



KGATELOPELE LOCAL MUNICIPALITY DRAFT TUCKSHOP POLICY 2020/2021

1. POLICY OBJECTIVE:

To use standard procedures and guidelines to ensure effective management and control of Tuckshops in the jurisdiction of Kgatelopele Local Municipality.

2. POLICY AND PHILOSOPHY PRINCIPLES

Tuckshops play an important role in the current economic system of our country and provide an income for many families within the Council's jurisdiction. In order to offer residents within the jurisdiction of Kgatelopele Local Municipality the opportunity to, without prejudice, operate Tuckshops, within the provisions of the North Cape Development and Planning Act Zoning Scheme, 1998 (Act 7 of 1998) and reading with the Council's zoning scheme, from residential premises it is essential that clear guidelines and procedures be laid down in this regard.

3. DEFINITIONS

- "Hindrance trade"*** means any building or premises or part thereof which is designed or used for any known or potential noxious, harmful or offensive activity or use or storage of such a substance or a nuisance or cause and without the generality of the aforesaid limit, includes the following: any chemical works, distiller works, brewery, mist or fertilizers, processing of bones, horns or hooves, processing or storage of hides or skins other than in a dry state, abattoirs, stone braking, any processing or manufacturing of cement, some brick factory, a site for the storage, sorting or any other act in any kind of garbage waste or sewage or night soil, oil or other Petroleum processing or any other use of the Council as a "*hindrance trade*";
- "Owner"*** means the owner of the property on which the Tuckshop is erected and operated and includes the lessee of municipal property;
- "Tenant"*** includes the owner of the premises where the Tuckshop will be erected and operated from and includes the tenant of municipal property;

- “sublease”** means the lease of a Tuckshop to a person other than the owner;
- “Industry”** means a building or use, whether it corresponds to the meaning of a factory as defined in the Occupational Health and Safety Act, 1993 (Act 85 of 1993) or not used for any industry for production, assembling, processing, recovery or disposal of a product or part of a product, the storage of a product or raw material, repair, construction, demolition or dismantling of vehicles, printing production of gas and any related office, caretaker, or any building whose use is incidental to and usually in addition would be to, or reasonably would be needed in connection with, the use of such business on the same site, provided that buildings where food and beverages mainly for use on the premises to be prepared, not included;
- “Inflammable substances”** means flammable liquids, including all flammable liquids or flammable substances with a real flash point below 65°C and they are divided as follows:
- Flammable liquid, Class A:
Gasoline (fuel);
 - Inflammable liquid, class B:
Any flammable liquid other than gasoline, the flash point 21° C and lower;
- “Business premises”** means any premises and/or building or part thereof used or intended to be used as shops and/or offices and includes hotels, licensed hotels, liquor store, tavern, restaurant, dry cleaning services, funeral homes, financial institutions professional offices, meeting places, surgeries of physicians, bond or products scholarships, set-putting course, apartments above the ground floor and buildings for similar uses, but does not include entertainment venues, a casino, adult entertainment, institutional buildings, mortuaries, public garages, service stations, repair or related repair functions, industrial buildings, noxious, truck facilities or any wholesale matter;
- “Storage”** means a place, premises or buildings where goods are stored for distribution to other stores, businesses or premises;
- “Tuckshop”** means a retail outlet that is being operated from a portion of a house or outbuilding by a member/members of the household, with the provision that supplies are limited to what can be accommodated within the shop and no processing subdivision or preparing food without the necessary trading license may take place and no store inventory can be stored outside the home shopping;
- “Place of entertainment”** means any building or premises where people gather for entertainment or social recreational or sporting purposes and where an admission fee is usually charged and includes a theater, cinema, dance hall, night club, entertainment park, sports center, billiards hall, skating rink, a public or private sports club facility and restaurant entertainment offered, but does not include any building or premises for a casino or adult entertainment;
- “Food preparation”** means preparing meals and/or meals for consumption by other persons on or off the premises and / or building; and

“Shop”

means any premises and/or building and/or structure used for the operation of a retail outlet, offices, nursery, restaurant, a small dry cleaners, apartments above the ground floor and a retail outlet where goods sold in such case, manufactured and / or repaired, provided that the floor area associated with such manufacturing and / or repair, more than one third of the floor area of the store will be, but it does not include any industry, public garage, service station, tavern, supermarket (with or without sales) or liquor store.

