

Swartland, South Africa

## Dilapidated Buildings and Unsightly and Objectionable Structures

Legislation as at 19 April 2002

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## Swartland South Africa

# Dilapidated Buildings and Unsightly and Objectionable Structures By-law, 2002

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**Commenced on 19 April 2002**

*[This is the version of this document from 19 April 2002 and includes any amendments published up to 12 April 2024.]*

*[Some of the provisions of this By-law have no headings.]*

### 1.

In this by-law, unless the context otherwise indicates:—

"Council", means the council of the Swartland Municipality or its duly authorised employee, and

"owner", in relation to a building, earthwork or structure, the person in whom is vested the legal title thereto; provided that:—

- (1) if such person is dead or insolvent, has assigned his/her estate for the benefit of his/her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such building, earthwork or structure is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be; or
- (2) if the council is unable to determine who such person is, the person who is entitled to the beneficial use of such building, earthworks or structure;

shall be deemed to be the owner thereof.

### 2.

Where in the opinion of the Council any building or earthwork has fallen into a ruinous or dilapidated condition or has become or is showing signs of becoming dangerous, or any structure (not being a building) has become unsightly, dangerous, unhealthy, insanitary, objectionable, unsuitable, or calculated to depreciate properties in the locality or to cause annoyance to the inhabitants of the neighbourhood, the Council, after having due regard to the provisions of the National Heritage Resources Act, 1999 ([Act 25 of 1999](#)) may serve a written notice on the owner of such building, earth-work or structure, requiring him or her at the Council's option and within such period as may be specified in the said notice, to repair, alter, remove or demolish such building, earthwork or structure: provided that, should any building, earthwork or structure (not being a building) be in such a dilapidated condition that, in the opinion of the Town Engineer it creates immediate danger to lives of men or animals, the Town Engineer may in writing require the said building earthwork or structure (not being a building) to be vacated and/ or require the owner thereof to erect a proper hoarding or fence or other necessary works as he may deem necessary under the circumstances. Should the owner fail to comply with any of the notices aforementioned, he or she shall be guilty of an offence and the Council may at the cost of such owner give effect to the contents of such notice or notices.

### 3.

No person shall without the specific approval of the Council use or occupy any building, earthwork or structure (not being a building) which is to be removed or demolished as the case may be, in accordance with a notice in terms of section 2, or use or occupy any building, earthwork or structure (not being a building) which is to be repaired or altered, as the case may be, in accordance with a notice in terms of

the aforesaid section, until such building, earthwork or structure has been repaired or altered to the satisfaction of the Council.

#### **4. Penalties**

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding—

- (1) a fine of one thousand Rands or imprisonment for a period of six months or either such fine or such imprisonment or both such fine and such imprisonment;
- (2) in the case of a continuing offence, an additional fine of fifty Rands or an additional period of imprisonment of ten days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the local authority as a result of such contravention or failure.