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OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

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Draft Ordinance

Ontwerpordonnansie

The following Draft Ordinance is published for general information.

Die volgende Ontwerpordonnansie word vir algemene inligting gepubliseer.

J. J. KLOPPER,
Secretary for South West Africa.

J. J. KLOPPER,
Sekretaris van Suidwes-Afrika.

Administrator's Office,
Windhoek.

Kantoor van die Administrateur,
Windhoek.

GENERAL EXPLANATORY NOTE:

- Words underlined with solid line indicate insertions proposed.
- [] Words in square brackets indicate omissions proposed.

DRAFT ORDINANCE

To amend the Municipal Ordinance, 1963, so as to provide for the election of councillors for municipalities divided into wards; to provide for the holding of an enquiry into a charge of misconduct against a town clerk or other senior employee of a municipality by a person or persons appointed by the Administrator; to provide for the establishment, maintenance, management and control of crematoria by a municipality and for making regulations in connection with the functioning and use of crematoria and the levying of charges therefor; to provide for the making of regulations in connection with the recovery of expenditure incurred by a municipality at the repair, alteration, removal or demolition of certain buildings and in connection with the restriction or limitation of the use of immovable property in the municipal area; and to provide for incidental and miscellaneous matters.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, as follows:—

Substitution of
section 21 of
Ordinance
13 of 1963.

1. The following section is hereby substituted for section 21 of the Municipal Ordinance, (Ordinance 13 of 1963), hereinafter referred to as the principal Ordinance:

“[Municipalities
divided into
wards.]

[21. When a municipality is divided into wards the election of councillors shall be according to wards: Provided that nothing herein contained shall prevent a duly qualified person from being elected as a councillor for any other ward whether or not he is entitled to vote in such ward.]

“Election of
councillors for
municipalities
divided into
wards.”

21. When a municipality is divided into wards the election of councillors shall be according to such wards and only a person whose name appears on the voters' roll of a ward is qualified to be nominated as a candidate and elected a councillor for that ward and to sign, in accordance with section 49, a nomination paper by means of which a candidate is nominated for that ward.”

ALGEMENE VERDUDELIKENDE NOTA:

- _____ Woorde met 'n volstreep daaronder dui aan in-voegings voorgestel.
- [] Woorde tussen vierkantige hake dui aan skrap-pings voorgestel.

ONTWERPORDONNANSIE

Tot wysiging van die Munisipale Ordonnansie 1963, om voorsiening te maak vir die verkiesing van raadslede vir munisipaliteite wat in wyke verdeel is; om voorsiening te maak vir die instelling van 'n ondersoek na 'n aanklag van wangedrag teen 'n stadsklerk of ander senior werknemer van 'n munisipaliteit deur 'n persoon of persone deur die Administrateur aangestel; om voorsiening te maak vir die oprigting, instandhouding, bestuur en beheer van krematoriums deur 'n munisipaliteit en vir die uitvaardiging van regulasies in verband met die funksionering en gebruik van krematoriums en die heffing van gelde daarvoor; om voorsiening te maak vir die uitvaardiging van regulasies met betrekking tot die verhaal van kostes aangegaan deur 'n munisipaliteit by die herstel, verandering, verwydering of sloping van sekere geboue en met betrekking tot die inkorting of beperking van die gebruik van onroerende eiendom in die munisipale gebied; en om voorsiening te maak vir bykomstige en diverse aangeleenthede.

Die Wetgewende Vergadering van die Gebied Suid-wes-Afrika VERORDEN SOOS VOLG:—

1. Artikel 21 van die Munisipale Ordonnansie 1963, (Ordonnansie 13 van 1963), hieronder die Hoofordonnansie genoem, word hierby deur die volgende artikel vervang:

Vervanging van artikel 21 van Ordonnansie 13 van 1963.

“[Munisipaliteite in wyke verdeel.]

[21. Wanneer 'n munisipaliteit in wyke verdeel word, vind die verkiesing van raadslede volgens sodanige wyke plaas: Met dien verstande dat geen bepaling hiervan die verkiesing van 'n behoorlik gekwalifiseerde persoon tot raadslid van enige ander wyk verhinder nie ongeag of hy in so 'n wyk stemreg het of nie.]

Verkiesing
van raadslede
vir munisipaliteite wat in
wyke verdeel
is.

21. Wanneer 'n munisipaliteit in wyke verdeel is, vind die verkiesing van raadslede volgens sodanige wyke plaas en slegs 'n persoon wie se naam op die kieserslys van 'n wyk verskyn, is bevoeg om as kandidaat vir daardie wyk benoem en as raadslid vir daardie wyk verkies te word en om 'n nominasiebrief by wyse waarvan 'n kandidaat vir daardie wyk benoem word, ooreenkomstig artikel 49 te teken.”