4. GUIDELINES

- 4.1.1. Before a Tuckshop may start, with any commercial activities, it must register such Tuckshop with the Council. The application form is attached as **Schedule A**.
- 4.1.2. All existing Tuckshops must register from the date of approval of the policy.
- 4.2. The proof of registration and/or suitability must be placed at obvious positions inside the Tuckshop.
- 4.3. The Tuckshop is limited to a maximum size of 25m², whether it is a detached structure or part of the dwelling unit.
 - 4.3.1. If the prescribed size of 25m² with regard to paragraph 4.2 is exceeded, it should be specifically brought to the ward committee's attention and they must make a recommendation.
 - 4.3.2. The maximum size of the Tuckshop may not exceed 30m².
- 4.4. If the Tuckshop is erected outside the dwelling, the building materials can consist out of any solid material such as wood, zinc, stone, etc. No harmful building materials, which pose a danger to the community and the immediate environment, may be used for this purpose. Secondhand-building materials must be inspected in advance by the Building Control Section of the Council.
- 4.5. The site must primarily be used for residential purposes and not vice versa.
- 4.6. If the owner is registered as an indigent person under the Council's Indigent policy, contravenes the Tuckshop Policy, the Council can immediately suspend benefits, in terms of the Council's Indigent policy on the day of registration of the Tuckshop.
- 4.7. No advertising sign, with the exception of an unlit sign or notice that do not exceed into a street or covers an area of 15 000cm² (e.g. 150cm x 100cm) and state only the name and occupation of the occupier, may be displayed.
- 4.8. No Tuckshop will be allowed on public open spaces, sidewalks, vacant lots or street reserves
- 4.9. There will be strict compliance with all building and other regulations. No relaxation of building lines or maximum coverage will be considered.
- 4.10. Plans of the building concerned or part thereof will be submitted with the application. The site plan accompanying the application must be drafted by a registered draftsman.
- 4.11. Upon approval of the application, may such part of the house be used just as a Tuckshop and not for the purpose of a shop, offices, workshops, industrial, storage, entertainment or noxious industries.

- 4.12. The requirement of all health and other regulations that normally apply to the industry must be met. No food handling may take place if the Tuckshop does not have a certificate of suitability issued by the Health Department.
- 4.13. The minimum health requirements which must be met, is attached hereto as **Schedule B**.
- 4.14. Preparation of food in Tuckshops will be handled individually and proposed restrictions accordingly, including the types and quantities of food products.
- 4.15. Before preparing food at a Tuckshop can take place, there must be applied in advance for a trading license in terms of the Business Act, 1991 (Act 71 of 1991).
- 4.16. No habitation in the Tuckshop may occur.
- 4.17. A dry powder extinguisher of 9kg must be provided for every Tuckshop.
- 4.18. With the exception of paraffin no flammable substances may be sold.
- 4.19. Any electrical wiring for the operation of the Tuckshop must be made from the existing house and all connections must adhere to the Electrical Installation Regulations' requirements.
- 4.20. No goods or products for advertising purposes shall be exhibited outside the building, which is used as a Tuckshop.
- 4.21. The necessary measures to prevent rodents and insects should be taken.
- 4.22. There may under no circumstances be stored large quantities of stock on the site itself.
- 4.23. No noise disturbance may be caused to surrounding neighbors.
- 4.24. No business that requires a special license, for example a liquor license, will be allowed.
- 4.25. No industrial type business will be allowed in a residential area. In other words, the use of industrial machines and noisy machines will not be allowed (noise pollution).
- 4.26. If an application is approved, it does not mean that the owner of the property acquired business rights.
- 4.27. Where the owner is in a rental agreement for the rental of a municipal home with the Council, the lease shall be amended accordingly.
- 4.28. The Council has the power to, before or during registration process, adopts conditions and/or restrictions that may be necessary or desirable to the Council's opinion

5. PROCEDURE

- 5.1. Application forms for the operation of a Tuckshop from residential premises are available from the Section Local Economic Development and the completed application form must be submitted to the LED office.
- 5.2. The comments of the adjoining property owners/residents must be obtained and must be submitted with the completed application.
- 5.3. Application tariffs, as contained in the Council's tariff list, will be charged.

