

ELIAS MOTSOLEDI LOCAL MUNICIPALITY



DRAFT BUSINESS LICENSING BY-LAW

CONTENTS

- 1. DEFINITIONS AND INTERPRETATIONS**
- 2. BACKGROUND**
- 3. TERMS AND CONDITIONS FOR BUSINESS LICENSE APPLICATION**
- 4. BUSINESS LICENSE APPLICATION PROCESS**
- 5. RENEWAL OF BUSINESS LICENSE**
- 6. PROHIBITION**
- 7. OFFENCES**
- 8. PENALTIES**
- 9. ATTACHMENTS**
 - 9.1. BUSINESS LICENSE APPLICATION FORM**
 - 9.2. BUSINESS REGISTRATION CERTIFICATE**
 - 9.3. RENEWAL APPLICATION FORM**
 - 9.4. TARIFFS**

1. DEFINITIONS AND INTERPRETATIONS

"Apartment Building" means a **residential use building**, or the residential use portion of a mixed -use building, other than a townhouse or stacked townhouse containing four or more dwelling units each of which shall have access to above grade common halls, stairs, elevators, and yards

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

"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.

"Bookshop" means a shop where books are sold.

"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.

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

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

"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

"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.

"Formal business" are organized and with employers who have fixed terms of employment

“Informal business” Unregulated businesses, usually run by people unemployed in the formal sector of the economy. Examples are Spaza shops, hawkers, market gardeners.

“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.

“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.

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

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

"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.

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

"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.

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

“Spaza Shop” means an informal convenience shop usually run from home

"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. BACKGROUND

In line with section 7 of the Limpopo Business Registration Act no 5 of 2003, the Elias Motsoaledi Local Municipality mandates formal or informal businesses to have a business licenses. The business license is specifically required for businesses to comply with health, safety and related regulations. The business will need to meet the set criteria of requirements, especially zoning; health; and safety. This by-law applies to all owners or operators of business in general, whether formal or informal, and their employee within the area of jurisdiction of the municipality.

3. TERMS AND CONDITIONS FOR BUSINESS LICENSE APPLICATION

- 3.1. A person who wishes to carry on or conduct business within the jurisdiction of Elias Motsoaledi Municipality should have a valid business registration certificate;
- 3.2. All applications for license both new and renewal should be in a prescribed application form;
- 3.3. 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;
- 3.4. Every license issued under this By-law will 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;
- 3.5. All licenses granted under this by-law will be renewed annually at a specified amount;
- 3.6. 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;
- 3.7. 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 separated business and as such a separate certificate is required;

- 3.8. Foreign nationals without a valid business permit will not be allowed to apply for business license;
- 3.9. No alterations of business premises without consulting the municipality is allowed;
- 3.10. Business premises will only be utilized for business and related activities;
- 3.11. No habitation is allowed in the business premises without municipalities consent.

4. GENERAL RESTRICTED CONDUCT

- The formal trader must not, other than in a refuse receptacle approved or supplied by the municipality, dumped, store or deposited and litter on any land or premises or any public road or public place or on any public property; and
- no trading goods are to be placed on any public road, public place or pedestrian walkway.

6.1. Environmental health

An informal trader must:

- keep the formal trading site or area occupied by him or her for the purposes of conducting formal trading in a clean and sanitary condition at all times;
- keep his or her goods in a clean and sanitary condition;
- ensure that on completion of each business day-
 - the trading site is free of litter and any other form of waste;
 - take necessary precautions in the course of conducting his or her business as may be necessary to prevent the spilling of fat, oil or grease onto a public road or public place or into a storm water drain;
 - ensure that no smoke, fumes or other substance, odours, or noise, emanating from his or her trading activities, cause pollution of any kind;
 - carry on business in a manner which does not cause a threat to public health or public safety; and

- at the request of an authorized municipal official, remove any object that relates to informal trading.

