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Penalties	Strafbepaling
<p>10. 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—</p> <p>(1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;</p> <p>(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</p> <p>(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure. 6301</p>	<p>10. Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met —</p> <p>(1) 'n boete of gevangenisstraf, of sodanige boete of sodanige gevangenisstraf of beide sodanige boete en sodanige gevangenisstraf;</p> <p>(2) In die geval van 'n voortdurende misdryf, met 'n addisionele boete, of 'n addisionele tydperk van gevangenisstraf of sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en sodanige gevangenisstraf vir elke dag wat sodanige misdryf voortduur, en</p> <p>(3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim. 6301</p>

**WITZENBERG MUNICIPALITY:**

**BYLAW FOR THE PREVENTION OF NUISANCES**

(18-2004)

**Purpose of By-Law**

- To promote the achievement of a safe, peaceful and healthy environment for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate nuisances.

**Definitions**

1. 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:—

“premises” means any land, whether vacant, occupied or with buildings thereon;

“municipal area” means the municipal area of Witzenberg;

“municipality” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 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;

“objectionable material” means garden litter, rubbish, waste material, grass, vegetation, rubble, scrap metal, article or thing, disused motor cars, machinery 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 materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public or which is detrimental to the tidiness of the premises and adjacent property;

“public nuisance” means any act, omission or condition which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the safety of the public;

“public place” means any square, building, park, recreation ground or open space which:—

**WITZENBERG MUNISIPALITEIT:**

**VERORDENING VIR DIE VOORKOMING VAN OORLASTE**

(18-2004)

**Doel van Verordening**

- Om die verwesenliking van 'n veilige, rustige en gesonde omgewing tot voordeel van inwoners in die regsgebied van die munisipaliteit te bevorder;
- Om voorsiening te maak vir prosedures, metodes en praktyke om oorlaste te reguleer.

**Woordomskrywing**

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“aanstootlike materiaal” tuinvullis, vuilgoed, afvalmateriaal, gras, plantegroei rommel, afval yster, voorwerp of ding, in onbruik geraakte motors, masjinerie of ander voertuie asook die in onbruik geraakte onderdele daarvan, vullis van enige bou werksaamhede, of enige vullis wat op enige grond of perseel gestort kan word, met inbegrip van nuwe of gebruikte boumateriaal wat nie noodwendig nodig is in verband met bona fide bou bedrywighede wat werklik op enige grond aan die gang is nie, en omvat dit enige vaste stof, vloeistof of gas wat aanstootlik of gevaarlik of nadelig vir die gesondheid is of kan word, of wat wesenlik inbreuk maak op die gewone gemak of gerief van die publiek of wat afbreuk doen aan die sindelikhed van die perseel en aangliggende eiendom;

“dorpsgebied” 'n groep van stukke grond of onderverdelings van 'n stuk grond wat met openbare oopruimtes verbind is en wat hoofsaaklik gebruik word vir woon- industriële- besigheids- of dergelike doeleindes of wat bedoel is om aldus gebruik te word;

“perseel” enige grond, hetsy onbebou, ge-okkupeer of met gebou daarop;

“munisipale gebied” die munisipale gebied van Witzenberg;

“munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Struktuwewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbeklede, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbeklede, raadslid, agent of werknemer;

“openbare oorlas” enige handeling, versuim of toestand wat aanstootlik is, wat nadelig of gevaarlik is vir die gesondheid, wat

- (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;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) 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 includes:—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"township" a group of pieces of land, or subdivisions of a piece of land which are combined with public places and are used mainly for residential- industrial- business or similar purpose, or are intended to be so used;

#### Enforcement

2. The municipality may, whenever it regards it necessary to do so, enter any premises at any reasonable time to ensure compliance with this by-law.

#### Behaviour and conduct

3. 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 objectionable material in or on any premises, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the municipality may from time to time set aside or approve for such purposes, provided however that the municipality 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 re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the municipality;
  - (b) do work on any premises or use any building or land for purposes calculated to depreciate or to disfigure such premises or to intromise with the convenience or comfort of the neighbours or to become a source of danger to any person should the municipality be of the opinion that this provision is being ignored, the municipality 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 premises in the municipal area which may in the opinion of the municipality 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 premises, street or public place;
  - (e) allow any premises to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the municipality 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 or cause the premises to be unsightly or objectionable or detrimental to the value of adjacent property;

die gewone gemak, gerief, rus of stilte van die publiek weselik belemmer, of wat die veiligheid van die publiek nadelig raak;

