Cederberg, South Africa

Commonage By-law, 2004

Legislation as at 22 October 2004

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Repealed

Cederberg
South Africa

Commonage By-law, 2004

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Purpose of By-Law

• To promote the achievement of a safe and sound environment for the benefit of all residents;

• To provide for the conservation of the commonage through the prohibition of damaging of vegetation, bird- and animal life, the removal of any material and the unlawful occupation of the commonage.

1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

"**commonage**" means any land or portion of land which is in possession or under control of the municipality and includes any street, road, thoroughfare or public place;

"**municipal area**" means the area described in Clause 2(1) of the Establishment Notice published under Provincial Notice 482 dated 22 September 2000;

"**municipality**" means the Municipality of Cederberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 482 dated 22 September 2000 and includes any political structure, political office-bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, agent or employee;

"**public place**" means any square, park, recreation ground or open space which—

(a) is vested in the municipality;

(b) the public has the right to use, or

(c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

"**street**" means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and except where in-consistent with the context includes—

(a) the verge of any such road, street or thoroughfare;

(b) any footpath, sidewalk or similar pedestrian portion of a road reserve;

(c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;

(d) any other object belonging to such road, street or thoroughfare.

Prohibited actions

Repealed

2.

No person shall erect any hut, shelter, kraal, habitation or structure of any kind nor occupy, camp on any portion of the commonage or in any street, or road, thoroughfare or public place without the consent of the municipality.

3.

No person shall without prior permission of the municipality, accumulate, dump or deposit or cause to be accumulated, dumped or deposited on any portion of the commonage any derelict motor cars or other vehicles or machinery or any derelict parts thereof.

4.

(1) No person shall on the commonage dig or remove soil, clay, sand, gravel or boulders without being in possession of a valid and current permit issued by the municipality.

(2) The municipality may issue permits upon payment in advance of the charges fixed by it for the removal of soil, clay, sand, gravel or boulders from demarcated sites.

5.

No person shall make bricks, or erect brick-, lime- or charcoal kilns, on any land within the municipal area, or on land under control of the municipality, without prior written consent of the municipality, except on land denoted for such purposes in terms of an approved spatial development plan and zoning scheme and further subject to payment of the fees determined by municipality.

6.

No person shall cut, damage, burn, destroy, gather or remove any plants, shrubs, trees, timber, firewood, brushwood, manure or any grass growing or being upon any portion of the commonage without prior written permission of the municipality.

7.

No person shall interfere with or cause damage to any fence, gate, drinking trough, water tap or other appliance or thing, or set fire to the pasture or any bush, tree, shrub on the commonage.

8.

No person shall make use of any road over the commonage other than such roads as shall be allowed open by the municipality from time to time, and such roads to the use of which the public have a legal right.

9.

No person shall deposit or in any way leave any poison for whatever purpose on the commonage or on any street, thoroughfare of public place without the written permission of the municipality.

10.

The municipality has the right to set apart any portions of the commonage for the purpose of forming a rifle range or rifle ranges and no person shall practice target shooting with any rifle on any other portion of the commonage except on such range or ranges.

Repealed

11.

The municipality my cause traps to be set for vermin on the commonage and any person interfering with or damaging such traps in any way or letting loose or removing or causing to be loosened or removed any vermin there from or in any way disposing of any bodies there from without the prior approval of the municipality, shall be guilty of an offence.

12.

No person shall kill, catch, capture or hunt or attempt to kill, any game or birds of whatsoever description on the commonage.

13.

No person shall set traps of whatsoever description on the commonage without the prior consent of the municipality.

14.

No person shall destroy the nest, or remove the eggs or young there from, of any birds or water-fowl on the commonage or any public place within the municipality.

15. Penalties

Except for the erection of a hut, building or any other structure for residential purposes on the commonage, in which case the provisions of the Act on Prevention of Ilegal Eviction and the Unlawful Occupation of land, Act 19 of 1998, shall prevail, any person who contravenes or fails to comply with the provisions of this by-law shall be guilty of an offence and shall on conviction be liable to—

(1) a fine or imprisonment, 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 or an additional period of imprisonment 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 result of such contravention.