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01/31/19

WITZENBERG MUNICIPALITY**PUBLIC AMENITIES BY-LAW****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.

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:—

“**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;

“**notice**” means 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;

Maximum number of visitors

2. (1) The municipality may 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) are made known by the municipality by means of a notice.

Admission to and sojourn in a public amenity

3. (1) A public amenity is, subject to the provisions of this by-law, open to the public on the times determined by the municipality;
- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

WITZENBERG MUNISIPALITEIT**VERORDENING INSAKE OPENBARE GERIEWE****Doel van Verordening**

- Om die verwesenliking van 'n veilige en rustige omgewing te bevorder;
- Om voorsiening te maak vir prosedures, metodes en praktyke om die gebruik en bestuur van openbare geriewe 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:—

“**kennisgewing**” 'n amptelike kennisgewing deur die munisipaliteit opgestel en wat vertoon word by elke ingang tot of op 'n opsigtelike plek in, by of op 'n openbare gerief waardeur die munisipaliteit bepalings of voorskrifte wat hy ingevolge hierdie verordening aangeneem het, bekend maak;

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

“**openbare gerief**”—

- (a) enige grond, dorpsgrond, plein, kampeerterrein, swembad-terrein, rivier, openbare oord, ontspanningsgrond, natuur-reservaat, diere-, botaniese- of ander tuin, park, speelpark, sportterrein of wandelpad, met inbegrip van enige gedeelte daarvan en enige fasiliteit of apparaat daarin of daarop;
- (b) enige gebou, struktuur, saal, kamer of kantoor met inbegrip van enige gedeelte daarvan en enige fasiliteit of apparaat daarin, wat die eiendom is van, of in besit, beheer word of gehuur word deur die munisipaliteit en waartoe die algemene publiek toegang het, hetsy teen betaling van toegangsgelde al dan nie;

maar uitgesonderd:

- (i) enige publieke pad of straat;
- (ii) enige openbare gerief in paragrawe (a) en (b) bedoel, indien dit wettig ingevolge 'n ooreenkoms deur 'n ander persoon as die munisipaliteit beheer en bestuur word, en
- (iii) enige openbare gerief wat van die munisipaliteit gehuur word.

Maksimum getal besoekers

2. (1) Die munisipaliteit kan die maksimum getal besoekers wat op 'n bepaalde tyd in of by 'n openbare gerief aanwesig mag wees, bepaal; met dien verstande dat verskillende getalle aldaar vir verskillende openbare geriewe bepaal kan word.
- (2) Die getalle in subartikel (1) bedoel, word deur die munisipaliteit bekend gemaak by wyse van 'n kennisgewing.

Toegang tot en verblyf in 'n openbare gerief

3. (1) 'n Openbare gerief is, behoudens die bepalings van hierdie verordeninge, oop vir die publiek op die tye wat die munisipaliteit bepaal;
- (2) Geen besoeker mag 'n openbare gerief binnegaan of verlaat op 'n ander plek as die wat vir daardie doel aangedui is nie.

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

Entrance fees

4. (1) A visitor to a public amenity shall pay entrance fees determined from time to time by the municipality 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.

Nuisances

5. 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 firearms, airguns, air pistols, 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, or
 - (h) in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.
 - (i) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity.

Structures

6. 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 notice;

Liquor and food

7. 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 whatever nature.

Animals

8. (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 made known by means of a notice.

Use of public amenities

9. (1) No person shall without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent—
- (a) arrange or present any public entertainment;

- (3) Die tye en plekke in subartikel (1) en (2) bedoel, word deur die munisipaliteit by wyse van 'n kennisgewing bekend gemaak.

Toegangsgelde

4. (1) 'n Besoeker aan 'n openbare gerief betaal die toegangsgelde wat van tyd tot tyd deur die munisipaliteit vasgestel word en sodanige toegangsgelde word by wyse van kennisgewing bekend gemaak.
- (2) Verskillende toegangsgelde kan aldus ten opsigte van besoekers van verskillende ouderdomme vasgestel word en die munisipaliteit kan sekere groepe persone vrystel van die betaling van enige toegangelde.

