

PROVINCIAL NOTICE 47 OF 2016

UBUHLEBEZWE MUNICIPALITY

**BYLAWS RELATING TO PUBLIC AMENITIES**

1ST DRAFT DATE	30 th June 2014
ADOPTION BY COUNCIL	4 th December 2014
PROMULGATION DATE	9 th February 2016

The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on the 4th December 2014 in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(12) of the Local Government: Municipal Structure Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

UBUHLEBEZWE MUNICIPALITY BYLAWS RELATING TO PUBLIC AMENITIES

NOTE: Words applying to any individual shall include persons, companies and corporations, and the masculine shall include female as well as males and the singular shall include the plural and visa versa.

DEFINITIONS

1. In these bylaws, unless the context other wise indicates:-

“Council” means the Ubuhlebezwe Municipality within whose area of jurisdiction a public amenity is situated, or anyone who legally acts on the authority, or as the delegate of such Council;

“Notice” means a clear and legible official notice drawn up by the Council as displayed by order of the Council at every entrance to or at a conspicuous place at or on a public amenity.

“Public Amenity” means:-

- (a) any land, square, camping site, swimming bath, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street;
- (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 Council and to which the general public has access, whether on payment of admission fees or not;

- (c) any public amenity contemplated in paragraph (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the Council and which is situated within the Council’s area of jurisdiction.

Maximum Number of Visitors

2.

- (1) The Council may determine the maximum number of visitors who may be present at a specific time at a public amenity, provided that different numbers may so be determined for different public amenities.
- (2) The numbers contemplated in subsection (1) are to be made known by the Council by means of a notice.

Admission to and sojourn in public amenity

3.

- (1) A public amenity is, subject to the provisions of these bylaws, open to the public at the times determined by the council, provided that different times may be determined in respect of different public amenities;
- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose;
- (3) The Council may, subject to the Local Authorities Ordinance, 1974 (Ordinance No. 25 of 1974), temporarily close any amenity to visitors in case of an emergency or for the purpose of repair to or maintenance of such public amenity.
- (4) The times and places contemplated in subsection (1) and (2) shall be made known by the Council by means of a notice.

Entrance Fee

4.

- (1) A visitor to a public amenity shall pay the entrance fees approved and promulgated by the Council in its tariff of charges and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may also be determined in respect of visitors of different ages.

Nuisances

5.

No person shall perform or permit any of the following acts to be performed in or at a public amenity:-

- (a) the use of a language or the performance of any other act with the purpose of disturbing the good order;
- (b) the discharge of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults;
- (c) the burning of rubble or refuse;
- (d) the causing of unpleasant or offensive smells;

- (e) the production of smoke nuisances; or
- (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments, or the excessive use of loudspeakers, radio reception devices, television sets, or similar equipment.
- (g) Any other nuisance as contained in the Council's General and Nuisance Bylaws. For the purpose of this section, public street and public place shall be deemed to include a public amenity.

HEALTH

6. No person shall in or at a public amenity:-
- (a) 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 the purpose in or at the amenity;
 - (b) pollute or contaminate in any way the water in any bath, swimming bath, dam, spruit, river or water-course;
 - (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
 - (d) perform any act that may detrimentally affect the health of any visitors to a public amenity.

STRUCTURES

7. No person shall, without the written consent of the Council having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything else, except a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice, provided that application for such consent shall be made to the Council on a form provided for that purpose, at least 21 days before such erection.

LIQUOR AND FOOD

- 8.
- (1) No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic beverage or any food of whatever nature
 - (2) Subject to the provision of subsection (1) no person shall on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by a notice, provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health, provided further that no live animals, poultry or fish may be killed or skinned on, or in or at a public amenity .

9.

- (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions in respect of different public amenities and different types of animals, birds, fish and poultry.
- (2) The directions contemplated in subsection (1), shall be made known by means of notice, on, in or at a public amenity.

LOITERING

10. No person leading the life of a vagrant or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in a public street, public place or other non-private place or who habitually begs for money or goods or persuades others to beg for money or goods on his behalf, may loiter or linger about or sleep on, in or at a public amenity.