- 5.4. Upon receipt of any application and prescribed application fee, the section Local Economic Development will refer the application to any other relevant department and the relevant Ward Committee for input and recommendations concerned for their input and comments.
- 5.5. Upon receipt of any objections, inputs and comments, the section LED will provide the relevant letters to the applicant for his/her input and comments on the letters. Any link between the applicant and objectors that could lead to the clarification of misunderstandings, and therefore the withdrawal of objections are encouraged. If the applicant does not respond **within 30 days to** the relevant comments/inputs, the application shall be deemed to have lapsed.
- 5.6. No objections constitute merely an attempt to eliminate trade competition; will be taken into consideration by the Council.
- 5.7. The relevant proposal, with all inputs, objections and comments, will be submitted to the Council for approval.

6. ROLES

- 6.1. The section Town Planning & Building Control is responsible for the processing of applications for Tuckshops.
- 6.2. **The section Local Economic Development is responsible for the application process for Tuckshops.**
- 6.3. The Environmental Health Department of the District Municipality is responsible for the necessary health inspections; in order to avoid any health risk arises. The Environmental Health Department of the District Municipality issues the necessary registration and/or suitability of the Tuckshop.
- 6.4. The Electrical Division is responsible for ensuring that the applicant meets the guidelines of the Electrical Installation Regulations.
- 6.5. The Traffic Division is responsible for law enforcement in terms of the policy.
- 6.6. The section LED monitors and coordinates compliance with the requirements and conditions of the policy by registered Tuckshops:
- 6.7. By a quarterly meeting of the multi-disciplinary committee, consisting of the LED section(Convenor), Town Planning & Building Control, Environmental Health Division and Administration.
- 6.8. The purpose of the above meeting will be:
- 6.8.1. The composition of a program for monitoring all Tuckshops within the jurisdiction of the Council on an annual basis.
- 6.8.2. The above monitoring will be jointly done by the LED, Traffic, Electricity and Environmental Health and will take place in a manner determined by the above committee.

7. RELATED LEGISLATION AND POLICY

The policy for the operation of a Tuckshop must be read in conjunction with the instructions contained in the Northern Cape Planning and Development Act, 1998 (Act 7 of 1998) as well as the Council's approved Scheme Regulations.