Oorlaste

5. Geen persoon mag in of by 'n openbare gerief enigeen van die volgende handeling verrig of toelaat dat dit verrig word nie—
- (a) die gebruik van taal of die verrigting van enige ander handeling wat daarop bereken is om die goeie orde te versteur;
 - (b) die afvuur van vuurwapens, windbukse, windpistole, vuurwerke of die gebruik van rekkers, slingerelle of katapulte sonder die munisipaliteit se skriftelike toestemming;
 - (c) die brand van rommel of vullis;
 - (d) die veroorsaking van onaangename of aanstootlike reuke;
 - (e) die verwekking van rookoorlaste;
 - (f) die veroorsaking van steurings deur bakleieri, geskree, getwis of gesing of die speel van musiekinstrumente, of die gebruik van luidsprekers, radio-ontvangstoestelle, televisietoestelle of soortgelyke toerusting;
 - (g) te bedel vir geld, kos of werk of die aanbied van dienste, of
 - (h) op enige ander wyse 'n oorlast, belemmering, stoornis of ergeis vir die publiek veroorsaak.
 - (i) enige vullis, afvalstof, materiaal of enige stof of ding stort, laat val of neersit of toelaat dat dit gedoen word, behalwe in 'n houer wat vir daardie doel in of op die gerief verskaf is nie;

Strukture

6. Geen persoon mag sonder die skriftelike toestemming van die munisipaliteit enige struktuur, skerm of enigets anders, behalwe die parkering van 'n woonwa of tent wat vir kampeerdoeleindes opgerig is op 'n terrein wat spesifiek by kennisgewing daarvoor afgesonder is, in of op 'n openbare gerief oprig of aanbring nie.

Drank en voedsel

7. Geen persoon mag in stryd met 'n bepaling van 'n kennisgewing enige alkoholiese of enige ander drank of enige voedsel van welke aard ook al in 'n openbare gerief inbring nie.

Diere

8. (1) Geen persoon mag enige lewendige dier, voël, vis of pluimvee in 'n openbare gerief inbring nie behalwe ooreenkomstig voorskrifte van die munisipaliteit;
- (2) Die voorskrifte in subartikel (1) bedoel, word by wyse van kennisgewing bekend gemaak.

Gebruik van openbare geriewe

9. (1) Geen persoon mag sonder die toestemming van die munisipaliteit, of in stryd met enige voorwaardes wat die munisipaliteit by die verlening van sodanige toestemming mag opleë, in of by 'n openbare gerief—
- (a) 'n openbare vermaaklikheid reël of aanbied nie;

- (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.

Safety and order

10. (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 or herself 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.

- (b) geld of enige ander goedere vir liefdadigheid of enige ander doel van die algemene publiek insamel nie;
 - (c) enige pamflet, plakkaat, skildery, boek, strooibiljet of enige ander gedrukte, geskrewe of geskilderde werk vertoon of versprei nie;
 - (d) enige vergadering reël, hou of toespreek nie;
 - (e) 'n openbare byeenkoms of optog, uitstalling of uitvoering reël of hou nie;
 - (f) enige ambag, heroep of besigheid bedryf nie;
 - (g) enige ware of artikels uitstal, verkoop of verhuur of te koop of te huur aanbied nie;
 - (h) 'n veiling hou nie;
 - (i) teen vergoeding waarsêery beoefen nie;
- (2) By die toepassing van hierdie verordening beteken "openbare byeenkoms of optog" 'n byeenkoms of optog van 15 of meer persone wat nie deur nasionale of provinsiale wetgewing gereël word nie.