Amendment of section 148 of Ordinance 13 of 1963, as amended by section 3 of Ordinance 5 of 1964 and section 3 of Ordinance 17 of 1970.

2. Section 148 of the principal Ordinance is hereby amended —

(a) by the substitution for subsection (4) of the following subsection:

“(4) Notwithstanding anything to the contrary provided in this section, the council shall not remove the town clerk and any employee in receipt of remuneration equal to or higher than the remuneration of any head of a department with the same council from their posts or reduce their emoluments without the prior approval of the Administrator and of any other authority in accordance with the provisions of any other law governing the appointment of employees.”;

(b) by the substitution for paragraph (a) of subsection (10) of the following paragraph:

“(a) Any enquiry into a charge of misconduct against an employee of the council other than the town clerk or any employee of the council in receipt of remuneration equal to or higher than the remuneration of any head of a department with the same council may be held either by the Management Committee or by some person or persons designated by it either generally or specially, and such person or persons shall submit to such Committee his or their report and recommendation in every case: [Provided that where such enquiry concerns the town clerk or the head of a department the enquiry shall be held by the Management Committee only within ten days of the formal charge of misconduct against or date of suspension of such town clerk or head of a department and such Committee shall within 7 days of the conclusion thereof report to a special meeting of the council called for the purpose]”; and

(c) by the insertion after subsection (10) of the following subsection:

“(10A) (a) Notwithstanding anything to the contrary provided in this ordinance any enquiry into a charge of misconduct against a town clerk or any employee of the council in receipt of remuneration equal to or higher than the remuneration of any head of a department with the same council shall be instituted by a person or persons appointed by the Administrator.

(b) At such an enquiry the employee charged shall be entitled to be present and to give evidence and, either personally or by a representative to be heard, to call evidence and to cross examine any person whose evidence is adduced or whose statement or complaint is used in support of the charge against him.

(c) At such an enquiry the case against the employee charged may be presented by a person appointed by the council.

(d) The person holding such enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat.

2. Artikel 148 van die Hoofordonnansie word hierby gewysig —

Wysiging van artikel 148 van Ordonnansie 13 van 1963, soos gewysig deur artikel 3 van Ordonnansie 5 van 1964 en artikel 3 van Ordonnansie 17 van 1970.

(a) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Ondanks enige andersluidende bepalings in hierdie artikel, mag die raad [mag] nie die stadsklerk en enige werknemer wat in ontvangs is van besoldiging gelyk aan of hoër as die besoldiging van enige hoof van 'n departement by dieselfde raad uit hul betrekings verwyder of hul besoldiging verminder sonder die voorafgaande goedkeuring van die Administrateur en van enige ander owerheid ooreenkomstig die bepalings van enige ander wet wat die aanstelling van werknemers beheer nie.”;

(b) deur paragraaf (a) van subartikel (10) deur die volgende paragraaf te vervang:

„(a) Enige ondersoek na 'n aanklag van wangedrag teen 'n werknemer van die raad, behalwe 'n stadsklerk of enige ander werknemer van die raad wat in ontvangs is van besoldiging gelyk aan of hoër as die besoldiging van enige hoof van 'n departement by dieselfde raad, kan ingestel word òf deur die bestuurskomitee òf deur 'n persoon of persone wat hy in die algemeen of spesiaal daartoe aanwys en sodanige persoon of persone moet sy of haar verslag en aanbeveling in elke geval aan sodanige komitee voorlê: [Met dien verstande dat waar so 'n ondersoek oor die stadsklerk of die hoof van 'n departement gaan net die bestuurskomitee die ondersoek mag instel en dan binne tien dae na die formele aanklag van wangedrag teen, of die datum van skorsing van, sodanige stadsklerk of hoof van 'n departement en sodanige komitee moet binne sewe dae na afloop van die ondersoek verslag doen aan 'n spesiale vergadering van die raad wat te dien einde belê word.]”;

(c) deur die volgende subartikel na subartikel (10) in te voeg:

„(10A) (a) Ondanks enige andersluidende bepalings in hierdie ordonnansie word enige ondersoek na 'n aanklag van wangedrag teen 'n stadsklerk of enige ander werknemer van die raad wat in ontvangs is van besoldiging gelyk aan of hoër as die besoldiging van enige hoof van 'n departement **by dieselfde raad, ingestel deur 'n persoon of persone wat deur die Administrateur aangestel is.**

(b) By sodanige ondersoek het die aangeklaagde werknemer die reg om teenwoordig te wees en om getuienis te gee en om sy saak òf persoonlik òf deur 'n verteenwoordiger te stel, om getuienis aan te vra en iemand onder kruisverhoor te neem wie se getuienis aangevoer word of wie se verklaring of klagte gebruik word ter staving van die aanklag teen hom.

