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## CONTENTS

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Page

### LOCAL AUTHORITY

Swellendam Municipality: By-law Relating to the Submission of Building Plans .....	2
Swellendam Municipality: By-Law Relating to the Repeal of Outdated and Redundant By-laws Adopted by Former Municipalities .....	5
Swellendam Munisipaliteit: Verordening Insake die Herroeping van Verouderde en Uitgediende Verordeninge wat deur Vorige Munisipaliteit Aangeneem is .....	7

**SWELLENDAM MUNICIPALITY**  
**BY-LAW RELATING TO THE SUBMISSION OF BUILDING PLANS**

To ensure uniformity with regard to the submission, consideration and approval of building plans in the jurisdictional area of the Municipality and to make additional provisions regarding the submission of building plans and the control of illegal construction work; and to provide for matters relating thereto.

**PREAMBLE**

WHEREAS section 156(2) and (5) of the Constitution provides that a Municipality may make and administer By-Laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 4 to the Constitution lists Building Regulations as a local government matter to the extent set out in sections 155(6) (a) and 155(7);

AND WHEREAS the Swellendam Municipality seeks to regulate building works and activities related thereto;

BE IT ENACTED by the Council of the Swellendam Municipality, as follows:—

Table of contents

1. Definitions
2. Application
3. Interpretation
4. Compliance and enforcement
5. Determination of tariffs
6. Right of entry and inspection
7. Offences and penalties
8. Short title and commencement

**1. Definitions**

In this By-Law, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context indicates otherwise:—

**“Building Act”** means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes the Building Regulations;

**“Building Regulations”** means the National Building Regulations promulgated under GN R2378 of 12 October 1990;

**“Building contractor”** means any person assigned the duties by the owner to commence with building works, and includes the owner;

**“Building works”** means any building as described in the Building Act and includes minor building works, any renovations, alterations and other construction work related thereto;

**“Municipality”** means the Swellendam Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this By-Law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee

thereof acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated, to such political structure, political office bearer, agent or employee;

**“Organ of state”** means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996;

**“owner”** shall have the same meaning as described in the Building Act; and

**“Person”** means any natural person, juristic person, association or organ of state;

## **2. Application**

Notwithstanding conflicting provisions in any other act, all persons, including organs of state, must submit building plans and specifications for consideration by the Municipality. An organ of state will only be exempt from complying with this By-Law if a certificate can be produced signed by the Minister of Justice or the Minister of State Security declaring that the submission of a building plan for a specific building may harm the security of the Republic of South Africa.

## **3. Interpretation**

The Building Act will prevail to the extent that it is not in conflict with this By-Law. Words and phrases in this By-Law will have the same meaning as assigned to it in the Building Act, unless the context indicates otherwise.

## **4. Compliance and enforcement**

- (1) No person shall without the prior approval in writing of the Municipality, erect any building or proceed with any building works in respect of which plans and specifications are to be drawn and submitted in terms of this By-Law or any other legislation or allow it to be erected.
- (2) A building contractor must, before commencing any building work, ensure that a building plan for the specific building works has been approved by the Municipality.
- (3) A building contractor must, at all times, keep a copy of the approved building plan at the building site where the building works are in progress and allow an authorised official of the Municipality to inspect the plan.
- (4) Where a person erects a building without a building plan approved by the Municipality or deviates from an approved building plan, the Municipality may instruct such person by notice to stop the erection of the building forthwith and/or to comply with the approved building plan.
- (5) Where the person served with a notice contemplated in subsection (4) fails to comply with such notice, the Municipality may approach a competent court for an order prohibiting any person from proceeding with the erection of such building or authorising the Municipality to demolish such building if the court is satisfied that such erection is contrary to or does not comply with the provisions of this By-Law or any approval or authorization granted thereunder.
- (6) A person who fails to comply with subsections (1) to (5) of this By-Law commits an offence.

## **5. Determination of tariffs**

(1) The Municipality may, in terms of its Tariff By-Law, determine tariffs and fees for any service rendered in terms of this By-Law which must be reviewed annually during the budget process.

(2) Where a building was erected without a building plan, a tariff will be determined for the late application which will be payable over and above the ordinary tariff for consideration of such building plan.

