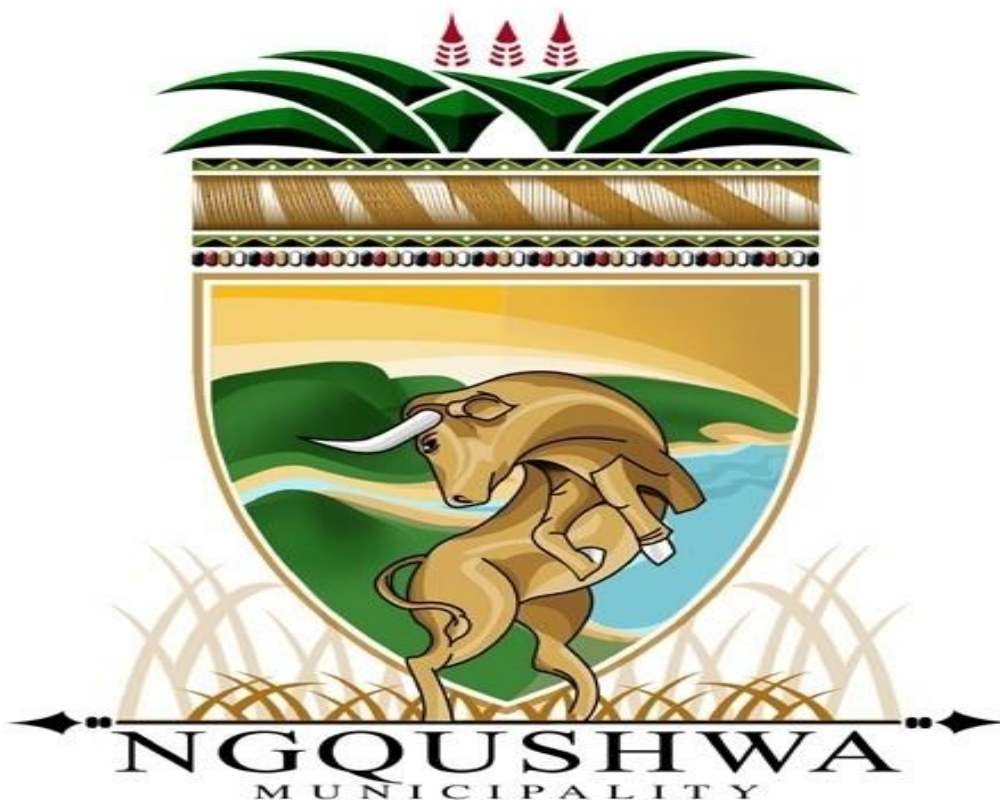


NGQUSHWA LOCAL MUNICIPALITY



DRAFT BY-LAWS RELATING TO UNSIGHTLY AND NEGLECTED BUILDINGS AND PREMISES

2016/2017

1. PURPOSE

To provide for the prevention of neglected and unsightly buildings and premises within the municipal area of the Municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of Ngqushwa Local Municipality, as follows:

2. Definitions

In these By-Laws –

“building” has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes fencing;

“Council” means:

Municipal Council of Ngqushwa Local Municipality exercising its legislative and executive authority through the Municipality;

its successor in title;

A structure or person exercising a delegated power or carrying out an instruction, where any power in these By-Laws has been delegated or sub delegated or an instruction given, as referred to in section 59 of the Act; or

A service provider fulfilling a responsibility under these By-Laws;

“Municipality” means Ngqushwa Local Municipality and its legal successors, and when referred to as-

“A legal entity”, means Ngqushwa Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000); and

“ A geographic area”, means the municipal area of the Ngqushwa Local Municipality as determined from time to time in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);

“municipal area” means the area under the jurisdiction and control of Ngqushwa Municipality;

"nuisance" means any conduct or condition which brings about or may bring about a state of affairs or condition which is obnoxious and, or constitutes a health risk or a source of danger to human lives or property or which interferes or may interfere with the ordinary comfort, convenience, peace or quiet of persons;

"Premises" means any land, whether vacant, occupied or with buildings thereon, situated within the municipal area.

3. Legal Framework

- Municipal Demarcation Act 27 of 1998
- Municipal Systems Act 32 of 2000
- National Building Regulations and Building Standards Act 103 of 1977.

Control of neglected and unsightly buildings and premises

Where any building or premises, in the opinion of the Municipality, –

- is unsightly, neglected or offensive and which causes the value of surrounding properties to be detrimentally affected;
- is neglected and over-grown;
- is a nuisance;
- has an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material thereon, and
- has an accumulation of motor wrecks or used motor parts there on which –
- detracts from the amenity or appearance of surrounding properties, or
- is offensive to the owners or occupiers of adjacent premises,

The Municipality may give notice in writing to the owner or occupier of such premises requiring him or her to improve such building or the condition of such premises within a period prescribed in such notice so that the appearance or condition of such building or premises will comply with the standards required by the Municipality

Offences and penalties

(1) If the owner fails to comply with the requirements of the notice served in terms of section 2 within the period specified in such notice, such owner is guilty of an offence and, on conviction, be liable to a fine as determined by a competent court

(2) The Municipality may, instead of instituting a prosecution and unless written objection from such owner has been received before the expiry date

of the period specified on the notice served on him or her, assume that such owner has no objection and tacitly agrees that the Municipality may, without further notice, enter upon such premises and through its officials or a contractor whose tender the Municipality has accepted, and at the cost of such owner execute the work necessary to comply with the requirements of the said notice.

Repeal of By-Laws

All Municipal By-Laws, and amendments thereto, relating to Unsightly and Neglected Buildings and Premises are repealed.

Short Title and Commencement

By-laws Relating to Unsightly and Neglected Buildings and Premises, and will come into operation on the date of publication in the *Provincial Gazette*.