"openbare pad" enige pad, straat of deurgang of enige ander plek (hetsy 'n deurgang aldan nie) wat algemeen gebruik word deur die publiek of enige gedeelte daarvan of waartoe die publiek of 'n deel daarvan die reg van toegang het, en ook—

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop; en
- (c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat of deurgang;

"openbare plek" enige plein, gebou, park, ontspanningsoord of oop terrein wat—

- (a) by die Munisipaliteit berus;
- (b) die publiek die reg het om te gebruik, of
- (c) getoon word op 'n algemene plan van 'n dorpsgebied in 'n akterregistrasiekantoor van 'n landmeter-generaal en wat verskaf is vir of gereserveer is vir die gebruik van die publiek of die eienaars van erwe in sodanige dorpsgebied;

#### Afdwingingsbepalings

2. Die Munisipaliteit kan, wanneer hy dit dienstig en nodig ag om dit te doen, enige perseel op enige redelike tyd betree om nakoming van hierdie verordening te verseker.

#### Gedrag en optrede

3. Ondanks die bepaling van enige ander verordening mag niemand—
  - (a) aanstootlike materiaal in of op enige perseel, straat, riool, watersloot, deurgang, openbare plein of dorpsgronde stort, ophoop of plaas of laat stort, ophoop of plaas of toelaat dat dit daarin of daarop gestort, opgehoop of geplaaas word nie, behalwe op die plek of plekke wat die munisipaliteit van tyd tot tyd vir sodanige doeleindes afsonder of goedkeur; met dien verstande egter dat die munisipaliteit toestemming aan openbare garages, werksinkels en ander bedrywe kan verleen, onderworpe aan die voorwaardes wat in elke geval gestel word, vir die hou, opberging, herstel, aftakeling of hermontering van enige motorvoertuig of ander voertuig of apparaat op persele wat deur die munisipaliteit goedgekeur is;
  - (b) werk op enige perseel uitvoer of 'n gebou of gronde gebruik vir doeleindes wat daarop bereken is om sodanige perseel in waarde te laat verminder of dit te ontsier of om inbreuk te maak op die gerief of gemak van die bure of om 'n bron van gevaar vir enige persoon te word nie. Indien die munisipaliteit van mening is dat hierdie bepaling verontagsaam word, kan hy gelas dat sodanige werk of gebruik onmiddellik gestaak word en dat die vorige toestand herstel word;
  - (c) enige handel, besigheid of beroep uitoefen op enige perseel in die munisipale gebied wat na die mening van die munisipaliteit 'n bron van ongerief of ergernis vir die omgewing is of kan word nie;
  - (d) enige vrugte- of groenteskille, gebreekte bottels, glas, vulvis of enige aanstootlike materiaal of ding wat aanstootlik is of waarskynlik ergernis, gevaar of besering sal veroorsaak aan persone in of op enige perseel, straat of openbare plek stort, laat bly, uitgooi, neergooi of plaas nie;
  - (e) toelaat dat enige perseel met bosse, onkruid of gras of ander plantegroei, uitgesonderd gekweekte bome, struik en gras begroei word in so 'n mate dat dit na die mening van die munisipaliteit gebruik kan word as 'n skuilplek vir rondlopers, wilde diere of ongediertes of dat dit die gesondheid of die veiligheid van 'n lid van die gemeenskap kan bedreig of die verspreiding van brande kan bevorder nie of tot gevolg het dat die perseel onooglik of aasootlik vertoon en derhalwe afbreuk doen aan die waarde van aanliggende eiendom;

