

## BREEDE VALLEY MUNICIPALITY

## PROBLEM BUILDING BY-LAWS

To provide for the identification, control and management of dilapidated and problem buildings in the designated area of Worcester in the Breede Valley Municipality; and to provide for matters incidental thereto.

## PREAMBLE

**WHEREAS** Section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the rights to administer and to exercise any power concerning a matter reasonably necessary for or incidental to, the effective performance of its functions;

**AND WHEREAS** Part B of Schedule 4 to the Constitution lists building regulation as a local government matter to the extent set out in Section 155(6)(a) and (7);

**AND WHEREAS** the Breede Valley Municipality seeks to identify, control and manage dilapidated and problem buildings within its area of jurisdiction to ensure that such buildings comply with this By-Law by:

- Formulating a coordinated integrated strategy plan, processes and procedures;
- Turning problem buildings around by rejuvenating and regenerating the building rather than demolishing them;
- Redeveloping the property where problem buildings can't be rejuvenated or regenerated after consultation with the owners;
- Facilitating the disposal of the problem buildings for the purpose of achieving the objects of this By-law.

AND NOW THEREFORE, BE IT ENACTED by the Council of the Breede Valley Municipality as follows:

## Definitions

**In this by-Law unless the context otherwise indicates:**

“Authorised officials” means any employee of the Breede Valley Municipality authorised by the Municipal Manager to implement and therefore 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:
  - (1) accommodation or convenience of human beings or animals;
  - (2) manufacture processing storage display or sale of any goods;
  - (3) rendering of any service;
  - (4) destruction or treatment of refuse or other waste materials;
  - (5) cultivation or growing of any plant or crop;
- (b) any wall or part of a building;
- (c) a unit or common property as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986); or
- (d) any vacant or unoccupied erf;

“Licensed waste disposal facility” means a site or premises which is licensed in terms of the National Environmental Management Waste Act 2008 (Act No. 59 of 2008) and used for the accumulated or disposal of waste;

“owner” in relation to a building 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 case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or prodigal or is a patient as defined I of the Mental Health Act, 1973 (Act No. 18 of 1973), or if his or her estate has been sequestered, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person or trust, 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) in the case of a Sectional title scheme, a Sectional title is registered in the name of a person, that person;
- (e) in the case of a trust, the trustees of such trust;
- (f) in the case of Sectional title scheme, a body corporate responsible for the control, administration and management of the common property; or

- (g) Where the Breede Valley Municipality is unable to determine the identity of such person, any person who is entitled to the benefits of the use of such buildings or who enjoys such benefits;

**"problem building"** includes any building or portion of a building:

- (a) that appears to have been abandoned by the owner with or without the consequence that rates or other services charges are not being paid;
- (b) that is derelict in appearance, overcrowded or is showing signs of becoming unhealthy, unsanitary, unsightly or objectionable;
- (c) that is the subject of written complaints in respect of criminal activities including drug dealings and prostitution;
- (d) That is illegally occupied;
- (e) Where refuse or waste material is accumulated dumped, stored or deposited with the exception of licenced waste disposal facilities; or
- (f) That is partially completed or structurally unsound and is threat or danger to the safety of the general public.

#### **Application of this By-law**

2. This By-Law applies to all problem buildings situated within the demarcated area of Worcester, except those situated in areas exempted from the application of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977)

#### **Appointment of Authorised Officials**

3. The Municipal Manager may appoint authorised officials to implement and enforce the provisions of this By-law.

#### **Delegation**

4. The Municipal Manager may exercise all powers, duties and functions conferred upon the Breede Valley Municipality in terms of his By-law and to delegate such powers, duties and functions to authorised officials.

#### **Entry by authorised officials of buildings and land**

5. (1) Any authorised official may enter any building at any reasonable time with a view to:
- (a) Inspect or determine whether the building complies with any provision of this By-law subject to 7 days' notice of such intended inspection having been given to the owner; or
  - (b) Serve the owner of the building with the compliance notice as referred to in Section 7.
- (2) No person shall hinder or obstruct the authorised official in the exercise of his her powers in terms of the By-law.
- (3) An authorised official shall, when entering the building, produce a valid identification document issued to him or her by the Breede Valley Municipality to the owner of such building.

