

PROVINCIAL NOTICE

[NO. 208 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000:
PUBLICATION: UNSIGHTLY AND NEGLECTED BUILDINGS BY-LAW**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make standard by-laws as set out in the Schedule.

SCHEDULE

Definitions

1. 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 Standards Act, 1977 (Act 103 of 1977) and includes fencing;

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

"municipal area" the area under the jurisdiction and control of the Council;

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

Unsightly buildings

2. Where any premises, in the opinion of the Council -

- (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 Council 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 Council.

Offences and penalties

3. (1) 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.

Repeal

4. Any by-laws relating to Unsightly and Neglected Buildings adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

Short title

8. These by-laws are called the Unsightly and Neglected Buildings By -laws, 2011.

