Drakenstein, South Africa

Public Amenities By-law, 2007

Legislation as at 16 March 2007

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Drakenstein
South Africa

Public Amenities By-law, 2007

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Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the by-law set out in the schedule below:

Purpose of by-law

• To promote the achievement of a safe and peaceful environment.

• To provide for procedures, methods and practices to regulate the use and management of public amenities.

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 shall prevail in the event of an inconsistency between the different texts; and unless the context otherwise indicates:—

"**municipality**" means the Municipality of Drakenstein established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 488 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;

"**notice**" means an official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the municipality shall make known provisions and directions adopted by it in terms of this by-law;

"**public amenity**" means—

(a) any land, commonage, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;

(b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not;

but excluding—

(i) any public road or street;

(ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the municipality; and

(iii) any public amenity hired from the municipality.

2. Maximum number of visitors

(1) The municipality shall determine the maximum number of visitors who may be present at a specific time in or at a public amenity.

(2) The number contemplated in subsection (1) shall be published by the municipality by means of a notice.

3. Admission to and sojourn in a public amenity

(1) A public amenity shall, subject to the provisions of this by-law, be open to the public on the times as determined by the municipality.

(2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

(3) The times and places contemplated in subsections (1) and (2), shall be made known by the municipality by means of a notice.

4. Entrance fees

(1) A visitor to a public amenity shall pay entrance fees as determined from time to time by the municipality and such entrance fees shall be published by means of a notice.

(2) Different entrance fees may be determined in respect of visitors of different ages and the municipality may exempt certain groups of persons from the payment of an entrance fee.

5. Nuisances

No person shall perform or permit any of the following acts in or at a public amenity—

(a) the use of language or the performance of any other act which disturbs the good order;

(b) the firing of fire arms, airguns, airpistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;

(c) the burning of rubble or refuse;

(d) the causing of unpleasant or offensive smells;

(e) the production of smoke nuisances;

(f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;

(g) the begging for money, food, work or the offering of services;

(h) in any other manner the causing of a nuisance, obstruction, disturbance or annoyance to the public;

(i) the dumping, dropping or placing of any refuse, rubble, material or any object or thing or permitting it to be done, except in a container provided for that purpose in or at the amenity.

6. Structures

No person shall without the written consent of the municipality having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefor by means of a notice by the municipality.

7. Liquor and food

No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of any nature whatsoever.

8. Animals

(1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.

(2) The directions contemplated in subsection (1) shall be published by means of notice by the municipality.

9. Use of public amenities

(1) No person shall without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent in or at a public facility—

(a) arrange or present any public entertainment;

(b) collect money or any other goods for charity or any other purpose from the general public;

(c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;

(d) arrange, hold or address any meeting;

(e) arrange or hold a public gathering or procession, exhibition or performance;

(f) conduct any trade, occupation or business;

(g) display, sell or rent out or present for sale or rent any wares or articles;

(h) hold an auction;

(i) tell fortunes for compensation.

(2) For the purposes of this by-law "public gathering or procession" shall mean a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

10. Safety and order

(1) No person shall, subject to subsection (2), in or at a public amenity—

(a) damage, remove, excavate or disfigure anything;

(b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;

(c) light a fire or prepare food, except at a place indicated for that purpose by notice;

(d) throw away any burning or smouldering object;

(e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;

(f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;

(g) behave himself in an improper, indecent, unruly, violent or unbecoming manner;

(h) cause a disturbance;

(i) wash, polish or repair a vehicle;

(j) walk, stand, sit or lie in a flower bed;

(k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;

(l) dig or remove soil, clay, sand, gravel or boulders;

(m) walk, stand sit or lie on grass contrary to the provisions of a notice;

(n) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;

(o) play or sit on play park equipment contrary to the provisions of a notice or prescription;

(p) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.

(2) The municipality may, subject to such conditions and payment as it may deem necessary, authorise any of the actions contemplated in subsection (1).

11. Water

No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

12. Laundry and crockery

No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice by the municipality for that purpose.

13. Vehicles

(1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the municipality.

(2) The municipality shall determine the speed limit applicable in a public amenity.

(3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be published by the municipality by way of notice.

14. Games

No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the municipality and which is made known by way of notice.

15. Penalties

Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-law or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction 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 imprisonmentor 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.

16. Repeal of by-laws

The by-laws listed in the schedule hereto are hereby repealed to the extent indicated in the third column thereof.

17. Short title and commencement

This by-law shall be known as the by-law relating to Public Amenities and shall come into operation on the date of publication thereof in the *Provincial Gazzette*.

Schedule

By-laws of the disestablished municipality of Paarl		
PN No.	**Short title**	**Extent of repeal**
679/1954	Washing clothes in the Berg River	The whole
98/1962	Additional by-law relating to Berg River	The whole
By-laws of the disestablished municipality of Wellington		
116/1990	Public Amenities	The whole
By-laws of the disestablished municipality of Mbekweni		
R1450/1984	By-law relating to community halls and recreational facilities	The whole
R111/1991	By-law relating tot public amenities	The whole