#### **Declaration of a building a problem building**

6. (1) The authorised official may, subject to Subsections (2) to (5), if a building falls within the definition of "problem building" as defined in Section 1, declare such building a problem building.
- (2) The authorised official shall, by notice in writing, before declaring such building a problem building, inform the owner of his or her intention to declare such building a problem building, giving the reasons for such declaration.
- (3) The authorised officials may carry out an investigation in respect of a building which he or she intend to declare a problem building as contemplated in Subsection (2) provided that he or she must display a notice of such investigation on the building concerned.
- (4) 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.
- (5) The authorised official shall, after considering the representations referred to in Subsection (4), take a decision either to declare or not to declare a building a problem building.
- (6) The owner shall, in respect of a declaration in terms of Subsection (1), have a right to appeal in terms of Section 62 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000).

#### **Compliance notice**

7. (1) The authorised official shall serve a written notice on the owner of any building which has been declared a problem building as referred to in Section 6 requiring such owner within a specified period to:
- (a) repair, renovate, repaint, alter, close, demolish, secure or remove all refuse from such problem building;
  - (b) Complete the construction of a problem building or any structure of such building;
  - (c) Enclose fence or barricade such problem building to the satisfaction of the Breede Valley Municipality;
  - (d) Appoint and instruct at the costs of such owner an approved competent person referred to in Part A 19 of the National Building Regulations, to examine a condition that gave rise to the declaration of a building a problem building and to report to the authorised

officials on the nature and extent of the steps to be taken, which in the opinion of such approved competent person needs to be taken in order to render such problem building safe;

- (e) Dispose of, destroy or remove any material or articles accumulated, dumped, stored or deposited in any building, which is refuse or waste and which is showing signs of becoming unsightly, insanitary, unhealthy or objectionable or is likely to constitute an obstruction; or
  - (f) comply with any provision of this By-law.
- (2) The Breede Valley Municipality may if such owner fails to comply with a notice served on him or her terms of Subsection (1) repair, renovate, repaint, alter, close demolish, remove all refuse or secure any problem building at the cost of the owner.
  - (3) The Breede Valley Municipality may if the owner fails to pay such cost recover the cost in terms of the Credit Control and Debt Collection By-law 2006.
  - (4) Despite Subsection (1), Section 6 and subject to any applicable legislation, if the authorised official has reason to believe that the condition of any building is such that steps should forthwith be taken to protect life or property, he or she may take such steps as may be necessary in the circumstances without serving or delivering such notice on or to the owner of such building and may recover the cost of such steps from such owner.
  - (5) If the authorised official deems it necessary for the safety of any person, he or she may by notice in writing:
    - (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 such problem building, and to take care that no person who is not authorised by the Breede Valley Municipality enters such problem building;
    - (b) order any person occupying or working, or who for any other purpose is in any problem building, to vacate such building.
  - (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 was served or delivered in terms of this Section or steps were taken by the Breede Valley Municipality in terms of Subsection (2), unless he or she has been granted permission by Breede Valley Municipality in writing that such building may be occupied or used or continue to be occupied or used as the case may be.

#### **Service of a notice**

8. (1) whenever a compliance notice is authorised or required to be served on a person in terms of this By-law it shall be deemed to have been effectively and sufficiently served on such person:
  - (a) when it has been delivered to him or her personally;
  - (b) when it has been left at his or her 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 his or her last known residential or business address in the Republic and an acknowledgement of the posting thereof is produced;
  - (d) if his or her address in the Republic is unknown when it has been served on his or her agent of representative in the Republic in the manner contemplated in paragraph (a), (b) or (c); or
  - (e) if his or her address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.
- (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 other right, as the case may be.

#### **Indemnity**

9. The Breede Valley Municipality or any authorised official of the Breede Valley Municipality shall not be liable to a third party for any damage caused by anything lawfully done or omitted by the Breede Valley Municipality or any authorised official in carrying out any function or duty in terms of this By-law.

