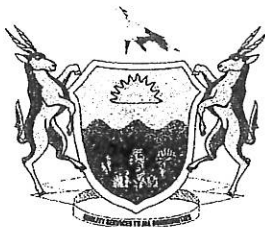


LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 133

KING SABATA DALINDYEBO MUNICIPALITY



LOCAL GOVERNMENT NOTICE

KING SABATA DALINDYEBO MUNICIPALITY

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act 1996 [Act No. 108 of 1996] the By-laws Relating to the Administration of the Council's Immovable Property that come into operation on the date of publication thereof.

BY-LAWS RELATING TO THE MANAGEMENT AND ADMINISTRATION OF THE COUNCIL'S IMMOVABLE PROPERTY

PREAMBLE

WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996 [Act No. 108 of 1996];
AND WHEREAS the Council of the Municipality in the exercise of its functions has the right to acquire, lease, manage, let and alienate immovable property and rights in immovable property,
NOW THEREFORE be it enacted by the Council as follows:

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[1] **DEFINITIONS**

In these by-laws, unless inconsistent with the context –

"**advertise**" means the giving of adequate notice of the nature and purpose including the material substance of the proposed administrative actions, by publishing a notice in the press, and where deemed necessary by the Council, any additional form of notice, which may include –

- [a] serving of a notice, or
- [b] displaying on a notice board, or
- [c] holding a public meeting;

"**alienate**" means to part with ownership of immovable property in favour of another person with the intention of transferring the ownership of the immovable property to the acquirer thereof;

"**close**" in relation to a public street or public place, means to close for all purposes or to vehicular or pedestrian traffic only;

"**Council**" means the KSD Council of the Municipality and includes any duly authorized political structure, office bearer as defined in the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], or official thereof;

"**municipal immovable property**" means

- [a] immovable property and real rights registered in the name of the Municipality;
 - [b] immovable property and real rights the municipality is entitled to have registered in its name;
- and

- [c] any other immovable property which, by law, vests in Municipality;
"Municipality" means the KSD Municipality;
"municipal area" means the area under the jurisdiction and control of the Municipality;
"prescribe" means prescribed by a policy approved by Council and includes the supply chain management policy of the Council;
"public place" means any land or portion thereof indicated on an approved plan, diagram or map as a public place of which ownership as such vests in the Municipality, and

"public street" means

- [a] any street which has at any time been –
 [i] used without interruption by the public for a period of at least thirty years;
 [ii] declared or rendered such by the Council or other competent authority;
 [iii] constructed by the Municipality, or
 [iv] constructed by someone other than the Municipality and which vests in the Municipality;
 [b] any land, with or without buildings or structures thereon, which is shown as a street on –
 [i] any plan of subdivision or diagram approved by the Council or other competent authority and acted upon, or
 [ii] any plan or diagram as defined in section 15 of the Land Survey Act, 1997 [Act No. 8 of 1997], registered or filed in the Office of the Registrar of Deeds or the Surveyor-General's Office, unless such land is on such plan or diagram described as a private street.

[2] OWNERSHIP OF PUBLIC PLACES AND PUBLIC STREETS

The ownership of immovable property to which the community of the municipal area has or may acquire a common right and all public places and public streets and the land comprised in such places and streets vest in the Municipality.

[3] ACQUISITION OF IMMOVABLE PROPERTY AND RIGHTS IN IMMOVABLE PROPERTY

- [1] The Municipality may acquire immovable property and rights in immovable property within or outside its municipal area by purchase, expropriation, exchange, donation, gift, lease or otherwise.
 [2] The Council may expropriate immovable property in terms of the Expropriation Act, 1975 [Act No. 63 of 1975], or any other applicable legislation, provided that such expropriation is for public purposes or in the interests of the public.

[4] ALIENATION AND LETTING

- [1] Subject to section 14 of the Local Government: Municipal Finance Management Act, 2003 [Act No. 56 of 2003], the Council may alienate or let municipal immovable property under such conditions, terms and circumstances as it may prescribe.
 [2] Unless permitted or prescribed otherwise, the Municipality may not alienate or let municipal immovable property below market value.
 [3] The Municipality must advertise its intention to alienate or let municipal immovable property and may invite the public to lodge written comments in favour of or against such proposal.
 [4] The provisions of subsection [3] does not apply when municipal immovable property is let for a period not exceeding 12 [twelve] months without a renewal option.
 [5] Where:
 [a] no comments were lodged in response to any advert aforesaid, the municipal immovable property may be alienated or let subject to such conditions that the Municipality may determine; or
 [b] if comments were lodged, the Municipality must consider every comment and decide whether or not to alienate or let the municipal property.
 [6] The Municipality may record its reasons for the alienation or letting of municipal immovable property in terms of these by-laws.
 [7] No lessee of municipal immovable property may, without the prior consent in writing of the Council, sublet such property or any portion thereof or assign any right acquired by him or her

in respect thereof and any such subletting or assignment without such consent will, as against the Municipality, be null and void.

[5] SERVITUDES AND ENCROACHMENTS

The Municipality may grant servitudes and permit projections, projecting structures and encroachments in, on, over or under municipal immovable property at a tariff determined by the Municipality and on such terms and conditions as it may prescribe.

[6] CLOSURE OF PUBLIC PLACES AND PUBLIC STREETS

[1] The Municipality may close public places and public streets or any portion of such places or streets only after –

[a] advertising its intention to do so, and

[b] considering and rejecting any objection lodged, if any, in accordance with such advertisement and recorded in writing its reasons.

[2] Notwithstanding the provisions of subsection [1], the Municipality may temporarily close a public place or public street.

[7] PRESCRIPTIVE CLAIMS

The Municipality may, if written proof to its satisfaction is submitted that any person has, prior to the expiration of the period often years contemplated by section 1 of the Prescription [Local Authorities] Ordinance, 1964 [Ordinance No. 16 of 1964] or any other applicable law, by prescription acquired the ownership of immovable property owned by the Municipality or of any right in or over such property, admit or concede any claim to that effect by such person.

[8] REPEAL OF BY-LAWS

[1] Any by-law adopted by the Municipality or a municipality now forming an administrative unit of the Municipality and relating to any matter regulated by these by-laws are, from date of promulgation of these by-laws, hereby repealed.

[2] Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision [if any] of these by-laws, as the case may be.