



ENDUMENI LAW ENFORCEMENT PRESENTATION

PRESENTED TO YOU BY:
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OUTLINE OF THE PRESENTATION



- ▶ TRANSITIONAL PDA TO SPLUMA ito OF ENFORCEMENT
- ▶ REQUIREMENTS FOR ENFORCEMENT OFFICER/ PEACE OFFICER
- ▶ CHALLENGES EXPERIENCED BY ENFORCEMENT OFFICER
- ▶ NEED FOR ENFORCEMENT AT THE MUNICIPALITY
- ▶ MUNICIPALITY APPLYING THE LAW EQUALLY OVER URBAN AND NON- URBAN AREAS.

TRANSITIONAL CHALLENGES PDA TO SPLUMA ito ENFORCEMENT



KZN PLANNING AND DEVELOPMENT ACT No 6 OF 2008 (PDA)

- ▶ **Chapter 8** – Deals with enforcement of provisions of PDA and municipality's scheme, establishes different offences and penalties.
- ▶ **Part 1** - Provides for different offences and penalties.
- ▶ **Part 2** – Provides for contravention notices, prohibition orders and urgent prevention orders.
- ▶ **Section 90** – Appointment of inspector by Municipality to inspect properties and ensure compliance with the PDA and town planning scheme.

TRANSITIONAL CHALLENGES PDA TO SPLUMA ito ENFORCEMENT



SPATIAL PLANNING AND LAND USE MANAGEMENT ACT No 16 OF 2013

- **Section 32** – Enforcement of land use scheme:
Municipality may pass bylaws to enforce its scheme, or may designate municipal official or any other person as inspector for enforcement.
- **Section 58** – Provides for different offences and penalties.

REQUIREMENTS FOR ENFORCEMENT ito SPLUMA



- ▶ **Spatial Planning and Land Use Management Bylaw**
- ▶ **Section 30** of bylaw describes the function of municipal planning enforcement officer.
- ▶ **Section 31** of bylaw makes it obligatory for municipality to appoint a municipal planning enforcement officer.
- ▶ **Chapter 7** establishes offences and penalties in relation to municipal planning approval.

APPOINTMENT OF ENFORCEMENT OFFICER/ PEACE OFFICER



The Municipality must have an agreement with the Department of Transport to have the service of Law Enforcement (Traffic Department). In order to appoint a Traffic Officer, HR must advertise the post with the requirements, the post level must also reflect with benefits.

- The short-listing must then take place, and after the short-listing interviews must be held.
- The successful candidate must then be appointed in line with the National Road Traffic Act, 93 of 1996, Section 3A (1) (a) (iv), also appoint as a Peace Officer by the Provincial Commissioner in terms of Section 334 of the Criminal Procedure Act, 51 of 1977.

APPOINTMENT OF ENFORCEMENT OFFICER/ PEACE OFFICER cont..



- When the HR advertises the position of a Traffic officer, it must be ensured that the requirements are included as follows:
 - Drivers' License (Code B)
 - No Criminal Record
 - Grade 12
 - Traffic Officer Diploma from a registered Traffic Training College
 - Registration as a Traffic Officer
 - Ability to read and write

ROLE & FUNCTIONS OF ENFORCEMENT OFFICER



- ▶ Co-ordinates specific activities associated with controlling traffic flow and public safety, by:
 - a) Communicating with the Control Room and attending to traffic bottlenecks caused through accidents, breakdown or peak hour congestion.
 - b) Use hand signals to communicate with drivers and pedestrians, directing, diverting, stopping and controlling the flow.
 - c) Interacting with the Control Room for specific services (breakdown, fire, etc) to remove obstacles or contain specific disasters to facilitate traffic flow.
 - d) Visit Schools to conduct Road Safety education campaigns.
 - e) In order to ensure inconvenience and/or risk to safety is minimized through efficient handling or traffic congestion/bottlenecks.

ROLE & FUNCTIONS OF ENFORCEMENT OFFICER cont..



COMMUNITY POLICING AND SECURITY OPERATIONS.

Monitors the local area and attends to specific security operations and acts on situations/behavior deemed to be inappropriate or non-conforming, by

Patrolling and observing the streets and suburban areas and identifying with non-compliance practices.

- Communicating with the offender and /or interacting with the Control Room or South African Police Services to facilitate arrest for more serious offences.
- Acting on distress calls or information related to crime in progress, communicating with the Control Room in establishing location and details and executing specific policing sequences on the scene (crowd control, arrests, etc).
- Performing specific control and monitoring sequences at official functions and providing security to guests/dignitaries and preventing any acts that could threaten the events.

In order to ensure crime related incidents or related unsafe acts in contravention of laid down regulations and by-laws are attended to appropriately dealt with.

ROLE & FUNCTIONS OF ENFORCEMENT OFFICER cont..

ENFORCING COMPLIANCE

Enforces specific by-laws. Road traffic and safety regulations, by:

- Co-ordinating and set-up of routine checks, providing guidelines to personnel, stopping vehicles and conducting inspections of drivers' licenses, vehicle registration and roadworthiness requirements and/or attending to specific infringements of road safety rules (illegal parking etc)
- Conducting inspections of premises, checking validity of business licenses and conformance with specific by-laws and regulations.
- Attending to the documentation and notification procedure, serving of summons, compliance orders, executing warrants of arrests and preparing statements.
- Completing and submitting case files to facilitate prosecution and attending and defending specific actions in the court of law.

In order to ensure information, records and reports are organized, completed, submitted and/or maintained in accordance with procedures and guidelines directing administrative outcomes.



NEED FOR ENFORCEMENT AT THE MUNICIPALITY



- Municipality needs Law enforcement section in order to enforce law and order and also in terms of by-laws.
- In order to work together with other law enforcement agencies.
- If there is a disaster within the Municipality.

For visibility on the road, in order to reduce road accidents.

NEED FOR ENFORCEMENT AT THE MUNICIPALITY cont...



The municipality has no Planning Enforcement in place, we have been fortunate that there has been no complains lodged to date. However we still need assistance to have the existing Peace Officers trained to undertake any arising complains that may occur in the future.

Apart from planning by-law the municipality has series of by-laws that are not enforced, due to lack of competency to undertake the enforcement of the by-laws.

MUNICIPALITY APPLYING THE LAW EQUALLY OVER URBAN AND NON URBAN AREAS



We apply the law equally as we normally go to schools and conduct road safety education.

- We also do awareness campaigns where we educate people about by-laws, which include informing people about how to keep animals complying with the Municipal by-laws.
- We do road block, and some of these road block are conducted out of town.



THANK YOU

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QUESTIONS