#### **Offences and penalties**

10. (1) Any person who contravenes any provision or fails to comply with any notice issued in terms of this By-law commits an offence.
- (2) A person who is guilty of an offence in terms of this By-law is upon conviction liable to a fine not exceeding R300 000.00 or imprisonment for a period not exceeding three years or to both such fine and imprisonment.
- (3) in the case of a continuing offence an additional fine imprisonment for a period not exceeding ten days for each day on which such offence continued may be imposed.
- (4) in addition to any penalty imposed in terms of Subsections (2) and (3) 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.

**BREEDE VALLEI MUNISIPALITEIT**  
**VERORDENING OP PROBLEEMGEBOU**

Om vir die identifikasie, beheer en bestuur van probleem- en vervalle geboue in die aangeduide area in Worcester in die Breede Vallei Munisipaliteit voorsiening te maak; en om vir aangeleenthede wat daarmee gepaard gaan, voorsiening te maak.

**AANHEF**

**NADEMAAL** Artikels 156(2) en (5) van die Grondwet bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en toepas vir die doeltreffende administrasie van die aangeleenthede ten opsigte waarvan hy die reg het om dit te administreer, en enige bevoegdheid uit te oefen rakende 'n aangeleenthed wat redelikerwys vir die doeltreffende uitvoering van sy funksies nodig is of daar mee gepaard gaan;

**EN NADEMAAL** Deel B van Bylae 4 van die Grondwet, bouregulasies as 'n plaaslike regeringsaangeleentheid lys in die mate in Artikels 155(6)(a) en (7) uiteengesit;

**EN NADEMAAL** die dorp Worcester in die Breede Vallei Munisipaliteit probleem en vervalle geboue binne sy regssgebied wil identifiseer, beheer en bestuur om te verseker dat sodanige geboue aan die Verordening voldoen deur:

- 'n gekoördineerde, geïntegreerde strategiese plan, prosesse en procedure te formuleer;
- Probleemgebou te rehabiliteer deur die geboue op te knap en te vernuwe in plaas van om hulle te sloop;
- Die eiendom na oorlegpleging met die eienaar te herontwikkel, in gevalle waar probleemgebou nie opgeknap en vernuwe kan word nie;
- Die wegdoening met probleemgebou te faciliteer met die oog daarop om die doelwitte van die Verordening te bereik.

**WORD DAAR DUS NOU** soos volg deur die Raad van Breede Vallei Munisipaliteit **VERORDEN**:

**Definisies**

1. In dié Verordening, tensy dit uit samehang anders blyk.beteken:

"**eienaar**" ten opsigte van 'n gebou of grond die persoon op wie se naam die grond waarop sodanige gebou opgerig is of word, na gelang van die geval by die betrokke Aktekantoor geregistreer is, met inbegrip van 'n persoon wat in beheer van sodanige gebou is: Met dien verstande dat:

- (a) As sodanige persoon, in die geval van 'n natuurlike persoon, oorlede is of deur enige hof as onbevoeg verklaar is om sy of haar eie sake te bestuur of 'n pasient is soos omskryf in Artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), of as sy of haar boedel gesekwestreer is, die betrokke eksekuteurs of kurator na gelang van die geval;
- (b) As sodanige persoon, in die geval van 'n regspersoon, gelikwideer of onder geregtelike bestuur geplaas is, die betrokke likwidateur of geregtelike bestuurder, na gelang van die geval;
- (c) As sodanige persoon nie in die Republiek is nie of sy of haar verblyfplek onbekend is, enige persoon wat as agent of andersins die bestuur, instandhouding en invordering van huurgeld of ander geldte ten opsigte van sodanige gebou onderneem of wat daarvoor verantwoordelik is;
- (d) As in die geval van 'n deeltitelskema, 'n deeltiteleenheid in die naam van 'n persoon geregistreer is, die betrokke persoon;
- (e) In die geval van 'n trust, die trustees van sodanige trust;
- (f) In die geval van 'n deeltitelskema, 'n regspersoon wat vir die administrasie en beheer van die gemeenskaplike eiendom verantwoordelik is of;
- (g) As die munisipaliteit nie die identiteit van die betrokke persoon kan bepaal nie, enige persoon wat op die voordeel van die gebruik van sodanige gebou geregtig is en wat sodanige voordeel benut;

"**gebou**" ook:

- (a) Enige struktuur, hetsy van 'n tydelike of permanente aard, en ongeag die materiaal wat by die oprigting daarvan gebruik is, wat opgerig is of gebruik word vir, of verband hou met:
  - (1) Die akkommodasie of gerief van mense of diere;
  - (2) Die vervaardiging, verwerking, berging, vertoon of verkoop van enige goedere;
  - (3) Dielewering van enige diens;
  - (4) Die venietiging of behandeling van vullis of ander afvalstowwe;
  - (5) Die verbouing of kweek van enige plant of gewas;
- (b) Enige deel van 'n gebou;
- (c) 'n Eenheid of gemeenskaplike eiendom soos omskryf in die Wet op Deeltitel, 1986 (Wet 95 van 1986); of
- (d) Enige ongeboude, onbewoonde erf;

"**gelisensieerde afvalwegdoeningsfasilitet**" 'n terrein of perseel wat ingevolge die Nasionale Wet op Omgewingsbestuur: Afval, 2008 (Wet 59 van 2008), gelisensieer is en vir die ophoping of wegdoening van afval gebruik word;

**"gemagtigde amptenaar"** enige werknemer van die Breede Vallei Munisipaliteit wat deur die Municipale Bestuurder gemagtig is om die bepalings van die Verordening te implementeer en toe te pas;

**"probleemgebou"** ook enige gebou of gedeelte van 'n gebou:

- (a) Wat blyk deur die eienaar agtergelaat te wees met of sonder die gevolg dat belasting of ander diensteheffing nie betaal word nie;
- (b) Wat verlate voorkom, oorbewoon is of tekens toon dat dit ongesond, onhygiënies, onooglik of aanstootlik word;
- (c) die onderwerp is van skriftelike klagtes oor oor kriminelle aktiwiteit, insluitende dwelmhandel en prostitutie;
- (d) onwettig bewoon word;
- (e) waar vullis of afvalstowwe by sodanige gebou opgehoop, gestort, geberg of agtergelaat word, met die uitsondering van 'n gelisensieerde afvalwegdoeningsfasilitet; of
- (f) wat deels voltooi of struktureel swak is, en wat 'n bedreiging of gevær vir die veiligheid van die algemene publiek inhoud.

#### Toepassing van die Verordening

2. Dié Verordening is van toepassing op alle probleemgeboue wat binne die afgebakte gebied in Worcester is, met die uitsondering van dié wat geleë is in gebiede wat van die toepassing van die Wet op Nasionale Bouregulasies en Boustandarde, 1997 (Wet 103 van 1997), vrygestel is.

#### Aansetting van gemagtigde amptenare

3. Die Municipale Bestuurder kan gemagtigde amptenare aanstel om die bepalings van die Verordening te implementeer en toe te pas.

#### Delegasie

4. Die Municipale Bestuurder kan alle bevoegdhede, pligte en funksies wat ingevolge die Verordening aan die Breede Vallei Munisipaliteit verleen word, uitoefening en sodanige bevoegdhede, pligte en funksies aan gemagtigde amptenare deleger.

#### Betreding van geboue en grond deur gemagtigde amptenare

5. (1) Enige gemagtigde amptenaar mag enige gebou of grond op enige redelike tyd betree met die doel:
- (a) om die gebou te inspekteer of om te bepaal of dit aan enige bepaling van die Verordening voldoen, onderworpe daarvan dat daar 7 dae kennis van sodanige inspeksie aan die eienaar gegee is, of
  - (b) om die voldoeningskennisgewing waarnaar in Artikel 7 verwys word, aan die eienaar van die gebou te beteken.
- (2) Geen persoon mag die gemagtigde amptenaar by die uitoefening van sy of haar bevoegdhede ingevolge die Verordening hinder of dwarsboom nie.
- (3) 'n Gemagtigde amptenaar moet by betreding van die gebou 'n geldige identiteitsdokument wat die Breede Vallei Munisipaliteit aan hom of haar uitgereik het, aan die eienaar van sodanige gebou of grond toon.

