

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Local Government and Public Works has in terms of section 90 of the Rural District Councils Act [*Chapter 29:13*], approved the following by laws.

Title

1. These by-laws may be cited as Manyame Rural District Council_(Inspections) By-laws, 2023.

Application

1. These by-laws shall apply to the Manyame Rural District Council area

Interpretation

3. In these by-laws—

“Council” means Manyame Rural District Council;

“Council area” means the area for which the council has been established;

“Officer” means an authorized employee of Council to carry out inspections or tests on behalf of Council.

“Inspection” means an official visit to a premise, site, building, material, object or organization to check that everything is correct in accordance with the stipulated Council Bylaws and other relevant statutes.

“Occupier” means any person in actual occupation of land or premises without regard to the title under which he or she occupies

“Owner” means the person who has legal or rightful title with regards to a property

“Site” means the stand, plot, surveyed or demarcated area of land

4. Power of Entry for Inspection

(4.1) An authorized Officer may enter on any land or premises at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) Council By-laws
- (b) A directive or order made under the Rural District Councils Act [Chapter 29:13] and Allied Acts
- (c) A condition of a license/ permit issued under any by-law of Council
- (d) any other purpose that may be deemed necessary by Council

5. Inspection Fees

5.1 Scheduled inspections shall be undertaken upon payment of a prescribed fee by Council

- a) Adhoc inspections shall be undertaken and if contravention of any Council Bylaws or legislation is found, the property owner shall be liable to pay a penalty as prescribed by Council
- b) Subject to the provisions of these bylaws, no property owner or occupier shall proceed to pay for the inspection of any building, site, property, premise, land, object and or any scheduled inspection unless and until he or she has cleared all arrears owed to the Council
- c) The property owner or occupier shall not pay or book for the next stage if the preceeding stage is not approved.

6. Inspection Procedures

6.1 Upon suspicion that a contravention of any Council Bylaw has occurred, an authorized Officer shall enter into the premise to carry out a scheduled or unscheduled inspection.

6.2 Subject to the provisions of section 4 (4.1) of these bylaws before the authorized Officer exercises any powers of entry he or she shall give a reasonable written notice to the owner or occupier of the premise of his intention to exercise such powers unless the entry is for the purpose of preventing or detecting a contravention of the provisions of these

bylaws or any other Council bylaws or legal provisions and in his or her opinion the giving of such notice would nullify the purpose of the entry

6.3 If the building or property to be inspected is occupied, the authorized Officer shall positively identify him or herself, state the reason for the inspection and request entry

6.4 Consent to enter buildings or property may be obtained by means including but not limited to written, verbal or in person

6.5 If entry is refused or if the authorized Officer is unable to obtain consent, Council shall have recourse to every remedy provided by the law to secure entry.

6.6 When conducting inspections the authorized Officer may;

(a) Request the production of documents or items relevant to the inspection.

(b) Inspect or take documents or items relevant to the inspection for the purpose of making copies or extracts;

(c) Require information from any person concerning a matter related to the inspection; and

(d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

7. Offences

7.1 Any person who skips a stage or;

7.1.2 Willfully prevents, obstructs, hinders any authorized Officer to exercise his or her powers in terms of these sections

7.1.3 Willfully misrepresents documents or state of affairs

Shall be guilty and liable to a fine as prescribed in the current approved Council budget or prosecution or to both fine and prosecution.

8. *Schedule of fines*