

# BERGRIVIER MUNICIPALITY



## HOUSE SHOP POLICY

**DATE APPROVED** : RVN017/10/2017  
**COMMITTEE** : COUNCIL



## **BERGRIVIER MUNISIPALITEIT**

**NOTULE VAN DIE RAADSVERGADERING GEHOU OP DINSDAG 31 OKTOBER 2017 OM 14:00  
IN DIE RAADSAAL, MUNISIPALE KANTORE, KERKSTRAAT, PIKETBERG**

### **TEENWOORDIG**

#### **LEDE VAN DIE VIERDE MUNISIPALE RAAD**

Rdh. A de Vries	[DA]	:	Speaker
Rdh. EB Manuel	[DA]	:	Uitvoerende Burgemeester
Rdd. SM Crafford	[DA]	:	Uitvoerende Onderburgemeester
Rdh. RM van Rooy	[DA]		
Rdl. AJ du Plooy	[DA]		
Rdl. A Small (Me)	[DA]		
Rdd. SIJ Smit	[ANC]		
Rdl. SS Lesch (Me)	[ANC]		
Rdl. BJ Claasen	[ANC]		
Rdh. J Swart	[ANC]		
Rdl. SR Claassen	[ANC]		

#### **AMPTENARE**

Mnr. H Kröhn	:	Munisipale Bestuurder - waarnemend
Mnr. JWA Kotzee	:	Direkteur Korporatiewe Dienste
Mnr. GJ Goliath	:	Direkteur Finansiële Dienste
Mnr. DJ Josephus	:	Direkteur Gemeenskapsdienste
Me. A van Sittert	:	Bestuurder: Strategiese Dienste
Mnr. W Wagener	:	Bestuurder: Beplanning en Ontwikkeling
Me. Z Julius	:	Interne Ouditeur: Assistent
Mnr. NJ Scheepers	:	Hoof: Komitee en Sekretariële Dienste
Me. AA Somers	:	Klerk: Komitee Dienste
Me. S Willemse	:	Klerk: Komitee Dienste

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#### **RAADSVERGADERING: BESLUIT GENEEM OP DINSDAG 31 OKTOBER 2017**

**RVN017/10/2017**  
**HOUSE SHOP POLICY**  
**15/17**

Alderman van Rooy gave a brief background to the item under discussion.  
Various inputs and comments were made by the members of Council.

**The undermentioned resolution was taken unanimously by Council**

#### **RESOLUTIONS**

1. That the House Shop Policy for Bergrivier Municipality be approved;
2. The moratorium on the consideration of house shops as imposed by the Mayoral Committee via decision no. BKN013/10/2015 of 17 November 2015, be suspended to allow the consideration of house shop applications in terms of Bergrivier Municipality By-law Relating to Municipal Land Use Planning, taking into consideration the provision in the Zoning Scheme By-law as well as this House Shop Policy, and any other legislation which may be applicable;
3. That the current updated inspection report regarding the illegal house shops in Bergrivier Municipality be presented to the Executive Mayoral Committee after completion; and

**MANAGER:  
PLANNING AND  
DEVELOPMENT**

4. That a strategic session regarding the illegal house shops in Bergrivier Municipality take place between the Executive Mayoral Committee members, Municipal Manager and the Directors.



***GESERTIFISEER AS 'N WARE UITTREKSEL VAN DIE NOTULE.***

**ADV. H LINDE**

**MUNISIPALE BESTUURDER**

**17 NOVEMBER 2017**



**BERGRIVIER MUNICIPALITY  
POLICY RELATING TO HOUSE SHOPS**

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**1. Definitions**

In this policy, unless the context indicates otherwise, will be the same as defined in the Integrated Zoning Scheme By-Law

**2. Application of this policy**

- (1) This policy shall apply to the total area of jurisdiction of Bergrivier Municipality.
- (2) The provisions of this policy shall not prejudice the provisions of any other legislation.

