



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
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CONTENTS

| | <i>Gazette</i> | <i>Page</i> |
|--|---|-------------|
| | <i>No.</i> | <i>No.</i> |
| PROCLAMATION • PROKLAMASIE | | |
| 1 | Municipal Structures Act (117/1998): Nelson Mandela Bay Metropolitan Municipality: Problem Building By-law | 4374 14 |
| PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS | | |
| 9 | Spatial Planning and Land Use Management Act (16/2013): Erf 1847, Westering, Port Elizabeth, Eastern Cape | 4374 24 |
| 10 | Spatial Planning and Land Use Management Act (16/2013): Erf 1847, Westering, Port Elizabeth, Eastern Cape | 4374 25 |
| 11 | Spatial Planning and Land Use Management Act (16/2013): Erf 1897, Newton Park, in the Nelson Mandela Bay Metropolitan Municipality, Province of the Eastern Cape | 4374 25 |
| 12 | Spatial Planning and Land Use Management Act (16/2013): Erf 1785, Newton Park, in the Nelson Mandela Bay Metropolitan Municipality, Province of the Eastern Cape | 4374 26 |
| 13 | Spatial Planning and Land Use Management Act (16/2013): Erf 6662, East London | 4374 26 |
| LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS | | |
| 12 | Makana Municipality Spatial Planning and Land Use Management By-law, 2016: Closing of Portion of street being Erf 2201, Grahamstown adjoining Erf 2181, Erf 2182 and Erf 8051, Grahamstown | 4374 27 |
| 12 | Makana Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2016: Sluiting van Gedeelte van straat Erf 2201, Grahamstad, aangrensend Erf 2181, Erf 2182 en Erf 8051, Grahamstad | 4374 27 |
| 13 | Spatial Planning and Land Use Management Act (16/2013): Removal of Restrictions in terms of the Act: Erf 245, Summerstrand, Port Elizabeth | 4374 28 |
| 14 | Spatial Planning and Land Use Management Act (16/2013): Erf 3218, Gonubie | 4374 28 |
| 15 | Spatial Planning and Land Use Management By-law, 2016: Kouga Municipality: Erf 228 (26 Johan Muller Boulevard), Paradise Beach | 4374 29 |
| 16 | Spatial and Land Use Management By-law, 2016: Kouga Municipality: Erf 907 (Poivre Street), Sea Vista | 4374 30 |
| 17 | Spatial Planning and Land Use Management By-law, 2016: Kouga Municipality: Erf 1257 (26 Tecoma Street), Jeffreys Bay | 4374 31 |
| 18 | Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality: Erf 360 (Grosvenor Road), Cape St. Francis | 4374 32 |
| 19 | Spatial Planning and Land Use Management By-law, 2016: Kouga Municipality: Erf 89 (cnr of Kloof & Kerk Street), Patensie | 4374 33 |
| 20 | Spatial Planning and Land Use Management By-law, 2016L Kouga Municipality: Erf 1016 (31 Sardinia Road), Sea Vista | 4374 34 |
| 21 | Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality: Erf 1248 (91 Shore Road), Sea Vista | 4374 35 |
| 22 | Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality: Erf 425 (28 Verbena Crescent), Jeffreys Bay | 4374 36 |
| 23 | Buffalo City Metropolitan Municipality: By-law relating to dilapidated buildings and unsightly neglected structures and properties | 4374 37 |

PROCLAMATION • PROKLAMASIE

PROCLAMATION 1 OF 2020

NELSON MANDELA BAY METROPOLITAN MUNICIPALITY:
PROBLEM BUILDING BY-LAW

Under the provisions of Section 156 of the Constitution of the Republic of South Africa, 1996 the Nelson Mandela Bay Metropolitan Municipality, enacts as follows: –

TABLE OF CONTENTS

1. Definitions
2. Principles, objectives and application
3. Appointment, identification and entry by authorised officials of buildings and land
4. Prohibited conduct
5. Declaration of a building as a problem building and the right to appeal
6. Compliance notice
7. Service of a notice
8. Restriction of liability
9. Civil action
10. Exemptions
11. Offences and penalties
12. Short title and commencement

1. Definitions

In this By-law, unless the context otherwise indicates –

“**authorised official**” means an employee of the local authority authorised by the local authority or authorised by any delegated official of the local authority, to implement and enforce the provisions of this By-law;

“**court**” means the Magistrates Court or High Court or Municipal court having jurisdiction over an area falling within the jurisdiction of the local authority;

“**building**” includes –

- (a) any structure, including but not restricted to containers, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the -
 - (i) accommodation or convenience of human beings or animals;
 - (ii) manufacture, processing, storage, display or sale of any goods;
 - (iii) rendering of any service;
 - (iv) destruction or treatment of refuse or other waste materials;
 - (v) cultivation or growing of any plant or crop;
- (b) any wall or part of a building;
- (c) a unit as defined in the Sectional Title Act, 1986 (Act No. 95 of 1986) or any amendments thereto or substitutions thereto;
- (d) any vacant or unoccupied erf;
- (e) any advertising sign, advertising board or other structure as defined in the local authority's Advertising and Signage By-laws, as promulgated from time to time; and

- (f) all structures which fall within the definition of "building" in:
- (i) the National Building Regulations and Building Standards (Act 103 of 1977) and any amendments thereto or substitutions thereof, as well as any Regulations promulgated thereunder;
 - (ii) any town planning scheme in operation in respect of the property;
 - (iii) all regulations and standards issued by the South African Bureau of Standards or related authority.

