Drakenstein, South Africa

Streets By-law, 2007

Legislation as at 16 March 2007

There may have been updates since this file was created.

PDF created on 6 September 2026 at 11:57.

Collection last checked for updates: 4 September 2026.

View online

About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Collection, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.lawlibrary.org.za | info@lawlibrary.org.za

www.laws.africa | info@laws.africa

FRBR URI: /akn/za-wc023/act/by-law/2007/streets/eng@2007-03-16

This PDF is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License (CC BY-NC-SA 4.0).

Streets By-law, 2007
Contents

1. Definitions 1
2. Streets, sidewalks and encroachments on streets 3
3. Advertisements visible from streets 3
4. Animals or objects causing an obstruction 4
5. Trees in streets 4
6. Trees or growth causing an interference or obstruction 4
7. Refuse, motor vehicle wrecks, waste material, etc. 4
8. Prohibition upon certain activities in connection with objects in streets and public places 5
9. Prohibition upon games and other acts in streets and public places 5
10. Use of explosives 5
11. Conveyance of animal carcasses or other waste products through streets and public places 5
12. Fences on street boundaries 5
13. Building materials in streets and public places 5
14. Balconies and verandas 5
15. Drying of washing on fences on boundaries of streets and public places 6
16. Parking of heavy vehicles and caravans 6
17. Protection of street surface and public places 6
18. Damaging of notice boards 7
19. Street, door-to-door collections and distribution of handbills 7
20. Excavations in streets 7
21. Poison in streets or public places 7
22. Processions 7
23. Roller-skating and skating on skateboards 8
24. Persons to be decently clad 8
25. Overflow of water into streets and public places 8
26. Behaviour in streets and public places 8
27. Animals in a street or public place 9
28. Display of street number of places 9
29. Bridges and crossings over gutters and sidewalks 9
30. Control of amusement shows and devices 9
31. Control of animal-drawn vehicles 10
32. Vehicles to be attended 10
33. Informal parking attendants 10
34. Municipality may act and recover costs 10

35. Closure of streets and public places 10
Section 36. 10
37. Council or a committee or person who has delegated powers to decide upon it. 11
38. Construction, maintenance and naming of streets and public places 11
39. Declaration of streets and public places 11
40. Penalty 12
41. Repeal of by-laws 12
42. Short title and commencement 12
Schedule 12

Drakenstein
South Africa

Streets By-law, 2007

Published in Western Cape Provincial Gazette 6426 on 16 March 2007

Commenced on 16 March 2007

[This is the version of this document from 16 March 2007 and includes any amendments published up to 4 September 2026.]

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 realisation of a safe environment for the benefit of residents within the area of jurisdiction of the municipality.

• To provide for procedures, methods and practices to manage the use and utilisation of streets in the area of jurisdiction of the municipality.

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—

"**animals**" mean any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches, indigenous mammals and other wild animals;

"**caravan**" means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

"**council**" means the municipal council of Drakenstein;

"**informal parking attendant**" means a person who is in possession of a permit issued by the municipality and who assists with the pointing out of parking or supervising over vehicles in a street, parking area or public place;

"**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;

"**municipal area**" means the area of jurisdiction of Drakenstein Municipality as determined in terms of the Municipal Demarcation Act, 1998;

"**municipal manager**" means a person appointed in terms of section 82 of the Municipal Structures Act, 1998;

"**motor vehicle**" means any self-propelled vehicle and includes—

(a) a trailer, and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include—

(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

"**park**" means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

"**parking area**" means any land provided by the municipality for the parking of vehicles;

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

(a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used by the public without interruption for a period of at least 30 years; or

(d) at any time been declared or rendered such by the municipality or other competent authority;

"**semi-trailer**" means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

"**sidewalk**" means that portion of a street between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

"**street**" means any street, road, cycle path, thoroughfare or any other place, including—

(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, which has at any time been—

(i) dedicated to the public;

(ii) used without interruption by the public for a period of at least 30 years;

(iii) declared or rendered such by the municipality or other competent authority, or

(iv) constructed by a local authority, and

(v) any land, with or without buildings or structures thereon, which is shown as a street on—

(aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or

(bb) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor-General's office;

unless such land is on such plan or diagram described as a private street;

"**tare**", in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of—

(a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;

(b) anything which is a permanent part of the structure of such vehicle;

(c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and

(d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—

(i) fuel, and

(ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

"**trailer**" means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side-car fitted to a motor cycle;

"**vehicle**" means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

"**work**" means work of any nature whatsoever undertaken on any land within the area of jurisdiction of Drakenstein Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the laying of cables and pipes, the dumping of building or other material anywhere in a street or public place, or delivery to or removal from any site of any soil or material of any nature whatsoever.

