

CITY OF CAPE TOWN
PROBLEM BUILDING BY-LAW, 2010

To provide for the identification, control and management of dilapidated and problem buildings in the City of Cape Town; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 4 to the Constitution lists building regulations as a local government matter to the extent set out in section 155(6) (a) and (7);

AND WHEREAS the City of Cape Town seeks to identify, control and manage dilapidated and problem buildings within its area of jurisdiction to ensure that such buildings comply with this By-law by—

- Formulating a coordinated integrated strategy plan, processes and procedures;
- Turning problem buildings around by rejuvenating and regenerating the buildings rather than demolishing them;
- Redeveloping the property where problem buildings can't be rejuvenated or regenerated after consultation with the owners;
- Facilitating the disposal of problem buildings for the purpose of achieving the objectives of this By-law.

AND NOW THEREFORE, BE IT ENACTED by the Council of the City of Cape Town, as follows:

Definitions

1. In this By-law, unless the context otherwise indicates—

“authorised official” means an employee of the City authorised by the City Manager to implement and enforce the provisions of this By-law;

“building” includes—

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the—
 - (i) accommodation or convenience of human beings or animals;
 - (ii) manufacture, processing, storage, display or sale of any goods;
 - (iii) rendering of any service;
 - (iv) destruction or treatment of refuse or other waste materials;
 - (v) cultivation or growing of any plant or crop;
- (b) any wall or part of a building;
- (c) a unit or common property as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986); or
- (d) any vacant or unoccupied erf;

“City” means the City of Cape Town established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), by Provincial Notice No. 479 dated 22 December 2000;

“licensed waste disposal facility” means a site, or premises which is licensed in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and used for the accumulation or disposal of waste;

“owner” in relation to a building means the person in whose name the land on which such building was or is erected, as the case may be, is registered in the deeds office in question and includes a person in charge of such building: Provided that if—

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973), or if his or her estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person or trust, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or who is responsible there for;
- (d) in the case of a sectional title scheme, a sectional title unit is registered in the name of a person, that person;
- (e) in the case of a trust, the trustees of such trust;
- (f) in the case of a sectional title scheme, a body corporate responsible for the control, administration and management of the common property; or
- (g) where the City is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or who enjoys such benefit;

“problem building” includes any building or portion of a building—

- (a) that appears to have been abandoned by the owner with or without the consequence that rates or other service charges are not being paid;
- (b) that is derelict in appearance, overcrowded or is showing signs of becoming unhealthy, unsanitary, unsightly or objectionable;
- (c) that is the subject of written complaints in respect of criminal activities, including drug dealings and prostitution;

- (d) that is illegally occupied;
- (e) where refuse or waste material is accumulated, dumped, stored or deposited with the exception of licensed waste disposal facilities; or
- (f) that is partially completed or structurally unsound and is a threat or danger to the safety of the general public.

Application of this By-law

2. This By-law applies to all problem buildings situated within the area of jurisdiction of the City, except those situated in areas exempted from the application of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

Appointment of Authorised Officials

3. The City Manager may appoint authorised officials to implement and enforce the provisions of this By-law.

Delegation

4. The City Manager may exercise all powers, duties and functions conferred upon the City in terms of this By-law and to delegate such powers, duties and functions to authorised officials.

Entry by authorised officials of buildings and land

5. (1) Any authorised official may enter any building at any reasonable time with a view to—

- (a) inspect or determine whether the building complies with any provision of this By-law subject to 7 days notice of such intended inspection having been given to the owner; or
- (b) serve the owner of the building with the compliance notice as referred to in section 7.

(2) No person shall hinder or obstruct the authorised official in the exercise of his or her powers in terms of the By-law.

(3) An authorised official shall, when entering the building, produce a valid identification document issued to him or her by the City to the owner of such building.

Declaration of a building, a problem building

6. (1) The authorised official may, subject to subsections (2) to (5), if a building falls within the definition of “problem building” as defined in section 1, declare such building a problem building.