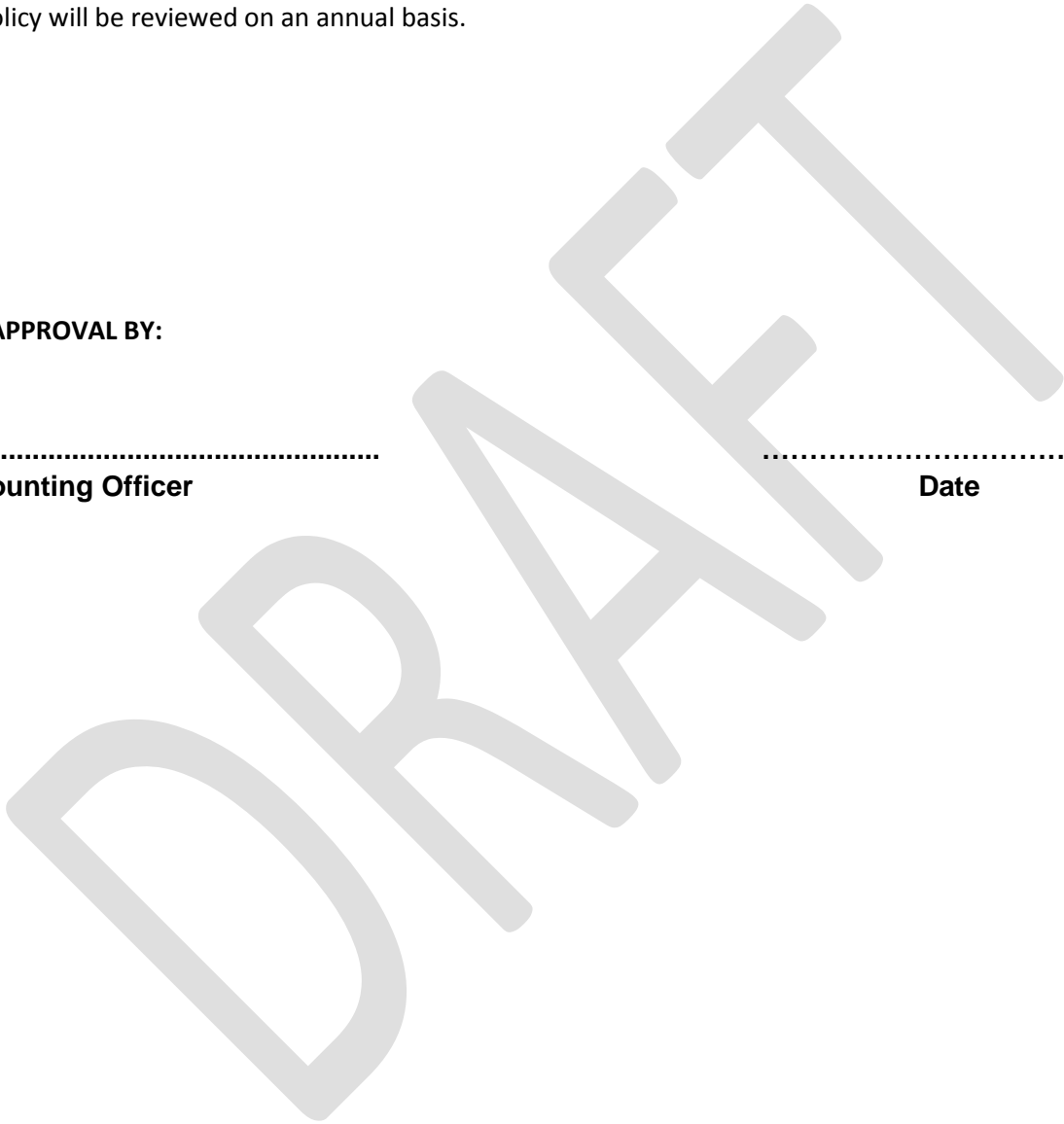
8. POLICY REVIEW

This policy will be reviewed on an annual basis.

9. APPROVAL BY:

.....
Accounting Officer

.....
Date



KGATELOPELE LOCAL MUNICIPALITY

APPLICATION FOR AN ECONOMIC ACTIVITY FROM A HOUSE TO DO BUSINESS

I, the undersigned, hereby do apply for a Tuckshop to be operated from residential premises.

Surname											
Name											
Identity Number											
Postal Address											
Street Address											
Telephone		(Home)				(Work)					
Erven Number											
Are you the owner of the premises intended for the business?											
Is the home a Municipal house or not				YES / NO							
Name and nature of Tuckshop											
Will you do food preparation from the Tuckshop?				YES				NO			
				If so, the form as Appendix D hereto attached, must be completed and submitted to the Administration Department.							
Floor area used for business											
Intended date of opening of the business											
For office use only											
Floor area of existing building				Zoning of property							

I, the undersigned, hereby declare that the above information is true and correct.

_____ DATE

_____ SIGNATURE

The following must accompany the application

1. A copy of the identity document of the owner / tenant.
A copy of the permit document of the applicant, if the owner will NOT operate the Tuckshop.
2. Written comments from all adjoining owners / residents.
3. If the owner himself will NOT operate the Tuckshop, the owner's written consent must be attached to the application.
4. A copy of the municipal account of the owner of the residence.
5. If the house is Municipal property, there must be a copy to of the lease attached.

7. The required application fee.
8. Building / Site plan of proposed Tuckshop.

APPLICATION FOR A TUCKSHOP TO OPERATE A BUSINESS FROM A HOUSE

I _____
(Name of applicant)

hereby apply to operate from my house a Tuckshop located at:

(Street Address)

Comments from all adjoining owners / residents:

NAME	STREET ADDRESS	COMMENTS	SIGNATURE

DRAFT

MINIMUM STANDARD HEALTH REQUIREMENTS FOR TUCKSHOPS

1. All Tuckshops must be declared in advance suitable for the performance of industry.
2. Approved independent operating cold storage for food that would normally be refrigerated, should be made available in the unit.
3. No food is allowed directly on the floor.
4. General hygiene must be maintained at all times.
5. No sleeping activities within the Home Stores Tuckshops will allowed.
6. Applications for food preparation are individually handled and approved or rejected as such.

DRAFT

DRAFT

DRAFT