- (f) allow any premises 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 premises;
- (g) allow the fencing of any premises 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 premises 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, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;
- (j) use or cause or permit 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, cartons, crates, 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 business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the municipality may approve;
- (l) keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;
- (m) deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the municipality and in accordance with any by-law of the municipality;
- (n) keep or cause or suffer to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or is offensive or injurious or dangerous to health;
- (o) be foul, 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 permit to be carried 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 objectionable 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 any 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, watercourse, 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
- (f) toelaat dat enige perseel vuil, verwaarloos of met knaagdiere, slange, muskiete, vlieë, bosluise, luise of ander insekte wat skadelik is vir die gesondheid, besmet is, of toelaat dat enige onaangename reuke of gasse op sodanige perseel afgegee word nie;
- (g) toelaat dat die omheining van enige perseel in 'n vervalte, onooglike of verwaarloosde toestand raak nie;
- (h) toelaat dat 'n gebou of struktuur of enige gedeelte daarvan op enige perseel in 'n vervalte, verwaarloosde of onooglike toestand raak nie, of in gebreke bly om die dakwater-wegdoenstelsel, pype, vuilriole, riole, water-, afvalwater- en spoelklosettoerusting en alle ander toebehore wat deel uitmaak van of bevestig is aan enige gebou of struktuur, in 'n goeie en heel toestand te hou, of in gebreke bly om die mure van enige gebou of struktuur vogvry te hou nie;
- (i) enige stoep en/of veranda van enige winkel of besigheidsperseel of onbehoude grond wat aan sodanige winkel of besigheidsperseel grens, gebruik of laat gebruik of toelaat dat dit gebruik word vir die doel om enige goedere, artikels of handelsware op te berg, op te stapel, te stort, weg te doen, uit te stal, te hou, te verkoop of vir verkoop aan te bied nie;
- (j) enige winkel of besigheidsperseel of onbehoude grond wat aan sodanige winkel of besigheidsperseel grens of enige gedeelte daarvan wat vir die publiek toeganklik of sigbaar is, gebruik of laat gebruik of toelaat dat dit gebruik word vir die doel om enige afvalmateriaal, vullis, kratte, kartondose, houers of ander artikels van 'n dergelike aard op te berg, op te stapel, te stort, weg te doen of te hou nie;
- (k) enige stoep of veranda van enige winkel of besigheidsperseel deur middel van los of vaste strukture, voorwerpe, artikels of toestelle toemaak of laat toemaak of toelaat dat dit daardeur toegemaak word nie, behalwe deur die middels wat die munisipaliteit goedkeur;
- (l) op sy perseel 'n dier of voël aanhou wat deur gedurig en te veel te lawaai, die bure steur of vir hulle tot oorlas is nie;
- (m) nagvuil op 'n perseel stort of hou of laat stort of hou of toelaat dat dit daarop gestort of gehou word nie, behalwe in 'n behoorlike sanitêre gemak wat die munisipaliteit goedgekeur het en ooreenkomstig enige verordening van die munisipaliteit;
- (n) op sy perseel 'n sanitêre gemak hou of laat hou of toelaat dat dit daarop gehou word wat van so 'n aard is dat dit 'n oorlas of aanstootlik of nadelig of gevaarlik vir die gesondheid is nie;
- (o) 'n openbare gemak of 'n gemak wat in 'n openbare gebou of openbare plek voorsien is, bevui, misbruik of beskadig nie;
- (p) enige aanstootlike materiaal of ding, vloeibaar of vas, wat aanstootlik of gevaarlik of nadelig vir die gesondheid is of kan word, deur of in 'n straat of openbare plek dra of vervoer of laat dra of vervoer of toelaat dat dit daardeur of daarin gedra of vervoer word nie, tensy sodanige aanstootlike materiaal of ding met geskikte materiaal bedek is om te voorkom dat 'n oorlas ontstaan;
- (q) 'n lyk op 'n onwettige plek begrawe of wegdoen nie;
- (r) toelaat dat die karkas van 'n dier wat sy eiendom of onder sy beheer is en wat op sy perseel of elders in die munisipale gebied gevrek het, onbegrave bly nie;
- (s) duid of toelaat dat 'n spruit, poel, sloot, riool, geut, waterloop, opwasbak, bad, tenk, spoelkloset, privaat of urinaal op enige grond of perseel wat aan hom behoort of deur hom ge-okkupeer word of onder sy beheer is, so vuil word of in so 'n toestand verkeer of verval of so geleë is of gehou word dat dit aanstootlik of gevaarlik of nadelig vir die gesondheid is nie;
- (t) duid of toelaat dat vuil of besoedelde water of enige vuil vloeistof of aanstootlike materiaal vanaf 'n perseel wat aan

owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purpose, into any street or on any land;

- (u) commit or cause or permit to be committed, any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or deserved for the use of such inhabitants;
- (v) bathe or wash himself or any animal or article or 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 set aside by the municipality for any 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 to fight, or by striking with or brandishing or using in a threatening manner any stick or other 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, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;
- (y) in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially intrudes upon the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
- (z) in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;
- (za) 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
- (zb) cleanse or wash any vehicle or part in any street or public place.
- (zc) discharge any fire-arm, airgun or air pistol on any premises except premises or land used for agricultural purposes and which does not form part of a general plan for a township.