"disability" refer to persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

"local authority" means:

- (a) the Nelson Mandela Bay Metropolitan Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998) and any amendments thereto or substitutions thereof, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the local authority and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- (b) any 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 contemplated in Section 59 of the Municipal Systems Act, 2000 (Act no. 32 of 2000)) and any amendments thereto or substitutions thereof;

"National Building Regulations" means regulations issued in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and any amendments thereto or substitutions thereof;

"nuisance" means any act or omission or condition on any premises or place, including any building or structure, or any growth on such premises place which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely effects the safety of people;

"overcrowding" means

- (a) a residential occupancy in excess of 12 occupants per sanitary convenience; or
- (b) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) utilised for sleeping purposes where such occupation exceeds 1 adult person per 4 m² and 1 child under 10 years of age per 2 m², or in situations where double bunks are used for sleeping purposes, occupation exceeds 3m² per adult person (occupying a double bunk bed) or 2m² per child under 10 years occupying a double bunk, provided that children under the age on one year are excluded from this calculation; and

"owner" in relation to a building or land means:

- (a) the person in whose name the land on which such building was or is erected, as the case may be, is registered in the deeds office in question and includes a person in charge of such building, provided that if –
- (i) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973), or if his or her estate has been sequestered, the executor or curator concerned, as the case may be, further provided that where an executor or curator has not been appointed for a deceased estate, a court appointed administrator;
 - (ii) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
 - (iii) such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or who is responsible therefore;
 - (iv) a mortgage bond is registered in favour of a financial institution, that financial institution;
 - (v) in the case of a sectional title scheme, a sectional title unit is registered in the name of a person, that person;
 - (vi) in the case of a sectional title scheme, a body corporate responsible for the control, administration and management of the common property; or
- (b) the person, any or all of the trustees of a trust or body corporate, any or all of the members of an association, any and all members of a partnership, any or all of the directors of a company, any or all of the members of a close corporation, registered as the owner or holder of any property in the relevant deeds registry office; or
- (c) the person, any or all of the trustees of a trust or body corporate, any or all of the members of an association, any and all members of a partnership, any or all of the directors of a company, any or all of the members of a close corporation, seemingly in charge of the property, whether due to any reason, including but not limited to:
- (i) the property being abandoned by the registered owner or holder thereof; or
 - (ii) the registered owner or holder thereof being absent from the Republic of South Africa or his or her whereabouts are unknown to the local authority; or
 - (iii) the property having been taken over by such person with or without consent of the registered owner or holder thereof; or
 - (iv) such person collecting or accepting any monetary compensation in respect of the occupation of the building;

- (vi) such persons as being appointed by the registered owner or holder thereof to be in charge of the property; and whether or not such person undertakes or at any time undertook the management, maintenance or collection of rentals or other moneys in respect of such property or who is or was responsible thereof;
- (d) a trustee in an insolvent estate which is the registered owner, registered holder or person in charge of property;
- (e) the representative appointed by a court of law of any registered owner or of a person in charge of the property who is a minor or of unsound mind or is otherwise under disability; and
- (f) where the local authority is unable to determine the identity of such person as mentioned in sub sections (a) to (e) above, any person who accepts or is entitled to or who have accepted or were entitled to the benefit of the use of such property or who enjoys or enjoyed such benefit.

2. Principles, objectives and application

(1) The Nelson Mandela Bay Metropolitan Municipality adopts this by-law to provide for the identification, control and management of dilapidated and problem buildings and land in its area of jurisdiction with the aim of protecting and promoting the interests of all people in the Nelson Mandela Bay Metropolitan area by providing, in conjunction with applicable laws, a legal and administrative framework within which the local authority can develop and manage its constitutional and other legislative obligations, including but not limited to its obligations to promote a safe and healthy environment.

(2) In the development and management of its obligations and the implementation of this by-law, the local authority also recognises the infrastructural, social and economical disparities and inequalities resulting from previous local government dispensations and shall strive to overcome such disparities and inequalities by supporting the goals for local government as laid down in section 152 of the Constitution.

(3) In the implementation and enforcement of this by-law, the local authority may take into consideration the realities of the Nelson Mandela Bay Metropolitan area, the different customs, cultures, circumstances, geographical areas, kinds of premises, levels of development and conventions and the local authority may from time to time determine the areas in which the by-law will be applicable.