6.2. Obligation of property owners

- The property owners must-
 - ensure that any formal trading taking place on his or her property complies with this by-law
 - permit any authorized official access to his or her property for the purpose of ensuring compliance with this by-law
 - ensure that the trading area is in line with the municipal Town Plan zoning; and
 - ensure that sufficient services are provided to maintain acceptable hygienic conditions in respect of the formal trading

5. PROHIBITION

5.1. No formal or informal business will be allowed to conduct a business within the jurisdiction of Elias Motsoaledi Local Municipality without a valid business license, unless such business-

5.1.1. is able to produce the business registration certificate as proof of registration of such business.

6. OFFENCES

The formal or informal trader is guilty of an offence if he or she:

- 6.1. trades without the municipal business license;
- 6.2. contravenes any provision of this By-law;
- 6.3. fails to comply with any lawful instruction given in terms of this By-law; and
- 6.4. deliberately furnishes false or misleading information to an authorized official.
- 6.5. Sells counterfeit or expired goods

7. PENALTIES

- 7.1. A person found conducting a formal or informal business without having business license or be found selling counterfeit or expired goods is guilty of an offence and liable on conviction to a fine of not exceeding R2500 or imprisonment for a period not exceeding 6 months.
- 7.2. Another R2500) will be imposed monthly until the contravention is rectified.

8. APPEAL

- 8.1. The Municipal Manager will appoint the appeal committee as and when there is an appeal and the committee will sit and review the appeal and inform the applicant of the outcome

9. BUSINESS LICENSE APPLICATION PROCESS

The following is the procedure that will be followed throughout the application process for a Business License:

- 9.1. Submission of the application documents to the LED office; the following documents must be submitted when applying for the business license;
 - 9.1.1. A signed application form
 - 9.1.2. A signed application letter
 - 9.1.3. Proof of representation (If application is done by proxy)
 - 9.1.4. Proof of permission to conduct business in the Republic of South Africa
 - 9.1.5. CIPC registration certificate (in case of juristic person)
 - 9.1.6. Proof of compliance with specific field requirements (environmental health and safety certificate)
 - 9.1.7. Proof of ownership of premises/permission to occupy/lease agreement
 - 9.1.8. Proof of payment (application fee)
 - 9.1.9. Recommendation from municipality
 - 4.1.10. Proof of business residential
 - 4.1.11. Approved building plan
- 9.2. Applicant to pay application fee and provide proof of payment

- 9.3. Verification and assessment of the application supporting documents by the Business Licensing committee;
- 9.4. Communication of the application assessment outcomes with an applicant
- 9.5. Applicant to pay registration fee and provide proof of payment
- 9.6. Capturing of the application form on the Business Licensing system to create license; and finally
- 9.7. Issuing out of Business License to the applicant
- 9.8. After the above application process have taken place, the applicant will receive business license certificate after 7 working days.

10. RENEWAL OF BUSINESS LICENSE

All Business Licenses will be effective from the first day of issue and be due for renewal on every last day of the 12th Month each year (1-year)

11. AMMENDMEND

This by-law will be amended by council as and when the need arise.

12. ATTACHMENTS

- 12.1. Application form (Form 1)
- 12.2. Business Registration Certificate (Form 2)
- 12.3. Renewal Form (Form 3)
- 12.4. Tariffs

8.1 Business License Application Form

28 No. 2492

PROVINCIAL GAZETTE EXTRAORDINARY, 2 APRIL 2015

FORM 1

APPLICATION FOR BUSINESS REGISTRATION CERTIFICATE

LIMPOPO BUSINESS REGISTRATION ACT, 2003 (ACT No. 5 of 2003)

Regulation 4(1)

APPLICANT DETAILS (A person who has been assigned powers by the applicant)

Full Name: _____ Citizenship: _____
Id. No.: _____ Contact No.: _____
Office No.: _____

Interest in the Business (e.g. Attorney/Shareholder/Manager, etc.)