(c) By so 'n ondersoek kan die saak teen die aangeklaagde werknemer voorgedra word deur iemand wat die raad aanstel.

(d) Die persoon wat sodanige ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

(e) At the conclusion of such enquiry the person holding it shall find whether the employee charged is guilty or not guilty of the misconduct with which he has been charged and shall inform the employee charged of his finding.

(f) The person who held the enquiry shall forward the record of the proceedings at the enquiry and any documentary evidence admitted thereat, a statement in writing of his finding and his reasons therefor, and any observations on the case which he may desire to make to the council who shall consider it at a special meeting of the council called for the purpose within seven days after receipt of the documents and papers referred to in this paragraph.

(g) At such meeting the council shall decide whether the employee charged is guilty or not guilty of the misconduct with which he has been charged and the council shall as soon as possible thereafter notify his decision to the employee charged in writing.

(h) If the employee charged is under suspension from duty under subsection (9) and the council decides that he is not guilty of the misconduct with which he has been charged, the council shall resolve whether the said employee shall be allowed to resume duty in his post, in which case he shall be paid the whole of his emoluments and allowances in respect of the period of his suspension.

(i) If the council decides that the employee charged is guilty of the misconduct with which he has been charged, the council shall resolve whether such employee shall be dismissed or, if he is not dismissed, under what provision of subsection (8) he shall be dealt with.

(j) Any decision rendered by the council under paragraph (g) and any resolution passed by the council under paragraph (h) or paragraph (i) shall as soon as possible thereafter be submitted to the Administrator together with all the documents and papers forwarded to the council under paragraph (f) by the person who held the enquiry and any reasons which the council may desire to advance for its decision and its resolution and any observations on the case which the council may desire to make, and the Administrator may either confirm such decision and such resolution or he may substitute such decision and such resolution as he may, in his discretion think proper, therefor."

Amendment of section 166 of Ordinance 13 of 1963, as amended by section 18 of Ordinance 13 of 1967.

3. Section 166 of the principal Ordinance is hereby amended —

- (a) by the deletion in subsection (1) of the words "including temporary structures"; and
- (b) by the substitution for subsection (6) of the following subsections:

(e) Na afloop van sodanige ondersoek, moet die persoon wat dit instel, bevind of die aangeklaagde werknemer skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is en moet hy die aangeklaagde werknemer van sy bevinding ver-wittig.

(f) Die persoon wat die ondersoek ingestel het, moet die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor, en enige opmerkings oor die saak wat hy wens te maak, aan die raad stuur wat dit moet oorweeg op 'n spesiale vergadering van die raad wat te dien einde belê word binne sewe dae na ontvangs van die dokumente en stukke genoem in hierdie paragraaf.

(g) Op sodanige vergadering moet die raad beslis of die aangeklaagde werknemer skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is en die raad moet die aangeklaagde werknemer so spoedig moontlik daarna skriftelik van sy beslissing in kennis stel.

(h) As die aangeklaagde werknemer ingevolge subartikel (9) in sy diens geskors is en die raad beslis dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, moet die raad besluit of bedoelde werknemer toegelaat moet word om weer diens in sy pos te aanvaar, in welke geval die hele van sy besoldiging en toelaes vir die tydperk van sy skorsing aan hom betaal moet word.

(i) As die raad beslis dat die aangeklaagde werknemer skuldig is aan die wangedrag waarvan hy aangekla is, moet die raad besluit of sodanige werknemer ontslaan moet word of, indien hy nie ontslaan word nie, ingevolge welke bepaling van subartikel (8) hy behandel moet word.

(j) Enige beslissing van die raad gegee ingevolge paragraaf (g) en enige besluit van die raad geneem ingevolge paragraaf (h) of paragraaf (i) moet so spoedig moontlik daarna tesame met alle dokumente en stukke wat deur die persoon wat die ondersoek ingestel het, ingevolge paragraaf (f) aan die raad gestuur is en enige redes wat die raad vir sy beslissing en sy besluit wens aan te voer en enige opmerkings wat die raad oor die saak wens te maak, aan die Administrateur voorgelê word wat sodanige besluit kan bekragtig of dit met sodanige beslissing en sodanige besluit as wat hy, in sy diskresie, goedvind, kan vervang."

3. Artikel 166 van die Hoofordonnansie word hierby gewysig —

- (a) deur in subartikel (1) die woorde „insluitende tydelike strukture” te skrap; en
- (b) deur subartikel (6) deur die volgende subartikels te vervang:

Wysiging van artikel 166 van Ordonnansie 13 van 1963, soos gewysig deur artikel 18 van Ordonnansie 13 van 1967.