## **6. Right of entry and inspection**

- (1) Any duly authorised employee of the Municipality is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-Law.
- (2) When entering premises in terms of subsection (1), such employee must on request by any person, identify him- or herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) Any person who fails to give or refuses access to any authorised official, or obstructs or hinders him or her in the execution of his or her duties under this By-Law, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

## **7. Offences and penalties**

- (1) A person who commits an offence in terms of this By-Law shall upon conviction be liable to—
  - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
  - (b) in the case of a continuing offence, to an additional fine for each day on which such offence is continued.
- (2) Failure to comply with a notice, direction or instruction referred to in this By-Law constitutes a continuing offence.
- (3) In addition to any fines imposed in terms of sub paragraphs (a) and (b), a further amount equal to any costs or expenses found by the court to have been incurred by the Municipality as result of such contravention or failure, may be imposed by the court.

## **8. Short title and commencement**

This By-Law shall be known as the Building Plans By-Law and shall come into operation on the date of promulgation thereof in the *Provincial Gazette*.

## SWELLENDAM MUNICIPALITY

### BY-LAW RELATING TO THE REPEAL OF OUTDATED AND REDUNDANT BY-LAWS ADOPTED BY FORMER MUNICIPALITIES

To repeal a number of outdated and redundant by-laws which were adopted by former municipalities, the areas of which were incorporated in the Swellendam Municipality.

#### Repeal of by-laws

The by-laws listed in the Schedule, which were adopted by former municipalities, the areas of which were incorporated in the Swellendam Municipality, are hereby repealed, insofar as they are applicable in the area of the Swellendam Municipality.

#### SCHEDULE: BY-LAWS TO BE REPEALED

##### Redundant and outdated by-laws only applicable in the former Swellendam municipal area and the amendments thereto:

1.	PN 0042/1920	General series
2.	PN0124/1926	Isolation hospital
3.	PN0515/1928	Electrical supply
4.	PN0338/1929	Tractors
5.	PN0557/1929	Whips
6.	PN 0466/1930	Petrol pump tanks
7.	PN0100/1931	Municipal parks, gardens and plantations
8.	PN0432/1931	Additional Rules of Order
9.	PN 0300/1941	Health
10.	PN0505/1946	Additional streets
11.	PN 0249/1946	Commonage
12.	PN0140/1949	Numbering of streets
13.	PN 1034/1953	General series
14.	PN0934/1968	Advertising; accommodation; information and fishmonger
15.	PN0029/1955	Control over loudspeakers
16.	PN0013/1959	Electricity; wiring of premises and poultry
17.	PN 0293/1961	Barbers hairdressers
18.	PN 0676/1965	Dairies
19.	PN0694/1965	Keeping of animals
20.	PN 0692/1965	Barbers hairdressers
21.	PN0628/1967	Staff leave
22.	PN 0653/ 1975	Antenna systems television
23.	PN 0935/1968	General series
24.	PN 0253/1968	General series
25.	PN 0935/1968	General Series
26.	PN 0768/1972	General Series
27.	PN0690/1974	Abattoirs
28.	PN0639/1975	Damaging of streets
29.	PN0409/1976	Regulations relating to the cleanliness of premises
30.	PN0431/1976	Standard building regulations
31.	PN0466/1978	Amendment to electricity
32.	PN0049/1982	Additional electricity supply
33.	PN0350/1982	Parking of heavy vehicles and caravans
34.	PN0724/1982	Fire Brigade
35.	PN0267/1983	Removal of refuse
36.	PN 0567/1984	Availability charges
37.	PN0305/1985	Additional abattoirs
38.	PN063/1988	Electricity
39.	PN064/1988	Standard by-laws relating to streets
40.	PN 0389/1988	Standard by-law relating to Accommodation establishments

41.	PN 0065/1988	General series
42.	PN0413/1989	Use of Jansen Street
43.	PN 0068/1989	Standard by-law relating to butcheries
44.	PN819/1990	Public amenities own affairs
45.	PN0025/1991	Library
46.	PN0315/1991	Public amenities general affairs
47.	PN0138/2000	Standard by-law relating to hawkers, street vendors and pedlars

