



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 2 June 2016

No. 6027

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## General Notice

### TOWN OF LÜDERITZ

No. 167

2016

#### UNSIGHTLY PROPERTY REGULATIONS: LOCAL AUTHORITIES ACT, 1992

Under section 94(1) of the Local Authorities Act (Act No. 23 of 1992), the Town Council of Lüderitz, after consultation with the Minister of Urban and Rural Development, has made the regulations set out in the Schedule.

#### BY ORDER OF THE COUNCIL

**H. MUKAPULI**  
**CHAIRPERSON**  
**LÜDERITZ TOWN COUNCIL**

#### SCHEDULE

#### ARRANGEMENT OF REGULATIONS

1. Definitions
2. Obligations and prohibitions
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## Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context indicates otherwise -

“authorised officer” means an environmental health practitioner or a staff member duly authorised by the Council;

“Council” means the Town Council of Lüderitz;

“derelict vehicle” means any vehicle that has parts missing and appears not driveable or is not capable of operating under its own power;

“environmental health practitioner” means a person appointed as environmental health practitioner b in terms of section 27(1)(b) of the Act;

“refuse” means discarded articles, including solid waste, broken dishes, tins, glass, fabric, paper, cardboard, food containers, grass cuttings, shrubbery and tree prunings, weeds and garden waste, abandoned vehicles, tires, residential furnishings, household appliances, animal faeces and substances of any kind which has been discarded, abandoned or in any way disposed of;

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“Town” means the Town of Lüderitz;

“unsightly property” means any land, structure or any other property which -

- (a) shows signs of serious disregard of general maintenance and upkeep;
- (b) shows on its exterior signs of significant deterioration and disregard for maintenance and repair; or
- (c) is detrimental to the use and enjoyment of the surrounding area or neighbouring property due to an accumulation of refuse.

## Obligations and prohibitions

2. (1) An occupant or owner of a property within the Town must -

- (a) cut grass on the property and on any street which adjoins the property as to keep it in a neat condition;
- (b) control weeds on the property and on any street which adjoins the property;
- (c) prune, remove or otherwise maintain trees and shrubs on the property that interfere with traffic control devices, lines, poles, pipes, sewers, sidewalks, streets or any other public utility works of the Council;
- (d) remove from the property any dead grass or other refuse which might be unsightly or harbour pests; and
- (e) upon written request from the Council, clean up an unsightly property within the time period set out in the request.

(2) An occupant or owner of a property in the Town may not permit -

- (a) the property and its surroundings to be unsightly;
- (b) any building structure or construction, excavation, drain, ditch, watercourse, pond, surface water or other thing to remain a nuisance or dangerous to the public health or safety;
- (c) derelict vehicles on the property;
- (d) the accumulation of dirt, stones, old implements, trailers and campers, scrap iron, lumber, building materials or any other refuse causing the property to be unsightly or hazardous;
- (e) foul smelling compost heaps on the property; or
- (f) the accumulation of animal faeces on the property.

### **Inspections and enforcement**

3. (1) An authorised officer may enter property at any reasonable time after a no less than 48 hours' written notice given to the owner or occupant with a view to -

- (a) inspect or determine whether the property complies with these regulations; or
- (b) serve the owner or occupant of the property with the compliance notice as referred to in subregulation 7.

(2) A person may not obstruct an authorised officer in the exercise or performance of his or her powers or functions in terms of these regulations.

(3) An authorised officer must upon entering a property produce a valid certificate of appointment issued to him or her by the Council to the owner or occupant of the property.

(4) When in the opinion of the environmental health practitioner or duly authorized officer, a condition exists on a property which contravenes these regulations he or she may issue a written clean up order to the owner or occupant of the property directing that the condition be rectified within 14 days from the date of the service of the order.

(5) An order as referred to in subregulation (4) is deemed to have been effectively and sufficiently served on such person -

- (a) when delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business 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 and an acknowledgment of the posting of it is presented;
- (d) if his or her address is unknown, when it has been served on his or her agent or representative in the manner contemplated in paragraph (a), (b) or (c); or
- (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

(6) If a property owner or occupant fail to remedy the conditions as directed in the order referred to in subregulation (4), the Council may remedy the condition and charge the owner or occupant the cost of such work done.

(7) The Council, in case of default payment of the costs by the owner or occupant referred to in subregulation (4), may -

- (a) recover the cost as a debt due to the Council by service of a statement of expenses and demand of payment for work carried out on land specified in the notice to the owner; and
- (b) cause the amount owing to be placed on the account as additional charges against the property concerned and have it collected in the same manner as collecting of charges should the owner of the property fails to pay the amount of the statement within 30 days of the mailing of the statement.

(8) The Council or any authorised officer is not liable to a third party for any damage caused by anything done or omitted by the Council or such authorised officer in exercising or performing any power or function in terms of these regulations.

#### **Offences and penalties**

4. (1) A person who contravenes or fails to comply with a provision of these regulations commits an offence.

(2) A person who is convicted of an offence in terms of these regulations is liable to a fine not exceeding N\$2 000 or imprisonment for a period not exceeding six months.

(3) In the case of a continuing offence an additional fine not exceeding N\$100 or imprisonment for a period not exceeding 10 days for each day on which such offence continued may be imposed.

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

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