



## PUBLIC NOTICE

## MOGALAKWENA MUNICIPALITY PUBLIC AWARENESS ON ILLEGAL LAND USE PRACTICES AND UNLAWFUL OCCUPATION OF MUNICIPAL PROPERTY.

Notice is hereby given in terms of the provisions of **Section 21 of the Local Government: Municipal Systems Act 32 of 2000**, read with **Section 152 (e)** of the Constitution of the Republic of South Africa, 1996.

Mogalakwena Local Municipality would like to inform the community and stakeholders about illegal land use practices and contravention of the provisions of the Prevailing town planning scheme as well as unlawful occupation of municipal land.

### What is an illegal Land Use?

Every land portion within the municipality's jurisdiction is granted a specific zoning. Every property must be utilized according to the land uses allowed under the prescribed Zoning. Whenever a property or building is used in contravention to its legitimate use, this is considered to be an illegal land use.

### What is an illegal occupation of land?

In terms of Section 3(1) of Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998 (Act 19 of 1998) "*...No person may directly or indirectly receive or solicit payment of any money or other consideration as a fee or charge for arranging or organising or permitting a person to occupy land without the consent of the owner or person in charge of that land...*". In terms of the legislation stated above, no person is allowed to occupy municipal property without permission to do so granted by the municipality. Members of the public are advised to report any activity that involves the selling or any activity relating to unlawful occupation of municipal property.

### What happens when a person contravenes the land use scheme of the municipality and unlawfully occupies municipal land?

Section 3(2) of Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998 (Act 19 of 1998) states that any person who contravenes a provision of subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding two years, or to both such fine and such imprisonment.

In terms of Section 36 of the Mogalakwena Municipality Land Use Management By-law of 2011, an owner who permits land to be used in a manner that is in contravention of the land use scheme and who does not cease such use or who permits a person to breach the provision of subsection (1) of the by-law is guilty of an offence and upon conviction is liable to a fine or as may be determined by a Court of Law or to imprisonment or both such fine and such imprisonment.

### How do you report an illegal land use and illegal occupation of land

A complaint must be lodged by contacting the Town Planning Division at the Mogalakwena Municipality or by sending an email to the office of the Manager: Planning and Development. A complaint may also be directed to the ward councillor. The complainant can provide any photographic evidence of the alleged contravention.

### Who do you report an illegal land use to?

Please contact admin: 015 491 9625 (Town Planning) or e-mail: [plandev@mogalakwena.gov.za](mailto:plandev@mogalakwena.gov.za), [thokal@mogalakwena.gov.za](mailto:thokal@mogalakwena.gov.za), [morathal@mogalakwena.gov.za](mailto:morathal@mogalakwena.gov.za), [radipabeb@mogalakwena.gov.za](mailto:radipabeb@mogalakwena.gov.za) and [chueus@mogalakwena.gov.za](mailto:chueus@mogalakwena.gov.za).