

**35. Savings**

Anything done or deemed to have been done under any other law remains valid to the extent that it is consistent with this by-law or until anything done under this by-law overrides it.

**36. Repeal of By-laws**

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

**37. Short title and commencement**

This by-law shall be known as the Air Quality By-law of the Swartland Municipality and comes into effect on the date of publication thereof in the *Provincial Gazette*.

56817

22 May 2015

**SWARTLAND MUNICIPALITY****BY-LAW RELATING TO THE TRANSFER OF MUNICIPAL CAPITAL ASSETS**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, Swartland Municipality enacts as follows:-

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**1. Definitions**

In this by-law, unless inconsistent with the context—

“alienate” means to part with ownership of a capital asset in favour of another person with the intention of transferring the ownership of the capital asset to the procurer thereof;

“capital asset” means

- (a) any immovable asset such as land, property or buildings; or
- (b) any movable asset that can be used continuously or repeatedly for more than one year in the production or supply of goods or services, for rental to others or for administrative purposes, and from which future economic or social benefit can be derived, such as plant, machinery and equipment;

**35. Voorbehoude**

Enigiets wat gedoen is of geag gedoen te gewees het ingevolge enige ander wet bly geldig tot die omvang waarin dit in ooreenstemming is met hierdie verordening of totdat enigiets wat ingevolge hierdie verordening gedoen word, dit oorheers.

**36. Herroeping van verordeninge**

Die bepalings van enige verordeninge voorheen uitgevaardig deur die munisipaliteit of deur enige van die afgeskafde munisipaliteite wat nou by die munisipaliteit ingelyf is, word hiermee herroep in so ver dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.

**37. Kort titel en inwerkingtreeding**

Hierdie verordening sal bekend staan as die Verordening insake Luggehalte van Swartland Munisipaliteit en tree in werking op die datum van publikasie daarvan in die *Provinciale Koerant*.

56817

22 Mei 2015

**SWARTLAND MUNISIPALITEIT****VERORDENING INSAKE OORDRAG VAN MUNISIPALE KAPITALE BATES**

Ingevolge die bepalings van artikel 156 van die Grondwet van Suid-Afrika, 1996, verorden Swartland Munisipaliteit soos volg:-

Inhoudsopgawe

1. Definisie
  2. Doelwit en oogmerke
- HOOFSTUK 1: EIENAARSKAP VAN OPENBARE PLEKKE EN OPENBARE STRATE
3. Eienaarskap van openbare plekke en openbare strate
- HOOFSTUK 2: ALGEMENE BEPALINGS INSAKE DIE BESTUUR, VERKRYGING, VERVREEMDING EN VERHURING VAN KAPITALE BATES
4. Bevoegdhede van die munisipaliteit
  5. Vervreemding en verhuring van kapitale bates
  6. Verkoop en verhuring van kapitale bates uit die hand
  7. Gesubsidieerde pryse en huurgeld
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  9. Oorskrydings
  10. Sluiting van openbare plekke en openbare strate
  11. Verjaringseise
  12. Uitsluiting
  13. Herroeping van verordeninge
  14. Kort titel en inwerkingtreeding

**1. Definisie**

In hierdie verordening, tensy die konteks anders aandui, beteken—

“kapitale bates”

- (a) enige onroerende bate soos grond, eiendom en geboue; of
- (b) enige roerende bate wat deurlopend of herhaaldelik gebruik kan word vir meer as een jaar in die produksie of voorsiening van goedere en dienste, vir verhuring aan ander persone of vir administratiewe doeleindes en waaruit toekomstige ekonomiese of sosiale voordeel verkry kan word, soos aanleg, masjinerie en toerusting;

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

“immovable asset” includes, but is not limited to—

- (a) immovable property or any share therein registered in the name of a person or entity, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person or entity;
- (b) a right to an exclusive use area held in terms of a notarial deed or cession;
- (c) a real right registered against immovable property in the name of a person or entity, excluding a mortgage bond registered against the property;
- (d) any share in a share block company as defined in section 1 of the Share Blocks Control Act, 1980 (Act 59 of 1980);
- (e) a public place or public street as defined in this by-law;
- (f) immovable property as defined in section 107 of the Deeds Registries Act, 1937 (Act 47 of 1937);
- (g) property consisting of land, buildings, or other improvements or structures attached to the land;