(2) The authorised official shall, by notice in writing, before declaring such building a problem building, inform the owner of his or her intention to declare such building a problem building, giving the reasons for such declaration.

(3) The authorised official may carry out an investigation in respect of a building which he or she intends to declare a problem building as contemplated in subsection (2), provided that he or she must display a notice of such investigation on the building concerned.

(4) The authorised official shall give the owner a period of seven days to make representations on why the building should not be declared a problem building.

(5) The authorised official shall, after considering the representations referred to in subsection (4), take a decision either to declare or not to declare a building a problem building.

(6) The owner shall, in respect of a declaration in terms of subsection (1), have a right of appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

Compliance notice

7. (1) The authorised official shall serve a written notice on the owner of any building which has been declared a problem building as referred to in section 6, requiring such owner within a specified period to—

- (a) repair, renovate, repaint, alter, close, demolish, secure, or remove all refuse from, such problem building;
- (b) complete the construction of a problem building or any structure of such building;
- (c) enclose, fence or barricade such problem building to the satisfaction of the City;
- (d) appoint and instruct, at the cost of such owner, an approved competent person referred to in Part A 19 of the National Building Regulations, to examine a condition that gave rise to the declaration of a building a problem building and to report to the authorised official on the nature and extent of the steps to be taken, which in the opinion of such approved competent person needs to be taken in order to render such problem building safe;
- (e) dispose of, destroy or remove any material or article accumulated, dumped, stored or deposited in any building, which is refuse or waste and which is showing signs of becoming unsightly, insanitary, unhealthy or objectionable or is likely to constitute an obstruction; or
- (f) comply with any provision of this By-law.

(2) The City may, if such owner fails to comply with a notice served on him or her in terms of subsection (1), repair, renovate, repaint, alter, close, demolish, remove all refuse or secure any problem building at the cost of the owner.

(3) The City may, if the owner fails to pay such cost, recover the cost in terms of the Credit Control and Debt Collection By-law, 2006.

(4) Despite subsection (1), section 6 and subject to any applicable legislation, if the authorised official has reason to believe that the condition of any building is such that steps should forthwith be taken to protect life or property, he or she may take such steps as may be necessary in the circumstances without serving or delivering such notice on or to the owner of such building and may recover the cost of such steps from such owner.

(5) If the authorised official deems it necessary for the safety of any person, he or she may by notice in writing—

- (a) order the owner of any problem building to remove, within the period specified in such notice, any person occupying or working, or who for any other purpose is in such problem building, and to take care that no person who is not authorised by the City enters such problem building;
- (b) order any person occupying or working, or who for any other purpose is in any problem building, to vacate such building.

(6) No person shall occupy, use or permit the occupation or use of any problem building or continue to occupy, use or permit, the occupation or use of any problem building in respect of which a notice was served or delivered in terms of this section or steps were taken by the City in terms of subsection (2), unless he or she has been granted permission by City in writing that such building may be occupied or used or continue to be occupied or used, as the case may be.

Service of a notice

8. (1) Whenever a compliance notice is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person—

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business in the Republic with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;
- (d) if his or her address in the Republic is unknown, when it has been served on his or her agent or representative in the Republic in the manner contemplated in paragraph (a), (b) or (c); or
- (e) if his or her address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

(2) When a compliance notice as aforesaid is authorised or required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, but it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.

Indemnity

9. The City or any authorised official of the City shall not be liable to a third party for any damage caused by anything lawfully done or omitted by the City or any authorised official in carrying out any function or duty in terms of this By-law.

Offences and penalties

10. (1) Any person who contravenes any provision, or fails to comply with any notice issued in terms, of this By-law commits an offence.

(2) A person who is guilty of an offence in terms of this By-law is upon conviction liable to a fine not exceeding R300 000.00 or imprisonment for a period not exceeding three years or to both such fine and imprisonment.

(3) In the case of a continuing offence an additional fine or imprisonment for a period not exceeding ten days for each day on which such offence continued may be imposed.

(4) In addition to any penalty imposed in terms of subsections (2) and (3), the person so convicted shall be liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.

