

## **ENDUMENI MUNICIPALITY**

### **BY-LAWS RELATING TO OFFENCES, PENALTIES AND APPEALS**

#### Offences and penalties

1. Any person who:-
  - (a) Contravenes or fails to comply with any provision contained in any bylaw which has been duly promulgated by the council in terms of any applicable law;
  - (b) Fails to comply with any lawful instruction given in terms of any bylaw which has been duly promulgated by the Council;
  - (c) Obstructs or hinders any authorized official in the execution of his or her duties under any bylaw which has been duly promulgated by the Council;
  - (d) Contravenes any condition imposed upon the granting of any application, consent, approval, concession, relaxation or authority in terms of any bylaw which has been duly promulgated by the Council;
  - (e) fails to comply with the terms of any notice served upon him in terms of any bylaw which has been duly promulgated by the Council;
  - (f) Supplies false or misleading information when applying for a licence, permit, authority in terms of any bylaw duly promulgated by the Council;
  - (g) Takes out a licence required in terms of any bylaw duly promulgated by the Council, in any name other than his own;
  - (h) Falsely represents himself to be a person to whom a licence has been issued in terms of any bylaw duly promulgated by the Council;
  - (i) Forges or fraudulently alters or uses or permits any other person to use any licence or certified copy of a licence issued in terms of any bylaw duly promulgated by the Council;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rand (R1 000) in the case of a first conviction, or in the case of a second or subsequent conviction for the same offence, a fine not exceeding two thousand rand (R2 000) or, in default of payment of any fine imposed in either case, to imprisonment for any period not exceeding three months, and any further amount as imposed by the Court equal to any costs and expenses found by the Court to have been incurred by the Council as

a result of any such breach, provided that in the case of a continuing offence a fine not exceeding fifty (R50) for each day upon which the contravention continued may be prescribed, but no such fine shall in any one prosecution or within any one month exceed two thousand rand (R2 000);

## **APPEALS**

2. (1) A person whose rights are affected by a decision taken by any authorized officer under any bylaw which has been duly promulgated by the Council in terms of any applicable law, may appeal against the decision by giving notice of the appeal and reasons therefore to the Municipal Manager within 21 days of the date of notification of the decision;
- (2) The Municipal Manager must promptly submit the appeal to **the appropriate** appeal authority mentioned in subsection (4) hereunder;
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision;
- (4) When an appeal is against a decision taken by:-
  - (a) A staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or
  - (b) The Municipal Manager, the Executive/Mayor is the appeal authority.
- (5) An appeal authority must commence with and decide on an appeal within 45 days from date of receipt thereof and inform the appellant of the outcome by the duration of this period.