

Final Draft for consideration by Council



CHAPTER 30

Unsightly and Neglected Buildings and Premises

KWADUKUZA
MUNICIPALITY



KWADUKUZA MUNICIPALITY

**BYLAWS RELATING TO UNSIGHTLY AND NEGLECTED BUILDINGS
AND PREMISES**

The Kwadukuza Municipality in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

In these bylaws –

“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;

“Municipality” means the Kwadukuza Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

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

“premises” means any land whatsoever, whether vacant, occupied or with buildings thereon, situated within the municipal area.

2. 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) are neglected and over-grown;
- (c) have an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material thereon, and
- (d) have an accumulation of motor wrecks or used motor parts thereon which –
 - (i) detracts from the amenity or appearance of surrounding properties, or

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- (ii) 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 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.

3. (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 shall be 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, 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.

4. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Unsightly and Neglected Buildings and Premises made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.