Short title

11. This By law is called the City of Cape Town: Problem Building By-law, 2010.

STAD KAAPSTAD
VERORDENING OP PROBLEEMGEBOUE, 2010

Om vir die identifikasie, beheer en bestuur van probleem- en vervalte geboue in die Stad Kaapstad voorsiening te maak; en om vir aangeleenthede wat daarmee gepaard gaan, voorsiening te maak.

AANHEF

NADEMAAL artikels 156(2) en (5) van die Grondwet bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en toepas vir die doeltreffende administrasie van die aangeleenthede ten opsigte waarvan hy die reg het om dit te administreer, en om enige bevoegdheid uit te oefen rakende 'n aangeleentheid wat redelikerwys vir die doeltreffende uitvoering van sy funksies nodig is of daarmee gepaard gaan;

EN NADEMAAL Deel B van Bylae 4 van die Grondwet bouregulasies as 'n plaaslike regeringsaangeleentheid lys in die mate in artikels 155(6) (a) en (7) uiteengesit;

EN NADEMAAL die Stad Kaapstad probleem- en vervalte geboue binne sy regsgebied wil identifiseer, beheer en bestuur om te verseker dat sodanige geboue aan dié Verordening voldoen deur—

- 'n gekoördineerde geïntegreerde strategieplan, prosesse en prosedures te formuleer;
- probleemgeboue te rehabiliteer deur die geboue op te knap en te vernuwe in plaas van om hulle te sloop;
- die eiendom na oorlegpleging met die eienaars te herontwikkel in gevalle waar probleemgeboue nie opgeknap en vernuwe kan word nie;
- die wegdoening met probleemgeboue te fasiliteer met die oog daarop om die doelwitte van dié Verordening te bereik;

WORD DAAR DUS NOU soos volg deur die Raad van die Stad Kaapstad **VERORDEN**:

Definisies

1. In dié Verordening, tensy dit uit die samehang anders blyk, beteken—

“eienaar” ten opsigte van 'n gebou of grond die persoon op wie se naam die grond waarop sodanige gebou opgerig is of word, na gelang van die geval, by die betrokke Aktekantoor geregistreer is, met inbegrip van 'n persoon wat in beheer van sodanige gebou is: Met dien verstande dat -

- (a) as sodanige persoon, in die geval van 'n natuurlike persoon, oorlede is of deur enige hof as deurbringer of onbevoeg verklaar is om sy of haar eie sake te bestuur of 'n pasiënt is soos omskryf in artikel 1 van die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), of as sy of haar boedel gesekwestreer is, die betrokke eksekuteurs of kurator, na gelang van die geval;
- (b) as sodanige persoon, in die geval van 'n regspersoon, gelikwedeer of onder geregtelike bestuur geplaas is, die betrokke likwidateur of geregtelike bestuurder, na gelang van die geval;
- (c) as sodanige persoon nie in die Republiek is nie of sy of haar verblyfplek onbekend is, enige persoon wat as agent of andersins die bestuur, instandhouding en invordering van huurgeld of ander gelde ten opsigte van sodanige gebou onderneem of wat daarvoor verantwoordelik is;
- (d) as, in die geval van 'n deeltitelskema, 'n deeltiteleenheid in die naam van 'n persoon geregistreer is, die betrokke persoon;
- (e) in die geval van 'n trust, die trustees van sodanige trust;
- (f) in die geval van 'n deeltitelskema, 'n regspersoon wat vir die beheer, administrasie en bestuur van die gemeenskaplike eiendom verantwoordelik is; of
- (g) as die Stad nie die identiteit van die betrokke persoon kan bepaal nie, enige persoon wat op die voordeel van die gebruik van sodanige gebou geregtig is en wat sodanige voordeel benut;