“(6) Whenever the Administrator has under the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), imposed a condition whereby the number, nature, coverage, height and minimum building value of buildings which may be erected on a property are determined, and the council has entered into a written agreement with the person, who took transfer of that property from the council in which it is stipulated that such building or buildings as determined in the condition referred to in this subsection are to be erected on that property within the time stipulated in the agreement and the erection of such building or buildings is not completed within the time stipulated in the agreement, the council may impose on that property a rate equal to the improvement rate which the council would have been authorised to impose on that property if such building or buildings as determined in the condition referred to in this subsection had indeed been erected on that property.

(7) Where it appears to the council that any work, improvement or undertaking which the council is authorised to do or execute is for the special benefit of any particular portion, whether continuous or not, of the municipality, the council may, for defraying the expenses incurred in doing or executing such work, improvement or undertaking, by resolution distinctly defining such portion, levy, subject to the consent of the Administrator, an additional rate to be called a “special rate” on all rateable property situate within such portion: Provided always that such special rate shall not exceed two cents per rand in any one year.”.

Amendment of section 174 of Ordinance 13 of 1967, as amended by section 4 of Ordinance 17 of 1970.

4. Section 174 of the principal Ordinance is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A council may, subject to the approval of the Administrator, in letting or selling any immovable property impose conditions or restrictions in respect of any or all of the following matters not in conflict with any conditions or restrictions imposed by the Administrator in terms of the Townships Ordinance, 1928 (Ordinance 11 of 1928) or the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963):

- (a) the class and value of any buildings to be erected thereon;
- (b) the time within which any such buildings are to be erected, failing which the council may impose a rate equal to the improvement rate as if buildings to the value referred to in paragraph (a) had been erected;
- (c) the restriction or limitation of the use of such property solely for the purpose of residence or business, or for both, or for such other purposes as it may prescribe;
- (d) the erection of retaining walls by and at the expense of the owner or lessee, as the case may be, of any such property to prevent any portion thereof from falling in to any street or *vice versa*, if the level of such street be raised or lowered by such council, as the case may be;

„(6) Wanneer die Administrateur ingevolge die Ordonnansie op Dorpe en Grondverdeling 1963 (Ordonnansie 11 van 1963) 'n voorwaarde opgelê het waardeur die getal, aard, beslaanoppervlakte, hoogte en die minimum bouwaarde van geboue wat op 'n eiendom opgerig mag word, bepaal is en die raad 'n skriftelike ooreenkoms aangegaan het met die persoon wat oordrag van daardie eiendom van die raad geneem het waarin beding is dat sodanige gebou of geboue, soos in die in hierdie subartikel bedoelde voorwaarde bepaal word, binne 'n tydperk wat in die ooreenkoms bepaal word, op daardie eiendom opgerig moet word en die oprigting van sodanige gebou of geboue word nie binne die tydperk in die ooreenkoms bepaal, voltooi nie, kan die raad op daardie eiendom 'n belasting oplê wat gelyk is aan die verbeteringsbelasting wat die raad op daardie eiendom sou kon oplê indien sodanige gebou of geboue soos in die in hierdie subartikel bedoelde voorwaarde bepaal word, wel op daardie eiendom opgerig was.

(7) Waar dit vir die raad blyk dat enige werk, verbetering of onderneming wat die raad gemagtig is om te doen of uit te voer tot die spesiale voordeel, hetsy voortdurend of nie, van enige besondere deel van die munisipaliteit is, kan die raad ter bestryding van die uitgawes aangegaan by die verrigting of uitvoering van sodanige werk, verbetering of onderneming deur 'n besluit waarin daardie deel duidelik omskryf word, 'n bykomende belasting wat heet 'n „spesiale belasting” onderhewig aan die toestemming van die Administrateur hef ten opsigte van alle belasbare eiendom geleë in sodanige deel: Met dien verstande steeds dat sodanige spesiale belasting nie twee sent per rand in 'n enkele jaar mag oorskry nie.”.

4. Artikel 174 van die Hoofordonnansie word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„[(3) 'n Raad kan onderhewig aan die goedkeuring van die Administrateur by die verhuur of verkoop van enige onroerende eiendom voorwaardes of beperkings oplê ten opsigte van enige van, of al, die volgende sake, maar sodanige voorwaardes of beperkings mag nie strydig wees met enige voorwaardes of beperkings wat die Administrateur ingevolge die Dorpe-Ordonnansie 1928 (Ordonnansie 11 van 1928) en die Ordonnansie op Dorpe en Grondverdeling 1963 (Ordonnansie 11 van 1963) oplê nie:

- (a) die klas en waarde van enige geboue wat daarop opgerig gaan word;
- (b) die tydperk waarbinne enige sodanige geboue opgerig moet word, by versuim waarvan die raad 'n belasting gelyk aan die verbeteringsbelasting kan oplê asof geboue van die waarde bedoel in paragraaf (a) opgerig was;
- (c) die inkorting van, of die beperking op, die gebruik van sodanige eiendom uitsluitlik vir woon-, of sakedoeleindes, of vir albei, of vir sodanige ander doeleindes soos hy voorskryf;
- (d) die oprigting van keermure deur, en op koste van, die eienaar of huurder, na gelang, van enige sodanige eiendom om te verhinder dat deel daarvan in die straat val, of andersom, na gelang, waar die vlak van so 'n straat deur sodanige raad verhoog of verlaag word;

Wysiging van artikel 174 van Ordonnansie 13 van 1963, soos gewysig deur artikel 4 van Ordonnansie 17 van 1970.

- (e) the restriction of the occupation or use of any such property to Europeans or Non-Europeans and their *bona fide* domestic servants;
- (f) the conducting of water, electricity, gas, sewerage or storm water mains over any such property without having to pay compensation to the owner or occupier thereof;
- (g) such other restrictions as the Administrator may agree to;
- (h) the insertion in the title deeds or agreement of lease on any such property of such conditions or restrictions which are necessary to give full force and effect to any of the matters mentioned in this subsection, so that successors in title will also be bound thereby: Provided that conditions registered in favour of a municipality may not be amended without the prior approval of the Administrator, and any person who contravenes or fails to comply with any condition or restriction imposed in terms of this subsection shall be guilty of an offence.]

(3) Where any immovable property has been sold or leased by a council after the fifth day of July, 1971 —

- (a) no Non-European other than the *bona fide* Non-European domestic servants who actually and exclusively perform their duties on that property, shall occupy the outbuildings or living quarters for servants on that property: Provided that the *bona fide* domestic servants referred to shall only occupy such outbuildings or living quarters for servants if they are licensed by the council to be occupied by the Non-European domestic servants referred to for such period as the council may specify;
- (b) the owner and any lessee of that property shall be obliged to allow —
 - (i) such water pipelines, storm water drain pipes, sewer-pipes and overhead and underground electrical supply lines as may from time to time be considered necessary by the council, to be constructed across the property in such a manner and in such a position as may from time to time be agreed on by the council and the owner of that property;
 - (ii) any materials that may be excavated during the construction, maintenance and removal of any such water pipeline, storm water drain pipe, sewer-pipe and overhead and underground electrical supply line, to be placed on that property temporarily;
 - (iii) any person who may be required to enter that property in order to perform his duties pertaining to such construction, maintenance and removal of any such water pipeline, storm water drain pipe, sewerpipe and overhead and underground electrical supply line and any other work pertaining thereto, to enter that property at all reasonable times

- (e) die beperking van die besetting of gebruik van enige sodanige eiendom tot blankes of nie-blankes en hulle *bona fide* huisbediendes;
- (f) die leiding van water-, elektrisiteit-, gas-, riool- of vloedwaterhoofgeleidings oor enige sodanige eiendom sonder dat hy vergoeding daarvoor aan die eienaar of okkupeerder daarvan hoef te betaal;
- (g) sodanige ander beperkings soos die Administrateur goedkeur;
- (h) die invoeging in die titelbewyse of huurkontrakte van enige sodanige eiendom van sodanige voorwaardes of beperkings soos nodig is om volle krag en gevolg te verleen aan enige van die sake bedoel in hierdie subartikel, sodat titelopvolgers ook daardeur gebonde is: Met dien verstande dat voorwaardes wat ten gunste van 'n munisipaliteit geregistreer is nie sonder die voorafgaande goedkeuring van die Administrateur gewysig mag word nie, en elkeen wat enige voorwaarde of beperking opgelê ingevolge hierdie subartikel oortree of versuim om enige sodanige voorwaarde of beperking na te kom, is skuldig aan 'n misdryf.]

(3) Waar enige onroerende eiendom na die vyfde dag van Julie 1971 deur 'n raad verhuur of verkoop is —