2. Streets, sidewalks and encroachments on streets

No person shall—

(a) make, construct, reconstruct, or alter a street or sidewalk—

(i) except with the written permission of the municipality, or

(ii) otherwise than in accordance with the requirements prescribed by the municipality, or

(b) construct a veranda, stoep, steps or other projection or erect a post in a street or public place except with the written permission of the municipality.

3. Advertisements visible from streets

(1) No person shall display any advertisement, placard, poster or bill in a street—

(a) except with the written permission of the municipality, and

(b) subject to such conditions as may be determined by the municipality.

(2) This section shall not be applicable to signs which have been exempted under the provisions ofthe municipality's applicable By-law relating to Advertising Signs.

4. Animals or objects causing an obstruction

No person shall—

(a) deposit or leave any goods or articles in a street or public place, or in an area designated therefore, other than for a reasonable period during the course of the loading, off-loading or removal thereof, or

(b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a perambulator or wheelchair which is being used for the conveyance of children or the disabled), or

(c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street—

(i) except with the written permission of the municipality, and

(ii) subject to such conditions as may be determined by the municipality.

5. Trees in streets

(1) No person shall—

(a) plant a tree or shrub in a street or public place, or in any way cut down a tree or a shrub in a street or public place or remove it there from, except with the written permission of the municipality;

(b) climb, break or damage a tree growing in a street or public place; or

(c) in any way mark or paint any tree growing in a street or public place or attach any advertisement thereto.

(2) Any tree or shrub planted in a street or public place shall become the property of the municipality.

6. Trees or growth causing an interference or obstruction

(1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street or public place, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.

(2) Any person failing to comply with a notice issued in terms of subsection (1) shall be guilty of an offence.

(3) If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

7. Refuse, motor vehicle wrecks, waste material, etc.

No person shall—

(a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street or public place, or

(b) permit any such objects or substances to be dumped or placed in a street orpublic place from premises owned or occupied by him,

except with the written permission of the municipality and subject to such conditions as may be determined by the municipality.

8. Prohibition upon certain activities in connection with objects in streets and public places

No person shall, in a street or public place—

(a) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or

(b) clean or wash a vehicle.

9. Prohibition upon games and other acts in streets and public places

No person shall—

(a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street or public place, or

(b) do anything in a street or public place which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public unless such street or public place is provided with clear signs and identifiable paving and furniture which distinguishes it as "residential erf" or "street park".

10. Use of explosives

No person shall in or upon a street or public place use explosives or undertake blasting operations—

(a) except with the written permission of the municipality, and

(b) subject to such conditions as may be determined by the municipality.

11. Conveyance of animal carcasses or other waste products through streets and public places

No person shall carry or convey through a street or public place the carcase of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand—

(a) unless it is properly covered, and

(b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the street or public place.

12. Fences on street boundaries

No person shall erect a barbed-wire, razor wire, electrified fence or other dangerous fence on the boundary of a street or public place except with the written permission of the municipality.

13. Building materials in streets and public places

No person shall bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials or any other materials in a street or public place except with the written permission of the municipality, and subject to the requirements prescribed by the municipality.

14. Balconies and verandas

No person shall, except with the written permission of the municipality-

(a) use a balcony or veranda erected beyond the boundary line of a street or public place for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or

(b) enclose or partition a balcony or veranda erected beyond the boundary line of a street or public place or portion thereof as a living or bedroom.

15. Drying of washing on fences on boundaries of streets and public places

No person shall dry or spread washing on a fence on the boundary of a street or public place.

16. Parking of heavy vehicles and caravans

(1) No person shall park on a street within the municipal area—

(a) a motor vehicle with a tare exceeding 3 500 kg;

(b) a trailer;

(c) a semi-trailer, or

(d) a caravan,

for an uninterrupted period exceeding two hours except on places reserved for parking of heavy vehicles; provided further that the above provisions will not apply to the actual loading or unloading of such vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it shall be deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.