**3. Purpose and Objectives**

- (1) This policy aims to further regulate the approval of house shops in residential areas of Bergrivier Municipal area in addition to the provisions made in the Zoning Scheme By-Law;

**4. Principles applicable to the consideration of applications**

- (1) The number of house shops allowed by the municipality may be limited in order to protect the character of the residential area, protect the rights of citizens, and control any adverse social impacts and unauthorized activities.
- (2) The location of house shops should take into account compatibility with other land uses generally found in a residential area.
- (3) All applications for house shops will be sent to the Municipal Law Enforcement, Traffic Department and the SAPS for their comments to determine whether:
  - (a) any past criminal activity by the applicant **within a period of five years**;
  - (b) the area is at risk for vehicle or pedestrian accidents;
  - (c) any illegal sale of alcohol was reported; and

Any application may be rejected if any evidence of any of the above is received.

**5. Limitations and requirements**

- (1) The house shop may only be operated from a structure that meets the norms and standards set out in the Zoning Scheme By-Law, and no house shops shall be allowed in caravans;
- (2) The person operating the house shop must be the owner of the land and must permanently reside on the property and legal documentation in this regard shall accompany an application. Buyers who purchased a scheme house from the Municipality and in possession of a purchase agreement, shall be deemed the owner of the property. Occupants of a surveyed informal property who obtained written approval for the occupation of the property from the Municipality may also apply;
- (3) A house shop will only be allowed every 500m of street and not within a 200m radius from another house shop;
- (4) No person may stay overnight inside a building, structure or portion of a building or

- structure which is used as a house shop;
- (5) The extent and location of the business component must be indicated on a scaled plan, and shall not exceed that which is allowed in terms of the Zoning Scheme By-Law;
  - (6) All legislation, regulations and safety measures regarding the operation of the house shop and its merchandise must be complied with, by the permanent resident;
  - (7) The operation of the house shop may not be a public nuisance;
  - (8) Operating hours of the house shop may not exceed the period between 06:00 and 22:00;
  - (9) Any new structure or alteration to an existing dwelling, shelter or outbuilding shall be compatible with the character of the relevant neighbourhood;
  - (10) The business portion of the house shop may not be increased or relocated on the property or designated premises;
  - (11) Any person who has obtained permission to operate a house shop and who ceases to operate the business shall inform the municipality in writing thereof;
  - (12) Only one house shop shall be allowed on a property or designated premises;
  - (13) No person shall own or operate more than one house shop per township or permit it to be operated on his or her behalf;
  - (14) No advertising sign may be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the Municipality's outdoor advertising and signage By-law, and the sign may not exceed 1,5m x 0,8m.
  - (15) The following activities and equipment shall not be allowed at a house shop:
    - (a) the **consumption and/or** sale of any alcoholic beverages;
    - (b) the storage or sale of gas and gas holders or cylinders;
    - (c) the storage or sale of any explosive or flammable substances;
    - (d) more than two coin machines / video games (excluding washing machines and dryers);
    - (e) any snooker or pool table; and
    - (f) a juke box.
  - (16) Parking and access thereto shall be provided by the applicant in accordance with the provisions of the National Road Traffic Regulations, 2001 and on-site parking may be requested to the satisfaction of Council.
  - (17) No house shops shall be operated from flats, public open spaces or inside road reserves;
  - (18) No goods for sale shall be openly displayed outside the borders of the property;
  - (19) The house shop shall have a business license as well as a certificate of acceptability (if applicable).
  - (20) Only approved pre-packed groceries, food prepared in an approved kitchen and general household products that are not flammable or dangerous (e.g. newspapers, pre-packed potato chips, bread, soft drinks, canned food, sugar, coffee, cigarettes, tobacco, candy, pre-packaged meat products, etc.), may be sold from a house shop.
  - (21) The original letter of approval from the municipality, certificates and licenses must be displayed in the house shop as well as a certified copy of the certificate of acceptability issued for the approved kitchen in which the food is prepared (if applicable) so that it is easily visible to the public and officials.
  - (22) Council reserves the right to withdraw the approval at any time if any of the aforementioned conditions are not complied with.

## **6. Non-liability of the municipality**

The municipality is not liable for any direct or consequential loss or damage which the owner of the house shop premises may suffer or incur as a result of or arising from the approval of the house shop.

## **7. Conflict with other legislation**

In the event of any inconsistency between any provision of this policy, National and Provincial legislation, standards, policies or guidelines, such National and Provincial legislation, standards, policies and guidelines shall prevail.