

# LOCAL MUNICIPALITY

## Town Lands By-Law

Municipal Manager of \_\_\_\_\_ Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Town Lands By-Law for the Molemole Local Municipality, to be approved by the Council, as set out hereunder.

### Definitions

#### Town Lands By-law:

"Town Lands" means every piece of land in an approved township; or any piece of land registered in a deeds registry as an erf, lot, plot, stand or agricultural holding.

"General Plan" means a plan which, representing the relative positions and dimensions of two or more pieces of land, has been signed by a person recognised, under any law then in force, as land surveyor, and which has been approved or certified as a general plan by any other officer empowered under any law to approve or certify a general plan, and includes a general plan or copy thereof prepared and approved or certified as aforesaid or a general plan which has at any time, prior to the commencement of this By-Law, been accepted for registration in the Deeds Registry

"Deeds Registry" in relation to any land situated in the Municipality means the deeds registry established by the Deeds Registries Act, 1937 (Act 4 of 1937)

"Local Authority" means a local authority established by or under the laws governing local authorities";

#### "Municipality" means -

Local Municipal which as a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998); exercising its legislative and executive authority through its Municipal Council; or

its successor in title; or

A structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Act; or

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A service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Act, or any other law, as the case may be;

**"Municipal Manager" means -**

The person appointed by the Municipality as the Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any person acting in that position; or

In relation to a service provider referred to in paragraph (d) of the definition of "Municipality", the chief executive officer of that service provider.

**"Municipal Council" or "Council" means -** a Municipal Council referred to in section 157(1) of the Constitution. According to section 157(1) of the Constitution, a Municipal Council consists of -

(a) Members elected in accordance with subsections (2), (3), (4) and (5); or

If provided for by national legislation -

(i) Members appointed by other Municipal Councils to represent those other Councils; or

(ii) Both members elected in accordance with paragraph (a) and members appointed in accordance with subparagraph (i) of this paragraph.

**"Occupier" means -** any person who occupies any premises or part thereof, without regard to the title under which he or she so occupies;

**"Owner" means -**

(a) The person in whom from time to time is vested the legal title to premises;

(i) A buyer, in the case of a property that was sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

(ii) A person in whose favour a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;

(iii) A lessee, in the case of a property that is registered in the name of the municipality and is let by it;

(b) In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises

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vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative

- (v) A trustee, in the case of a property in a trust excluding state trust land;
  - (i) An executor or administrator, in the case of a property in a deceased estate;
  - (iii) A trustee or liquidator, in the case of a property in an insolvent estate or the owner of which is in liquidation;
  - (iv) A judicial manager, in the case of a property in the estate of a person under judicial management;
  - (v) A curator, in the case of a property in the estate of a person under curatorship;
- In any case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;

In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof

In relation to -

- (i) A piece of land delineated on a sectional plan registered in terms of the sectional titles act 1986, (act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property; or
- (ii) A section as defined in such act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person"

Any legal person including but not limited to:

- (i) A company registered in terms of the companies act, 1973 (act 61 of 1973), trust *inter vivos*, trust *mortis causa*, a closed corporation registered in terms of the closed corporations act, 1984 (act 69 of 1984), a voluntary association.
- (ii) Any department of state.

piece of land' means -

- (a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion of a subdivision portion of such erf, stand, lot, plot or other area; or (b) a defined portion, not intended to be a public place, of a piece of land which is held under surface right permit or under mining title or

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, being proclaimed land not held under mining title, is used for residential purposes or for purposes incidental to mining operations;

"Plots" means a piece of land, the external surface boundaries of which are delineated on -  
a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or  
b a sectional plan registered in terms of the Sectional Titles Act, 1986;

"Public Place" includes any street, road, lane, avenue, thoroughfare, sanitary passage, park, recreation grounds, square, or other open space -

- d) which is shown as such on the general plan of an approved township, as filed in the Deeds Registry; or
- e) which is represented by a diagram annexed to a deed conveying it as a public place to a local authority in pursuance of any subdivision of land; or
- f) to which the public have acquired or at any time may acquire a common right;

"Prescribed" means prescribed by or under this By-Law or any regulation;

"Regulation" means any regulation made under this By-Law and/ or any other legislation;

"Tariff" means the tariff of charges for the Municipality's services, as determined by the Council of the Municipality from time to time, acting under the powers delegated to the Council

"Townlands" means all land situate within the area of jurisdiction of the Municipality but shall not include an approved township;

Land owned by or leased to the Municipality except for:

- (i) streets;
- (ii) the parks; and/ or
- (iii) land in respect of which the Municipality has granted the exclusive right of possession to another person;

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"Township" means -

- an approved township; or
- any extension of any such township; or
- any area of land registered as one or more pieces of land either contiguous or in close proximity to each other which is being or is intended to be laid out or divided into sites for residential, business, industrial, building, occupational or similar purposes or for urban settlement arranged in such a manner as to be intersected or connected by or to abut on public places;

## Regulation of Townlands

No person shall use, occupy or reside in or erect any building booth, shelter or structure of any description upon any part of the Townlands unless duly authorised by the board.

