
SWARTLAND MUNICIPALITY:

Notice is hereby given in terms of section 13 of the Municipal Systems Act, 2000 (Act 32 of 2000) that the Municipal Council of the Swartland Municipality has made the by-law set out in the schedule hereto:

SCHEDULE**BY-LAW RELATING TO DILAPIDATED BUILDINGS AND UNSIGHTLY AND OBJECTIONABLE STRUCTURES**

1. In this by-law, unless the context otherwise indicates:—

“Council”, means the council of the Swartland Municipality or its duly authorised employee, and

“owner”, in relation to a building, earthwork or structure, the person in whom is vested the legal title thereto; provided that:—

MUNISIPALITEIT SWARTLAND:

Kennis geskied hiermee ingevolge die bepalings van artikel 13 van die Municipale Stelselwet, 2000 (Wet 32 van 2000) dat die Municipale Raad van die Municipaliteit Swartland, die verordening soos uiteengesit in die skedule hiertoe, gemaak het.

BYLAE**VERORDENING INSAKE BOUVALLIGE GEBOUE EN ONOOGLIKE EN AANSTOOTLIKE STRUKTURE**

1. In hierdie verordening, tensy uit die samehang anders blyk, beteken:—
“raad”, die raad van die Municipaliteit Swartland of sy behoorlik gemagtigde werknemer, en
“eienaar”, met betrekking tot ’n gebou, grondwerk of struktuur, die persoon by wie die regsttel daarvan berus; met dien verstande:—

(1) if such person is dead or insolvent, has assigned his/her estate for the benefit of his/her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such building, earthwork or structure is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be; or

(2) if the council is unable to determine who such person is, the person who is entitled to the beneficial use of such building, earthworks or structure;

shall be deemed to be the owner thereof.

2. Where in the opinion of the Council any building or earthwork has fallen into a ruinous or dilapidated condition or has become or is showing signs of becoming dangerous, or any structure (not being a building) has become unsightly, dangerous, unhealthy, insanitary, objectionable, unsuitable, or calculated to depreciate properties in the locality or to cause annoyance to the inhabitants of the neighbourhood, the Council, after having due regard to the provisions of the National Heritage Resources Act, 1999 (Act 25 of 1999) may serve a written notice on the owner of such building, earthwork or structure, requiring him or her at the Council's option and within such period as may be specified in the said notice, to repair, alter, remove or demolish such building, earthwork or structure; provided that, should any building, earthwork or structure (not being a building) be in such a dilapidated condition that, in the opinion of the Town Engineer it creates immediate danger to lives of men or animals, the Town Engineer may in writing require the said building, earthwork or structure (not being a building) to be vacated and/ or require the owner thereof to erect a proper hoarding or fence or other necessary works as he may deem necessary under the circumstances. Should the owner fail to comply with any of the notices aforementioned, he or she shall be guilty of an offence and the Council may at the cost of such owner give effect to the contents of such notice or notices.

3. No person shall without the specific approval of the Council use or occupy any building, earthwork or structure (not being a building) which is to be removed or demolished as the case may be, in accordance with a notice in terms of section 2, or use or occupy any building, earthwork or structure (not being a building) which is to be repaired or altered, as the case may be, in accordance with a notice in terms of the aforesaid section, until such building, earthwork or structure has been repaired or altered to the satisfaction of the Council.

Penalties

4. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding—

(1) a fine of one thousand Rands or imprisonment for a period of six months or either such fine or such imprisonment or both such fine and such imprisonment;

(2) in the case of a continuing offence, an additional fine of fifty Rands or an additional period of imprisonment of ten days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

(3) a further amount equal to any costs and expenses found by the court to have been incurred by the local authority as a result of such contravention or failure.

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(1) as sodanige persoon dood of insolvent is, sy/haar boedel afgestaan het tot voordeel van sy/haar skuldeisers, ingevolge 'n hofbevel onder kuratele geplaas is of 'n maatskappy is wat gelikwiede word of onder geregtelike bestuur is, die persoon by wie die administrasie van sodanige gebou, grondwerk of struktuur berus as eksekuteur, administrateur, trustee, regsverkrygende kurator, likwidateur, of geregtelike bestuurder, na gelang van die geval; of

(2) as die raad nie kan vasstel wie sodanige persoon is nie, die persoon wat geregtig is op die voordelelike gebruik van sodanige gebou, grondwerk of struktuur;

geag word die eienaar daarvan te wees.

2. Indien, na die mening van die raad, enige gebou of grondwerk vervalle of bouvallig geraak het of gevaaerlik geword het of tekens toon dat dit gevaaerlik word, of enige struktuur (wat nie 'n gebou is nie) onooglik, gevaaerlik, ongesond, onhygiënies, aanstootlik of ongeskik geword het, of daarop bereken is om die waarde van eiendomme in die omgewing te laai daal of om ergernis aan die inwoners in die omgewing te veroorsaak, kan die raad, nadat behoorlik ag geslaan is op die bepalings van die Wet op Nasionale Erfenisshulpbronre, 1999 (Wet 25 van 1999), 'n skriftelike kennisgiving op die eienaar van sodanige gebou, grondwerk of struktuur dien, waarin van hom of haar vereis word om na goeddunke van die raad en binne 'n tydperk wat in sodanige kennisgiving vermeld word, sodanige gebou, grondwerk of struktuur te herstel, te verander, te verweder, of te sloop; met dien verstande dat, indien enige gebou, grondwerk of struktuur (wat nie 'n gebou is nie) in so 'n bouvallige toestand verkeer dat dit na die mening van die stadsingenieur onmiddellike gevaaer vir die lewens van mense of diere skep, kan die stadsingenieur skriftelik vereis dat sodanige gebou, grondwerk of struktuur (wat nie 'n gebou is nie) ontruim word en/ of van die eienaar daarvan vereis om 'n geskikte skutting, omheining of ander noodsaklike werke op te rig of aan te bring soos wat die Stadsingenieur in die omstandighede nodig mag ag. Indien die eienaar in gebreke bly om uitvoering te gee aan die bepalings van enige van die voormalde kennisgivings, is hy of sy skuldig aan 'n misdryf en kan die raad op koste van sodanige eienaar gevolg gee aan die bepalings van sodanige kennisgiving of kennisgivings.

3. Niemand mag sonder die uitdruklike goedkeuring van die raad 'n gebou, grondwerk of struktuur (wat nie 'n gebou is nie) wat ooreenkomsdig 'n kennisgiving kragtens artikel 2 verwijder of gesloop moet word, na gelang van die geval, gebruik of okkuper nie, of 'n gebou, grondwerk of struktuur (wat nie 'n gebou is nie) wat ooreenkomsdig 'n kennisgiving kragtens voornoemde artikel herstel of verander moet word, na gelang van die geval, gebruik of okkuper nie tot tyd en wyl sodanige gebou, grondwerk of struktuur tot geneë van die raad herstel of verander is.

Strafbepaling

4. Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n straf van hoogstens—

(1) 'n boete van een duisend Rand of gevangenisstraf vir 'n tydperk van ses maande, of óf sodanige boete of sodanige gevangenisstraf óf beide sodanige boete en sodanige gevangenisstraf;

(2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete van vyftig Rand, of 'n addisionele tydperk van gevangenisstraf van 10 dae, of óf sodanige addisionele boete of sodanige addisionele gevangenisstraf, óf beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur, en

(3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die plaaslike owerheid aangegaan is as gevolg van sodanige oortreding of versuim.

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