

**AGENDA: PFC: COMMUNITY DEVELOPMENT: 03 MAY 2005  
SUBSTITUTED ITEM**

18. **REVISED BY-LAWS FOR DIRECTORATE: COMMUNITY DEVELOPMENT**

(Directorate: Community Development) (14492)(PM/cr)

1. **STRATEGIC THRUST**

To facilitate delivery of basic service

2. **PURPOSE OF REPORT**

The report serves to present to Council revised by-laws for Directorate: Community Development for adoption.

3. **EXECUTIVE SUMMARY**

The concept by-laws of SALGA where structured and where applicable amended in terms of new existing legislations.

Council must review the by-laws to determine whether they would be suitable for the community of Rustenburg.

4. **CONCLUSION**

After Council adoption these by-laws a draft and mission of guilt fines in terms of the Criminal Procedures Act 1977 (Act 51 of 1977) will be presented to Council to resolve on.

--- Attached are by-laws for the Directorate: Community Development.  
(Annexure A)(Pages 12 – 142)

**RECOMMENDED: (CC)**

**ACTION**

1. That the report on revised by-laws for Directorate: Community Development; DCD
2. That Council adopt the amended by-laws for Directorate DCD Community Development;
3. That Directorate: Corporate Support Services (Legal Unit) DCD publish the amended by-laws in the North West Provincial Gazette.

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**LOCAL AUTHORITY NOTICE****OF RUSTENBURG LOCAL MUNICIPALITY****BY-LAWS RELATING TO ACCOMMODATION ESTABLISHMENTS**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws Relating to Accommodation Establishments which shall come into operation on the date of publication thereof.

**[1] Definitions**

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates –

**"accommodation establishment"** means any place in which accommodation is provided for gain to four or more people, with or without meals, but excludes a private home;

**"authorised official"** means:

- [a]** an official of the Council; or
- [b]** an official of another municipality; or
- [c]** an official of another organ of state; or
- [d]** a person contracted by the Council; and

with whom the Council has concluded an agreement either directly or on an agency basis for the rendering of services in terms of these by-laws and/or to which or whom the Council has delegated a duty, function or power under these by-laws, provided that the official or person concerned shall be a duly registered environmental health officer or health practitioner;

**"Council"** means the Council of the municipality or any Committee, Political Office Bearer or official thereof acting by virtue of any power entrusted or delegated to it or him in terms of legislation with regard to the application and implementation of these by-laws;

**"compliance notice"** means a notice issued in terms of section 6 to comply with these by-laws or with the conditions of a permit issued in terms of these by-laws;

**"dormitory"** means a sleeping room in which sleeping accommodation is provided for four or more persons.

**"permit"** means a public health permit granted by the Council in terms of section 4;

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**“municipality”** means the Local municipality of Rustenburg and includes the Council thereof and should the context so require also the authorised official;

**“prohibition notice”** means a notice issued in terms of section 7;

**“public health”** means the mental and physical health and well-being of people in the municipal area;

**“public health hazard”** means any actual threat to public health, and without limitation, includes –

- [a] unsanitary conditions;
- [b] circumstances that make it easier for a communicable disease to spread;
- [c] circumstances that make food or drink [including water for domestic consumption] unhygienic or unsafe to eat or drink; and
- [d] circumstances that allow pests to infest any place where they may affect public health;

**“public health nuisance”** means the use of any premises or place in a manner that creates conditions that significantly increase the risk of a public health hazard occurring or that compromises any aspect of public health to an extent that is more than trivial or insignificant.

## [2] Requirements for premises

Except under authority of permit issued by the Council in terms of these by-laws, no person may operate an accommodation establishment on premises that do not comply with the following requirements:

- [a] No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow:

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- [i] less than 11,3 m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person over the age of 10 years; or
  - [ii] less than 5,7 m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person under the age of 10 years.
- [b] No latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, cellar or loft may be used as sleeping accommodation.
- [c] If a dormitory is provided on the premises -
- [i] a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
  - [ii] a separate locker must be provided for every person making use of the dormitory for safeguarding the person's personal clothing and other possessions;
  - [ii] every bed in a dormitory must be placed such that its sides are at least one metre away from any part of any other bed.
- [d] An accommodation establishment must be provided with -
- [i] an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the premises;
  - [ii] adequate separate wash-up facilities; and
  - [iii] where meals are provided to persons housed on the premises, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area [including the area occupied by tables, chairs and benches] of at least 1,2 m<sup>2</sup> for every seat provided for dining purposes.
- [e] [i] An accommodation establishment must be provided with one or

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more showers, each suitably placed in a separate compartment, easily accessible to all occupiers of the premises, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended.