- (a) mag geen ander nie-blanke as die *bona fide* nie-blanke huisbediendes wat hulle dienste werklik en uitsluitlik op daardie eiendom verrig die buitegeboue of woonkwartiere vir bediendes op daardie eiendom bewoon nie: Met dien verstande dat bedoelde *bona fide* nie-blanke huisbediendes sodanige buitegeboue of woonkwartiere vir bediendes slegs mag bewoon indien dit deur die raad gelisensieer is om vir sodanige tydperk soos wat die raad bepaal deur bedoelde *bona fide* nie-blanke huisbediendes bewoon te word;
- (b) is die eienaar en enige huurder van daardie eiendom verplig om toe te laat —
 - (i) dat sodanige waterpyplyne, stormwaterafvoerpype, rioolpyp en bogrondse en ondergrondse elektriese kragtoevoerlyne soos wat die raad van tyd tot tyd nodig ag op so 'n wyse en in so 'n ligging soos wat daar van tyd tot tyd deur die raad en die eienaar van daardie eiendom ooreengekom word, oor die eiendom aangelê word;
 - (ii) dat enige materiaal wat uitgegrawe word gedurende die konstruksie, instandhouding en verwydering van enige sodanige waterpyplyn, stormwaterafvoerpyp, rioolpyp en bogrondse en ondergrondse elektriese kragtoevoerlyn, tydelik op daardie eiendom geplaas mag word;
 - (iii) dat iedereen van wie dit vereis word om daardie eiendom te betree ten einde sy pligte in verband met sodanige konstruksie, instandhouding en verwydering van enige sodanige waterpyplyn, stormwaterafvoerpyp, rioolpyp en bogrondse en ondergrondse elektriese kragtoevoerlyn, en enige ander werk wat daarmee in verband staan, te verrig, daardie eiendom te enige tyd mag betree,

without any compensation being recoverable from the council: Provided that any damage caused at the construction, maintenance and removal of any such water pipeline, storm water drain pipe, sewer-pipe and overhead and underground electrical supply line and any other work pertaining thereto and any damage caused at the placing on or removal from that property of any materials excavated, will be compensated by the council;

- (c) the owner and any lessee of any property adjoining that property shall be obliged to allow any materials that may be excavated during the construction, maintenance and removal of any such water pipeline, storm water drain pipe, sewer-pipe and overhead and underground electrical supply line on that property, to be placed on such adjoining property temporarily without any compensation being recoverable from the council: Provided that any damage caused at the placing on or removal from such adjoining property of materials so excavated, will be compensated by the council.”.

Amendment of section 183 of Ordinance 13 of 1963.

5. Section 183 of the principal Ordinance is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) if it is proposed to permanently close any public place or portion thereof or permanently close or divert any street or portion thereof, the council shall not consider at any of its meetings such proposed closing or diversion [unless such council shall have had notice of such proposal at least fourteen days before the meeting at which such proposal is to be considered] unless —

(i) at least two-thirds of the councillors are present; and

(ii) such proposed closing or diversion has previously been considered by the Management Committee:

Provided that if any councillor so requests at the meeting, such proposed closing or diversion shall be postponed for a period of at least fourteen days.”.

Amendment of section 229 of Ordinance 13 of 1963.

6. Section 229 of the principal Ordinance is hereby amended by the substitution for subparagraph (ii) of paragraph (a) of subsection (2) of the following subparagraph:

“(ii) Moneys required for works or undertakings or movable assets, to an amount which together with sums owing on account of previous similar borrowings and of any loan in terms of subparagraph (i) but excluding any loan authorised prior to the coming into operation of this Ordinance, shall not exceed in the aggregate three times the ordinary revenue of the municipality for the previous financial year, or, in the case of a new municipality,

sonder dat enige vergoeding op die raad verhaalbaar sal wees: Met dien verstande dat enige skade veroorsaak by die konstruksie, instandhouding en verwydering van enige sodanige waterpylyn, stormwaterafvoerpylp, rioolpylp en boggrondse en ondergrondse elektriese kragtoevoerlyn en enige ander werk wat daarmee in verband staan, en enige skade veroorsaak by die plasing op of verwydering van daardie eiendom van enige materiaal wat uitgegrawe word, deur die raad vergoed sal word;

- (c) is die eienaar en enige huurder van 'n eiendom wat aan daardie eiendom grens verplig om toe te laat dat enige materiaal wat uitgegrawe word gedurende die konstruksie, instandhouding of verwydering van enige sodanige waterpylyn, stormwaterafvoerpylp, rioolpylp en boggrondse en ondergrondse elektriese kragtoevoerlyn op daardie eiendom, tydelik op sodanige aangrensende eiendom geplaas mag word sonder dat enige vergoeding op die raad verhaalbaar sal wees: Met dien verstande dat enige skade veroorsaak by die plasing op of die verwydering van sodanige aangrensende eiendom, van materiaal wat so uitgegrawe is, deur die raad vergoed sal word."

5. Artikel 183 van die Hoofordonnansie word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 183 van Ordonnansie 13 van 1963.