17. Protection of street surface and public places

(1) No person shall—

(a) use a vehicle or allow it to be used in any street or public place if such vehicle is in such a defective condition that it will or may cause damage to any street or public place;

(b) drive, push, roll, pull or propel any object, machine or other material through or along a street or public place in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street or public place in any way;

(c) undertake any work which may cause the surface of any street or public place to be altered, damaged or broken without the permission of the municipality.

(2) If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street or public place, the cost of repairs, as determined by the municipality, may be recovered from the offender.

(3) Any person who is the owner of land on which any work is done shall be liable for any damage to any portion of a street or public place caused by or in connection with the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.

(4) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such street or public place as a result of, or in connection with, the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.

(5) After completion of such work, the municipality shall itself undertake the repair of any portion of such street or public place as may have been damaged by such work and shall set off the cost of such repairs against such deposit. If such cost is less than the amount of the deposit, the municipality shall refund the balance to the depositor, but if the amount of the deposit does not cover such cost,

the owner shall be liable for the difference, which shall become payable on receipt of an account specifying the additional amount due.

(6) No person other than an authorised official of the municipality in the performance of his duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street or public place.

18. Damaging of notice boards

No person shall deface, damage or in any way interfere with any notice board, road traffic sign, street name board or other similar sign or any hoarding which has been erected in a street or public place by or with the permission of the municipality.

19. Street, door-to-door collections and distribution of handbills

(1) No person shall—

(a) collect or attempt to collect money in a street or public place or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and subject to such conditions as may be determined by the municipality;

(b) collect from door-to-door, beg or solicit or accept alms, except with the written permission of the municipality;

(c) distribute a handbill or similar advertising material or cause it to be distributed in any street or public place, or place any handbill or similar advertising material or cause it to be placed on or in any vehicle without prior permission of the municipality.

(2) An application fee as determined by the municipality from time to time may be levied in respect of any application in terms of subsection (c).

20. Excavations in streets

No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street or public place—

(a) except with the written permission of the municipality; and

(b) subject to the requirements prescribed by the municipality.

21. Poison in streets or public places

No person other than an official of the municipality or an authorised person who administers legally approved weedkillers or poisons, shall use, set or cast poison in any street or public place.

22. Processions

(1) Subject to the provisions of subsection (6) no person shall hold, organise, initiate, control or actively participate in a procession or gathering in a street or public place, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street or public place, or shall use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (2) and (3).

(2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street or public place shall submit a written application for permission thereto, which shall reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out; provided that persons who intend participating actively in a procession, or gathering in any street need not apply to the municipality for permission thereto and it shall not be illegal for such persons to participate

actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the municipality. An application made in terms hereof shall contain the following—

(a) full details of the name, address and occupation of the applicant;

(b) full details of the street or public place where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend; and

(c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.

(3) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the municipality, likely to be in conflict with the interests of public peace, good order or safety, the municipality shall issue a certificate granting permission and authorisation for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.

(4) The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (1), if the performance or carrying out of such action or actions will, in the opinion of the municipality, be in conflict with the interests of public peace, good order or safety.

(5) The municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.

(6) The provisions of this section shall not apply—

(a) to wedding or funeral processions;

(b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993), in which case the provisions of the said Act shall be applicable.

23. Roller-skating and skating on skateboards

No person shall, except with the prior written permission of the municipality, skate on roller-skates or a skateboard or a similar device in or on a street or public place or in or upon an area where skating is prohibited by an applicable road traffic sign.

24. Persons to be decently clad

No person shall appear in any street or public place without being clothed in such a manner as decency demands.

25. Overflow of water into streets and public places

No person shall cause or allow any water other than rain water to flow into a street or public place.

26. Behaviour in streets and public places

No person shall—

(a) cause a nuisance to other persons by loitering, standing, sitting or lying or begging;

(b) sleep, overnight or erect any shelter;

(c) wash or dry clothes, blankets or any other domestic articles;

(d) use abusive, insulting, obscene, threatening or blasphemous language;

(e) fight or act in a riotous manner;

(f) discharge a firearm, airgun or air pistol;

(g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;

(h) defecate, urinate or wash himself;

(i) solicit or importune any person for the purpose of prostitution or immorality;

(j) engage in gambling;

(k) use intoxicating liquor or drugs;

(l) spit;

in a street or public place.