“MATR” means the Municipal Asset Transfer Regulations promulgated in terms of the Municipal Finance Management Act, 2003 (Act 56 of 2003) (GG 31346 of 22 August 2008);

“MFMA” means the Municipal Finance Management Act, 2003 (Act 56 of 2003) and any regulations promulgated in terms thereof;

“municipality” means the Municipality of Swartland established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), 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;

“municipal area” means the area under the jurisdiction and control of the municipality;

“public place” means any land or portion thereof indicated on an approved plan, diagram or map as a public place and 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 municipality 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 municipality 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 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.

“MATR” die “Municipal Asset Transfer Regulations” soos afgekondig ingevolge die Wet op Munisipale Finansiële Bestuur, 2003 (SK 31346 van 22 Augustus 2008);

“munisipaliteit” die Munisipaliteit van Swartland ingestel ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) en sluit in enige politieke struktuur, politieke ampsdraer, raadslid, behoorlik gemagtigde agent daarvan of enige werknemer daarvan wat ten opsigte van hierdie verordening optree ingevolge die magte van die munisipaliteit en wat na sodanige politieke struktuur, politieke ampsdraer, raadslid, agent of werknemer gedelegeer of gesubdelegeer is;

“munisipale gebied” die gebied onder jurisdiksie en beheer van die munisipaliteit;

“onroerende bate” sluit in, maar is nie beperk nie tot—

- (a) onroerende eiendom of enige aandeel daarin geregistreer in die naam van ’n persoon of entiteit en sluit in die geval van ’n deeltitelskema ’n deeltiteleenheid in wat geregistreer is in die naam van ’n persoon of entiteit;
- (b) ’n reg op ’n eksklusiewe gebruiksarea wat ingevolge ’n notariële akte of sessie gehou word;
- (c) ’n saaklike reg teen onroerende eiendom geregistreer in die naam van ’n persoon of entiteit, uitgesluit ’n verband geregistreer teen die eiendom;
- (d) enige aandeel in ’n aandeelblokmaatskappy soos omskryf in die Wet op Beheer van Aandeleblokke, 1980 (Wet 59 van 1980);
- (e) ’n openbare plek of openbare straat soos omskryf in hierdie verordening;
- (f) onroerende eiendom soos omskryf in artikel 107 van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937); en
- (g) eiendom bestaande uit grond, geboue, of ander verbeteringe of strukture daarop aangebring;

“openbare plek” enige grond of gedeelte daarvan wat op ’n goedgekeurde plan, diagram of kaart as ’n openbare plek aangedui word en waarvan eienaarskap as sodanig in die munisipaliteit vestig, en

“openbare straat”

- (a) enige straat wat te eniger tyd—
  - (i) sonder onderbreking vir ’n tydperk van minstens dertig jaar deur die publiek gebruik is;
  - (ii) deur die munisipaliteit of ander bevoegde owerheid as sodanig verklaar is;
  - (iii) deur die munisipaliteit gebou is, of
  - (iv) deur iemand anders as die munisipaliteit gebou is en wat na die munisipaliteit oorgegaan het;
- (b) enige grond, met of sonder geboue of strukture daarop, wat as ’n straat aangedui word op—
  - (i) enige onderverdelingsplan of diagram wat deur die munisipaliteit of ander bevoegde owerheid goedgekeur is en waarvolgens gehandel is, of
  - (ii) enige plan of diagram, soos omskryf in artikel 15 van die Grondopmetingswet, 1997 (Wet 8 van 1997), wat by die kantoor van die Registrateur van Aktes of die kantoor van die Landmeter-Generaal geregistreer of ingedien is, tensy sodanige grond op sodanige plan of diagram as ’n privaat straat beskryf word.