- „(a) As die permanente sluiting van enige openbare plek of deel daarvan of die permanente sluiting of verlegging van enige straat of deel daarvan voorgestel word, mag die raad sodanige voorgestelde sluiting of verlegging op geeneen van sy vergaderings oorweeg nie, [tensy sodanige raad sodanige voorstel oorweeg moet word, kennis minstens veertien dae voor die vergadering waarop daarvan gekry het] tensy —

(i) minstens twee-derdes van die raadslede teenwoordig is; en

(ii) sodanige voorgestelde sluiting of verlegging vooraf deur die bestuurskomitee oorweeg is:

Met dien verstande dat die oorweging van sodanige voorgestelde sluiting of verlegging vir 'n tydperk van minstens veertien dae uitgestel moet word indien enige raadslid dit tydens die vergadering versoek."

6. Artikel 229 van die Hoofordonnansie word hierby gewysig deur subparagraaf (ii) van paragraaf (a) van subartikel (2) deur die volgende subparagraaf te vervang:

Wysiging van artikel 229 van Ordonnansie 13 van 1963.

- „(ii) Geld nodig vir werke of ondernemings of roerende bate tot op 'n bedrag wat, saam met bedrae verskuldig weens vorige soortgelyke lenings en weens enige lening ingevolge subparagraaf (i) maar uitsluitende enige lening gemagtig voor die inwerkingtrekking van hierdie ordonnansie, altesame nie drie maal die gewone inkomste van die munisipaliteit vir die voorafgaande boekjaar of, in die geval van 'n nuwe munisipaliteit, drie maal die

three times the estimated revenue for the current year, unless the Administrator determines otherwise.”.

Amendment of section 240 of Ordinance 13 of 1963, as amended by section 1 of Ordinance 23 of 1969.

7. Section 240 of the principal Ordinance is hereby amended by the addition of the following subsection:

“Crematoria. (28) subject to the provisions of the Crematorium Ordinance, 1971 (Ordinance — of 1971), establish and maintain crematoria, regulate the management control and use thereof and levy charges for the use thereof.”.

Amendment of section 242 of Ordinance 13 of 1963, as amended by section 18 of Ordinance 13 of 1967 and by section 4 of Ordinance 37 of 1967.

8. Section 242 of the principal Ordinance is hereby amended —

(a) by the substitution for paragraph (o) of subsection (9) of the following paragraph:

“(o) prohibiting the erection of, and providing for the repair, alteration, removal or demolition by the owner or by the council at the cost of the owner of such buildings as are unsightly, dangerous, unhealthy, insanitary, objectionable, or calculated to cause annoyance to inhabitants of the neighbourhood, and of the manner by means of which the council may recover any expenditure, incurred by the council at the repair, alteration, removal or demolition of any such building, from the owner, including the authority to provide that the council shall, in respect of a claim for such expenditure and any interest thereon calculated at a rate not exceeding six per cent per annum, have a preferential right against the property upon which such buildings had been repaired, altered, removed or demolished;”.

(b) by the substitution for subsection (39) of the following subsections:

“Crematoria. (39) regulating the functioning of crematoria under the management and control of the council, cremations performed therein and the prescribing of charges to be levied in connection therewith: Provided that such regulations shall not be in conflict with or repugnant to the provisions of the Crematorium Ordinance, 1971, (Ordinance — of 1971), or any regulations made and in force thereunder;

Immovable Property.

(40) restricting or limiting the use of any immovable property situate within the area of the municipality for the purposes specified: Provided that no such restrictions or limitations shall be in conflict with any conditions, restrictions or limitations imposed by the Administrator in terms of the Townships Ordinance, 1928 (Ordinance 11 of 1928 or the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963); and

Generally.

(41) regulating any of the matters mentioned in this Ordinance.”.

beraamde inkomste vir die lopende jaar, mag oorskry nie, tensy die Administrateur anders bepaal.”.

7. Artikel 240 van die Hoofordonnansie word hierby gewysig deur die volgende subartikel by te voeg:

“Krematoriums. (28) onderhewig aan die bepalings van die Ordonnansie op Krematoriums, 1971 (Ordinance — van 1971), krematoriums oprig en in stand hou, die bestuur, beheer en gebruik daarvan reël en gelde vir die gebruik daarvan hef.”.

Wysiging van artikel 240 van Ordonnansie 13 van 1963, soos gewysig deur artikel 1 van Ordonnansie 23 van 1969.

