

PROVINCIAL NOTICE 939 OF 2024



VACANT PLOT

CLEARING PRIVATELY OWNED AND

STATE-OWNED VACANT PLOTS

CLEARANCE AND MAINTENANCE

KSD MUNICIPAL

BYLAWS

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1. Introduction

KSD always has a responsibility to keep all Municipal and privately-owned plots cleared to discourage vagrants from hiding in these plots which leads to criminal activities and illegal dumping that normally takes place in overgrown plots

In addition, overgrown plots vacant plots pose a serious fire threat which leads to the loss of lives. Privately-owned plots are also expected to be cleared as per municipal requirements. In many instances, private owners do not heed the municipal call to clear their plots in time. The Municipality outsources the clearing of plots when notice to the private owner's rate's account. The Municipality also outsources (through use of cooperatives) the clearing of Municipal owned plots as it has budget allocation for plot clearing every financial year.

The clearing of both privately-owned and municipal plots can create job opportunities to both unemployed youth and women living within the ward where vacant plot is located.

2. Purpose of the Policy

- To regulate the procedure and the processes to be followed by KSDM and cooperatives (when the services is outsourced) when they are clearing privately-owned and municipal plots.
- To clearly outline the role of KSD Municipality when privately owned plots are being cleared by Cooperatives.

3. Scope of the Policy

This policy shall be applicable to wards with rateable privately-owned and municipal vacant plots.

4. Basis for Partnership

- (i) KSDM shall form a partnership with Cooperatives, Conservancies or Non-Profit organization to clear private owned plots.
- (ii) KSDM shall from time to time make budget available to Cooperatives, Conservancies or Non-Profit organization to clear the overgrown plots.
- (iii) All the officials of the KSDM well as Cooperatives, Conservancies or Non-Profit organization shall follow procedures and processes described by this policy to affect this partnership.
- (iv) All plots shall be cleared according to a service level agreement and in terms of certain standards agreed up-on between KSD and Cooperatives, Conservancies or Non-Profit organisations.
- (v) All privately-owned and state-owned vacant plots shall be subjected to the contents of this policy.
- (vi) The property owners shall be responsible for maintaining their plots according to the standards set by the municipality.
- (vii) All plots shall be cleared at least twice per month.
- (viii) All plots shall be cleared using labour intensive methods.
- (ix) Environmental legislation and regulations and requirements shall be observed when plot clearing activities are undertaken.
- (x) The property owners have the responsibility to update their addresses and contact details for correspondence.
- (xi) A claim that the letter was not sent or received shall not be accepted if the Municipality have the proof that the registered letter was sent to the relevant address updated on the rates department.
- (xii) The purchase order shall not be cancelled once issued to the Cooperatives, Conservancies or Non-Profit organisation on the basis that the owner is willing to clear the property on his or her own when there was no response within the 14 days waiting period.
- (xiii) The 10 working days shall be granted to the property owner to prepare for the clearing of the plot.
- (xiv) There shall be no further extension of time after the deadline of the granted 10 days has gone passed.
- (xv) KSDM shall appoint the Cooperatives, Conservancies or Non-Profit organization to clear the plot and recover the costs through billing the proper owner via rates department.

- (xvi) It shall be known that the plot clearing does not include tree removal and therefore the claim the plot was cleared but tree was left out shall not be considered.
- (xvii) Vegetation which form part of urban forest shall be not viewed as overgrown plot and considering discouraging massive deforestation, nature disturbance and promoting greening in our municipality, a request for clearing such plots shall not be approved.

5. Responsibilities of Cooperatives, Conservancies or Non-Profit Organisations

- 5.1 Cooperatives, Conservancies or Non-Profit organisation shall employ unemployed people living within the ward boundaries to clear the plot through labour intensive methods.
- 5.2 Cooperatives, Conservancies or Non-Profit organisation shall submit an invoice on completion of plot clearing for the Municipality to process payment to the Cooperatives, Conservancies or Non-Profit organisations.
- 5.3 Invoices must be accompanied by 4 sets of photographs, two taken before and two taken after job completion.
- 5.4 The photos must clearly present the image of the whole property and unclear pictures which shows certain areas of the plot shall not be accepted.
- 5.5 Plots which are large, the critical major part of the plot shall be presented on the images.
- 5.6 During the spraying of poison, KSDM officials must be present for verification of spray. The officials shall be present with a form to be filled in detailing the records of spray which will cover the type of herbicide used, measurements per litres. The form shall be signed by both the Conservancies and Non-Profit organisation for record purposes.
- 5.7 It is the responsibility of the Cooperatives, Conservancies and Non-Profit Organisation to inform the KSDM Officials when they are ready to spray the poison once the clearing is completed and any application of spray

without the presence of the Municipal official shall be deemed as no application and ultimately incomplete job.