- [ii] A bath fitted with a waste pipe may be substituted for each shower referred to in subsection [i] hereof.
- [iii] The facilities referred to in subsections [i] and [ii] hereof must be designated for the different sexes.
- [f] An accommodation establishment must be provided with sanitary facilities as prescribed in the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977] and such fixtures must be designated for the different sexes.
- [g] An accommodation establishment must be provided with an adequate supply of hot and cold running potable water.
- [h] All rooms must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended.
- [i] Openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide.
- [j]
  - [i] A separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with the accommodation establishment, pending removal to be laundered; and
  - [ii] If articles used in connection with the accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
- [k] A store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen,

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towels, blankets, pillows and other articles used in connection with the accommodation establishment, must be provided.

- [l] [i] All walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
  - [ii] The floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
  - [iii] The floor surface of every habitable room must be constructed of an approved material.
- [m] The following facilities must be provided for people who are employed and also reside on the premises:
- [i] sleeping quarters equipped with a bed, mattress and locker that comply with the provisions of subsections [a], [b] and [c] for each employee; and
  - [ii] where employees are not provided with meals on the premises, food preparation and dining facilities that comply with the provisions of subsection [d].
- [n] Adequate changing facilities must be provided for non-resident employees.
- [o] Adequate ablution and sanitary facilities, which comply with the provisions of subsections [e] and [f] must be provided for resident and non-resident employees.
- [p] An adequate refuse holding area must be provided and an approved refuse removal system must be maintained.

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- [q] All walls, floors and roofs must be constructed in a manner that prevents wind and rain entering the premises or dampness entering the interior surfaces of the walls and floors.
- [r] All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- [s] All windows must be constructed in a manner that prevents rain entering the premises when the windows are closed.

**[3] Duties of the operators of accommodation establishments**

Every person who operates an accommodation establishment must --

- [a] keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment in a clean, hygienic and good condition at all times;
- [b] clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- [c] take adequate measures to eradicate pests on the premises;
- [d] provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- [e] provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- [f] store all dirty linen, blankets, clothing, curtains and other articles used in connection with the accommodation establishment in the manner referred to in Section [2][j];

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- [g]** store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner referred to in Section [2][k];
- [h]** keep all sanitary, ablution and water supply fittings in good working order;
- [i]** keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted remains clean and in a good state of repair; and
- [j]** handle refuse in the manner referred to in Section [2][p].

**[4] Permit to operate a accommodation establishment**

- [1]** Any person wishing to obtain a permit to operate an accommodation establishment must apply to the Council in writing in a form stipulated by the Council, prior to operating such establishment.
- [2]** When the Council receives an application for a permit, it must ensure that the relevant premises are inspected by the authorised official as soon as reasonably possible.
- [3]** Before deciding whether or not to approve an application referred to in subsection [1], the Council –
  - [a]** must ensure that any persons in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for an accommodation establishment, have been consulted and have had an opportunity to make representations with regard to such proposal; and
  - [b]** may request the applicant to provide any further information which the Council considers relevant to enable it to make a properly informed decision.



**[5] General terms applicable to permits**

- [1]** A permit issued in terms of these by-laws –
- [a]** is not transferable from one person to another; and
  - [b]** applies only to the premises specified in the permit.
- [2]** Every permit –
- [a]** must specify the address and other relevant details regarding the location of the premises concerned;
  - [b]** must describe the premises concerned;
  - [c]** must describe the authorised use or activity concerned;
  - [d]** may specify terms and conditions; and
  - [e]** must indicate when it expires.
- [3]** The Council may levy a fee for considering and granting a permit in terms of these by-laws.
- [4]** The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee [if any] has been paid.