**Redundant and outdated by-laws only applicable in the former Barrydale municipal area and the amendments thereto:**

48.	PN 0078/1923	General series
49.	PN0086/1941	Regulation relating to stop streets and traffic
50.	PN801/1951	Road traffic signs and the rule of the road
51.	PN 0300/1952	Standard regulations
52.	PN 0277/1955	Control of loudspeakers
53.	PN 0274/1955	Prevention of fires
54.	PN 0275/1955	Keeping of bees
55.	PN 0276/1955	Keeping of dogs
56.	PN 0966/1961	Additional electricity supply
57.	PN 0458/1963	Additional electricity supply amendment
58.	PN 0127/1974	Keeping of dogs amendment
59.	PN 0481/1974	Control of dwellings provided by the council
60.	PN 0125/1974	Prevention of nuisances
61.	PN 0124/1974	Regulations relating to the cleanliness of premises
62.	PN 0126/1974	Regulations relating to dilapidated and unsightly and objectionable buildings
63.	PN 0359/1974	Irrigation water regulations
64.	PN 0734/1976	Antenna systems television
65.	PN 0392/1979	Availability Charges
66.	PN 0070/1981	Irrigation water regulations (amendment)
67.	PN 0306/1981	By-Law relating to building plan fees
68.	PN 0071/1981	Additional water
69.	PN 0284/1981	Additional electricity
70.	PN 0307/1981	Additional cemetery
71.	PN 0037/1982	Availability charges amendment
72.	PN 0412/1982	Additional caravan parks
73.	PN 0150/1983	Additional electricity amendment
74.	PN 0421/1983	Availability charges amendment
75.	PN 0299/1983	Fencing of private pools
76.	PN 0825/1985	Additional electricity amendment
77.	PN 0664/1986	Control of dwellings provided by the Council amendment
78.	PN 0661/1986	Poultry
79.	PN 0173/1987	Irrigation water (amendment)
80.	PN 0603/1988	Regulations relating to the cleanliness of premises (amendment)
81.	PN 0323/1988	Streets
82.	PN 0326/1988	Standard by-law relating to electricity supply
83.	PN 0126/1989	Standard by-law relating to Butcheries
84.	PN 0419/1989	Standard by-law relating to re-inspection of meat
85.	PN 0862/1989	Standard by-law relating to the keeping of animals
86.	PN 0270/1991	Standard library by-law
87.	PN 0543/1991	Amendment of provincial notices relating to libraries
88.	PN 0388/1991	Standard by-law relating to public amenities own affairs
89.	PN 0190/1993	Removal/ disposal of refuse
90.	PN 0621/1994	Amendment of the by-law relating to the prevention of nuisances
91.	PN 0106/1999	By-law for the supervision of street- vendors, -pedlars and -hawkers

## SWELLENDAM MUNISIPALITEIT

### VERORDENING INSAKE DIE HERROEPING VAN VEROUDERDE EN UITGEDIENDE VERORDENINGE WAT DEUR VORIGE MUNISIPALITEITE AANGENEEM IS

Om 'n aantal verouderde en uitgediende verordeninge wat aangeneem is deur vorige munisipaliteite, wat se areas by die Swellendam Munisipaliteit ingesluit is, te herroep.

#### Herroeping van verordeninge

Die verordeninge wat in die Bylae gelys word, wat aangeneem is deur vorige munisipaliteite wat se areas by die Swellendam Munisipaliteit ingesluit is, word hiermee herroep, insoverre dit op die gebied van die Swellendam Munisipaliteit van toepassing is.

#### BYLAE: VERORDENINGE WAT HERROEP WORD

#### Voormalige Swellendam Munisipaliteit: Herroeping van uitgediende en verouderde verordeninge van toepassing slegs in die voormalige Swellendam munisipale gebied:

1.	PK 0042/1920	Algemene reeks
2.	PK 0124/1926	Isolasie hospitaal
3.	PK 0515/1928	Elektriese voorsiening
4.	PK 0338/1929	Trekkers
5.	PK 0557/1929	Swepe
6.	PK 0466/1930	Brandstof tenks
7.	PK 0100/1931	Munisipale parke, tuine en plantasies
8.	PK 0432/1931	Addisionele Ordereëls
9.	PK 0300/1941	Gesondheid
10.	PK 0505/1946	Addisionele strate
11.	PK 0249/1946	Meent
12.	PK 0140/1949	Nommer van strate
13.	PK 1034/1953	Algemene reeks
14.	PK 0934/1968	Advertensie; akkomodasie inligting en vishandelaar
15.	PK 0029/1955	Beheer oor luidsprekers
16.	PK 0013/1959	Elektrisiteit ; bedrading van persele en pluimvee
17.	PK 0293/1961	Haarkappers
18.	PK 0676/1965	Melkerye
19.	PK 0694/1965	Aanhou van diere
20.	PK 0692/1965	Haarkappers en haarkapsters
21.	PK 0628/1967	Personeel verlof
22.	PK 0653/ 1975	Antenna-stelsels en televisie
23.	PK 0935/1968	Algemene reeks
24.	PK 0253/1968	Algemene reeks
25.	PK 0935/1968	Algemene reeks
26.	PK 0768/1972	Algemene reeks
27.	PK 0690/1974	Abattoirs
28.	PK 0639/1975	Skade aan paaie
29.	PK 0409/1976	Skoonhou van persele
30.	PK 0431/1976	Standaard Bouregulasies
31.	PK 0466/1978	Wysiging tot Elektrisiteitsregulasies
32.	PK 0049/1982	Addisionele Elektrisiteit voorsieningsregulasies
33.	PK 0350/1982	Parkering van swaar voertuie en woonwaens
34.	PK 0724/1982	Brandweer
35.	PK 0267/1983	Verwydering van vullis
36.	PK 0567/1984	Beskikbaarheidsgelde
37.	PK 0305/1985	Addisionele abattoirregulasies
38.	PK 063/1988	Elektrisiteitsregulasies
39.	PK 064/1988	Standaardverordeninge insake strate
40.	PK 0389/1988	Standaardverordeninge insake verblyfondernemings