“gebou” ook—

- (a) enige struktuur, hetsy van 'n tydelike of permanente aard, en ongeag die materiaal wat by die oprigting daarvan gebruik is, wat opgerig is of gebruik word vir, of verband hou met—
 - (i) die akkommodasie of gerief van mense of diere;
 - (ii) die vervaardiging, verwerking, berging, vertoon of verkoop van enige goedere;
 - (iii) die lewering van enige diens;
 - (iv) die vernietiging of behandeling van vullis of ander afvalstowwe;
 - (v) die verbouing of kweek van enige plant of gewas;
- (b) enige muur of deel van 'n gebou;
- (c) 'n eenheid of gemeenskaplike eiendom soos omskryf in die Wet op Deeltitels, 1986 (Wet 95 van 1986); of
- (d) enige onbeboude, onbewoonde erf;

“gelisensieerde afvalwegdoeningsfasiliteit” 'n terrein of perseel wat ingevolge die Nasionale Wet op Omgewingsbestuur: Afval (“National Environmental Management Waste Act”), 2008 (Wet 59 van 2008), gelisensieer is en vir die ophoping of wegdoening van afval gebruik word;

“gemagtigde amptenaar” enige werknemer van die Stadsbestuurder wat deur die Stad gemagtig is om die bepalings van dié Verordening te implementeer en toe te pas;

“probleemgebou” ook enige gebou of gedeelte van 'n gebou—

- (a) wat blyk deur die eienaar agtergelaat te wees met of sonder die gevolg dat belasting of ander diensteheffings nie betaal word nie;
- (b) wat verlate voorkom, oorbewoon is of tekens toon dat dit ongesond, onhigiënies, onooglik of aanstootlik word;

- (c) die onderwerp is van skriftelike klagtes oor kriminele aktiwiteit, insluitende dwelmshandel en prostitusie;
- (d) onwettig bewoon word;
- (e) waar vullis of afvalstowwe by sodanige gebou opgehoop, gestort, geberg of agtergelaat word, met die uitsondering van gelisensieerde afvalwegdoeningsfasiliteite; of
- (f) wat deels voltooï of struktureel swak is, en wat 'n bedreiging of gevaar vir die veiligheid van die algemene publiek inhou;

“**Stad**” die Stad Kaapstad wat ingestel is ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), by Provinsiale Kennisgewing no. 479 van 22 Desember 2000.

Toepassing van dié Verordening

2. Dié Verordening is van toepassing op alle probleemgeboue wat binne die Stad se regsgebied geleë is, met die uitsondering van dié wat geleë is in gebiede wat van die toepassing van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977), vrygestel is.

Aanstelling van gemagtigde amptenare

3. Die Stadsbestuurder kan gemagtigde amptenare aanstel om die bepalings van dié Verordening te implementeer en toe te pas.

Delegasie

4. Die Stadsbestuurder kan alle bevoegdhede, pligte en funksies wat ingevolge dié Verordening aan die Stad verleen word, uitoefen en sodanige bevoegdhede, pligte en funksies aan gemagtigde amptenare delegeer.

Betreding van geboue en grond deur gemagtigde amptenare

5. (1) Enige gemagtigde amptenaar mag enige gebou of grond op enige redelike tyd betree met die doel —

- (a) om die gebou te inspekteer of om te bepaal of dit aan enige bepaling van dié Verordening voldoen, onderworpe daaraan dat daar 7 dae kennis van sodanige voorgenome inspeksie aan die eienaar gegee is, of
- (b) om die voldoeningskennisgewing waarna daar in artikel 7 verwys word, aan die eienaar van die gebou te beteken.

(2) Geen persoon mag die gemagtigde amptenaar by die uitoefening van sy of haar bevoegdhede ingevolge die Verordening hinder of dwarsboom nie.

(3) 'n Gemagtigde amptenaar moet by betreding van die gebou 'n geldige identiteitsdokument wat die Stad aan hom of haar uitgereik het, aan die eienaar van sodanige gebou of grond toon.

Verklaring van 'n gebou tot probleemgebou

6. (1) Die gemagtigde amptenaar mag, onderworpe aan subartikels (2) tot (5), as 'n gebou binne die definisie van probleemgebou val soos omskryf in artikel 1, sodanige gebou tot probleemgebou verklaar.