(4) This By-law applies to all problem buildings situated within the area of jurisdiction of the local authority, except those situated in areas exempted from the application of the National Building Regulation and Building Standards Act, 1977 (Act 103 of 1977), any amendments thereto or substitutions thereof.

3. Appointment, identification and entry by authorised officials of buildings and land

(1) The Municipal Manager or any other person with the relevant authority delegated to him or her by the local authority, may appoint authorised officials to implement and enforce the provisions of this By-law.

(2) Any authorised official may enter any building or land at any reasonable time with a view to -

- (a) inspect or determine whether the building or land complies with any provision of this By-law or any other legislation, subject to 7 days' notice of such intended inspection having been given to the owner;
- (b) inspect and determine whether the property or building is a problem building; or
- (c) serve the owner of the building or land with a compliance notice as contemplated in section 5.

(3) No person may hinder or obstruct the authorised official in the exercise of his or her powers in terms of the By-law.

(4) An authorised official must, when entering the building or land, produce a valid identification document or appointment certificate issued to him or her by the local authority to the owner of such building or land.

(5) A person who contravenes the provisions of subsection (3) commits an offence.

4. Prohibited conduct

(1) No person may -

- (a) abandon a building;
- (b) fail to comply with or maintain a building in accordance with the health, fire-safety and town planning scheme or by-laws;
- (c) fail to maintain lifts that were installed in a building;
- (d) allow any of the conditions listed in section 5(e) to develop or exist;
- (e) conduct or permit the conduct of any criminal activities contemplated in section 5(f);
- (f) occupy a building illegally;
- (g) fail to comply with a Notice issued in terms of Section 11 of the National Building Regulations and Building Standards Act, 1977;
- (h) allow a building to be a threat or danger to the safety of the occupiers, registered owners, responsible person or the public in general; and
- (i) allow a building to be in a state of partial completed completion, to become abandoned or structurally unsound and to show the signs of any of the risks contemplated in section 5(1)(a) to (j).

(2) A person who fails to comply with the provisions of subsection (1) commits an offence.

5. Declaration of a building as a problem building and the right to appeal

(1) An authorised official may, subject to the provisions of this section, declare a property or a building or any part thereof a problem building, provided that one or more of the following circumstances exist at the property: The building -

- (a) appears to have been abandoned by the owner, irrespective of whether the municipal rates or other municipal service charges have been paid or not;

- (b) does not comply with existing legislation or is not maintained in accordance with the health, fire-safety and town planning scheme or by-laws;
 - (c) has no or limited use of lifts that were installed in the building;
 - (d) is overcrowded;
 - (e) is unhealthy, unsanitary, unsightly or objectionable in terms of any applicable legislation or, as determined by the local authority -
 - (i) has overloaded or illegally connected electricity supply;
 - (ii) has illegally connected water supply;
 - (iii) has no electricity supply;
 - (iv) has no water supply;
 - (v) has illegal connections to sewer mains;
 - (vi) has overflowed or blocked sewer drains;
 - (vii) constitutes a nuisance; or
 - (viii) is a place where refuse, waste material, rubble, scrap or any similar material is accumulated, dumped, stored or deposited, unless so stored in terms of a valid approval by the local authority;
 - (f) is the subject of complaints of criminal activities, including but not limited to drug dealings, prostitution and money laundering as is evidenced by complaints lodged at the South African Police Services or the local authority;
 - (g) is occupied illegally;
 - (h) is partially completed and the responsible person has not complied with a Notice issued in terms of Section 11 of the National Building Regulations and Building Standards Act, 1977 and any amendments thereto or substitutions thereof;
 - (i) is structurally unsound;
 - (j) is a threat or danger to the safety of the occupiers, registered owners, responsible person or the public in general; and
 - (k) is partially completed, abandoned or structurally unsound and shows signs of any of the risks contemplated in paragraphs (a) to (j).
- (2) Before declaring a building a problem building, the authorised official must give notice in writing to the owner and occupiers and such notice must:
- (a) state the fact that the authorised officer is considering declaring the building or property a problem building;
 - (b) provide reasons for such intention;
 - (c) establish a platform to engage meaningfully with the owner and occupiers; and
 - (d) if the engagement in terms of subsection (2)(c) fails to resolve the matter, grant the owner and occupiers a period of not less than 10 (ten) days, excluding Saturdays, Sundays and Public Holidays, within which to submit written representations as to why the building or property should not to be declared a problem building.

(3) A committee established by the municipality, consisting of at least two officials, provided that the authorised officer who made the declaration in terms of subsection (1) or who served the notice in terms of subsection (2) may not be a member of such committee, must:

- (a) Consider the written representations submitted by the owner; and
- (b) declare that the building is a problem building or that it is not a problem building; and
- (c) provide the responsible person with a written decision by way of service in terms of section 6 below.

(4) The declaration of a building as a problem building in terms of this section and the procedures prescribed by this will not preclude the authorised official from having the authority to issue spot fines in terms of this by-laws or any other relevant legislation or by-laws or to take any further action as provided for in this by-laws or any other relevant legislation or by-laws.

