

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE

OFFISIËLE KOERANT



UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.

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CONTENTS

INHOUD

Page/Bladsy

GOVERNMENT NOTICE:

GOEWERMENSKENNISGEWING:

No. 71 Ordinance, 1971: Promulgation of . . .

Ordonnansie, 1971: Uitvaardiging van . . . 539

Government Notice.

Goewermentskennisgewing.

The following Government Notice is published for general information.

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

Administrator's Office.
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

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

Kantoor van die Administrateur,
Windhoek.

No. 71.]

[24 June 1971

ORDINANCE, 1971: PROMULGATION OF

The Administrator has been pleased to assent, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968) to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act:—

No.	Title	Page
7	Municipal Amendment Ordinance, 1971 .	540

No. 71.]

[24 Junie 1971

ORDONNANSIE, 1971: UITVAARDIGING VAN

Dit behaag die Administrateur om sy goedkeuring te heg, ooreenkomstig artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika 1968 (Wet 39 van 1968) aan die volgende Ordonnansie wat hierby vir algemene inligting gepubliseer word ooreenkomstig artikel 29 van gemelde Wet:—

No.	Titel	Bladsy
7	Munisipale Wysigingsordonnansie, 1971 .	541

No. 7 of 1971.]

ORDINANCE

To amend the Municipal Ordinance, 1963, so as 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.

(Assented to 21 June, 1971)

(English text signed by the Administrator)

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

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.

1. 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; and

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

No. 7 van 1971.]

ORDONNANSIE

Tot wysiging van die Munisipale Ordonnansie 1963, 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.

(Goedgekeur 21 Junie 1971)

(Engelse teks deur die Administrateur geteken)

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

1. Artikel 148 van die Hoofordonnansie word hierby gewysig —

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

„(4) Ondanks enige andersluidende bepalings in hierdie artikel, mag die raad 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 betrekkinge 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 of deur die bestuurskomitee of 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; en

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

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.

“(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.

(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

„(10A) (a) Ondanks enige andersluitende 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 of persoonlik of 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) 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 verwittig.

(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

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.

2. 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:

"(6) Whenever —

- (a) the Administrator has under the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) imposed a condition; or
- (b) a council has, at the sale of any immovable property by such council made a condition (which shall be embodied in the contract of sale in respect of that immovable property)

whereby the nature, coverage or minimum building value of buildings which may be erected on a property, has been 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 period stipulated in the agreement, and the erection of such building or buildings is not completed within the period 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."

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.”

2. 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) Wanneer —

- (a) die Administrateur ingevolge die Ordonnansie op Dorpe en Grondverdeling 1963 (Ordonnansie 11 van 1963) 'n voorwaarde opgelê het; of
- (b) 'n raad, by die verkoop van enige onroerende eiendom deur sodanige raad, 'n voorwaarde (wat in die koopkontrak met betrekking tot daardie onroerende eiendom beliggaam moet wees) gestel het

waardeur die aard, beslaanoppervlakte, of 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.”

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

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

(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

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 adjoin-

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

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

(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 waterpyple, stormwaterafvoerpyp, 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 waterpyple, 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 waterpyple, 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,

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 waterpyple, stormwaterafvoerpyp, rioolpyp en bogrondse 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 waterpyple, stormwaterafvoerpyp, rioolpyp en bogrondse en ondergrondse elektriese kragtoevoerlyn op daardie eien-

ing 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."

- (d) the council may at any time construct a street or streets adjoining that property of which the level may differ from the average level of that property at its boundary or boundaries common to such street or streets and the owner of such property shall, within 3 months after the council has caused a written notice to be served on him in which he is informed that it is intended to construct a street or streets as contemplated in this paragraph, at his own expense erect a retaining wall or walls approved by the council, to prevent any portion of that property from falling into the street, or *vice versa*, as the case may be: Provided that where the owner of that property has, before the construction of the street or streets referred to in this paragraph, erected a retaining wall or walls approved by the council and such street or streets are thereafter constructed at such a level that as a consequence thereof a new retaining wall or walls have to be erected or that an existing retaining wall or walls have to be altered to prevent any portion of that property from falling into the street, or *vice versa*, as the case may be, such erection or alteration shall be made at the expense of the council.

Amendment of section 183 of Ordinance 13 of 1963.

4. 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 —

- (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.

5. 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 borrow-

dom, 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."

- (d) kan die raad te eniger tyd aangrensend aan daardie eiendom 'n straat of strate maak waarvan die vlak mag verskil van die gemiddelde vlak van daardie eiendom op sy grenslyn of grenslyne gemeenskaplik met sodanige straat of strate en moet die eienaar van sodanige eiendom, binne 3 maande nadat die raad 'n skriftelike kennisgewing aan hom laat bestel het waarin hy meege-deel word dat die voorneme bestaan om 'n straat of strate te maak soos in hierdie paragraaf bedoel, op eie koste 'n keermuur of keermure wat deur die raad goedgekeur is, oprig om te verhinder dat deel van daardie eiendom in die straat val, of andersom, na gelang: Met dien verstande dat waar die eienaar van daardie eiendom reeds voordat die in hierdie paragraaf bedoelde straat of strate gemaak is 'n keermuur of keermure opgerig het wat deur die raad goedgekeur is en sodanige straat of strate word daarna gemaak op so 'n vlak dat dit tot gevolg het dat 'n nuwe keermuur of keermure opgerig moet word of dat 'n bestaande keermuur of keermure verander moet word om te verhinder dat deel van daardie eiendom in die straat val, of andersom, na gelang, sodanige oprigting of verandering op koste van die raad gedoen moet word.

4. 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 —

- (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."

5. 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

ings 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, 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.

6. 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 6 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.

7. 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 6 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

enige lening ingevolge subparagraaf (i) maar uitsluitende enige lening gemagtig voor die inwerkingtreding 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 beraamde inkomste vir die lopende jaar, mag oorskry nie, tensy die Administrateur anders bepaal.”.

6. 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 (Ordonnansie 6 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.

7. 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 onoglik, gevaarlik, ongesond, onhigiënies, aanstootlik, ongeskik of daarop bereken is om ergernis aan die inwoners van die omgewing te veroorsaak, 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, te same 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;”;

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 6 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) oplê nie; en

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.

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

Short Title.

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

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

8. Hierdie Ordonnansie heet die Munisipale Wy- Kort Titel.
sigingsordonnansie, 1971.