27. Animals in a street or public place

No owner or person—

(a) in charge of any wild or ferocious animal, monkey or homed cattle shall allow such animals at any time to be insufficiently attended or at large in any street or public place or shall keep any such animal in such a manner as to be a danger or annoyance to the public; or

(b) shall allow, permit or cause any animal to graze or stray in or about any street or public place.

28. Display of street number of places

(1) The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality in terms of section 37(c) shall be displayed and the owner of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises.

(2) A number displayed as contemplated by subsection (1) shall—

(a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and

(b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

29. Bridges and crossings over gutters and sidewalks

No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any street or pubhc place—

(a) except with the written permission of the municipality; and

(b) subject to the requirements prescribed by the municipality.

30. Control of amusement shows and devices

(1) No person shall set up or use in any street or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public—

(a) except with the written permission of the municipality and subject to such conditions as may be determined by the municipality;

(b) unless suitable sanitary conveniences for both sexes of the staff have been provided; and

(c) if it is in any way dangerous or unsafe for public use.

(2) An authorised official of the municipality shall, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

31. Control of animal-drawn vehicles

No person shall—

(a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street or public place;

(b) drive or be in control of an animal-drawn vehicle in a street or public place if he is under 16 years of age;

(c) if he is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle;

(d) outspan or allowed to be outspanned any vehicle drawn by animals in a street or public place.

32. Vehicles to be attended

No person shall, in a street or public place, sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the municipality.

33. Informal parking attendants

No person shall act as an informal parking attendant in a street, parking area or public place without the written permission of the municipality and subject to such conditions as the municipality may impose.

34. Municipality may act and recover costs

(1) Notwithstanding any other provisions of this by-law, the municipality may—

(a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and

(b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance;

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.

(2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

35. Closure of streets and public places

No person shall, without the approval of the municipality, close or barricade any street or public place or restrict access thereto.

36.

(1) The municipality may permanently close or divert any street or public place or part thereof or restrict access to any street or public place.

(2) When the municipality decides to act in terms of subsection (1), it shall give notice of such intention in terms of its communication policy; in the absence of such policy the municipality shall give notice of its intention in a local newspaper in at least two official languages.

(3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2) for submission to

37. Council or a committee or person who has delegated powers to decide upon it.

The municipality may, without complying with the provisions of section 36—

(1) temporarily close a street or public place—

(a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street or public place;

(b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street or public place;

(i) if such street or public place is, in the opinion of the municipality, in a state dangerous to traffic;

(ii) by reason of any emergency or public event which, in the opinion of the municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds; or

(iii) for any other reason which, in the opinion of the municipality, renders the temporary closing of such street necessary, and

(c) temporarily divert a street which has been closed in terms of paragraph (a).

(2) The municipal manager may in his discretion, for general information, place a notice of such temporary closure in a local newspaper.

38. Construction, maintenance and naming of streets and public places

The municipality may in its area—

(a) make, construct, reconstruct, alter and maintain streets and public places;

(b) name and rename streets and public places;

(c) allocate and reallocate numbers to properties abutting on streets and public places.

39. Declaration of streets and public places

(1) The municipality may—

(a) declare any land or portion of land under its control to street, or any street or portion thereof to be a public place;

(b) declare any private street or portion thereof to be a public street, or any place or portion thereof to be a public place.

(2) When the municipality decides to act in terms of subsection (1), it shall give notice of such intention in terms of its communication policy; in the absence of such policy, the municipality shall give notice of its intention in a local newspaper in at least two official languages.

(3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2) for submission to Council or a committee or person who has delegated powers to decide upon it.

40. Penalty

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—

(1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;

(2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued;

(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 or failure.

41. Repeal of by-laws

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

42. Short title and commencement

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

Schedule

By-laws of the disestablished municipality of Paarl		
PN No.	**Short title**	**Extent of repeal**
87/1940	Protection of road surfaces	The whole
552/1951	Streets	The whole
615/1962	Door-to-door collection	The whole
216/1990	Distribution of pamphlets	The whole
108/1991	Additional streets (parking of heavy vehicles)	The whole
By-laws of the disestablished municipality of Wellington		
727/1954	Additional streets	The whole
552/1962	Door-to-door collections	The whole

By-laws of the disestablished municipality of Paarl		
177/1986	Distributions of pamphlets	The whole
328/1987	Parking of heavy vehicles	The whole
911/1988	Streets	The whole
By-laws of the disestablished town council of Mbekweni		
R2606/1983	Streets and street collection	The whole