**[6] Compliance notice**

- [1]** If an authorised official after inspecting premises on which an accommodation establishment is being conducted or operated, reasonably believes that a public health hazard or public health nuisance exists on such premises or that the premises are being used

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for a purpose in contravention of these by-laws, he may serve a compliance notice on one or more of the following persons:

- [a]** the owner of the premises;
- [b]** the occupier of the premises;
- [c]** any person apparently in charge of undertaking the aforesaid use on the premises.

**[2]** A compliance notice must state –

- [a]** why the authorised official believes that these by-laws are being contravened;
- [b]** the measures that must be taken –
  - [i]** to ensure compliance with these by-laws; or
  - [ii]** to eliminate or minimise any public health nuisance;
  - [iii]** the time period within which the measures must be taken;
- [c]** the possible consequences of failing to comply with the notice; and
- [d]** how to appeal against the notice.

**[3]** If a person fails to comply with a compliance notice that requires a particular action to be taken, the Council may –

- [a]** take the required action specified in the compliance notice; and
- [b]** recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action; or

- [c] direct that a prohibition notice be served on such person in terms of Section 7 of these by-laws.

## **[7] Prohibition notice**

- [1] An authorised official may, after inspecting premises apparently used for accommodation establishment purposes contrary to these by-laws, serve a prohibition notice on the owner, occupier or user of such premises prohibiting the premises from being so used and requiring measures to be taken to ensure that this occurs.
- [2] The authorised official must give the person on whom he intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless he reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.
- [3] A prohibition notice must state –
  - [a] the reasons for serving the notice;
  - [b] whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
  - [c] the possible consequences of failing to comply with the notice; and
  - [d] how to appeal against the notice.

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- [4]** Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection [1] and remains in force until it is withdrawn.
- [5]** The authorised official must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
- [6]** It is a defence for anyone charged with failing to comply with a prohibition notice to prove that –
- [a]** he did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
  - [b]** he had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection [5].

**[8] Withdrawal of prohibition notice**

- [1]** The authorised official must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.
- [2]** After completing the investigation, the authorised official must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or withdrawn.
- [3]** The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection [1], a fee for undertaking the investigation.

**[9] Suspension, cancellation and amendment of permits**

**[1]** An authorised official may suspend or cancel a permit with immediate effect if—

**[a]** he reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; and

**[b]** the holder of the permit fails to comply with a compliance notice that states that the permit may be suspended or cancelled without further notice if the holder fails to comply with such notice.

**[2]** An authorised official may suspend or cancel a permit after giving the holder a reasonable opportunity of making representations as to why the permit should not be suspended or cancelled if —

**[a]** he reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or

**[b]** the holder of the permit fails to comply with a compliance notice.

**[3]** An authorised official may amend a permit by endorsing the permit or by written notice to the holder, if he reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit was issued.

**[10] Appeals**

- [1]** A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the Municipal Manager of the Municipality within 21 days of the date of the notification of the decision.
- [2]** The Municipal Manager must promptly submit the appeal to the appropriate appeal authority referred to in Section 62 of the Municipal Systems Act 32 of 2000.
- [3]** The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- [4]** An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

**[11] Offences and penalties**

Any person who –

- [a]** contravenes or fails to comply with any provisions of these by-laws;
- [b]** fails to comply with any notice issued in terms of these by-laws;
- [c]** fails to comply with any lawful instruction given in terms of these by-laws; or
- [d]** obstructs or hinders any authorised official in the execution of his duties under these by-laws –

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is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

**[12] Delivery of notices**

- [1]** A notice, order or other document is to be regarded as having been properly served if -
- [a]** it has been delivered to that person personally;
  - [b]** sent by registered post to the person to whom it is addressed at his/her/their last known address;
  - [c]** it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
  - [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 for in subsections [a],[b] or [c]; or
  - [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 premises to which it relates.
- [2]** A notice, order or other document that may in terms of these by-laws be served on the owner or occupier of premises -
- [a]** may be addressed to the owner or occupier of the specified premises and need not name the owner or occupier; and
  - [b]** if the Council does not know the address of the owner or occupier of the premises and cannot easily obtain it, the notice, order or other document is to be regarded as having been

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properly served if it is posted up in some conspicuous place on the premises.

