 2 of 1996. Within 15 working days		Business Licensing Officer
4.	Procedure For the Endorsement of a Trading License		
4.1.	The applicant may apply for the endorsement of the trading licence with the licensing authority and the authority may consider such application in terms of Regulation 6 of the Licensing of Business Regulation, 1996 made under section 2 (7) of the Mpumalanga Business Act, 1996 (Act No. 2 of 1996) <ul style="list-style-type: none"> - Ament a condition - Extend the period referred to in subsection (6)(b)(ii) of the Act. - Revoke a condition. - Indicate that a condition specified in the license has been complied with 	As and when	Authority

ANNEXURE B

Template for the application form

[Regulation 5 of the Licensing of Businesses Regulation 1996, made under Section 6 of the Mpumalanga Business Act, 1996 (Act no. 2 of 1996)]

TO THE LICENSING AUTHORITY OF **BUSHBUCKRIDGE LOCAL MUNICIPALITY**

1. Kind of business for which application for a licence is being made
2. Particulars of applicant:
 - (1) Full names:
 - (2) Identity number:
 - (3) Work permit number if applicable:
 - (4) Postal Address:
Postal Code:
 - (5) Business address: Ward No.....
 - (6) Telephone: Cell no:
 - (7) Is the applicant the owner of the business?
 - (8) Nature of ownership [Only in the case of a business referred to in item 2 or 3(1) of Schedule 1 of the Mpumalanga Business Act, 1996 (Act No. 2 of 1996)

Individual	Partner- Ship	Private Company	Public Company	Other (specify)
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Notes:

- (i) In the case of a company or close corporation, a schedule must be attached reflecting the registered name or names and address of the company or close corporation, the full name and address of the company, the full name and residential, postal and business address of each director or member, manager and secretary (where applicable), and a copy of the Certificate of Incorporation.
- (ii) In the case of partnership, a schedule must be attached reflecting the full name, Identity number and residential, postal and business address of each partner.

3. Name under which the business will be carried on:

.....
4. In the case of a business where foodstuffs in the form of meals, perishable foodstuff will be sold or supplied, state particulars of the kinds of foodstuffs in which business will be carried on:

.....
.....
.....

5. (1) Has the applicant's estate ever been sequestrated?

 Y N

(2) If "Yes", has he or she been rehabilitated?

 Y N

(If "No") the consent of applicant's trustee to carry on business must be attached.)

6. Particulars of persons who will be actual and effective control of the business [only in the case of a business referred to in terms of Schedule 1 of the Mpumalanga Business Act, 1996 (Act No. 2 of 1996)]

(1) Full names:

(2) Identity number:

(3) Residential Address:

(4) Postal address:

Postal Code:

7. Situation of business premises [only in the business to in item 1(1) or (2) of Schedule 1 of the Mpumalanga Business Act, 1996: (act No. 2 of 1996)]

(1) if in an urban area:

Stand/Erf No.:Township/Surburb:

Street No.:

Name of Building:

Office/Shop No.: Floor No.:

(2) If in rural area:

(a) Description of the property where the business will be carried on (as described in the title deed of the property, namely-

(i) The number of the plot/portion:

(ii) Name of the farm/agricultural holding:

(iii) The registration division:

(b) The number of the deed of transfer of the property:

(c) The full names of the registered owner of the property:

(d) Magisterial district:

I hereby declare that the information above is true and correct

.....
Signature of applicant

.....
Date

.....
Capacity of applicant

FOR OFFICE USE ONLY:

Completed by:

Signature _____

Region:

Date Stamp

BANKING DETAILS

BUSHBUCKRIDGE LOCAL MUNICIPALITY

BANK NAME : FNB
ACCOUNT TYPE : CHEQUE
ACCOUNT NO. : 62033581829
REF : BLM 0000000