(2) Die gemagtigde amptenaar moet, voordat sodanige gebou tot probleemgebou verklaar word, die eienaar skriftelik in kennis stel van sy of haar voorneme om sodanige gebou tot probleemgebou te verklaar.

(3) Die gemagtigde amptenaar kan 'n ondersoek uitvoer ten opsigte van 'n gebou wat hy of sy voornemens is om as 'n probleemgebou te verklaar, soos voorsien in subartikel (2), met dien verstande dat hy of sy 'n kennisgewing van sodanige ondersoek van die betrokke gebou moet toon.

(4) Die gemagtigde amptenaar moet die eienaar 'n tydperk van sewe dae bied om verhoë te rig oor waarom die gebou nie tot probleemgebou verklaar kan word nie.

(5) Die gemagtigde amptenaar moet, na oorweging van die verhoë waarna daar in subartikel (4) verwys word, 'n besluit neem of 'n gebou tot 'n probleemgebou verklaar moet word of nie.

(6) Die eienaar het, ten opsigte van 'n verklaring wat ingevolge subartikel (1) gedoen is, 'n reg van appèl ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

Voldoeningskennisgewing

7. (1) Die gemagtigde amptenaar mag 'n skriftelike kennisgewing beteken aan die eienaar van enige gebou wat tot probleemgebou verklaar is, soos daarna in artikel 6 verwys word, welke kennisgewing van sodanige eienaar vereis om binne 'n voorgeskrewe tydperk—

- (a) sodanige probleemgebou te herstel, op te knap, te verf, te verander, te sluit, te sloop of te beveilig;
- (b) die konstruksie van 'n probleemgebou of enige struktuur van sodanige gebou te voltooi;
- (c) sodanige probleemgebou tot voltoening van die Stad af te kamp, te omhein of af te sper;
- (d) 'n goedgekeurde bevoegde persoon waarna in Deel A 19 van die Nasionale Bouregulasies verwys word, op koste van sodanige eienaar aan te stel en opdrag te gee om 'n toestand wat daartoe aanleiding gegee het dat 'n gebou tot 'n probleemgebou verklaar is, te ondersoek en om aan die gemagtigde amptenaar verslag te doen oor die aard en omvang van die stappe wat gedoen moet word wat na die mening van sodanige goedgekeurde bevoegde persoon gedoen moet word om sodanige probleemgebou te beveilig;
- (e) met enige materiaal of artikels wat by enige gebou opgehoop, gestort, geberg of agtergelaat is, wat vullis of afval is en wat tekens toon dat dit onooglik, onhigiënies of ongesond of aanstootlik word of waarskynlik 'n hindernis sal uitmaak, weg te doen of dit te vernietig of te verwyder; of
- (f) aan enige bepaling van dié Verordening te voldoen.

- (2) Die Stad mag, ingeval sodanige eienaar versuim om te voldoen aan 'n kennisgewing wat ingevolge subartikel (1) aan hom of haar beteken is, enige probleemgebou op koste van die eienaar herstel, opknop, verf, verander, sluit, sloop, alle afval verwyder of die probleemgebou beveilig.
- (3) Die Stad mag, as die eienaar versuim om sodanige koste te betaal, die koste ingevolge die Verordening op Kredietbeheer en Skuldinvordering, 2006, verhaal.
- (4) As die gemagtigde amptenaar ondanks subartikel (1), artikel 6 en onderworpe aan enige toepaslike wetgewing, rede het om te glo dat die toestand van enige gebou sodanig is dat stappe onverwyld gedoen moet word om lewe of eiendom te beskerm, mag hy of sy sodanige stappe doen wat in die omstandighede nodig geag word sonder om sodanige kennisgewing aan die eienaar van sodanige gebou te beteken of af te lewer, en die koste van sodanige stappe van sodanige eienaar verhaal.
- (5) As die gemagtigde amptenaar dit vir die veiligheid van enige persoon nodig ag, mag hy of sy deur middel van skriftelike kennisgewing—
- die eienaar van enige probleemgebou gelas om binne die tydperk wat in sodanige kennisgewing gespesifiseer word, enige persoon wat sodanige probleemgebou okkupeer of daarin werk of wat om enige ander rede daarin is, te verwyder en om te sorg dat geen persoon wat nie deur die Stad gemagtig is nie, sodanige probleemgebou betree;
 - enige persoon wat enige probleemgebou okkupeer of daarin werk of om enige ander rede daarin is, gelas om sodanige gebou te ontruim.
- (6) Geen persoon mag enige probleemgebou okkupeer, gebruik of dit laat okkupeer of gebruik of voortgaan om enige probleemgebou te okkupeer, te gebruik of laat okkupeer of gebruik ten opsigte waarvan 'n kennisgewing ingevolge dié artikel beteken of afgelewer is of stappe ingevolge subartikel (2) deur die Stad gedoen is nie, tensy die Stad skriftelike toestemming aan hom of haar verleen het dat sodanige gebou geokkupeer of gebruik mag word of steeds geokkupeer of gebruik mag word, na gelang van die geval.

