

Drakenstein, South Africa

Management of Premises Provided by the Municipality for Dwelling Purposes

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Management of Premises Provided by the Municipality for Dwelling Purposes

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Drakenstein South Africa

Management of Premises Provided by the Municipality for Dwelling Purposes By-law, 2007

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Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-Law set out in the schedule below:

Purpose of By-law

- To provide for the management and control over premises provided by the municipality for dwelling purposes.

1. Definitions

In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and *vice versa*; the Afrikaans text shall prevail in the event of an inconsistency between the different texts; and unless the context otherwise indicates:—

"municipality" means the Municipality of Drakenstein established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office-bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, agent or employee;

"occupier" means the tenant of premises or his spouse or their major children or any other person authorised by the municipality to reside on any premises;

"premises" means and includes dwellings, outbuildings and land provided by the municipality for dwelling purposes;

"tenant" means a person whose name is entered in the municipality's register as the occupier of premises.

2. Subletting

A tenant shall not sublet the premises occupied by him or any portion thereof.

3. Use of premises

- (1) Premises, with everything thereon, shall at all times be used by the tenant in a careful manner and shall be kept in a clean and neat condition and free from refuse or other offensive matter, including motorcar wrecks.
- (2) No tenant shall, nor shall he permit any other person to mark, drive nails or screws into or affix hooks into or any manner deface or damage any door, wall, floor, ceiling or any part of the premises.
- (3) (a) The tenant shall not use or allow the premises to be used for contraband smuggling, trading in liquor or drugs or as a shebeen, brothel or a place where prostitution is practised or for any similar purpose which would constitute an offence.

- (b) The tenant shall not, without the permission of the municipality, use the premises or allow it to be used for any purpose or in a manner that is in conflict with the provisions of the lease agreement for the said premises.
- (4) A tenant shall keep the interior of the premises clean and in good condition and do repairs (all apparatus, appliances and equipment supplied by the municipality and needing replacement as a result of normal wear and tear shall be replaced by the municipality) provided that, without prejudice to the generality of the aforementioned, such obligations shall include the following-
 - (a) repairs to and the replacement of all water taps;
 - (b) repairs to all electric heaters, hot water cylinders and electric stoves and the replacement of elements;
 - (c) repairs to and the replacement of all locks, keys and door handles of both inner and outer doors, as well as letter boxes;
 - (d) the replacement of all waste plugs for sinks, hand basins and baths;
 - (e) repairs to all water closet cisterns and/or flush lavatories;
 - (f) the replacement of all electric fuses;
 - (g) the replacement of all cracked or broken hand basins, baths and water closet pans;
 - (h) the supply of all electric bulbs and the making good of any breakages, losses or damage in respect of chandeliers, lampshades, basins and glass in windows and doors, even if the occupier has not caused such damage himself;
 - (i) no interference with the existing electrical installation on the premises and not to affix any electric lamps other than those approved by the municipality;
 - (j) no connection of any appliance other than a globe to a globe socket;
 - (k) to ensure that all electrical equipment is properly earthed and properly maintained so as not to be a danger to any person;
 - (l) that no electrical plug or outlet is overloaded;
 - (m) the painting or distempering (as the case may be) of interior walls, ceilings and window frames in colours required by the municipality, on receipt of notice from the municipality to do so.

4. Conduct of occupiers

No person shall at any time on any premises cause any disturbance or use indecent or obscene language or behave in an improper, indecent or objectionable manner causing or which is likely to cause a breach of the peace.

5. Structures and additions

No structures of any kind whatsoever shall be erected on premises, and no premises shall be altered in any way without the written permission of the municipality.

6. Keeping of animals

The occupant of a flat may keep only one cat. The keeping of animals on other premises will be subject to the By-law relating to Public Nuisances and the Keeping of Animals.

7. Prevention of overcrowding

No latrine or any passage, staircase, landing, cupboard or any outbuilding, tent, storeroom, lean to, shed, cellar or loft in or pertaining to premises shall be used for sleeping purposes without the written permission of the municipality.

8. Payment of rental

Rental shall be payable as determined by the municipality and in case of non-payment or failure to pay rental in good time, the measures laid down in the municipality's credit control and debt collection by-law shall be applied.

9. Breach of by-law

In the event of a breach of sections 3 or 5, the municipality may give the occupier seven days' written notice addressed to him at the dwelling requiring him to cease any unauthorised use of the premises or to repair any defects, and if the occupier fails to give effect to such notice the municipality take the necessary steps to end such unauthorised use or to repair such defects at the expense of the tenant. Any action taken against the tenant under this by-law shall in no way deprive the municipality of the right to recover any amount owing to the municipality by the tenant or to recover any damages suffered.

10. Inspection of premises

Any duly authorised employee of the municipality shall be entitled to inspect premises at any reasonable time and no person shall prevent or hinder any such employee from so doing.

11. Penalty

- (1) Subject to the provisions of section 9 any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—
- (2) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
- (3) in the case of a continuing offence, an additional fine or additional period of imprisonment or either such additional or such additional imprisonment or both such additional and imprisonment for each day on which such offence continued;
- (4) a further amount equal to any costs and expenses found by court to have been incurred by the municipality as result such contravention.

12. Repeal of by-laws

The by-laws listed in the schedule hereto are hereby repealed to extent indicated in the third column thereof.

13. Short title and commencement

This by-law shall be known as the By-law relating to Management of Premises Provided by the Municipality for Dwelling Purposes and shall come into operation on the date publication thereof in the *Provincial Gazette*.

Schedule

By-laws of the disestablished Municipality of Paarl		
PN No.	Short title	Extent of repeal
817/1951	Premises for accommodation of blacks	The whole
By-laws of the former Town Council of Mbekweni		
172/1989	Letting of premises	The whole
823/1989	Control in hostels	The whole