GATHERINGS AND PROCESSIONS

11.

- (1) No person shall without the consent of the Council or contrary to any condition which the Council may impose when granting such consent:-
 - (a) arrange, present or attend any public entertainment;
 - (b) collect money or any other goods for charity or any other purpose from the general public;
 - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
 - (d) arrange, hold, address or attend any meeting;
 - (e) arrange, hold or attend 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 or attend an auction;
 - (i) tell fortunes for compensation in or at a public amenity;
- (2) For the purpose of this bylaw “**public gathering or procession**” shall mean a procession or gathering of 12 or more persons.
- (3) Consent contemplated in subsection (1), shall be refused only if the Council is of opinion that:-
 - (a) it will give a rise to:-
 - (i) Public rioting;
 - (ii) the disturbance of public peace;

- (b) it would be detrimental to the public or the users of or visitors to the public amenity; or
 - (c) it would be detrimental to the public amenity concerned.
- (4) Any person who requires the Council's written consent for any action contemplated in subsection (1), shall apply in writing to the Council at least 21 days before such action on the form provided for this purpose.

SAFETY AND ORDER

12.

- (1) No person shall, subject to subsection (2), in or at any public amenity:-
- (a) damage or disfigure anything within such amenity;
 - (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 barbecue meat, except at a place indicated for that purpose by notice;
 - (d) throw away any burning or smouldering object;
 - (e) throw or roll any rocks, stone or object from any mountain, koppie, slope or cliff;
 - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
 - (g) behave himself in an improper, indecent, unruly, violent or unbecoming manner;
 - (h) cause a disturbance;
 - (i) wash, polish or repair a vehicle, provided that the foregoing provisions of this paragraph shall not be applicable to the emergency repair of a vehicle;
 - (j) walk, stand, sit or lie in a flower bed;
 - (k) kill, hurt, swallow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
 - (l) walk, stand, sit, lie on grass contrary to any provisions of a notice;
 - (m) 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;
 - (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years; or
 - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.
- (2) The Council may by way of a notice and subject to such conditions as the council deems necessary and mentioned in the notice, authorise any of the actions contemplated in subsection (1).

WATER

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

LAUNDRY AND CROCKERY

VEHICLES

15.

- (1) No person may bring into a public amenity any truck, bus, motorcar, motorcycle, motor tricycle, bicycle or any other vehicles, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Council, provided that different directions may be determined for different amenities and for such different vehicles, crafts or aeroplanes.
- (2) The Council may determine the speed limit applicable in a public amenity, provided that different speed limits may be determined for different public amenities and for such different vehicles, craft or aeroplanes.
- (3) The directions contemplated in subsection (1) and speed limit contemplated in subsection (2) shall be made known by the Council by way of a notice.

GAMES

16. No games 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 Council and which is made known by way of notice.

IMPROPER OR INDECENT BEHAVIOUR

17. No person may in or at a public amenity:-

- (a) perform an indecent act or conduct himself improperly by exposure of his person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd, dirty or indecent language;
- (c) write, paint, draw or in any way make a filthy or immoral figure, writing, drawing or representation;
- (d) defecate, urinate or undress, except in such building or premises intended or indicated by notice for such purpose or enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex.

CLOTHING

18. Visitors to or a user of a public amenity shall at all times be clothed decently in public.

POWERS OF A PERSON IN CONTROL

19. A person appointed by the Council to control a public amenity may:-

- (a) in a public amenity at any time enter upon any place, land, premises or building and conduct an investigation thereat in order to determine whether the provisions of these bylaws are complied with;

lawful order of such a person, shall have the same powers, functions and duties as such person.

PENALTIES, OFFENCES AND APPEALS

20. The provisions of the council's Bylaws Relating to Offences, Penalties and Appeals shall apply mutatis mutandis to these bylaws.

REPEAL OF BYLAWS / REGULATIONS

1. Provincial Notice 289, 1978 dated 15 June 1978 in terms of which the Ixopo Health Committee adopted Regulations relating to the Hire of the Memorial and Agricultural Halls is hereby repealed.