- 5.8 In the event where the Cooperative/s has already commence clearing of the property, they shall be not prevented to complete the plot on the basis of the property owner suddenly want to clear the plot on his or her own services unless the proof is provided that the Municipality was informed that the plot will be cleared privately within prescribed time which is within 10 working days after 14 day waiting period.
- 5.9 Cooperatives, Conservancies or Non-Profit organisation shall be granted a permission letter to trespass to the overgrown plot.
- 5.10 It is responsibility of the Cooperatives, Conservancies or Non-Profit organisation to ensure that they clear the correct plot as per purchase order.
- 5.11 No plot shall be cleared without a valid purchase order
- 5.12 No payment shall be processed for the clearing of the wrong plot
- 5.13 Non satisfactory clearing of plot shall be deemed as no work at all and the Cooperatives shall be asked to redo the plot at no extra costs.
- 5.14 An amount of three rand and fifty cents (R3.50) per square meter as per tariff of charges which may increase time to time by the council shall be claimed by the Cooperatives, Conservancies or Non-Profit organisation.
- 5.15 Cooperatives Conservancies or Non-Profit organizations shall report on quarterly basis to KSDM on all activities related to plot clearing.
- 5.16 Cut vegetation shall be collected by the employees and be transported to the identified landfill site.
- 5.17 Cooperatives, Conservancies or Non-Profit organisations shall ensure that work is done according to minimum standards stipulated by in the service level agreement.

6. Responsibilities of King Sabata Dalindyebo Municipality ("KSDM")

- 6.1 KSDM shall make the final decision as to when and how a plot shall be cleared subject to its bylaws, polices and directives.**
- 6.2 KSDM shall pay Cooperatives, Conservancies or Non-Profit organizations amount calculated according to the square meters of the plot upon submission of the invoice.**
- 6.3 KSDM shall make available the following to Cooperatives, Conservancies or Non-Profit organization undertake to clear plots.**

- 6.3.1 A set of procedures to be followed when Cooperatives, Conservancies or Non-Profit organization undertake to clear plots.**
- 6.3.2 Tariff of charges (per square meter) for plot clearing.**
- 6.3.3 Provide the necessary support, guidance and advice for the partnership to be successful.**

6.4 Inspects the privately and state-owned plots:

- 6.4.1 Sends formal notice to plot owner as per 1st inspection report request plot to be cleared (via register post and or email if available)**
- 6.4.2 The notification via email will comprise of the attachment of the signed letter by the Manager/Acting Manager or the Official responsible for the function. Along with the attachment will be a brief message of what is contained in the attachment.**
- 6.4.3 Issues plot's owner 14 days' notice to clear the plot and indicate that should the owner fail to heed the call to clear the pot, the Municipality shall clear the plot and bill the owner of contract pus 25% administration fee.**
- 6.4.4 Conducts second inspection after 14 days and give the permission to Conservancies or Non-Profit organization to clear the plot through employment of unemployed youth and women if the owner has failed to clear the plot.**

- 6.4.5 In the event where the owner of the property acknowledges the letter of notification and indicate that he/she will clear the plot, It must be known that the plot must be cleared within 10 working days from the last day of expiry of the letter of notification period which is 14 days.
- 6.4.6 **KSDM** shall verify the accomplishment of the clearing before the submission of an invoice.
- 6.4.7 **KSDM** shall inform the Conservancies or Non-Profit organization about the carried out
- 6.4.8 Where spraying of herbicide is necessary, **KSDM** shall be present during the spraying process and at take the records of the application.

6.5 And for Municipal owned

- 6.5.1 Inspects the plots to be cleared and give Cooperatives, Conservancies or Non-Profit organization permission to clear the plot subject to budget availability.
- 6.5.2 Collect invoice from Cooperatives, Conservancies or Non-Profit organization and issue a completion certificate and thereafter make payment to the Cooperatives, Conservancies or Non-Profit organization that shall in return pay the employees.
- 6.5.3 **KSDM** shall conduct physical verification of equipment given to Conservancies or Non-Profit organization twice a year.

7. Management function

General Managers shall monitor all aspects of performance of cooperatives, conservancies or Non-Profit organizations and report on monthly basis to community Services Portfolio Committee.

8. Implementation

The implementation date of this By-law shall be the date approved by the council and gazetted.

9. By-law amendments

This By-law shall be amended time to time when the council deem necessary

10. Indemnity

KSDM shall be indemnified against any claim that may arise as a result of this partnership.

11. Recovery of costs for privately owned plots:

The **KSDM** shall bill the plot owner the cost of clearing the plot plus 25% administration fee of the total value of the cost paid to Cooperatives, Conservancies or Non-Profit organization.