#### Failure to comply with provisions

4. (1) Where any material, article or thing of whatsoever nature has been accumulated, dumped, stored or deposited on any premises, or where there is an overgrowth of bush, weeds, grass or vegetation on any premises in contravention of section 2(a), (d) and (e) the municipality may serve a notice on—
- (a) the person directly or indirectly responsible for such accumulation, dumping, storing or depositing;
  - (b) the owner of such material, article or thing, whether or not he is responsible for such accumulation, dumping, storing or depositing;
  - (c) the owner of the premises on which such accumulation, dumping, storing or depositing takes place, whether or not he is responsible therefor, or

hom behoort of deur hom ge-okkupeer word, ongeag of dit vir handels-, besigheids-, fabrieks-, woon- of enige ander doeleindes ge-okkupeer word, in 'n straat of op enige grond afloop of vloei nie;

- (u) 'n daad pleeg of laat pleeg of toelaat dat dit gepleeg word wat kan lei tot die besoedeling van water wat inwoners van die munisipaliteit die reg het om te gebruik of wat vir die gebruik van sodanige inwoners verskaf of afgesonder is nie;
- (v) in 'n openbare stroom, dam of watertrog baai of hom of 'n dier of kledingstuk of 'n ander artikel of ding daarin of by 'n openbare brandkraan of fontein of op 'n plek wat nie deur die munisipaliteit vir enige sodanige doel afgesonder is, was nie;
- (w) te eniger tyd gedurende die dag of nag die openbare vrede in 'n straat of openbare plek versteur deur onbetaamlike geluide te maak of deur te skreeu, aanhoudend te toeter, te twis of rusie te maak, of deur 'n skare byeen te bring, of deur 'n betoging te reël, of deur bakleiery of 'n uitdaging tot 'n bakleiery, of deur met 'n stok of ander wapen te slaan of dit te swaai of op 'n dreigende wyse te gebruik, of deur enige ander oproerige, geweldadige of onbetaamlike gedrag of deur in enige straat of openbare plek te slenter, of deur op sypaadjies te vergader of saam te drom nie;
- (x) ware of dienste in 'n straat of openbare plek adverteer deur middel van 'n megafoon, luidspreker of dergelike toestel of deur aanhoudend te skreeu, op 'n ghong te slaan, toeters te druk of klokke te lui op so 'n wyse dat dit 'n openbare oortas in die buurt uitmaak nie;
- (y) in of op enige eiendom of perseel die openbare vrede in die omgewing van sodanige perseel versteur deur daarin of daarop onbetaamlike geluide te maak, te skreeu, te twis, rusie te maak of te sing, of daarin of daarop 'n musikinstrument bespeel of 'n musikinstrument, radio, televisie of dergelike toestel of enige luidspreker of ander toestel vir die reproduksie of versterking van klank, gebruik of toelaat dat dit gebruik word op so 'n wyse of op so 'n tyd of in sulke omstandighede dat die klank daarvan hoorbaar is buite die grense van sodanige eiendom of perseel en die gewone gerief, gemak, vrede en rus van die okkupeerders van omliggende eiendomme weselik versteur nie;
- (z) in enige straat of openbare plek beledigende of dreigende taal besig of iets doen wat die vrede kan versteur of wat daarop bereken is om die vrede te versteur nie;
- (za) in enige straat of openbare plek om aalmoese bedel of deur die vertoning van wonde, sere, beserings, gebreke of bedelbriewe aalmoese probeer verkry nie, of
- (zb) 'n voertuig of stuk gereedskap in 'n straat of openbare plek skoonmaak of was nie;
- (zc) 'n vuurwapen, windbuks of windpistool op enige perseel, behalwe 'n perseel of grond wat aangewend word vir landboudoeleindes en wat nie deel vorm 'n algemene plan van 'n dorpsgebied nie, afvuur nie.

#### Versuim om aan bepalings te voldoen

4. (1) Indien enige materiaal, voorwerp of ding van water aard ook al op enige perseel opgehoop, gestort, opgeberg of geplaa is of waar enige perseel met bosse, onkruid, gras of plantegroei oorgroei is in stryd met artikel 3(a), (d) en (e) kan die munisipaliteit 'n kennisgewing beteken aan:
- (a) die persoon wat regstreeks of onregstreeks vir sodanige ophoping, storting, opberging of plasing verantwoordelik is;
  - (b) die eienaar van sodanige materiaal, voorwerp of ding, ongeag of hy vir sodanige ophoping, storting, opberging of plasing verantwoordelik is of nie;
  - (c) die eienaar van die perseel waarop sodanige ophoping, storting, opberging of plasing plaasvind, ongeag of hy daarvoor verantwoordelik is of nie, of

(d) the owner of the premises 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 thing or to clear such overgrowth to the satisfaction of the municipality.