Veiligheid en orde

10. (1) Geen persoon mag, behoudens subartikel (2) in of by 'n openbare gerief—
- (a) enigets beskadig, verwyder, uitgrawe of ontsier nie;
 - (b) enigets binne so 'n gerief gebruik of poog om dit te gebruik vir 'n ander doel as waarvoor dit bestem of by kennisgewing bepaal is nie;
 - (c) 'n vuur aansteek of voedsel voorberei nie, behalwe op 'n plek wat vir daardie doel by kennisgewing aangedui is;
 - (d) enige brandende of smeulende voorwerp weggooi nie;
 - (e) enige rots, klip of voorwerp van enige berg, koppie, skuinste, kran of wal gooi of afrol nie;
 - (f) enige boom, plant, struik, gewas of blom uittrek, pluk of beskadig nie;
 - (g) hom/haar op 'n onbehoorlike, onfatsoenlike, oproerige, geweldadige of onbetaamlike wyse gedra nie.
 - (h) 'n steurnis veroorsaak nie;
 - (i) 'n voertuig was, poleer of herstel nie;
 - (j) in 'n blombedding loop, staan, sit of lê nie;
 - (k) enige dier, voël of vis doodmaak, besecr, agtervolg, pla, mishandel of vang of 'n voëlnek of eiers verplaas, versteur, vernietig of verwyder nie;
 - (l) klei, grond, sand, gruis of klippe grawe of verwyder nie;
 - (m) in stryd met 'n bepaling van 'n kennisgewing op gras loop, staan, sit of lê nie;
 - (n) op 'n bank of sitplek lê of dit op so 'n wyse gebruik dat ander gebruikers of voormemende gebruikers dit onmoontlik vind om daarvan gebruik te maak nie;
 - (o) teenstrydig met enige kennisgewing of voorskrif op speelparktoerusting speel of sit nie;
 - (p) in stryd met 'n bepaling van 'n kennisgewing in 'n visdam, spuitfontein, stroom of vyver swem, loop of speel nie.

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

Water

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

Laundry and crockery

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

Vehicles

13. (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 determines 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 made known by the municipality by way of notice.

Games

14. 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.

Penalties

15. 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 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

Repeal of by-laws

16. The By-law relating to Public Amenities as published by Witzenberg Municipality per PN 19/2004 dated 1 March 2004 is hereby repealed.

Short title and commencement

17. 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 Gazette.

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- (2) Die munisipaliteit mag enige van die handelinge in subartikel (1) bedoel en onderworpe aan die voorskrifte en betaling van gelde wat die munisipaliteit nodig ag, magtig.

Water

11. Geen persoon mag in of by enige openbare gerief enige waterbron of watertoevoer misbruik, besmet of besoedel, of water vernors nie.

Wasgoed en skottelgoed

12. Geen persoon mag in of by enige openbare gerief enige skottelgoed of wasgoed was of kiere uithang nie, behalwe op plekke wat vir daardie doel by 'n kennisgewing aangedui is.

Voertuie

13. (1) Geen persoon mag enige vragmotor, bus, motorkar, motorfiets, motordriewiel, fiets of enige ander voertuig, vaartuig of vliegtuig hetsy by wyse van meganiese, dierlike, natuurlike of menslike krag aangedryf, in 'n openbare gerief inbring nie, behalwe ooreenkomstig die voorskrifte van die munisipaliteit;
- (2) Die munisipaliteit bepaal die snelheidsgrens wat van toepassing is in 'n openbare gerief;
- (3) Die voorskrifte in subartikel (1) bedoel en die snelheidsgrens in subartikel (2) bedoel, word by wyse van kennisgewing deur die munisipaliteit bekend gemaak.

Spele

14. Geen spel van welke aard ook al mag in of op 'n openbare gerief gespeel of bedryf word deur enige persoon of persone nie, behalwe op die plekke wat vir daardie doel by kennisgewing afgesonder is en ooreenkomstig die voorskrifte van die munisipaliteit wat by wyse van kennisgewing aldus bekend gemaak word.

Strafbepalings

15. Enige persoon wat 'n bepaling of voorskrif van hierdie verordeninge oortree of versuim om daaraan te voldoen, of 'n kennisgewing of voorwaarde in terme van hierdie verordeninge oortree of versuim om daaraan te voldoen, ongeag of sodanige oortreding of versuim elders in hierdie verordeninge tot 'n misdryf verklaar is, al dan nie, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—
- (1) 'n boete of gevangenisstraf, of of sodanige boete of sodanige gevangenisstraf of 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 of 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.

Herroeping van Verordeninge

16. Die Verordening insake Openbare Geriewe soos afgekondig per PK 19/2004 gedateer 1 Maart 2004 word hiermee herroep.

Kort titel en inwerkingtreding

17. Hierdie verordening heet die Verordening insake Openbare Geriewe en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

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