

Swartland, South Africa

Control of Boundary Walls and Fences on Streets and Public Open Spaces

Legislation as at 19 September 2003

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Control of Boundary Walls and Fences on Streets and Public Open Spaces
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Swartland South Africa

Control of Boundary Walls and Fences on Streets and Public Open Spaces By-law, 2003

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and includes any amendments published up to 12 April 2024.]*

[Repealed by [Walls and Fences](#) on 24 June 2016]

Notice is hereby given in terms of section 13 of the Municipal Systems Act, 2000 ([Act 32 of 2000](#)) that the Municipal Council of the Swartland Municipality has made the by-law set out in the schedule hereto:

[Some of the provisions of this By-law have no headings.]

1. Definitions

In this by-law unless the context otherwise indicates:

"**council**" means the council of the Swartland Municipality or its duly authorised employee;

"**Municipality**" the Swartland Municipality; and

"**the Act**" means the National Building Regulations and Building Standards [Act No. 103 of 1977](#) and the regulations promulgated in terms of section 17(1) thereof.

2. Application

This by-law shall apply and be valid in the area of jurisdiction of the Municipality, including private residential developments with or without controlled entrances, in as far as the provisions of this by-law is not in conflict with the conditions of rezoning imposed on such a development in terms of the Land Use Ordinance No. 15 of 1985 or any other applicable legislation prior to promulgation of the Land Use Ordinance.

3. Control of walls and fences

No person shall erect a wall of any nature on any street boundary of any premises or boundary facing a public open space without the prior approval of the Council in accordance with the provisions contained herein. Any person applying for the Council's approval to erect a wall as aforesaid shall submit plans in triplicate drawn in accordance with the scales stipulated in the Act, clearly indicating the position of the erf, the foundations, the materials to be used in construction and the methods of construction, together with adequate dimensions of the wall proposed.

4.

No person shall erect a fence, other than a wall as contemplated by section 3, on any street boundary of any premises or boundary facing a public open space, except a fence comprising of the materials described in sections 7(6) and 7(7).

5. Heights of walls and fences

The height of any wall or fence situated on street boundaries or abutting upon public open spaces shall not exceed the following measurements:

- (1) walls and fences comprising of the materials described in sections 7(1), (2), (3), (4), (5) and (7): 2,3 metres
- (2) walls and fences comprising of the material described in sections 7(6) and (8) 2,8 metres

The height of walls and fences shall be measured from the level of the pavement and in the absence of a pavement, from the natural level of the ground outside the property immediately adjacent to such wall or fence. If the ground level slopes longitudinally along the length of the wall, then its height at each end of the slope shall not exceed the permitted height and it may be stepped in which case it shall be stepped in a series of even steps between piers (where necessary) which steps shall deviate as little as possible from the mean permitted height.

6. Piers and columns

Where piers or columns of brick, stone, concrete or similar materials are required by the Council to ensure stability, their size and spacing shall be in accordance with the requirements of the Council.

7. Materials of walls and fences

Walls and fences situated on street boundaries and/or boundaries abutting upon public open spaces shall be comprised of the following materials only—

- (1) face bricks with face-brick finishing; or
- (2) plastered and painted brickwork or bagged or cement finished brickwork; or
- (3) plastered and painted concrete blockwork or bagged or cement finished concrete blockwork; or
- (4) decorative brick blocks; or
- (5) precast concrete panels; or
- (6) galvanised or plastic-coated wire mesh; or
- (7) wooden fences which shall consist of properly processed timber only as approved by the building control officer, or
- (8) cast iron work or vertical steel railings.

8. Fair-face-walls

All walls and fences shall present a fair face to the street and to abutting public open spaces in accordance with the provisions contained in section 7.

9. Dilapidated and unsightly walls and fences

No person shall allow any wall or fence to fall into a ruinous, dilapidated or dangerous condition and the Council may serve a written notice upon such person requiring him within a period of 21 days and subject to such instructions and conditions as may be contained therein, to repair, alter, demolish or remove such wall or fence at his own expense. Should the owner fail to comply with the requirements thereof within the time specified therein the Council may direct the building control officer to carry out the requirements of such notice and thereafter recover the cost of so doing from such owner.

10. Relaxation of provisions

Where premises are zoned for industrial purposes in terms of the Council's zoning scheme regulations the building control officer shall be entitled to grant a waiver from compliance with the provisions of section 5 on receipt of an application from the owner of such premises.

11. Penalty

If any person –

- (1) erects any wall or fence without the prior permission of the Council or otherwise than in accordance with the plans approved by the Council, or
- (2) erects any wall or fence which do not conform to the provisions contained in this by-law, or
- (3) contravenes any conditions imposed by the Council, the building control officer shall serve an order in writing on such person calling upon him or her to cease contravening such condition, as the case may be, by a date specified in such notice.

12.

Any person who does anything referred to in section 11 or fails to comply with the terms of an order referred to therein shall be guilty of an offence.

13.

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding –

- (1) a fine of one thousand Rands or imprisonment for a period of six months or either such fine or such imprisonment or both such fine and such imprisonment;
- (2) in the case of a continuing offence, an additional fine of fifty Rands or an additional period of imprisonment of ten days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.