#### Verklaring van 'n gebou tot probleemgebou

6. (1) Die gemagtigde amptenaar mag, onderworpe aan Subartikels (2) tot (5), as 'n gebou binne die definisie van 'n probleemgebou val, soos omskryf in Artikel 1, sodanige gebou tot probleemgebou verklaar.
- (2) Die gemagtigde amptenaar moet, voordat sodanige gebou tot probleemgebou verklaar word, die eienaar skriftelik in kennis stel van sy of haar voorname om sodanige gebou tot probleemgebou te verklaar.
- (3) Die gemagtigde amptenaar kan 'n ondersoek uitvoer ten opsigte van 'n gebou wat hy of sy van voornemens is om as 'n probleemgebou te verklaar, soos voorsien in Subartikel (2), met dien verstande dat hy of sy 'n kennisgewing van sodanige ondersoek van die betrokke gebou moet toon.
- (4) Die gemagtigde amptenaar moet die eienaar 'n tydperk van sewe dae bied om vertoe te rig oor waarom die gebou nie tot probleemgebou verklaar kan word nie.
- (5) Die gemagtigde amptenaar moet, na oorweging van die vertoe waarnaar in Subartikel (4) verwys word, 'n besluit neem of 'n gebou tot 'n probleemgebou verklaar moet word of nie.
- (6) Die eienaar het, ten opsigte van 'n verklaring wat ingevolge Subartikel (1) gedoen is, 'n reg tot appèl ingevolge Artikel 62 van die Wet op Plaaslike Regering; Munisipale Stelsels, 2000 (Wet 32 van 2000).

#### Voldoeningskennisgewing

7. (1) Die gemagtigde amptenaar mag 'n skriftelike kennisgewing beteken aan die eienaar van enige gebou wat tot probleemgebou verklaar is, soos daarna in Artikel 6 verwys word, welke kennisgewing van sodanige eienaar vereis om binne 'n voorgeskrewe tydperk:
- (a) sodanige probleemgebou te herstei, op te knap, te verf, te verander, te sluit, te sloop of te beveilig;
  - (b) die konstruksie van 'n probleemgebou of enige struktuur van sodanige gebou te voltooi;
  - (c) sodanige probleemgebou tot voldoening van die Breede Vallei Munisipaliteit af te kamp, te omhein of af te sper;
  - (d) 'n goedgekeurde bevoegde persoon waarna in Deel A 19 van die Nasionale Bouregulasies verwys word, op koste van sodanige eienaar

aan te stel en opdrag te gee om 'n toestand wat daartoe aanleiding gegee net dat 'n gebou tot 'n probleemgebou verklaar is, te ondersoek en om aan die gemagtigde amptenaar verslag te doen oor die aard en omvang van die stapte wat gedoen moet word wat na die mening van sodanige goedgekeurde bevoegde persoon gedoen moet word om sodanige probleemgebou te beveilig;

- (e) met enige materiaal of artikels wat by enige gebou opgehoop, gestort, geberg, of agtergelaat is, wat vullis of afval is en wat tekens toon dat dit onooglik, onhigjénies of ongesond of aanstootlik word of waarskynlik 'n hindernis sal uitmaak, weg te doen of dit te vernietig of te verwijder;
  - (f) aan enige bepaling van die Verordening te voldoen.
- (2) Die Breede Vallei Munisipaliteit mag, ingeval sodanige eienaar versuim om te voldoen aan 'n kennisgewing wat ingevolge Subartikel (1) aan hom of haar beteken is, enige probleemgebou op koste van die eienaar herstel, opknapp, verf, verander, stuit, sloop, alle afval verwijder of die probleemgebou beveilig.
- (3) Die Breede Vallei Munisipaliteit mag, as die eienaar versuim om sodanige koste te betaal, die koste ingevolge die Verordening op Kredietbeheer en Skuldinvordering, 2006, verhaal.
- (4) As die gemagtigde amptenaar ondanks Subartikel (1), Artikel 6 en onderworpe aan enige toepaslike wetgewing, rede het om te glo dat die toestand van enige gebou sodanig is dat stapte onverwyld gedoen moet word om lewe of eiendom te beskerm, mag hy of sy sodanige stapte doen wat in die omstandighede nodig geag word sonder om sodanige kennisgewing aan die eienaar van sodanige gebou te beteken of af te lewer, en die koste van sodanige stapte van sodanige eienars verhaal.
- (5) As die gemagtigde amptenaar vir die veiligheid van enige persoon dit nodig ag, mag hy of sy deur middel van skriftelike kennisgewing:
- (a) die eienaar van enige probleemgebou gelas om binne die tydperk wat in sodanige kennisgewing gespesifiseer word, enige persoon wat sodanige probleemgebou okkuper of daarin werk of wat om enige ander rede daarin is, te verwijder en om te sorg dat geen persoon wat nie deur die Breede Vallei Munisipaliteit gemagtig is nie, sodanige probleemgebou betree;
  - (b) enige persoon wat enige probleemgebou okkuper of daarin werk of om enige ander rede daarin is, gelas om sodanige gebou te ontruim.
- (6) Geen persoon mag enige probleemgebou okkuper, gebruik of die laat okkuper of gebruik of voortgaan om enige probleemgebou te okkuper, te gebruik of laat okkuper of gebruik ten opsigte waarvan 'n kennisgewing ingevolge die artikel beteken of afgelewer is of stapte ingevolge Subartikel (2) deur die Breede Vallei Munisipaliteit gedoen is nie, tensy die Breede Vallei Munisipaliteit skriftelike toestemming aan hom of haar verleen het dat sodanige gebou geokkuper of gebruik mag word of steeds geokkuper of gebruik mag word, na gelang van die geval.