### **[13] Repeal**

Any by-law relating to Accommodation Establishments or similar undertakings adopted by the Municipality or the Council of a Municipality now comprising an administrative unit of the Municipality are, from the date of promulgation of these by-laws hereby repealed.



**BY-LAWS PERTAINING TO PUBLIC HEALTH HAZARDS  
AND NUISANCES**

**LOCAL GOVERNMENT NOTICE**

**OF RUSTENBURG LOCAL MUNICIPALITY**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws relating to public health hazards and nuisances which by-laws shall come into operation on the date of publication thereof.

**[1] Definitions**

In these by-laws words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context indicates otherwise –

“**compliance notice**” means a notice issued in terms of section 5 to comply with these by-laws.

“**council**” means the Council of the Local Municipality of Rustenburg or its successor in title, and any committee or person to which or whom an instruction has been given or any power has been delegated or sub-delegated in terms of, or as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] as amended.

“**environmental health officer**” means an official appointed by the Council, and who is duly registered as an environmental health officer or environmental health practitioner with the Health Professions Council of South Africa;

“**municipal area**” means the proclaimed area of jurisdiction of the Council as envisaged in Section 2 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] as amended.

“**municipal manager**” means the person appointed by the council in terms of Section 82 of the Local Government: Municipal Structures Act 1998 as amended and includes a person acting in this position.

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**“occupier”**, in relation to any premises, means any person -

- [a]** occupying the premises;
- [b]** leasing the premises;
- [c]** who is not occupying the premises but is entitled to do so; or
- [d]** who manages the premises or a business on the premises on behalf of a person referred to in [a], [b] or [c];

**“owner”** in relation to any premises, means -

- [a]** the person in whose name the title to the premises is registered, and includes the holder of a stand licence; or
- [b]** if the person referred to in [a] is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

**“person”** means a natural or a juristic person.,

**“pest”** means any animal that may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes and cockroaches;

**“premises”** means -

- [a]** any land without any buildings or other structures on it;
- [b]** any building or other structure and the land on which it is situated; or
- [c]** any land that adjoins land referred to in [a] or [b] and any building or other structure on that land, if the land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in [a] or [b];

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**“prohibition notice”** means a notice issued in terms of section 6;

**“public health”** means the mental and physical health and well-being of local community in the municipal area;

**“public health hazard”** means any actual threat to public health, and without limitation, includes –

- [a] the circumstances referred to in section 3[3];
- [b] unsanitary conditions;
- [c] circumstances that make it easier for a communicable disease to spread;
- [d] circumstances that make food or drink [including water for domestic consumption] unhygienic or unsafe to eat or drink; and
- [e] circumstances that allow pests to infest any place where they may affect public health;

**“public health nuisance”** means the use of any premises or place in a manner that creates conditions that significantly increase the risk of a public health hazard occurring or that compromises any aspect of public health to an extent that is more than trivial or insignificant,

**[2] Purpose**

The purpose of these by-laws is to enable the Council to protect and promote the long term health and wellbeing of the local community in its municipal area.

**[3] Prohibition on causing a public health hazard**

- [1] No person may create a public health hazard anywhere in the municipal area.

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- [2] Every owner or occupier of premises must ensure that a public health hazard does not occur on his premises.
- [3] An owner or occupier of premises creates a public health hazard if –
- [a] his premises are infested with pests or if pests are breeding in large numbers on the premises;
  - [b] there are conditions on his premises that are conducive to the spread of a communicable disease;
  - [c] there are unsanitary conditions in any part of his premises; or
  - [d] any water supply for domestic consumption on his premises is unsafe for human consumption.
- [4] Any person that contravenes or fails to comply with subsections [1] or [2] commits an offence.
- [4] **Duty to report**
- [1] The owner or occupier of premises who knows of a public health hazard on the premises must within 24 hours of becoming aware of its existence –
- [a] eliminate the public health hazard; or
  - [b] if the owner or occupier is unable to comply with subsection [a], take reasonable steps to reduce the risk to public health and report the existence of the public health hazard to the Council.
- [2] An owner or occupier who does not comply with subsection [1] commits an offence
- [5] **Compliance notice**
- [1] If an environmental health officer, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on such

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premises, the environmental health officer may serve a compliance notice on one or more of the following persons:

- [a] the owner of the premises;
- [b] the occupier of the premises;
- [c] any person apparently responsible for the public health hazard or public health nuisance.