(5) The owner shall, in respect of a declaration made in terms of subsection (1), have a right of appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)) and any amendments thereto or substitutions thereof.

6. Compliance notice

(1) When a building is declared a problem building, the authorised official must serve a written notice on the owner and take all reasonable steps to explain the impact of the fact that the property has been declared as such and the notice must require the owner to comply with the provisions of this by-law and any other relevant legislation or by-laws within a specified period.

(2) Despite the provisions of sub section (1), and subject to any applicable legislation, if the authorised official has reason to believe that the condition of any building or property is such that steps should immediately be taken to protect the safety and health of persons or property, he or she may take such steps as may be necessary in the circumstances to alleviate that condition, without serving or delivering such notice on or to the owner and the local authority may recover the cost of taking such steps from the owner.

(3) The authorised official may serve a written notice on the owner of any building or land which has been declared a problem building as referred to in section 4, requiring such owner within a specified period to –

- (a) clean, repair, renovate, repaint, alter, close, demolish or secure such problem building;
- (b) complete the problem building or any structure of such building;
- (c) enclose, fence or barricade such problem building or land;
- (d) instruct, at the cost of such owner, an architect or other registered person, to investigate such problem building and to report to the authorised official on the nature and extent of the steps to be taken to render such problem building safe or to rectify the deficiency which caused the building to be declared a problem building;

- (e) dispose of, destroy or remove any material or article accumulated, dumped, stored or deposited in any building, which is refuse or waste and which is unsightly or is likely to constitute an obstruction; or
 - (f) comply with any provision of this By-law.
- (4) Failure by an owner to comply with a notice served on him or her in terms of subsection (1), (3) and (4) constitutes an offence and the local authority may, if an owner fails to comply with such a notice, clean, repair, renovate, repaint, alter, close demolish or secure any problem building at the cost of the owner.
- (5) The local authority may, if the owner fails to pay the cost contemplated in subsection (2) or (4), recover the cost in terms of the Customer Care and Revenue Management By-law.
- (6) If the authorised official deems it necessary for the safety of any person, he or she may, by notice in writing, and subject to any applicable legislation:
- (a) Order the owner of any problem building to remove, within the period specified in such notice, any person occupying or working, or who for any other purpose is in or on the problem building, and to take care that no person who is not authorised by the local authority enters the problem building; and
 - (b) order any person occupying, operating or working from, or who for any other purpose is in or on any problem building, to vacate such building:

Provided that such notice will only be served after the municipality and the owner or occupiers engaged with each other meaningfully.

- (7) The municipality must keep a complete and accurate account of the process of engagement
- (8) Failure to comply with a notice served in terms of subsection (6) constitutes an offence.
- (9) No person shall occupy, use or permit the occupation or use of any problem building or continue to occupy, use or permit the occupation or use of any problem building in respect of which a notice was issued in terms of subsection (3) or where steps were taken by the local authority in terms of this section, unless he or she has been granted permission by the local authority in writing that the problem building may be occupied or used, as the case may be and failure to comply with this subsection constitutes an offence.

7. Service of a notice

- (1) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served –
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;

- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (2) When a compliance notice is authorised or required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, but it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.

8. Restriction of Liability

The local authority or any authorized employee of the local authority shall not be liable for any damage caused by anything done or omitted in the exercise of a power or the performance of a duty conferred or imposed in terms of this by-law.

9. Civil Action

- (1) In addition to or instead of the action contemplated in section 5, the local authority may proceed with civil action against any owner or person who contravenes or permits a contravention of the provisions of this by-law.
- (2) All costs of the civil action on an attorney and client scale will be recoverable by the local authority from the owner or person who contravenes this by-law in respect of all legal action taken against such owner or person by the local authority and such costs shall be payable upon demand by the local authority.

10. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the local authority for exemption from any provision of this by-law.
- (2) The local authority may:
- (a) Grant an exemption in writing and impose conditions and the period for which such exemption is granted;
 - (b) alter or cancel any condition in an exemption; provided that the local authority must give reasonable notice of such intention and give the applicant reasonable time to make representations; or
 - (c) refuse to grant an exemption in which case the applicant must be informed of the reasons for such refusal.
- (3) In order to consider an application submitted in terms of sub-section (1), the local authority may obtain the input or comments of the owners or occupants of surrounding premises.

(4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the local authority in terms of subsection (2) and if any activity is commenced with before such undertaking has been submitted to the local authority, the exemption lapses.

(5) If any condition of an exemption is not complied with, the local authority may withdraw or cancel such exemption: Provided that the local authority must give reasonable notice of such intention and give the applicant reasonable time to make representations.

11. Offences and penalties

A person who contravenes any of the provisions of this by-law is guilty of an offence and is 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.

