

UNDEVELOPED SITES BY-LAW



APPROVED BY:

MRS N. NOMANDELA
MUNICIPAL MANAGER

DATE:

APPROVED BY:

CLLR T SOKHANYILE
MAYOR

DATE:

UNDEVELOPED SITES BY-LAW FOR NYANDENI MUNICIPALITY

1. DEFINITIONS

In these By-laws the following words shall, unless the context otherwise requires, have the meanings respectively assigned to them:

“Council” means the Nyandeni Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

“charge” means an appropriate fee determined by the Council or contained in any by-laws made by the Council from time to time, in accordance with the relevant legislation;

“organization: means a non-profit-making institution or company, or a cultural association having a constitution;

“resident” means a person who resides in, is a property owner or rate payer, or who is employed within the area of jurisdiction of the Council;

“market related price” means the value of a property as determined in the valuation roll of the municipality;

“ purchase price” means the amount which the owner has paid to the municipality when originally buying the property from the municipality;

“Systems Act” means the Local Government: Municipal Systems Act, No 32 of 2000, as amended from time to time;

(2) The Council may -

- (a) sell a residential or business site to any resident, or any resident as a representative of any organization or similar body, duly authorized by that organization or body, provided such representative is duly authorised by that organization, and every person referred to in this paragraph must -
 - (i) pay the purchase price of the property as determined by the municipality; and
 - (ii) undertake to abide by the policies adopted by the Council from time to time for the development of such a site;
 - (iii) sign a deed of sale with the municipality and pay the full purchase price within a period of three months after the sale is concluded;
 - (iv) engage the services of a conveyancer at his/her own expense to transfer the property into his or her own name.

3. FAILURE TO PAY THE FULL PURCHASE PRICE

If a person who has been sold a site by the Municipality fails to pay the full purchase price within three months after the sale is concluded and after the signing of the deed of sale the municipality shall have the right to:

- (i) Cancel the sale without giving any notice to the purchaser;
- (ii) Give notice to the purchaser and require him to pay the full purchase price within seven days of receipt of the notice;
- (iv) Refund the purchaser the amount already paid minus any costs that may have been incurred by the municipality with regard to the sale and;
- (v) Re- sell the property to any other prospective purchaser.

4. REGISTRATION OF THE SITE.

- (a) Any person to whom the Municipality has sold a site, either vacant or developed should register the site in his or her name within six (6) months after the conclusion of the sale;
- (b) Any person who has bought a site from the Municipality shall be responsible for all the transfer costs necessary to transfer the property into his/her name;
- (c) Such person shall be responsible for the hiring and payment of the conveyancer who will perform the transfer of the transfer of the property;
- (d) If a person fails to transfer and register a property which has been bought from the municipality within six (6) months after the conclusion of the sale the municipality may either facilitate such transfer and registration and thereafter recover its cost from the concerned individual , or it may choose to cancel the transaction.

5. DEVELOPMENT OF THE SITE.

- (a) Any person to whom the Municipality has sold a vacant site should develop the site within a period of one year after the conclusion of the sale;
- (b) If a person fails to develop a site within the specified period and the site remain vacant and undeveloped for a period exceeding a year after the date of sale, the Municipality shall have a right to re- sell such sites;
- (c) Persons whose sites have been re-sold shall have the right to have fifty (50) percent of their original purchase price refunded to them;

6. APPROVAL OF BUILDING PLANS.

- (a) No construction shall happen in any site without a municipal approved building plan;
- (b) All building plans should be submitted to the municipality for approval before any construction can commence;
- (c) Designated municipal officials will from time to time carry out inspections in both towns to find out if any buildings have been constructed without approved plans;
- (d) Should the municipal officials discover that any building has been constructed In contravention of the above requirements, they will have the power to order the demolition of such a building ;and
- (e) Should the Municipality carry out the demolition on its own, the municipality will have the right to recover the costs of such demolition from the owner thereof.

7. POWERS TO QUESTION

- (1) In order to monitor or enforce compliance with these By-laws, the authorized official, may, subject to the requirements of the Bill of Rights, and any other law including the common law, require a licensee or any other person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, on any matter to which these By-laws relate, require that the disclosure be made on oath or affirmation.
- (2) An authorized official may be accompanied by an interpreter and any other person reasonably required to assist the authorized official in conducting the inspection.
- (3) An authorised official must, on request, provide his identification as an authorized official.

8. OFFENCES AND PENALTIES

Any person, including an affected person or licensee, who -

- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws, or
- (d) who obstructs or hinders any authorized representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of

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

6. CONFLICT OF LAWS

If there is any conflict between these bylaws and any other bylaws of the council, these bylaws will prevail.