

# **OVERSTRAND MUNICIPALITY**



## **PLOT CLEARING POLICY**

### **Revision 1**

*Approved by Council  
31 August 2011*

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## A. Definitions and Abbreviations

<b>Administration Fee</b>	Means an approved tariff as provided for in the tariff list of the Overstrand Municipality.
<b>Contract</b>	Means a formal written agreement between the parties to provide for the execution of a specific task under specific conditions as set out in the contract document
<b>Contractor</b>	Means a person, natural or juristic, who undertakes to execute a contract, awarded by the Overstrand Municipality under the terms and conditions stipulated therein.
<b>Community Fire Safety By-Law</b>	Means the Overstrand Municipality: Standard By-Law relating to Community Fire Safety.
<b>Fire Brigade Services Act</b>	Means the Fire Brigade Services Act, 1987 (Act 99 of 1987)
<b>Fire hazard</b>	Means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire and which poses a threat to life or property.
<b>Combustible material</b>	Means combustible refuse, combustible waste or any other material capable of igniting.
<b>Hazard</b>	Means any physical situation with the potential to cause a fire hazard and the accumulation of excess waste material.
<b>Manual clearing</b>	Means the removal of plant and other material by hand, with hand tools.
<b>Mechanical Clearing</b>	Means the use of mechanical equipment such as tractors with bush-cutters.
<b>Municipality</b>	Means Overstrand Municipality of which the jurisdictional area includes the area from “Die Damme” in the east to Rooi-Els in the west
<b>Plot</b>	Means all privately and state owned erven.
<b>Plot clearing</b>	Means all actions required to ensure that hazardous conditions are minimized on private and state owned land; that rubble is removed and that vegetation is thinned.
<b>Procedure</b>	Means a description of a single process, with many steps or tasks/responsibilities/regulations/requirements, involving a number of people.
<b>Responsible Official</b>	Means an official of the Overstrand Municipality with the delegated responsibility for fire prevention
<b>Ward Committees</b>	Means a committee representing the interest of residents in a demarcated municipal ward established in terms of Section 73 of the Municipal Structures Act, Act 117 of 1998.
<b>Waste material</b>	Means excessive combustible rubble, rubbish, other debris or waste material accumulated on a plot.

## B. Purpose of the Policy

This document is established to lay down the procedures and processes required to manage and control the clearing of overgrown privately and state owned immovable property which, in the discretion of the Municipality, poses a fire hazard due to excessive vegetation, combustible material or is covered with excessive combustible waste material.

This policy also gives effect to Sections 4 and 34 (2) of the Community Fire Safety By-Law.

Specific broad objectives include:

- To co-ordinate and ensure the cleaning of hazardous properties,
- To inspect residential and industrial areas to identify fire hazards,
- To inform residents and owners of such fire hazards.

## C. Principles of the Policy

All the officials of the Municipality as well as the officers appointed to manage and control plot clearing, all residents and plot owners, shall follow this procedure and any processes described.

All owners of private and state owned land will be subject to the contents of the Policy.

Property owners will be responsible to maintain their plots in such a manner that it shall be hazardous free in terms of Section 34(2) of the Community Fire Safety By-Law. As plot clearing is an “agency service” rendered by the Municipality, the actual and overhead costs shall be collected through the fees charged to the defaulting property owner.

The methods of clearing are manual and mechanical.

Environmental legislation and other applicable regulations and requirements must be observed when plot clearing activities are planned in wetland, mountainous or green belt areas.

## D. Responsibilities of the Municipality

- (1) Officials with delegated authority with respect to plot clearing shall have the final decision as to **when** and **how** a plot shall be cleared, subject to the Municipality’s by-laws policies and directives.
- (2) The standards for plot clearing will be set and amended if and when necessary.
- (3) It will be ensured that the process for the acquisition of plot clearing contractors is followed.
- (4) The contractor will be provided with specific instructions, including plot numbers, time frames, method of clearing and sequence of clearing.
- (5) The relevant fees will be billed against the defaulting owner’s account.
- (6) A notice period will be determined in respect of the removal of hazardous conditions described in the policy.
- (7) The contractor will be paid after the invoice has been verified.
- (8) The execution of the plot clearing process will be ensured.
- (9) Sale of vacant property:

When a plot is sold and a clearance certificate is requested, the Finance Department must first notify the responsible plot clearing official thereof. The Responsible Official must notify the Finance Department of the Municipality of the condition (hazardous or not) of the plot within

3 (three) working days. Should the plot be hazardous, the owner prior to clearance being given and the Municipality

collected from clearing.

## E. Responsibilities of the Ward Committees

The ward committees may act as consultative or advisory bodies with regard to the method of plot clearing in a specific ward.

## F. Responsibilities of the Contractor

The contractor will pursue the clearing of hazardous plots within the time frame, method and sequence of clearing, as specified by the Municipality according to prescribed standards and other contractual obligations.

## G. Recovery of costs

The Municipality will annually determine the administrative costs of the plot clearing function and collect the full costs from the defaulting property owners.

The costs will be recovered as a fixed amount over and above the contractor's fee.

## H. Procedure for Plot clearing

NO.	ACTION	RESPONSIBLE DEPT
1.	Appointment of contractors ( <i>Footnote 1.</i> )	Chief : Fire Services
2.	First inspection with relevant report	Chief: Fire Services or delegatee
3.	First notice to plot owner as per inspection report ( <i>Footnote 2.</i> )	Area Manager: Decentralised Administration
4.	Second Inspection with relevant report	Chief: Fire Services or delegatee
5.	Instruction to private contractor (if not cleared by plot owner) and instruction to Finance for billing of owner	Area Manager: Decentralised Administration
6.	Billing of owner	Finance
7.	Final Inspection with certification of clearing done	Protection Services and/or Decentralised Administration
8.	Invoice for payment of contractor	Area Manager: Decentralised Administration
9.	Payment of contractor	Finance

### *Footnote 1.*

*The contractors may be appointed for a period of 1 (one) year, in terms of the Overstrand Municipality's Supply Chain Management Policy.*

### *Footnote 2.*

*Pro-forma notice will be compiled for Area management by Fire Brigade Services. Notice will be served to the owner per registered post. Instructions for 2<sup>nd</sup> inspection to Chief Fire Officer or delegate after expiry date of notice.*