12. Short title and commencement

This By-law may be cited as the Nelson Mandela Bay Metropolitan Municipality: Problem Building By-law and will commence upon publication in the Provincial Gazette.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 9 OF 2020

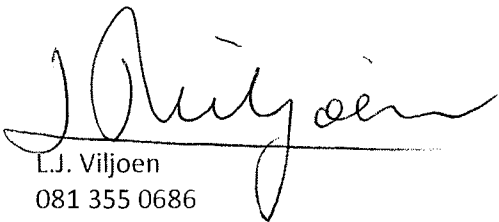
Nelson Mandela Bay Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 1847, WESTERING, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B.6(b),(c),(d) contained in Deed of Transfer No. T26141/1980 applicable to ERF 1847, WESTERING, PORT ELIZABETH, EASTERN CAPE, are hereby removed.

Yours faithfully



L.J. Viljoen

081 355 0686

Owner of Property ERF 1847

9 January 2020

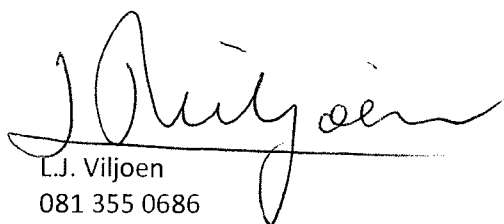
PROVINCIAL NOTICE 10 OF 2020**Nelson Mandela Bay Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 1847, WESTERING, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B.6(b),(c),(d) contained in Deed of Transfer No. T26141/1980 applicable to ERF 1847, WESTERING, PORT ELIZABETH, EASTERN CAPE, are hereby removed.

Yours faithfully



L.J. Viljoen

081 355 0686

Owner of Property ERF 1847

9 January 2020

PROVINCIAL NOTICE 11 OF 2020

NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)

REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013. (ACT 16 OF 2013)

ERF 1897 NEWTON PARK, IN THE NELSON MANDELA BAY METROPOLITAN MUNICIPALITY, PROVINCE OF THE EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions of the Local Authority, a notice is hereby given that condition B in Deed of Transfer No T48589/2013 applicable to ERF 1897 NEWTON PARK are hereby removed.

PROVINCIAL NOTICE 12 OF 2020

NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)

REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013. (ACT 16 OF 2013)

ERF 1785 NEWTON PARK, IN THE NELSON MANDELA BAY METROPOLITAN MUNICIPALITY, PROVINCE OF THE EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions of the Local Authority, a notice is hereby given that restrictive conditions as contained in Deed of Transfer No T38894/2016 and any similar subsequent Deed applicable to ERF 1785 NEWTON PARK that is stated as follows : “ That no Lot shall be subdivided and not more than one dwelling or building used as a dwelling and place of business or one building used as a place of business be erected on any one Lot” are hereby removed.

PROVINCIAL NOTICE 13 OF 2020

**BUFFALO CITY METROPOLITAN MUNICIPALITY
(EASTERN CAPE)**

**REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE
MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

ERF 6662 EAST LONDON

BUFFALO CITY METROPOLITAN MUNICIPALITY

DIVISION OF EAST LONDON

PROVINCE OF THE EASTERN CAPE

IN EXTENT 1 447 (ONE THOUSAND FOUR HUNDRED AND FORTY SEVEN) SQUARE METRES

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, notice is hereby given that conditions C.(b),(c), (d) and D.(a) in Deed of Transfer Number T9776/1998 applicable to Erf 6662 EAST LONDON are hereby removed.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 12 OF 2020**CLOSING OF PORTION OF STREET BEING ERF 2201 GRAHAMSTOWN
ADJOINING ERF 2181, ERF 2182 AND ERF 8051 GRAHAMSTOWN**

Notice is hereby given in terms of Section 109 of the Makana Municipality Spatial Planning and Land Use Management By-Law (2016) and in terms of the provisions of Section 137(1) of Municipal Ordinance No. 20 of 1974 that a portion of Holland Street being Erf 2201, adjoining Erven 2181, 2182 and 8051 Grahamstown in the area of Makana Municipality, Division of Albany, Eastern Cape Province has been permanently closed. (REF: S/9160/113p321)

On behalf of:

MR. M. MENE
MUNICIPAL MANAGER

PLAASLIKE OWERHEID KENNISGEWING 12 VAN 2020**SLUITING VAN GEDEELTE VAN STRAAT ERF 2201 GRAHAMSTAD,
AANGRENSEND ERF 2181, ERF 2182 EN ERF 8051 GRAHAMSTAD**

Kennis geskied hiermee in terme van Artikel 109 van die Makana Munisipaliteit Ruimtelike Beplanning en Grondgebruikbestuur Verordening (2016) en in terme van die bepalings van Artikel 137 (1) van die Munisipale Ordonnansie No 20 van 1974 dat 'n gedeelte van Holland straat synde Erf 2201, aangrensend aan Erwe 2181, 2182 en 8051 Grahamstad in die gebied van Makana Munisipaliteit, Afdeling van Albany, Oos-Kaap Provinsie is permanent gesluit.
(Verw: S/9160/113p321)

Namens:

MR. M. MENE
MUNISIPALE BESTUURDER

LOCAL AUTHORITY NOTICE 13 OF 2020**Nelson Mandela Bay Municipality (Eastern Cape)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 - Erf 245, Summerstrand, Port Elizabeth.