_____ Date: _____

PERSONAL DETAILS OF OWNERS/SHAREHOLDERS

NAME	Identity No.	AGE	GENDER	CETIZENSHIP	SIGNATURE

Percentage Shareholding of Previously Disadvantaged Designated Groups: _____

PARTICULARS OF BUSINESS

NAME OF BUSINESS : _____

CIPRO REGISTRATION No.(If Applicable): _____

TAX NUMBER (If Applicable): _____

Business Type: (Annexure A, Reg...) _____ Code: _____

This gazette is also available free online at www.gpwonline.co.za

8.2 Business Registration Certificate

FORM 2

BUSINESS REGISTRATION CERTIFICATE

BUSINESS REGISTRATION ACT, 2003 (ACT NO.5 OF 2003)

Regulation 4(2)

Certificate to conduct Business in terms of Section 10 of the Limpopo Business Registration Act, 2003 (Act No. 5 of 2003)

This is to certify that _____ has been duly registered

(Name of Owner/Juristic Person)

In terms of section 10 of the Limpopo Business Registration Act, 2003 (Act No. 5 of 2003) to conduct the following business activities:

Principal Business: _____

Peripherals: _____

at _____
(Premises)

trading as _____
(Trading Name)

Certificate No.: _____

Date of Issue: CCYY/MM/DD

Code No.: _____



BUSINESS REGISTRATION CENTRE MANAGER
STAMP

OFFICIAL

8.3 Renewal Application Form

FORM 3

APPLICATION FOR RENEWAL OF BUSINESS REGISTRATION CERTIFICATE

LIMPOPO BUSINESS REGISTRATION ACT, 2003 (ACT No. 5 OF 2003)

Regulation 4(3)(a)

PERSONAL DETAILS OF PROXY (A person who has been assigned powers by the applicant)

Full Name: _____ Citizenship: _____

Id. No.: _____ Contact No.: _____

Office No.: _____

Interest in the Business (e.g. Attorney/Shareholder/Manager, etc.)

_____ Signed _____ Date: _____

PERSONAL DETAILS OF OWNERS/SHAREHOLDERS

Total Percentage Shareholding of Previously Disadvantaged Designated Groups: _____

PARTICULARS OF BUSINESS

NAME OF BUSINESS: _____

REFERENCE No.: _____ CODE: _____

CIPRO REGISTRATION No.(If Applicable): _____

TAX NUMBER : _____

Business Type: (Annexure A, Reg...), _____ Code: _____

Principal (Core) Business _____

Peripherals (Any Business activity other than the Principal Business)

Tel.: _____ Fax.: _____ e-mail.: _____

Physical Address: _____

_____ Code: _____

Postal Address:

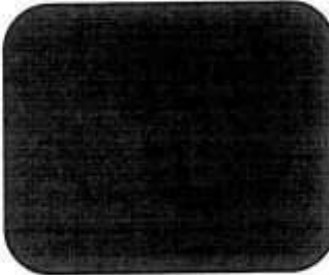
 _____ Code: _____

Magistrate Office: _____

Number of Employment created: _____

Estimated Number of new Employment to be created in the next 12 months: _____

FOR OFFICE USE

REF. No.: _____	Code: _____
ATTACHMENTS: (a) Proof of representation (if renewed by proxy) (b) Compliance with Broad-Based Black Economic Empowerment Act (c) Proof of compliance with specific field requirements (f) Proof of Payment	
APPROVED/NOT APPROVED	
COMMENTS	
_____ _____	
	OFFICIAL STAMP

8.4 Tariffs

BUSINESS REGISTRATION FEES

LIMPOPO BUSINESS REGISTRATION ACT, 2003 (ACT NO 5 OF 2003)

Regulations 4(2)