“sluit” ten opsigte van ’n openbare straat of openbare plek, die sluit daarvan vir alle doeleindes of slegs vir voertuig- of voetgangerverkeer;

“vervreem” om afstand te doen van eienaarskap van ’n kapitale bate ten gunste van ’n ander persoon met die bedoeling om die eienaarskap van die kapitale bate na die verkryger daarvan oor te dra;

“WMFB” die Wet op Munisipale Finansiële Bestuur, 2003 (Wet 56 van 2003) en enige regulasie wat ingevolge daarvan afgekondig is.

## 2. Purpose and objectives

- (1) The purpose and objectives of this by-law are—
- to give effect to the municipality's Municipal Asset Transfer Policy;
  - to provide a legislative framework for the management and administration of the municipality's capital assets;
  - to determine the various categories of capital assets in order to regulate its use, disposal and acquisition; and
  - to lay down procedures in respect of the various categories of transactions.

(2) In achieving the purposes and objectives as contemplated in subsection (1), the municipality recognises and supports the principles of Land Reform and Land Restitution and that land in its custody should be dealt with in a manner which will ensure the greatest benefit to the municipality and the community.

### CHAPTER 1

#### OWNERSHIP OF PUBLIC PLACES AND PUBLIC STREETS

### 3. Ownership of public places and public streets

The ownership of all public places and public streets and the land comprised in such places and streets vests in the municipality.

### CHAPTER 2

#### GENERAL PROVISIONS RELATING TO MANAGEMENT, ACQUISITION, ALIENATION AND LETTING OF CAPITAL ASSETS

### 4. Powers of municipality

The municipality may, in achieving its operational needs and strategic objectives—

- use, improve, benefit there from, dispose, let or allow its capital assets to be developed or occupied or to permit it to be enclosed and cultivated;
- acquire immovable property and rights in property by way of private treaty, cession, donation or expropriation;
- dispose of capital assets and rights in capital assets by way of direct sale, public tender, auction or direct negotiation;
- let capital assets on a long term or short term basis by way of direct negotiation or public tender;
- subject to the provisions of MATR determine subsidised selling prices or lease tariffs in respect of capital assets;
- acquire or dispose of assets by means of exchange or donation;
- lease assets for own purposes where necessary; and
- exercise such other competencies as may be reasonably necessary, or incidental to the effective performance of the municipality's functions.

### 5. Alienation and letting of capital assets

The alienation or letting of capital assets of the municipality shall be dealt with in terms of section 14 of the MFMA and the MATR as well as the provisions of the municipality's Municipal Asset Transfer Policy.

### 6. Out of hand selling and letting of capital assets

- Notwithstanding the provisions of section 5, the municipality may sell or let capital assets out of hand as contemplated in the municipality's Municipal Asset Transfer Policy.
- In all transactions contemplated in subsection (1) the municipality must record in the minutes of the meeting concerned its full reasons for preferring such out-of-hand sale or lease.

## 2. Doelwit en oogmerke

- (1) Die doelwit en oogmerke van hierdie verordening is—
- om uitvoering te gee aan die munisipaliteit se Beleid insake Oordrag van Munisipale Kapitale Bates;
  - om 'n regsraamwerk vir die bestuur en administrasie van die munisipaliteit se kapitale bates daar te stel;
  - om die verskillende kategorieë kapitale bates te bepaal ten einde die gebruik, vervreemding en verkryging daarvan te reguleer; en
  - om prosedures ten opsigte van die verskillende kategorieë transaksies neer te lê.

(2) In die bereiking van die doelwitte en oogmerke soos beoog in subartikel (1), erken en ondersteun die munisipaliteit die beginsels van Grondhervorming en Grondherstel en dat grond en die toesig daarvoor gehanteer moet word op 'n manier wat die grootste voordeel vir die munisipaliteit en die gemeenskap sal verseker.

### HOOFSTUK 1

#### EIENAARSKAP VAN OPENBARE PLEKKE EN OPENBARE STRATE

### 3. Eienaarskap van openbare plekke en openbare strate

Die eienaarskap van alle openbare plekke en openbare strate en die grond wat deur sodanige plekke en strate in beslag geneem word berus by die munisipaliteit.

