



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Vol. 27

BISHO/KING WILLIAM'S TOWN
27 JANUARY 2020
27 JANUARIE 2020

No. 4374

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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ISSN 1682-4556



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IMPORTANT NOTICE OF OFFICE RELOCATION

government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

Private Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA
Tel: 012 748 6197, Website: www.gpwonline.co.za

URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at Maureen.Toka@gpw.gov.za or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website www.gpwonline.co.za.

We apologise for any inconvenience this might have caused.

Issued by GPW Communications

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as [@gpw.gov.za](mailto:gpw@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **2020** **EASTERN CAPE PROVINCIAL GAZETTE**

The closing time is **15:00** sharp on the following days:

- **19 December 2019**, Thursday for the issue of Monday **30 December 2019**
- **27 December 2019**, Friday for the issue of Monday **06 January 2020**
- **06 January**, Monday for the issue of Monday **13 January 2020**
- **13 January**, Monday for the issue of Monday **20 January 2020**
- **20 January**, Monday for the issue of Monday **27 January 2020**
- **27 January**, Monday for the issue of Monday **03 February 2020**
- **03 February**, Monday for the issue of Monday **10 February 2020**
- **10 February**, Monday for the issue of Monday **17 February 2020**
- **17 February**, Monday for the issue of Monday **24 February 2020**
- **24 February**, Monday for the issue of Monday **02 March 2020**
- **02 March**, Monday for the issue of Monday **09 March 2020**
- **09 March**, Monday for the issue of Monday **16 March 2020**
- **16 March**, Friday for the issue of Monday **23 March 2020**
- **23 March**, Monday for the issue of Monday **30 March 2020**
- **30 March**, Monday for the issue of Monday **06 April 2020**
- **03 April**, Monday for the issue of Monday **13 April 2020**
- **09 April**, Thursday for the issue of Monday **20 April 2020**
- **20 April**, Monday for the issue of Monday **27 April 2020**
- **24 April**, Friday for the issue of Monday **04 May 2020**
- **04 May**, Monday for the issue of Monday **11 May 2020**
- **11 May**, Monday for the issue of Monday **18 May 2020**
- **18 May**, Monday for the issue of Monday **25 May 2020**
- **25 May**, Monday for the issue of Monday **01 June 2020**
- **01 June**, Monday for the issue of Monday **08 June 2020**
- **08 June**, Monday for the issue of Monday **15 June 2020**
- **12 June**, Friday for the issue of Monday **22 June 2020**
- **22 June**, Monday for the issue of Monday **29 June 2020**
- **29 June**, Monday for the issue of Monday **06 July 2020**
- **06 July**, Monday for the issue of Monday **13 July 2020**
- **13 July**, Monday for the issue of Monday **20 July 2020**
- **20 July**, Monday for the issue of Monday **27 July 2020**
- **27 July**, Monday for the issue of Monday **03 August 2020**
- **03 August**, Monday for the issue of Monday **10 August 2020**
- **07 August**, Friday for the issue of Monday **17 August 2020**
- **17 August**, Monday for the issue of Monday **24 August 2020**
- **24 August**, Monday for the issue of Monday **31 August 2020**
- **31 August**, Monday for the issue of Monday **07 September 2020**
- **07 September**, Monday for the issue of Monday **14 September 2020**
- **14 September**, Monday for the issue of Monday **21 September 2020**
- **18 September**, Friday for the issue of Monday **28 September 2020**
- **28 September**, Monday for the issue of Monday **05 October 2020**
- **05 October**, Monday for the issue of Monday **12 October 2020**
- **12 October**, Monday for the issue of Monday **19 October 2020**
- **19 October**, Monday for the issue of Monday **26 October 2020**
- **26 October**, Monday for the issue of Monday **02 November 2020**
- **02 November**, Monday for the issue of Monday **09 November 2020**
- **09 November**, Monday for the issue of Monday **16 November 2020**
- **16 November**, Monday for the issue of Monday **23 November 2020**
- **23 November**, Monday for the issue of Monday **30 November 2020**
- **30 November**, Monday for the issue of Monday **07 December 2020**
- **07 December**, Monday for the issue of Monday **14 December 2020**
- **11 December**, Friday for the issue of Monday **21 December 2020**
- **18 December**, Friday for the issue of Monday **28 December 2020**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

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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: –

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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 sequestrated, 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

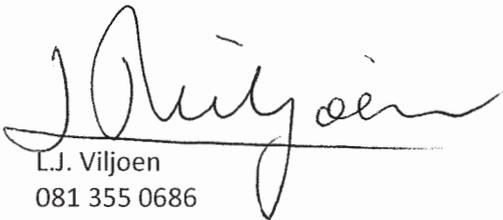
PROVINCIAL NOTICE 9 OF 2020**Nelson Mandela Bay Municipality (EASTERN CAPE)**

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

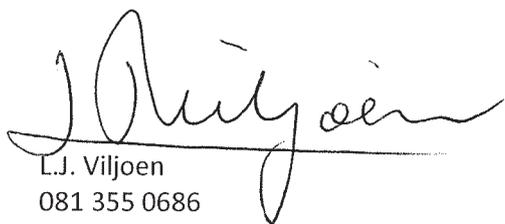
PROVINCIAL NOTICE 10 OF 2020**Nelson Mandela Bay Municipality (EASTERN CAPE)**

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

C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

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

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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

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

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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 1073), 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.

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