8. Artikel 242 van die Hoofordonnansie word hierby gewysig —

(a) deur paragraaf (o) van subartikel (9) deur die volgende paragraaf te vervang:

„(o) die verbod op die oprigting van, en voorsiening vir die herstel, verandering, verwydering of sloping deur die eienaar, of deur die raad op koste van die eienaar, van geboue wat onooglik, gevaarlik, ongesond, onhigiënies, aanstootlik, ongeskik of daarop bereken is om ergernislik, gevaarlik, ongesond, onhigiënies, aanstootoorsaak, en van die wyse waarop enige koste, deur die raad aangegaan by die herstel, verandering, verwydering of sloping van enige sodanige geboue, op die eienaar verhaal kan word, insluitende die bevoegdheid om te bepaal dat die raad met betrekking tot 'n eis vir sodanige koste, tesame met enige rente daarop bereken teen 'n rentekoers van hoogstens ses persent per jaar, 'n preferente reg ten opsigte van die eiendom waarop sodanige geboue herstel, verander, verwyder of gesloop is, sal hê;”;

Wysiging van artikel 242 van Ordonnansie 13 van 1963, soos gewysig deur artikel 18 van Ordonnansie 13 van 1967 en artikel 4 van Ordonnansie 37 van 1967.

en

(b) deur subartikel (39) deur die volgende subartikels te vervang:

“Krematoriums. (39) die reëling van die funksionering van krematoriums onder die bestuur en beheer van die raad, verassings daarin en die voorskrywing van gelde wat in verband daarmee gehef moet word: Met dien verstande dat sodanige regulasies nie strydig of onbestaanbaar met die bepalings van die Ordonnansie op Krematoriums, 1971 (Ordonnansie — van 1971) of enige regulasies daarkragtens uitgevaardig en van krag, mag wees nie;

Onroerende
Eiendom.

(40) die inkorting van, of beperking op die gebruik van enige onroerende eiendom geleë in die gebied van die munisipaliteit vir die doeleindes wat bepaal word: Met dien verstande dat geen sodanige inkortings of beperkings strydig mag wees met enige voorwaardes, inkortings of beperkings wat die Administrateur ingevolge die Dorpe-Ordonnansie 1928 (Ordonnansie 11 van 1928) en die Ordonnansie op Dorpe en Grondverdeling 1963 (Ordonnansie 11 van 1963) opleë nie; en

Algemeen.

(41) die reëling van enige van die sake genoem in hierdie ordonnansie.”.

Amendment of
Second Schedu-
le to Ordinance 13
of 1963.

9. The Second Schedule to the principal Ordinance is hereby amended by the addition of the following form:

"FORM OF NOMINATION: MUNICIPALITIES
DIVIDED INTO WARDS.

MUNICIPALITY OF
WARD

We, the undersigned voters in ward
of the municipality of,
do hereby nominate
(state christian names and surname) as a candi-
date for the office of councillor of the said ward
of the said municipality at the election to be
held for the said municipality on the
day of 19.....

(here are to follow the signatures)

I,
being the person herein nominated, being free
from the disqualifications mentioned in section
fourteen and my name appearing on the voters'
roll of the ward for which I am nominated, here-
by intimate my acceptance of such nomination.

.....
Signature of person nominated

.....
Address and occupation

OR

I, being
the agent authorised thereto by power of attor-
ney which is attached, hereby declare that the
person herein nominated is free from the dis-
qualifications mentioned in section *fourteen* and
that the name of the said person appears on the
voters' roll of the ward for which he is nomi-
nated, and I hereby intimate the acceptance of
such nomination by

Address and occupation

.....
Signature of agent."

Short Title.

10. This Ordinance shall be called the Municipal
Amendment Ordinance, 1971.

9. Die Tweede Bylae by die Hoofdonnansie word hierby gewysig deur die volgende vorm by te voeg:

Wysiging van
Tweede Bylae by
Ordonnansie 13
van 1963.

„NOMINASIEVORM: MUNISIPALITEITE

WAT IN WYKE VERDEEL IS.

MUNISIPALITEIT VAN

WYK

Ons, die ondergetekende kiesers in wyk

van die munisipaliteit van

benoem hierby

(gee voorname en familienaam aan) as 'n kandidaat vir die amp van raadslid vir die genoemde wyk van die genoemde munisipaliteit by die verkiesing wat vir die genoemde munisipaliteit gehou word op die dag van 19

(Hier volg die handtekenings)

Ek,

die persoon wat hierin benoem word, is vry van die diskwalifikasies genoem in artikel *veertien*, my naam verskyn op die kieserslys van die wyk waarvoor ek benoem word en ek gee hierby my aanvaarding van sodanige benoeming te kenne.

.....
Handtekening van Benoemde.

.....
Adres en Beroep.

OF

Ek,

die agent daartoe gemagtig by prokurasie hierby aangeheg, verklaar hierby dat die persoon wat hierin benoem word, vry is van die diskwalifikasies genoem in artikel *veertien* dat die persoon wat hierin benoem word se naam verskyn op die kieserslys van die wyk waarvoor hy benoem word en gee hierby die aanvaarding van sodanige benoeming deur te kenne.

Adres en beroep

.....
Handtekening van Agent."

10. Hierdie Ordonnansie heet die Munisipale Wysigingsordonnansie, 1971.

Kort Titel.