### HOOFSTUK 2

#### ALGEMENE BEPALINGS INSAKE DIE BESTUUR, VERKRYGING, VERVREEMDING EN VERHURING VAN KAPITALE BATES

### 4. Bevoegdheid van die munisipaliteit

Die munisipaliteit mag in ooreenstemming met sy operasionele behoeftes en strategiese doelwitte—

- enige van sy kapitale bates gebruik, verbeter, voordeel daaruit trek, vervreem, verhuur of toelaat dat daarop gebou word, dit geokkupeer word, omhein of bewerk word;
- onroerende eiendom of regte daarin verkry deur private onderhandeling, sessie, skenking of onteiening;
- kapitale bates of regte daarin vervreem by wyse van direkte verkope, openbare tender, openbare veiling of direkte onderhandeling;
- kapitale bates verhuur op lang- of korttermyn by wyse van onderhandeling of openbare mededinging;
- onderhewig aan die bepalings van die MATR gesubsidieerde verkooppryse of huurtariewe ten opsigte van kapitale bates bepaal;
- bates verkry of vervreem by wyse van ruiling of skenking;
- bates vir eie doeleindes huur waar nodig; en
- sodanige ander bevoegdhede uitoefen as wat redelikerwys nodig mag wees, of wat verband hou met die effektiewe uitvoering van die munisipaliteit se funksies.

### 5. Vervreemding en verhuring van kapitale bates

Die vervreemding of verhuring van kapitale bates van die munisipaliteit sal gehanteer word ingevolge artikel 14 van die WMFB en die MATR sowel as die bepalings van die munisipaliteit se Beleid insake Oordrag van Munisipale Kapitale Bates.

### 6. Verkoop en verhuring van kapitale bates uit die hand

- Nieteenstaande die bepalings van artikel 5 mag die munisipaliteit kapitale bates uit die hand verkoop of verhuur soos beoog in die munisipaliteit se Beleid insake Oordrag van Munisipale Kapitale Bates.
- In alle transaksies beoog in subartikel (1) moet die munisipaliteit in die notule van die betrokke vergadering die volledige rede opteken waarom sodanige verkoop of verhuring uit die hand verkies word.

### 7. Subsidised prices and rentals

In terms of the general principle as set out in section 2(2), the municipality may determine subsidised selling prices and rentals in respect of certain classes of capital assets to be sold or let to approved categories of applicants with the view to promote the municipality's functions and objectives as set out in the Constitution.

### 8. Servitudes

The municipality may grant servitudes over or under municipal immovable property at a tariff determined by the municipality and on such terms and conditions as it may prescribe.

### 9. Encroachments

- (1) The municipality may on such conditions as it deems necessary, by agreement permit encroachment on municipal property or the erection or maintenance of a verandah, balcony, sign, projecting sign or similar structure which projects in or over any street or public place.
- (2) When any immovable property of the municipality or under the control or management of the municipality is encroached upon without permission, the municipality may serve a written notice on the person responsible for such encroachment requesting him or her to remove the said encroachment or to take the necessary steps to regulate it.
- (3) Where the person served with a notice in terms of subsection (2) fails to comply with such notice the municipality may, subject to obtaining the necessary court order, demolish, remove or fill in the projection or projecting structure concerned at the cost of such person.
- (4) The municipality may reduce the extent of a public place or street which is encroached upon by the extent of the encroachment or by such greater extent as may be desirable.
- (5) A person who wishes to obtain the permission of the municipality as contemplated in subsection (1) must apply on the prescribed form.
- (6) The provisions of section 11 of the Roads and Streets By-law apply with the necessary changes.

### 10. Closure of public places and public streets

Subject to the provisions of the By-law relating to Roads and Streets, the municipality may close any public street or public place or portion thereof.

### 11. Prescriptive claims

The municipality may, upon written proof that a person has—

- (a) prior to the expiration of the period of ten years contemplated by section 1 of the Prescription Ordinance, 1964 (Ordinance 16 of 1964), by prescription acquired ownership of immovable property owned by the municipality; or
- (b) acquired a right in or over such property;

admit or concede any claim to that effect by such person.

### 12. Exclusion

This by-law does not apply to the sale of erven serviced as part of the National Housing Programme.

