Kannaland, South Africa

Prevention of Nuisances By-law, 2003

Legislation as at 30 May 2003

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Kannaland
South Africa

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1. Definitions

"**Council**" means the Municipal Council of Kannaland and includes any employee of the Council exercising powers or performing duties or functions delegated to him by the Council;

"**erf**" means any land, whether vacant, occupied or with buildings thereon;

"**municipal area**" means the municipal area of Kannaland;

"**objectionable material**" means garden litter, rubbish, waste material, rubble, scrap metal, disused machinery, motor cars or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building material not necessarily required in connection with *bona fide* building operations actually in progres on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or materially interferes with the ordinary comfort or convenience of the public, and

"**public nuisance**", "public place" and "street" bear the meanings assigned thereto in section 2 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974).

2.

Notwithstanding the provisions of any other by-law, no person shall—

(a) dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectional material in or on any erf, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the Council may from time to time set aside or approve for such purposes; provided however that the Council may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or reassemble any motor vehicle or other vehicle or apparatus on premises approved by the Coun-cil;

(b) do work on any erf or use any building or land for purposes calculated to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbours or to become a source of danger to any person. Should the Council be of the opinion that this provision is being ignored, the Council may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;

(c) carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the Council be a source or become a source of discomfort or annoyance to the neighbourhood;

(d) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or any objectionable material or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any erf, street or public place;

(e) allow any erf to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such an extent that, in the opinion of the Council or any duly authorised

employee of the Council, it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community or may promote the spread of fires;

(f) allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;

(g) allow the fencing of any erf to fall into a state of disrepair or to become unsightly or dilapidated;

(h) allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair or fail to maintain the walls of any building or structure free from dampness;

(i) use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, damping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;

(j) use or cause or permit to be used any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing or keeping any waste material, refuse, crates, cartons, containers or other articles of a like nature;

(k) enclose or cause or permit the enclosing of any stoep or verandah of any shop or busines premises by means of movable or immovable structures, objects, articles or devices other than by such means as the Council may approve;

(l) keep on his premises any animal or bird which creates a disturbance or is a nuisance to the neighbours by making frequent and excessive noise;

(m) deposit or keep or cause or permit to be deposited or kept any nightsoil on any premises, except in a proper sanitary convenience approved by the Council and in accordance with any by-law of the Council;

(n) keep or cause or permit to be kept upon his premises any sanitary convenience of such nature as may be a nuisance or offensive or injurious or dangerous to health;

(o) befoul, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;

(p) carry or convey, or cause or conveyed through or in any street or public place any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionab le material or thing is covered with a suitable material to prevent the creation of any nuisance;

(q) bury or dispose of any dead body in an unauthorised place;

(r) permit the carcass of any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;

(s) cause or permit any stream, pool, ditch, drain, gutter, water course, sink, bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be so situated or constructed as to be offensive or dangerous or injurious to health;

(t) cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purposes, into any street or into any river or on any land;

(u) commit or cause or permit to be committed any act which may lead to the pollution of any water which inhabitants of the municipality have the right to use or which is provided or reserved for the use of such inhabitants;

(v) bath or wash himself or any animal or article of clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been reserved by the Council for any such purpose;

(w) disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging a person to fight, or by striking with or brandishing or using in a threatening manner any stick or weapon, or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;

(x) advertise wares or services in any street or public place by means of any megaphone, loudspeaker or similar device or by insistent shouting, striking of gongs, hooting or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;

(y) being in or on any private premises, disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemingly noises, or by shooting, quarrelling, wrangling or singing or by the continuous a nd over-loud use of loudspeakers, radios, television sets or the like;

(z) in any street or public place use any abuse or threatening language or commit any act, including the playing of musical instruments, radio sets or the like or other sound apparatus or appliances which is likely or calculated to cause a breach of the peace;

(aa) solicit alms in any street or public place or endeavour by the exposure of wounds, sores, injuries or deformities or the production of begging letters to obtain alms, or

(bb) cleanse or wash any vehicle or any offensive article or utensil in any street or public place.

3.

(1) Where any material article or thing of whatsoever nature has been accumulated, dumped, stored or deposited on any erf, or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 2 (a), (d) and (e), the Council may serve a notice on—

(a) The person directly or indirectly responsible for such accumulation, dumping, storage or depositing;

(b) the owner of such material, article or thing, whether or not he is reponsible for such accumulation, dumping, storage or depositing;

(c) the owner of the erf on which such accumulation, dumping, storage or depositing takes place, whether or not he is responsible therefore, or

(d) the owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation, requiring such persons or owners to dispose of, destroy or remove such material, article or to clear such overgrowth to the satisfaction of the Council within a period of 14 days from the date of such notice or such period as the Council may grant on written application.

(2) Should any person or owner fail to comply with the requirements of a notice in terms of subsection (2) within the period stipulated by the Council, the Council may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection (1)(a), (b), (c) and (d).

(3) Where on any erf there is a contravention of section 2(f), (g), (h) and (t) the Council may at its discretion serve a notice on either the owner or the occupier requiring such person to abate the nuisance.

4.

Every person engaged in building operations, road construction or construction work of any nature shall, when required to do so, provide adequate sanitary facilities for himself and his employees to the satisfaction of and in accordance with any requirements specified by the Council.

5.

(1) No person shall, without the permission of the Council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description except on an authorised caravan or camping site controlled by theCouncil or otherwise licensed in terms of the Licences Ordinance, 1981 (Ordinance 17 of 1981); provided that a caravan, tent or shelter parked or erected at a dwelling with all the necessary ablution and toilet facilities may be used for a period not exceeding 60 days.

(2) The Council may serve a notice on any person who is occupying a caravan, tent or shelter in contravention of subsection (1), requiring such person to vacate such caravan, tent or shelter within three days of the service of such notice, failing which such person shall be guilty of an offence.

6.

The owner of every premises shall paint, colour-wash or otherwise cover or renovate any building or structure or part thereof when so requested by the Council.

7.

Any person contravening any provision of the foregoing sections or failing to carry out any order lawfully given thereunder shall be guilty of an offence and upon conviction be liable to a fine not exceeding R200 or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment, and, in the case of a continuing offence, to an additional fine of R5 or an additional period of imprisonment of five days, or to both such fine and such imprisonment for each day on which such offence is continued after a period of 14 days has elapsed after written notice requiring such person to discontinue such offence has been served by the Council on such person.