41.	PK 0065/1988	Algemene reeks
42.	PK 0413/1989	Gebruik van Jansenstraat
43.	PK 0068/1989	Standaardverordeninge insake slagterye
44.	PK 819/1990	Openbare geriewe eie sake
45.	PK 0025/1991	Biblioteke
46.	PK 0315/1991	Openbare geriewe algemene sake
47.	PK 0138/2000	Standaardverordeninge insake straathandelaar, venter of smous

**Voormalige Barrydale Munisipaliteit: Herroeping van uitgediende en verouderde verordeninge van toepassing slegs in die voormalige Barrydale munisipale gebied:**

48.	PK 0078/1923	Algemene reeks
49.	PK 0086/1941	Regulasies insake stopstrate en verkeer
50.	PK 801/1951	Padtekens en verkeersreëls
51.	PK 0300/1952	Standaard regulasies
52.	PK 0277/1955	Beheer oor luidsprekers
53.	PK 0274/1955	Voorkoming van vure
54.	PK 0275/1955	Aanhou van bye
55.	PK 0276/1955	Aanhou van honde
56.	PK 0966/1961	Addisionele elektrisiteitsvoorsiening
57.	PK 0458/1963	Addisionele elektrisiteitsvoorsiening (wysiging)
58.	PK 0127/1974	Aanhou van diere (wysiging)
59.	PK 0481/1974	Beheer oor woning deur die raad voorsien
60.	PK 0125/1974	Voorkoming van oorlaste
61.	PK 0124/1974	Regulasies insake die sindelikeheid van persele
62.	PK 0126/1974	Regulasies insake bouvallige geboue en onooglike en aanstootlike strukture
63.	PK 0359/1974	Besproeiingswaterregulasies
64.	PK 0734/1976	Antenna stelsels en televisie
65.	PK 0392/1979	Beskikbaarheidsgelde
66.	PK 0070/1981	Besproeiingswaterregulasies (wysiging)
67.	PK 0306/1981	Verordening insake bouplangelde
68.	PK 0071/1981	Addisionele waterverordeninge
69.	PK 0284/1981	Addisionele elektrisiteitsverordeninge
70.	PK 0307/1981	Addisionele begraaftaasverordeninge
71.	PK 0037/1982	Beskikbaarheidsgelde (wysiging)
72.	PK 0412/1982	Addisionele verordening insake woonwaparke
73.	PK 0150/1983	Addisionele elektrisiteitsverordening
74.	PK 0421/1983	Beskikbaarheidsgelde (wysiging)
75.	PK 0299/1983	Omheining van privaat swembaddens
76.	PK 0825/1985	Addisionele elektrisiteitsverordening (wysiging)
77.	PK 0664/1986	Beheer oor wonings verskaf deur die raad (wysiging)
78.	PK 0661/1986	Aanhou van pluimvee
79.	PK 0173/1987	Besproeiingswaterregulasies (wysiging)
80.	PK 0603/1988	Regulasies insake bouvallige geboue (wysiging)
81.	PK 0323/1988	Standaardverordening insake strate
82.	PK 0326/1988	Standaardverordening insake elektrisiteitsvoorsiening
83.	PK 0126/1989	Standaardverordening insake slagterye
84.	PK 0419/1989	Standaardverordening insake herinspeksie van vleis
85.	PK 0862/1989	Standaardverordening insake aanhou van diere
86.	PK 0270/1991	Standaardbiblioteekverordening
87.	PK 0543/1991	Wysiging van provinsiale kennisgewing insake biblioteke
88.	PK 0388/1991	Standaardverordening insake openbare geriewe eie sake
89.	PK 0190/1993	Verwydering en wegdoen van vullis
90.	PK 0621/1994	Wysiging van die verordening insake Voorkoming van oorlaste
91.	PK 0106/1999	Verordening oor die beheer van smouse, venters en straathandelaars