#### Betekenis van 'n kennisgewing

8. (1) Wanneer ookal 'n voldoeningskennisgewing ingevolge die Verordening gemagtig is of vereis word om aan 'n persoon beteken te word, sal dit doeltreffend en voldoende aan sodanige persoon geag te wees :
- (a) as dit persoonlik aan hom of haar beteken is;
  - (b) as dit by sy of haar verblyfplek in die Republiek by 'n persoon gelaat is wat oënskynlik ouer as 16 jaar is;
  - (c) as dit, ingeval sy of haar adres in die Republiek onbekend is, aan sy of haar verteenwoordiger in die Republiek beteken is op die wyse bedoel in paragraaf (a), (b) of (c); of
  - (d) as dit, ingeval sy of haar adres in die Republiek onbekend is, op 'n opsigtelike plek aangebring is op die vaste eiendom, as daar is, waarop dit betrekking het.
- (2) Wanneer bogenoemde voldoeningskennisgewing gemagtig is of vereis word om aan 'n persoon beteken te word uit hoofde daarvan dat hy of sy eienaar van vaste eiendom is of sy die eienaar van vaste eiendom is of enige ander reg ten opsigte daarvan het, is dit nie nodig om hom of haar te noem nie, maar is dit voldoende as hy of sy daarin as die eienaar of houer van sodoende eiendom of ander teg beskryf word, na gelang van die geval.

#### Vrywaring

9. Die Breede Vallei Munisipaliteit of enige gemagtigde amptenaar van die Breede Vallei Munisipaliteit is nie teenoor 'n derde party aanspreekbaar vir enige skade wat veroorsaak word deur enigets wat die Breede Vallei Munisipaliteit of enige gemagtigde amptenaar doen of nalaat om te doen by die uitvoering van enige funksie of plig ingevolge die Verordening nie.

#### Misdrywe en boetes

10. (1) Enige persoon wat 'n bepaling van die Verordening oortree of versuim om aan 'n kennisgewing wat daarkragtens uitgereik is, te voldoen begin 'n misdryf.
- (2) Enige persoon wat ingevolge die Verordening aan 'n misdryf skuldig is, is by skuldigbevinding strafbaar met 'n boete van R300 000,00 of gevangenisstraf van hoogstens drie jaar, of aan beide sodanige boete en gevangenisstraf.
- (3) In die geval van 'n voortgestelde misdryf kan 'n bykomende boete of gevangenisstraf vir 'n tydperk van hoogstens tien dae opgelê vir elke dag waarop sodanige misdryf voortgesit is.
- (4) Benewens enige boete wat ingevolge Subartikels (2) en (3) opgelê is, is die persoon wat skuidig bevind is, aanspreeklik daarvoor om die koste van herstelwerk as gevolg werk van enige skade wat aangerig is of koste wat aangegaan is om enige skade as gevolg van sodanige misdryf te herstel, betaal.