### 13. Repeal of by-laws

The By-law Relating to the Management and Administration of Immovable Property published by Swartland Municipality in Provincial Gazette 6067 of 19 September 2003 is hereby repealed.

### 7. Gesubsidieerde pryse en huurgeld

Ingevolge die algemene beginsel soos uiteengesit in artikel 2(2), mag die munisipaliteit gesubsidieerde verkooppriese en huurgeld bepaal ten opsigte van sekere klasse kapitale bates wat aan goedgekeurde kategorieë aansoekers verkoop of verhuur word met die oog op die bevordering van die munisipaliteit se funksies en doelwitte, soos uiteengesit in die Grondwet.

### 8. Serwitute

Die munisipaliteit mag serwitute oor of onder sy onroerende eiendom verleen teen 'n tarief en op sodanige voorwaardes en bepalings as wat die munisipaliteit mag voorskryf.

### 9. Oorskrydings

- (1) Die munisipaliteit mag op sodanige voorwaardes as wat dit nodig ag, 'n ooreenkoms aangaan wat oorskryding op munisipale eiendom of die oprigting of instandhouding van 'n afdak, balkon, teken, bord wat uitsteek of soortgelyke struktuur in of oor enige straat of openbare plek toelaat;
- (2) Wanneer daar sonder toestemming oorskry word op enige onroerende eiendom van die munisipaliteit, of op eiendom wat onder die beheer of bestuur van die munisipaliteit is, mag die munisipaliteit 'n skriftelike kennisgewing bedien aan die persoon wat vir sodanige oorskryding verantwoordelik is en hom of haar versoek om die genoemde oorskryding te verwyder of om die nodige stappe te neem om dit te reguleer.
- (3) Waar die persoon op wie 'n kennisgewing ingevolge subartikel (2) bedien is versuim om aan sodanige kennisgewing gehoor te gee, mag die munisipaliteit, onderhewig aan die verkryging van die nodige hofbevel, die betrokke uitsteeksel of die struktuur wat uitsteek afbreek, verwyder of invul op sodanige persoon se koste.
- (4) Die munisipaliteit mag die grootte van 'n openbare plek of straat wat oorskry word verminder met die omvang van die oorskryding of met sodanige groter deel as wat nodig mag wees.
- (5) 'n Persoon wat die munisipaliteit se toestemming wil verkry soos beoog in subartikel (1), moet op die voorgeskrewe wyse aansoek doen.
- (6) Die bepalings van artikel 11 van die Verordening insake Paaie en Strate is met die nodige wysigings van toepassing.

### 10. Die sluiting van openbare plekke en openbare strate

Onderworpe aan die bepalings van die Verordening insake Paaie en Strate, mag die munisipaliteit enige openbare straat of openbare plek of gedeelte daarvan sluit.

### 11. Verjaringseise

Die munisipaliteit mag, indien skriftelike bewys gelewer word dat 'n persoon—

- (a) voor die verstryking van die tydperk van tien jaar, soos beoog in artikel 1 van die Ordonnansie op Verjaring, 1964 (Ordonnansie 16 van 1964), eienaarskap verkry het van onroerende eiendom wat deur die munisipaliteit besit is; of
- (b) 'n reg in of oor sodanige eiendom deur verjaring verkry het;

'n eis te dien effekte ten opsigte van sodanige persoon toestaan of toelaat.

### 12. Uitsluiting

Hierdie verordening is nie van toepassing op die verkoop van erwe wat as deel van die Nasionale Behuisingsprogram van dienste voorsien word nie.

### 13. Herroeping van verordeninge

Die Verordening insake die Bestuur en Administrasie van Onroerende Eiendom wat Swartland Munisipaliteit in Provinsiale Koerant 6067 van 19 September 2003 gepubliseer het, word hiermee herroep.

**14. Short title and commencement**

This by-law shall be known as the By-law relating to Transfer of Municipal Capital Assets and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

56818

22 May 2015

**SWARTLAND MUNICIPALITY****BY-LAW RELATING TO THE SUBMISSION OF BUILDING PLANS**

By virtue of the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the legislative and executive functions in respect of building regulations have been allocated to municipalities in the local sphere of government.