Under Section 47 of the Spatial Planning and Land Use Management Act 2013, (Act 16 of 2013) and upon instruction by the Municipality a notice is hereby given that conditions D.3 (b), (c) and (d) in Deed of Transfer No.T69494/2015, applicable to Erf 245 are hereby removed.

LOCAL AUTHORITY NOTICE 14 OF 2020**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA Act No. 16 of 2013: ERF 3218, GONUBIE:
REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and upon instruction from the abovementioned Municipality, notice is hereby given that Condition C. 3. found in Deed of Transfer No. T 5525/2001, pertaining to Erf 3218, Gonubie, is hereby removed.

LOCAL AUTHORITY NOTICE 15 OF 2020

PROVINCIAL NOTICE NO 256/2019

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE

ERF 228 (26 JOHAN MULLER BOULEVARD), PARADISE BEACH

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY

Notice is hereby given that the Municipal Planning Tribunal on 17 December 2019, removed Condition B.5; B.6 & B.7 (a) & (b) applicable to Erf 228, Paradise Beach as contained in Certificate of Consolidation Title T41667/2016 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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For Publication:

PROVINCIAL GAZETTE

LOCAL AUTHORITY NOTICE 16 OF 2020

PROVINCIAL NOTICE NO 257/2019

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE & DEPARTURE

ERF 907 (POIVRE STREET), SEA VISTA

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY

Notice is hereby given that the Municipal Planning Tribunal on 05 December 2019, removed Condition D.3; D.6(a); D.6(b) & E.4 applicable to Erf 907, Sea Vista as contained in Certificate of Consolidation Title T17334/98 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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LOCAL AUTHORITY NOTICE 17 OF 2020

PROVINCIAL NOTICE NO 258/2019

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE

ERF 1257 (26 TECOMA STREET), JEFFREYS BAY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY

Notice is hereby given that the Municipal Planning Tribunal on 05 December 2019, removed Condition B.5; B.6(a); B.6(b)(i) & (ii) applicable to Erf 1257, Jeffreys Bay as contained in Certificate of Consolidation Title T25725/2014 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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LOCAL AUTHORITY NOTICE 18 OF 2020

PROVINCIAL NOTICE NO 259/2019

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

REMOVAL OF RESTRICTIVE CONDITIONS

ERF 360 (GROSVENOR ROAD), CAPE ST FRANCIS

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY

Notice is hereby given that the Municipal Planning Tribunal on 05 December 2019, removed Condition C.6.(b)(i) & (ii) applicable to Erf 360, Cape St Francis as contained in Certificate of Consolidation Title T79337/2012 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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For Publication:

PROVINCIAL GAZETTE

LOCAL AUTHORITY NOTICE 19 OF 2020

PROVINCIAL NOTICE NO 260/2019

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE

ERF 89 (CNR OF KLOOF & KERK STREET), PATENSIE

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY

Notice is hereby given that the Municipal Planning Tribunal on 05 December 2019, removed Condition C.(b)(i) & (ii) applicable to Erf 89, Patensie as contained in Certificate of Consolidation Title T63847/2014 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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For Publication:

PROVINCIAL GAZETTE

LOCAL AUTHORITY NOTICE 20 OF 2020

PROVINCIAL NOTICE NO 261/2019

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

REMOVAL OF RESTRICTIVE CONDITIONS

ERF 1016 (31 SARDINIA ROAD), SEA VISTA

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY

Notice is hereby given that the Municipal Planning Tribunal on 05 December 2019, removed Condition B.6.(b) applicable to Erf 1016, Sea Vista as contained in Certificate of Consolidation Title T1633/2019 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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LOCAL AUTHORITY NOTICE 21 OF 2020

PROVINCIAL NOTICE NO 262/2019

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE

ERF 1248 (91 SHORE ROAD), SEA VISTA

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY

Notice is hereby given that the Municipal Planning Tribunal on 05 December 2019, removed Condition D.6.(b) applicable to Erf 1248, Sea Vista as contained in Certificate of Consolidation Title T39869/2017 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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For Publication:

PROVINCIAL GAZETTE

LOCAL AUTHORITY NOTICE 22 OF 2020

PROVINCIAL NOTICE NO 263/2019

EASTERN CAPE PROVINCE

KOUGA MUNICIPALITY (EC 108)

REMOVAL OF RESTRICTIVE CONDITIONS

ERF 425 (28 VERBENA CRESCENT), JEFFREYS BAY

SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY

Notice is hereby given that the Municipal Planning Tribunal on 05 December 2019, removed Condition No. 5 applicable to Erf 425, Jeffreys Bay as contained in Certificate of Consolidation Title T25020/2004 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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PROVINCIAL GAZETTE

LOCAL AUTHORITY NOTICE 23 OF 2020

Buffalo City Metropolitan Municipality
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METROPOLITAN MUNICIPALITY