CODE	TYPE OF BUSINESS	APPLICATION FEE	REGISTRATION FEE	ANNUAL RENEWAL FEE
251	Stone quarrying, clay and sand-pits	R100-00	R200-00	R240-00
3	Manufacturing	R100-00	R300-00	R360-00
412	Manufacturing and distribution of gas	R100-00	R200-00	R240-00
50	Construction	R100-00	R300-00	R360-00
61	Wholesale: Sale to public Sells to retailers Sells to both public and, Retailers	R100-00	R500-00 R500-00 R500-00	R600-00 R600-00 R600-00
621	General trade (General Dealer)	R100-00	R200-00	R240-00
622	Retail trade in food, beverages and tobacco	R100-00	R200-00	R240-00
623	Other retail trade in new goods	R100-00	R200-00	R240-00
624	Retail trade in second-hand goods	R100-00	R200-00	R240-00
625	Retail trade not in stores	R100-00	R100-00	R120-00
626	Repair of personal and household goods	R100-00	R200-00	R240-00
631	Sale of motor vehicle	R100-00	R500-00	R600-00
632	Maintenance and repair of motor vehicles	R100-00	R200-00	R240-00
633	Sale of motor vehicle parts and accessories	R100-00	R200-00	R240-00
634	Sale, maintenance and repair of motor cycles and related parts and accessories	R100-00	R200-00	R240-00
635	Retail sale of automotive fuel	R100-00	R400-00	R480-00
641	Hotels accommodation, Camping sites and Provision of short-stay accommodation	R100-00	R400-00 R100-00 R300-00	R480-00 R120-00 R360-00
642	Restaurants, bars and canteens	R100-00	R200-00	R240-00
71	Land transport	R100-00	R200-00	R240-00
72	Water transport	R100-00	R200-00	R240-00
73	Air transport	R100-00	R200-00	R240-00
741	Supporting and auxiliary transport	R100-00	R400-00	R240-00
75	Post and Tele-communication	R100-00	R250-00	R240-00
81	Financial Intermediations	R100-00	R200-00	R240-00

84	Real Estate Activities	R100-00	R200-00	R480-00
85	Renting of machinery & Equipment	R100-00	R400-00	R300-00
86	Computer Related activities	R100-00	R400-00	R240-00
87	Research & Development	R100-00	R200-00	R240-00
881	Legal, accounting, bookkeeping and auditing activities, tax consultants, market research & public opinion research, business & management consultancy	R100-00	R200-00	R480-00
882	Architectural, Engineering and other Technical activities	R100-00	R200-00	R480-00
883	Advertising	R100-00	R200-00	R240-00
8891	Labour recruitment & provision of staff	R100-00	R200-00	R240-00
8892	Investigation and security activities	R100-00	R200-00	R240-00
8893	Building and Industrial Plant Cleaning activities	R100-00	R200-00	R240-00
8894	Photographic activities	R100-00	R200-00	R240-00
8895	Packaging activities	R100-00	R200-00	R240-00
8891	Credit Rating Agency activities	R100-00	R200-00	R240-00
88992	Debt Collecting Agency activities	R100-00	R200-00	R240-00
88993	Stenographic, Duplicating, Addressing, Mailing list and Similar activities	R100-00	R200-00	R240-00
920	Educational and Training activities	R100-00	R200-00	R240-00
931	Human Health activities	R100-00	R200-00	R240-00
932	Veterinary activities	R100-00	R200-00	R240-00
933	Social Work activities	R100-00	R200-00	R240-00
951	Activities of Business, Employers and Professional Organizations	R100-00	R200-00	R240-00
96	Recreational, Cultural & Sporting activities	R100-00	R200-00	R240-00
961	Motion Pictures, Radio, Television and other Entertainment activities	R100-00	R400-00	R480-00
962	News Agency activities	R100-00	R200-00	R240-00
9901	Washing and Dry-cleaning of textiles and for products	R100-00	R150-00	R180-00
9902	Hair-Dressing and other Beauty Treatment	R100-00	R200-00	R240-00
9903	Funeral and related activities	R100-00	R400-00	R480-00