Betekening van 'n kennisgewing

8. (1) Wanneer ook al 'n voldoeningskennisgewing ingevolge dié Verordening gemagtig is of vereis word om aan 'n persoon beteken te word, sal dit doeltreffend en voldoende aan sodanige persoon beteken geag te wees—

- as dit persoonlik aan hom of haar beteken is;
- as dit by sy of haar verblyfplek in die Republiek by 'n persoon gelaat is wat oënskynlik ouer as 16 jaar is;
- as dit per geregistreerde of aangetekende pos na sy of haar laaste bekende woon- of sakeadres in die Republiek gepos is en bewys van die pos daarvan gelewer kan word;
- as dit, ingeval sy of haar adres in die Republiek onbekend is, aan sy of haar agent of verteenwoordiger in die Republiek beteken is op die wyse bedoel in paragraaf (a), (b) of (c); of
- as dit, ingeval sy of haar adres in die Republiek onbekend is, op 'n opsigtelike plek aangebring is op die vaste eiendom, as daar is, waarop dit betrekking het.

(2) Wanneer bogenoemde voldoeningskennisgewing gemagtig is of vereis word om aan 'n persoon beteken te word uit hoofde daarvan dat hy of sy die eienaar van vaste eiendom is of was of enige ander reg ten opsigte daarvan het, is dit nie nodig om hom of haar te noem nie, maar is dit voldoende as hy of sy daarin as die eienaar of houer van sodanige eiendom of ander reg beskryf word, na gelang van die geval.

Vrywaring

9. Die Stad of enige gemagtigde amptenaar van die Stad is nie teenoor 'n derde party aanspreeklik vir enige skade wat veroorsaak word deur enigiets wat die Stad of enige gemagtigde amptenaar doen of nalaat om te doen by die uitvoering van enige funksie of plig ingevolge dié Verordening nie.

Misdrywe en boetes

10. (1) Enige persoon wat 'n bepaling van dié Verordening oortree of versuim om aan 'n kennisgewing wat daarkragtens uitgereik is, te voldoen, begaan 'n misdryf.

(2) Enige persoon wat ingevolge dié Verordening aan 'n misdryf skuldig is, is by skuldigbevinding strafbaar met 'n boete van R300 000,00 of gevangenisstraf van hoogstens drie jaar, of aan beide sodanige boete en gevangenisstraf.

(3) In die geval van 'n voortgesette misdryf kan 'n bykomende boete of gevangenisstraf vir 'n tydperk van hoogstens tien dae opgelê vir elke dag waarop sodanige misdryf voortgesit is.

(4) Benewens enige boete wat ingevolge subartikels (2) en (3) opgelê is, is die persoon wat skuldig bevind is, aanspreeklik daarvoor om die koste van herstelwerk van enige skade wat aangerig is of koste wat aangegaan is om enige skade as gevolg van sodanige misdryf te herstel, te betaal.

Kort titel

11. Dié Verordening word die Stad Kaapstad: Verordening op Probleemgeboue, 2010, genoem.