**BY-LAW RELATING TO DILAPIDATED
BUILDINGS AND UNSIGHTLY NEGLECTED
STRUCTURES AND PROPERTIES**

TABLE OF CONTENTS

| | |
|---|---------|
| 1. PREAMBLE | PAGE 3 |
| 2. PURPOSE | PAGE 4 |
| 3. SCOPE | PAGE 4 |
| 4. PRINCIPLES, OBJECTIVES AND APPLICATIONS | PAGE 4 |
| 5. DEFINITIONS | PAGE 5 |
| 6. ENTRY BY AUTHORISED OFFICIALS OF BUILDINGS AND LAND | PAGE 7 |
| 7. DECLARATION OF A BUILDING, A PROBLEM BUILDING | PAGE 8 |
| 8. COMPLIANCE NOTICE | PAGE 8 |
| 9. SERVICE OF A NOTICE | PAGE 9 |
| 10. RESTRICTION OF LIABILITY | PAGE 10 |
| 11. OFFENCES AND PENALTIES | PAGE 10 |
| 12. REPEAL OF BY-LAWS | PAGE 11 |
| 13. SHORT TITLE | PAGE 11 |

1. PREAMBLE

The Buffalo City Metropolitan Municipality enacts a By-Law relating to Dilapidated Buildings and unsightly neglected structures and properties in terms of Section 156 (2) of the Constitution of the Republic of South Africa, 1996 which provides that a Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer. This section of the Constitution must be read together with Section 11 (3) (m) of the Local Government: Municipal Systems Act 32 of 2000 which states that a Municipality exercises its Legislative and its Executive Authority by passing by-laws and taking decisions on any matter falling within its competence and within its area of jurisdiction.

WHEREAS the Council of the Buffalo City Metropolitan Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996;

AND WHEREAS the Council of the Buffalo City Metropolitan Municipality in the exercise of its functions has the right to provide for the control of advertising signs in the municipal area for the benefit of the public residing in or visiting the Municipality;

NOW THEREFORE it is enacted by the Council as follows:

2. **PURPOSE**

The main purpose of this By-law is to provide for the identification, control and management of dilapidated and problem buildings and land in its area of jurisdiction.

3. **SCOPE**

This By-law sets out the procedures to be followed when dealing with dilapidated buildings. It provides, in conjunction with applicable laws, a legal and administrative framework within which the municipality can develop and manage its constitutional and other legislative obligations to manage dilapidated buildings.

4. **PRINCIPLES, OBJECTIVES AND APPLICATION**

4.1 The municipality adopts this by-law to provide for the identification, control and management of dilapidated and problem buildings and land in its area of jurisdiction with the aim of protecting and promoting the interests of all people in the Buffalo City Metropolitan area, area by providing, in conjunction with applicable laws, a legal and administrative framework within which the municipality can develop and manage its constitutional and other legislative obligations.

4.2 In the development and management of its obligations and the implementation of this by-law, the municipality also recognises the infrastructural, social and economical disparities and inequalities resulting from previous local government dispensations 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.

4.3 In the implementation and enforcement of this by-law, the municipality may take into consideration the realities of the Buffalo City Metropolitan

area, the different customs, cultures, circumstances, geographical areas, kinds of premises levels of development and conventions and the municipality may from time to time determine the areas in which the by-law will be applicable.

4.4 This By-law applies to all problem buildings situated within the area of jurisdiction of the municipality.

5. DEFINITIONS

5.1 In this By-law, unless the context otherwise indicates –

“authorised official” means an employee of the Municipality authorised by the Municipality to implement and enforce the provisions of this By-law;

“building” includes –

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the -
 - (i) accommodation or convenience of human beings or animals;
 - (ii) manufacture, processing, storage, display or sale of any goods;
 - (iii) rendering of any service;
 - (iv) destruction or treatment of refuse or other waste materials;
 - (v) cultivation or growing of any plant or crop;
- (b) any wall or part of a building, including a building as defined in paragraph (a);
- (c) a unit as defined in the Sectional Title Act, 1986 (Act No. 95 of 1986); and;
- (d) any vacant, unoccupied erf;

“Municipality” means the Buffalo City Metropolitan Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“National Building Regulations” means regulations issued in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

“owner” in relation to a building or land means the person in whose name the land on which such building was or is erected, as the case may be, is registered in the deeds office in question and includes a person in charge of such building: Provided that if –

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973), or if his or her estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or who is responsible there for;
- (d) the mortgage bond is registered in favour of a financial institution, that financial institution;
- (e) in the case of a sectional title scheme, a sectional title unit is registered in the name of a person, that person;
- (f) in the case of a sectional title scheme, a body corporate responsible for the control, administration and management of the common property; or
- (g) the Municipality in question is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building who enjoys such benefit;

“problem building” includes any:

- (a) building or land that have been abandoned or appears to have been abandoned by the owner with or without the consequence that rates or other service charges are not being paid;
- (b) building or land that is derelict in appearance, overcrowded or is showing signs of becoming unhealthy, unsanitary, unsightly or objectionable;
- (c) building or land that is the subject of numerous complaints from the public including complaints in respect of any criminal activity;
- (d) building or land that is illegally occupied;
- (e) building or land where refuse or waste material is accumulated, dumped, stored or deposited; or
- (f) building partially completed, abandoned or structurally unsound and that shows signs of any of the risks contemplated in paragraphs (a) to (e).

