

## **LOCAL GOVERNMENT NOTICE**

### **EMALAHLENI LOCAL MUNICIPALITY**

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996] the by-laws relating to Unsightly and Neglected Buildings and Premises which come into operation on the date of publication thereof in the Provincial Gazette.

### **BY-LAWS RELATING TO UNSIGHTLY AND NEGLECTED BUILDINGS AND PREMISES**

#### **PREAMBLE**

WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution;

AND WHEREAS the Council of the Municipality, in the exercise of its functions, must promote the habitat and atmosphere of the communities residing within the municipal boundaries by regulating the appearance and condition of buildings and premises.

NOW THEREFORE be it enacted by the Council as follows:

#### **[1] Definitions**

In this by-law, unless the context proves otherwise means –

**"building"** has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standard Act, 1977 [Act 103 of 1977] and includes fencing;

**"municipality"** or **"council"** means the Emalahleni Local Municipality or its successor(s) in-law or any Officer employed by the Municipality or any committee designated by the Municipality, acting by virtue of a delegated authority vested in him/her or it by the Municipality in connection with these By-laws;

**"municipal area"** refers to the area under the jurisdiction and control of the Municipality;

**"premises"** refers to any land whatsoever, whether vacant, occupied or with buildings thereon, situated within the municipal area.

#### **[2] Unsightly Buildings**

Where any premises, in the opinion of the Municipality –

- [a]** have a building thereon which is unsightly, neglected or offensive and which causes the value of surrounding properties to be detrimentally affected;
- [b]** is neglected and overgrown;
- [c]** has an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material thereon;
- [d]** has an accumulation of motor wrecks or used motor parts thereon which –
  - [i]** detracts from the appearance of surrounding properties; or
  - [ii]** is offensive to the owners or occupiers of adjacent premises;
- [e]** is unsafe and may constitute a danger to any person or property;

the Municipality must 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 of thirty days (30) so that the appearance or condition of such building or premises will comply with the standards required by the Municipality.

**[3] Offences and Penalties**

If the owner of the premises 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, is liable to a fine not exceeding R 3,000.00 or imprisonment for a period not exceeding 6 months or to both such fine and such imprisonment, and in the case of a continuing offence, to an additional fine not exceeding R 1,000 or an additional period of imprisonment not exceeding 30 days or to both such additional fine and additional imprisonment for each day during which such failure or offence continues.

**[4] Repeal**

Any by-laws relating to Unsightly and Neglected Buildings and Premises adopted by the Council is repealed from the date of promulgation of these by-laws.

**[5] Short Title**

These by-laws are called the Unsightly and Neglected Buildings and Premises By-laws.