[2] A compliance notice must state –

- [a] why the environmental health officer believes that these by-laws are being contravened;
- [b] the measures that must be taken –
  - [i] to ensure compliance with these by-laws; or
  - [ii] to eliminate or minimise any public health nuisance;
  - [iii] the time period within which the measures must be taken;
  - [iv] the possible consequences of failing to comply with the notice; and
  - [v] how to appeal against the notice.

[3] If a person fails to comply with a compliance notice that requires a particular action be taken, the Council may –

- [a] take the required action specified in the compliance notice; and
- [b] recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

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**[6] Prohibition notice**

**[1]** An environmental health officer may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:

**[a]** the owner or occupier of the premises if the environmental health officer reasonably believes that the premises are being used for a purpose or in a manner that is causing a public health hazard or a public health nuisance;

**[b]** any person who is carrying on an activity or using premises for a purpose or in a manner that the environmental health officer reasonably believes is causing a public health hazard or a public health nuisance; or

**[c]** a person on whom a compliance notice was served if the environmental health officer reasonably believes that that person has not complied with the compliance notice;

**[d]** the environmental health officer must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the environmental health officer reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

**[2]** A prohibition notice must state –

**[i]** the reasons for serving the notice;

**[ii]** whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;

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- [iii] the possible consequences of failing to comply with the notice; and
    - [iv] how to appeal against the notice.
- [3] Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection [1] and remains in force until it is withdrawn.
- [4] The environmental health officer must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
- [5] It is a defence for anyone charged with failing to comply with a prohibition notice to prove that –
  - [a] he or she did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
  - [b] he or she had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection [4].
- [7] **Withdrawal of prohibition notice**
  - [1] An environmental health officer must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.
  - [2] After completing the investigation, the environmental health officer must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.
  - [3] The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection [1], a prescribed fee for undertaking the investigation.
- [8] **Demolition order**

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**[1]** If the Council believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions contained in any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises, or from both.

**[2]** The Council may not apply to court in terms of subsection [1] unless it has given the owner and the occupier of the premises not less than fourteen day's notice in writing of its intention to make the application.

**[9] Appeals**

**[1]** A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

**[2]** The municipal manager must promptly submit the appeal to the appropriate appeal authority referred to in Section 62 of the Local Government: Municipal Systems Act No. 32 of 2000 as amended.

**[3]** The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

**[4]** An appeal authority must commence with an appeal within six weeks of its submission to the Municipal Manager and decide the appeal within a reasonable period.

**[10] Offences and penalties**

**[1]** Any person who –

**[a]** contravenes or fails to comply with any provisions of these by-laws;

**[b]** fails to comply with any notice issued in terms of these by-laws;



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[c] fails to comply with any lawful instruction given in terms of these by-laws; or

[d] obstructs or hinders any authorised official in the execution of his or her duties under these by-laws –

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

**[11] Delivery of notices**

[1] A notice, order or other document is to be regarded as having been properly served if -

[a] it has been delivered to that person personally;

[b] sent by registered post to the person to whom it is addressed at their last known address;

[c] it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;

[i] 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 for in subsection [a],[b] or [c]; or

[ii] 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 premises to which it relates.

[d] A notice, order or other document that may in terms of these by-laws be served on the owner or occupier of premises –

[i] may be addressed to the owner or occupier of the specified premises and need not name the owner or occupier; and

**ANNEXURE A**

- [ii]** if the Council does not know the address of the owner or occupier of the premises and cannot easily obtain it, the notice, order or other document is to be regarded as having been properly served if it is posted up in some conspicuous place on the premises.

**[12] Repeal**

Any by-laws adopted by the municipality or the council of a municipality now comprising an administrative unit of the municipality and relating to public health hazards and nuisances or any similar matter referred to or regulated in these by-laws are, from the date of promulgation of these by-laws, repealed.

**[14] Application to the State**

These by-laws binds the State, including the municipality.