- (2) Should any person or owner fail to comply with the requirements of a notice in terms of subsection (1) within the period stipulated by the municipality, the municipality may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any premises 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 premises there is a contravention of section 2(f), (g), (h) and (i) the municipality may at its discretion serve a notice on either the owner or the occupier to abate the nuisance.
- (4) Where on any premises there is a contravention of section 3(i) to 3(s) and 3(u) to 3(zb) the municipality may at its discretion serve a notice on the owner or occupier or alleged defaulter to cease the activities or to remedy the situation to the satisfaction of the municipality.

#### Sanitary facilities at construction sites

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

#### Unlawful occupation

6. (1) No person shall, without the permission of the municipality, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description except on an authorised camping or caravan site controlled by the municipality or any other camping or caravan site which conforms with the provisions of the by-laws relating to such caravan parks or camping sites.
- (2) The municipality may serve notice on any person who is occupying a caravan, tent or shelter in contravention of subsection (1) to vacate such caravan, tent or shelter within 3 days after the service of such notice, failing which, such person shall be guilty of an offence.

#### Penalties

7. 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 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. 6493

(d) Die eienaar van die perseel wat met bosse, onkruid, gras of plantegroei oorgroei is,

waarin daar van sodanige persone of eienaars vereis word om sodanige materiaal, voorwerp of ding weg te doen, te vernietig of te verwyder of om sodanige oorgroei ten genoë van die munisipaliteit te verwyder.

- (2) Indien enige persoon of eienaar in gebreke bly om binne die tydperk wat deur die munisipaliteit bepaal is, aan die vereistes van 'n kennisgewing ingevolge subartikel (1) te voldoen, kan die munisipaliteit self sodanige materiaal, voorwerp of ding wegdoen, vernietig of verwyder of die oorgroei van enige perseel verwyder op koste van enigeen of meer van die persone of eienaars in subartikel (1)(a), (b), (c) en (d) gemeld.
- (3) Waar daar op enige perseel 'n oortreding van artikel 3(f), (g), (h) en (i) plaasvind, kan die munisipaliteit na goeddunke 'n kennisgewing aan of die eienaar of die okkupeerder beteken om die oortreding te verwyder.
- (4) Waar daar 'n oortreding van artikel 3(i) tot 3(s) en 3(u) tot 3(zb) plaasvind kan die munisipaliteit na goeddunke 'n kennisgewing op die eienaar of okkupeerder of beweerde oortreder beteken om binne 'n bepaalde tyd die handeling te staak of die toestand tot genoë van die munisipaliteit reg te stel.

#### Sanitêre geriewe by konstruksiepersele

5. Iedereen wat met bouwerk, padbou of konstruksiewerk van enige aard besig is, moet, wanneer dit van hom vereis word, voldoende sanitêre geriewe vir hom en sy werknemers verskaf ten genoë van en ooreenkomstig enige vereistes gestel deur die munisipaliteit.

#### Onwettige bewoning

6. (1) Niemand mag sonder die toestemming van die munisipaliteit 'n woonwa, tent of ander soortgelyke beskutting van enige aard vir menslike bewoning okkupeer of toelaat dat dit daarvoor ge-okkupeer word nie, behalwe op 'n gemagtigde woonwa- of kampeertreterrein wat deur die munisipaliteit beheer word of enige ander woonwa- of kampeertreterrein wat voldoen aan die bepalings van die verordeninge wat op sodanige woonwaparke of kampeertreterreine van toepassing is nie.
- (2) Die munisipaliteit kan aan enige persoon wat 'n woonwa, tent of beskutting in stryd met subartikel (1) okkupeer, 'n kennisgewing beteken om sodanige woonwa, tent of beskutting binne 3 dae na die betekening van sodanige kennisgewing te ontruim, by gebreke waarvan sodanige persoon skuldig is aan 'n misdryf.

#### Strafbepalings

7. Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met—
- (1) 'n boete of gevangenisstraf, of óf sodanige boete of sodanige gevangenisstraf óf beide sodanige boete en sodanige gevangenisstraf;
- (2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf, of óf sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
- (3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim. 6493