



**RAYMOND MHLABA LOCAL MUNICIPALITY:
BYLAW RELATING TO DILAPIDATED BUILDINGS AND UNSIGHTLY AND
OBJECTIONABLE STRUCTURES**

By-law published in Provincial Gazette number 4184 dated 11 February 2019

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Raymond Mhlaba Local Municipality enacts as follows:-

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1. Definitions

In this bylaw, unless inconsistent with the context:-

“**municipal manager**” means the official appointed by the council of the municipality in terms of section 82 of the Local Government: Structures Act (Act 117 of 1998);

“**owner**” means any person or legal entity that directly or indirectly own, lease, rent, acquire or exercise the powers of an owner or occupier of a property, and

“**structure**” means anything that has been erected to serve some purpose, but is not regarded as a building.

2. Objectives and application of by-law

(1) The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Raymond Mhlaba Local area by regulating and controlling objectionable buildings and structures

(2) In the implementation of this by-law, the municipality also recognised the infrastructural, social and economic disparities and inequalities resulting from the previous local government dispensation and shall strive to overcome such disparities and inequalities by supporting the new goals for local government as laid down in section 152 of the Constitution.

(3) This bylaw binds the State.

3. Delegation

The municipal manager may delegate any power or duty conferred in this bylaw to any employee of the municipality.

4. Prohibition

(1) No owner may allow a building, earthwork or structure to fall into such a ruinous or dilapidated condition that it shows signs of becoming dangerous, or is unsightly, unhealthy, objectionable, and unsanitary, causes a nuisance to adjacent owners or is calculated to depreciate the value of properties in the area where the property of the owner is situated.

(2) Where, in the opinion of the municipal manager:-

- (a) a contravention of the provisions of subsection (1) exists, the municipal manager may serve a notice on the owner concerned, requiring such owner to carry out such work as may be stated in the notice; or
 - (b) a building, earthwork or structure is in such a dilapidated condition that it creates an immediate danger to life or property, the municipal manager may serve a notice on the owner concerned that the building, earthwork or structure be vacated or enclosed with a hoarding or fence to prevent entry, failing which the municipal manager may cause such steps to be taken as are necessary to remove the immediate danger.
- (3) No person may, without the prior written approval of the municipal manager, use or occupy a building, earthwork or structure in respect of which a notice in terms of subparagraph (2) (b) has been served on the owner.

5. Penalties

A person who contravenes the provisions of section 3(1) read with 3(2), 3(3)(a) and (b), 4(1), (2) and (3) is guilty of an offence and is, on conviction, and subject to penalties prescribed in any other law, liable to a fine as approved by the Chief Magistrate of the District in a fine schedule or to imprisonment for a period not exceeding three years and in addition, the payment of a further amount which, in the opinion of the court, is equal to the expenditure incurred by the municipality as a result of such contravention.

6. Repeal

The following by-laws and any other provision in any other by-law that is inconsistent with the provisions of this by-law are hereby revoked:

Provincial Notice No.	Title	Extent of repeal
P.G. 1476 dated 20/02/2006	Nxuba Local Municipality: By-law Relating to Neglected Buildings and Premises	The whole
P.G. 1477 dated 20/2/2006	Nkonkobe Local Municipality: By-law Relating to Neglected Buildings and Premises	The whole

7. Short title and commencement

This by-law is called the By-law Relating to Dilapidated Buildings and Unsightly and Objectionable Structures and will come into operation on the date of publication thereof in the Provincial Gazette. **By-law published in Provincial Gazette number 4184 dated 11 February 2019**

RAYMOND MHLABA MUNICIPALITY: DILAPIDATED BUILDINGS AND UNSIGHTLY AND OBJECTIONABLE STRUCTURES BY-LAW: OFFENCES AND FINES

By-law published in Provincial Gazette number 4184 dated 11 February 2019

Section Contravened	Description of Offence	Proposed Fine (1)	Approved Fine (2)
4(1) r/w 5	Allowing a building, earthwork or structure to fall into such a ruinous or dilapidated condition that it shows signs of becoming dangerous, or is unsightly, unhealthy, objectionable, and unsanitary, causes a nuisance to adjacent owners or is calculated to depreciate the value of properties in the area where the property of the owner is situated.	1000	1000
4(2) r/w 5	Failure to comply with notice from a municipal manager to carry out work or vacate a dilapidated building.	1000	1000
4(3) r/w 5	Using or occupying a building, earthwork or structure in respect of which a vacation notice in terms of s4(2)(b) has been served on the owner.	1000	1000

Hereby certify that the admission of guilt fines listed in Column 2 above as submitted by the Raymond Mhlaba Local Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act, 51 of 1977, for the Magisterial District of:

Middledrift , Fort Beaufort , Adelaide , Bedford , Cathcart , Alice , Seymour

This determination replaces any previous determination for the said Magisterial District.

Signed	04/2019
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Magistrate: Middledrift	Date Stamp

Signed	04/2019
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Magistrate: Fort Beaufort	Date Stamp

Signed	04/2019
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Magistrate: Adelaide	Date Stamp

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Magistrate: Bedford

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Date Stamp

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Magistrate: Cathcart
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Magistrate: Alice

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Magistrate: Seymour

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