6. ENTRY BY AUTHORISED OFFICIALS OF BUILDINGS AND LAND

6.1 Any authorised official may enter any building or land at any reasonable time with a view to -

- (a) inspect or determine whether the building or land complies with any provision of this By-law; or
- (b) serve the owner of the building or land with a compliance notice contemplated in section 5.

6.2 No person shall hinder or obstruct the authorised official in the exercise of his or her powers in terms of the By-law.

6.3 An authorised official shall, when entering the building or land, produce a valid identification document issued to him or her by the Municipality to the owner of such building or land.

7. DECLARATION OF A BUILDING, A PROBLEM BUILDING

7.1 The authorised official may, subject to subsections (2), (3) and (4), if a building falls within the definition of problem building as defined in section 1, declare such building a problem building.

7.2 The authorised official shall, before declaring such building a problem building, inform the owner of his or her intention to declare such building a problem building.

7.3 The authorised official shall give the owner a period of seven days to make representations on why the building should not be declared a problem building.

7.4 The owner shall, in respect of a declaration made in terms of subsection (1), have a right of appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

8. COMPLIANCE NOTICE

8.1 The authorised official may serve a written notice on the owner of any building or land which has been declared a problem building as referred to in section 4, requiring such owner within a specified period to -

- (a) clean, repair, renovate, repaint, alter, close, demolish or secure such problem building;
- (b) complete the problem building or any structure of such building;
- (c) enclose, fence or barricade such problem building or land;
- (d) instruct, at the cost of such owner, an architect or other registered person, to investigate such problem building and to report to the authorised official on the nature and extent of the steps to be taken to render such problem building safe or to rectify the deficiency which caused the building to be declared a problem building;
- (e) dispose of, destroy or remove any material or article accumulated, dumped, stored or deposited in any building, which is refuse or waste and which is unsightly or is likely to constitute an obstruction; or
- (f) comply with any provision of this By-law.

8.2 The Municipality may, if an owner fails to comply with a notice served on him or her in terms of subsection (1), clean, repair, renovate, repaint, alter, close demolish or secure any problem building at the cost of the owner.

8.3 The Municipality may, if the owner fails to pay the cost contemplated in subsection (2), recover the cost in terms of the Customer Care and Revenue Management By-law.

8.4 If the condition of any building is such that it poses a danger to life or the building itself, the authorised official may take any steps necessary to prevent the danger to life or the property without serving the notice contemplated in subsection (1) on the owner of such building and the municipality may recover the cost of such steps taken from such owner.

8.5 If the authorised official deems it necessary for the safety of any person, he or she may be notice in writing -

- (a) order the owner of any problem building to remove, within the period specified in such notice, any person who, for whatever purpose is in such problem building, and to take care that no person who is not authorised by the Municipality enters such problem building; and
- (b) order any person who for whatever purpose is in any problem building, to vacate such building.

8.6 No person shall occupy, use or permit the occupation or use of any problem building or continue to occupy, use or permit the occupation or use of any problem building in respect of which a notice of compliance was served in terms of subsection (1) or steps were taken by the Municipality in terms of subsection (2) without the written approval of the Municipality.

9. SERVICE OF A NOTICE

9.1 Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served –

- (a) when it has been delivered to that person personally;

- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
- (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
- (g) when it has been delivered, at the request of that person, to his or her e-mail address.

9.2 When a compliance notice as aforesaid is authorised or required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, but it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.

10. RESTRICTION OF LIABILITY

No authorized employee of the municipality shall be liable in respect of anything done in good faith in the exercise of a power or the performance of a duty conferred or imposed in terms of this by-law.

11. OFFENCES AND PENALTIES

11.1 Any person who contravenes any provision of this By-law, or fails to comply with a compliance notice issued in terms of this By-law shall be guilty of an offence.

11.2 A person who is guilty of an offence in terms of this By-law is upon conviction liable to a fine not exceeding R3 000.00 or imprisonment for a period not exceeding 6 months or to both such fine and imprisonment, and in the case of a continuing offence, an additional fine not exceeding R1 000.00 or an additional fine not exceeding 30 days or to both such additional fine and additional imprisonment for each day during which such failure or offence continues.

11.3 In addition to any penalty imposed in terms of subsection (2), the person so convicted shall be liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.

12. REPEAL OF BY-LAWS

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

13. SHORT TITLE

This By-law may be cited as the Buffalo City Metropolitan Municipality: Dilapidated Buildings and unsightly neglected structures and properties By-law, 2018.