In terms of this mandate the Municipality of Swartland has adopted this by-law.

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1. Definitions
2. Purpose of by-law and application
3. Interpretation
4. Compliance and enforcement
5. Determination of tariffs
6. Offences and penalties
7. Short title and commencement

**1. Definitions**

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context indicates otherwise—

“**Building Act**” the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes the Building Regulations;

“**Building Regulations**” the National Building Regulations promulgated under GN R2378 of 12 October 1990;

“**municipality**” the Municipality of Swartland established in terms of section 12 of the Local Government: Municipal Structures Act, 117 of 1998;

**“organ of state”**

- (a) any government department or administration in the national, provincial or local government sphere; or
- (b) any other functionary or institution—
  - (i) that performs a power or function in terms of the Constitution or a provincial constitution; or
  - (ii) that performs a public function or power in terms of legislation, but excludes a court or judicial officer.

“**person**” includes any natural person, juristic person, association or organ of state;

**2. Purpose of by-law and application**

(1) The purpose of this by-law is to ensure uniformity with regard to the submission, consideration and approval of applications for the erection of buildings in the jurisdictional area of the municipality.

(2) Subject to subsection (3), this by-law does not derogate from the provisions of the Building Act.

(3) Notwithstanding conflicting provisions in any act, including the Building Act, all persons, including organs of state, must submit building plans and specifications for consideration and approval by the municipality.

**14. Kort titel en inwerkingtreding**

Hierdie verordening sal bekend staan as die Verordening insake Oordrag van Munisipale Kapitale Bates en tree in werking op die datum van publikasie daarvan in die *Provinsiale Koerant*.

56818

22 Mei 2015

**SWARTLAND MUNISIPALITEIT****VERORDENING BETREFFENDE DIE INDIEN VAN BOUPLANNE**

Ooreenkomstig die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, is wetgewende en uitvoerende magte ten opsigte van bouregulasies aan munisipaliteite in die plaaslike sfeer van regering toevertrou.

Ingevolge hierdie grondwetlike mandaat het die Munisipaliteit van Swartland die hierdie verordening aangeneem.

Inhoud

1. Woordomskrywing
2. Doel van verordening en toepassing
3. Uitleg
4. Nakoming en afdwinging
5. Vasstelling van tariewe
6. Oortredings en boetes
7. Kort titel en inwerkingtrede

**1 Woordomskrywing**

In hierdie verordening, geniet die Engelse teks voorrang in die geval van ’n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, het die volgende woorde die volgende betekenis—

“**persoon**” sluit in enige natuurlike persoon, regs persoon, vereniging of staatsorgaan;

**“staatsorgaan”**

- (a) enige staatsdepartement of administrasie in die nasionale, provinsiale of plaaslike regeringsfeer; of
- (b) enige ander funksionaris of instelling—
  - (i) wat ingevolge die Grondwet of ’n provinsiale grondwet ’n bevoegdheid uitoefen of ’n funksie verrig; of
  - (ii) ingevolge wetgewing ’n openbare bevoegdheid uitoefen of ’n openbare funksie verrig, maar nie ook ’n hof of ’n regterlike beampte nie;

“**munisipaliteit**” die munisipaliteit van Swartland gestig in terme van artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998;

“**Bouregulasies**” die Nasionale Bouregulasies afgekondig per GK R2378 van 12 Oktober 1990;

“**Bouwet**” die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977); en sluit dit die Bouregulasies in

**2. Doel van verordening en toepassing**

- (1) Die doel van hierdie verordening is om eenvormigheid betreffende die indiening, oorweging en goedkeuring van aansoeke vir die oprigting van geboue in die regsgebied van die munisipaliteit te verseker.
- (2) Behoudens subartikel (3) doen hierdie verordening nie afbreuk aan die bepalings van die Bouwet nie.
- (3) Ondanks teenstrydige bepalings in enige wet, insluitende die Bouwet, moet alle persone, insluitende staatsorgane, aansoeke vir oorweging en goedkeuring van bouplanne met spesifikasies aan die munisipaliteit voorlê.