No person shall hunt or shot any game or birds of any description on the Townlands.

No person shall carry or be in possession of, or discharge any firearm or airgun on the Townlands.

No person shall keep or departure animals on the Townlands without the written approval of the Municipality and any animals found thereon otherwise than in accordance with this By-Law, shall be impounded and the owner of such animals shall be liable to prosecution.

Any person who willfully burns or ignites or causes to be burnt or ignited any grass, trees or sugar cane on the Townlands, or through whose negligence such burning or ignition is caused, shall be deemed guilty of a contravention of these By-Laws.

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ne deposit upon the Townlands of rubbish or litter of any nature whatsoever, except, at such places upon the Townlands as may be specially set apart for the purpose by the Municipality, is prohibited.

No person shall cut grass on the Townlands without first obtaining a permit from the Municipality.

No person shall cut down or remove any trees, shrubs or other growth on or from the Townlands without first obtaining a permit from the Municipality.

No person shall cause or permit any vehicle or sledge be drawn or propelled on or over any portion of the Municipality except with the prior permission of the Municipality.

No person shall make any road or footpath over any portion of the Townlands, not shall any person use any road or footpath, the use of which has been prohibited by the Municipality.

Prohibition of the use of any road or footpath shall be notified by the erection of a notice at either end thereof.

2. The Municipality may issue permits for the removal of sand, firewood and grass from the Townlands upon pre-payment of the fees prescribed in the Municipality's Tariff By-Laws.

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person shall do any of the following acts upon or in relation to the Townlands save and except in so far as he or she may be authorised to be do in pursuance of a permit issued to him or her by the Municipality : -

- a. Break up or disturb the surface, whether by digging, ploughing or any other manner.
- b. Dig or quarry for stone, sand, clay or gravel or remove the same.
- c. Cut or remove any tree, shrub, plant, grass or hay.

person must not, without the prior written consent of the Municipal Manager or relevant authority:

- a. Cut, break, injure, damage, or destroy any tree, shrub, plant, turf, or flower on city land;
- b. Remove any rock, soil, tree, shrub, plant, turf, or flower from Townland;
- c. Deposit any garbage, refuse, litter, or other waste material on city land, except in containers provided by the city for that purpose;
- d. Construct, erect, place, deposit, maintain, occupy, or cause to be constructed, erected, placed, deposited, maintained or occupied, any structure, tent, shelter, object, substance, or thing on city land; or
- e. Light any fires or burn any material on city land.

The Municipal Manager, or any person designated by the Municipal Manager, may remove or cause to be removed from Townlands any structure, tent, shelter, object, substance, or thing constructed, erected, placed, deposited, or maintained on city land contrary to this By-law.

### Offences against By-law

A person commits an offence against this By-Law by doing any of the following:

- a. Violate any provision of this By-law;
- b. Suffer or permit any other person to violate any provision of this By-law;

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- c. Neglect to do or refrain from doing anything required to be done by any provision of this By-law; or
- d. Fail to comply with any order, direction, or notice given under this By-law;

person who contravenes any of these By-Laws

- (a) Shall be guilty of an offence and
- (b) Liable, upon conviction to a fine not exceeding fifty rand (R50) (or any amount that is stipulated by the Municipality' Tariff By-Laws) in the case of a first conviction, or
- (c) In the case of a second or subsequent conviction for the same default of payment of any fine imposed in either case, to imprisonment for any period not exceeding three months; provided that in the case of a continuing offence a fine not exceeding Five rand (R5) for each day upon which the contravention continued may be prescribed,
- (d) But no such fine shall in any one prosecution or within any one month exceed One Hundred Rand (R100).

Person for continuing offence

Person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding amount that will be stipulated by the Municipality's Tariff By-Laws for each day such offence continues.

Severability

Decision by a court that any part of this By-law is void or unenforceable is not to affect the balance of By-Law.



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**and effect**

By-Law is to come into force and take effect on the date of its enactment.

**title**

By-Law is called the **Town Lands By-Law, 2006**

