

PROVINCIAL NOTICE 68 OF 2020



**DR BEYES NAUDE LOCAL MUNICIPALITY
SPAZA SHOP
BY LAWS**

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1. DEFINITIONS

In this By-law, unless the context otherwise indicates:

“Council” means the Dr Beyers Naude Local Municipality, established in terms of section 12 of the Local Government Municipal Structures Act, no.117 of 1998 and any member of staff to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to this By-Law.

“SPAZA” means a building designed for, or a portion of a residential unit used for the purposes of selling basis groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the primary use of the property.

“ENTERTAINMENT FACILITIES” means e.g. music box or juke box, jumping Castle machines. Street bash and any other activities that may be regarded as entertainment by the municipality.

“ASYLUM” means a person who is seeking recognition as a refugee in the Republic

“HEAD” means the head of the department

“REFUGEE” means any person who has been granted asylum in terms of the Act (Act No. 130 of 1998)

2. OBJECTIVE OF THE BY-LAW

- 2.1. The objective of the By-Law is to allow the owner/occupier of a dwelling house in any residential zone to sell goods required for essential day to day needs of the neighbourhood, in residential areas that are not adequately serviced by such a facility.
- 2.2 Any operation of the Tuck-shop shall not detract from the residential character of the neighbourhood e.g. noise or loud music.

3. SCOPE OF THE OPERATION OF THE TUCK-SHOP

Shall comply with the following conditions, to the extent that may be applicable:

- 3.1 A Tuck Shop/Spaza Shop activity shall only be operated with the special consent of the Municipality, provided that the Municipality:
 - 3.1.1 May waive compliance with the formal special consent procedure if the written consent of the registered owner of each adjoining property and such other properties as the head of the department may direct, is first obtained and submitted to the Municipality.

- 3.2 The area to be utilized shall not exceed 30m² of the area of the dwelling house and must remain residential in appearance and character, and must at all times comply to the Municipality.
- 3.3 No external advertising shall be permitted on the site except for a metal board and each sign shall be 2 x 1m on the side of the road.
- 3.4 Entertainment facilities shall not be permitted within a Tuck-Shop.
- 3.5 A Tuck-Shop shall not involve the sale of alcohol or any other goods which in the opinion of the municipality are unnecessary for the day to day needs.
- 3.6 A tuck-Shop must be operated in accordance with all relevant By-Laws and other Legislation of the Municipality, including the fire regulations.
- 3.7 A Tuck-shop shall not be allowed to cause any high level of noise, which will disturb within the neighbourhood.
- 3.8 The hours of operation shall be from 06h00 to 20h00 every day.
- 3.9 The storage of goods and equipment shall be within the area designated for that purpose on the plan which is to accompany the application detailing that area to be used for the business as well as any portion of that area in which goods or equipment will be stored.
- 3.10. Only one light delivery vehicle at a time may be used for the delivery to dispatch goods or supplies.
- 3.11. In assessing any application, consideration shall be given to ensure that the Location of the Tuck Shop/Spaza Shop does not compromise the principle of sound land use management practice.
- 3.12. If the use is discontinued for the period of greater than 60 days, the dwelling house in so far as it may have been altered for that purpose, must be restored to its origin state to the satisfaction of the Municipality.
- 3.13. No tuck shop shall be erected or approved a 1000m less from a formally rezoned business stand as the tuck shop are established to help community members to access their basic needs close by, in a case where there is a formal business on a business stand there is no need for a tuck shop near that stand for the above mentioned distance.
- 3.14. Flammable and hazardous substances will not be allowed in the tuck-shop and continuous contravention will lead to permanent closure.
- 3.15 A person is allowed to own only one tuck-shop registered in his/her name within a township and two within the municipality.

4. CRITERIA AND REQUIREMENTS TO BE SATISFIED FOR THE APPLICATION FOR A TUCK SHOP/SPAZA SHOP

- 4.1 A person who wishes to carry conduct business shall on the prescribed form apply to the Municipality.
- 4.2 Where a business is carried on at more than one premise, a separate permit is required for each premise.
- 4.3 The purposed size for the Tuck Shop must be the total floor size of 30 square meters.

- 4.4 A building plan for the Tuck Shop must be submitted to the building control unit for Municipality approval with a contractual agreement signed between the owner of the property and the applicant.
- 4.5 Corrugated iron sheets may be used in erecting the tuck Shop, provided that the construction thereof adheres to the national Building Regulation Act.
- 4.6 Permit may only be renewed to applicants who have a good record of compliance.
- 4.7 Asylum seekers can conduct a business as a means of work (as with the definition of work) or study.
- 4.8 Refugees with formal recognized status can run a business.
- 4.9 Foreign nationals in possession of South African identity documents can operate and own businesses anywhere in the country except participating in voting processes or elections.

5. PROHIBITIONS/PROHIBITED CONDUCT

No person shall carry on business of a spaza shop/tuck shop:

- 5.1. If he/she is declared by a court of law to be unsound mind.
- 5.2 A non-south African citizen who is in the country illegally.
- 5.3 Without the approval of the municipality
- 5.4 No person carrying on business shall sleep in the Tuck-Shop.
- 5.5 No illegal building or structure shall be erected for purpose of a Spaza/Tuck – shop.

6. PAYMENT

The person shall pay an amount of R400 pa renewable to run a Tuck shop/Spaza.

7. PENALTIES

- 7.1 Any person who established a tuck Shop business without Municipal approval shall be liable to a fine of R3000.
- 7.2 Tuck shop owners who fail to renew their permits on time will be fined R 1 500 and the business will be closed down until they pay the fine and apply for renewal of their permits.
- 7.3 Those that will be found sleeping inside the Tuck –Shops will be fined an amount of R500.
- 7.4 Hawkers trading at any other area than the area marked for trading activities shall be liable to pay a fine of R200 on spot or have their goods confiscated.