

LEKWA LOCAL MUNICIPALITY



DRAFT PUBLIC AMENITIES BY-LAW

The Council of Lekwa Local Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following By-law:

PUBLIC AMENITIES BY-LAW

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1 Definitions

- (1) For the purpose of this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates: -

- "Municipality"** means the Govan Mbeki Municipality;
- "Municipal Council"** means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
- "Municipal Manager"** means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person –
- a) acting in such a position;
 - b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
- "notice"** means an 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 these by-laws;
- "public amenity"** means –
- (a) any land, 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 aforesaid if it is lawfully controlled and managed in terms of an agreement concluded by any person with the municipality, and
 - (iii) any public amenity hired from the municipality;

2 Maximum number of visitors

- (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] shall be made known by the municipality by means of a notice.

3 Admission to and sojourn in a public amenity

- (1) A public amenity is, subject to the provisions of these by-laws, open to the public during the times determined by the municipality and made known in a notice;
- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

4 Entrance fees

- (1) A visitor to a public amenity shall pay entrance fees determined from time to time by the municipality and such entrance fees shall be made known 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.

5 Nuisances

- (1) 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.

6 Health matters

- (1) 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 that 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 visitor to a public amenity.

7 Structures

- (1) 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;

8 Liquor and food

- (1) 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.
- (2) 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 notice; provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and hygienic 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, in or at a public amenity.

9 Animals

- (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.

10 Use of public amenities

(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;
- (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.

11 Safety and order

(1) No person shall, subject to subsection [2], in or at a 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 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 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) walk, stand sit or lie on grass contrary to the 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;
 - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond;.
- (2) The municipality may by way of notice and subject to such conditions as the municipality deems necessary and mentioned in a notice, authorise any of the actions contemplated in subsection [1].

12 Water

- (1) No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

13 Laundry and crockery

- (1) 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.

14 Vehicles

- (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 shall determine 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.

15 Games

- (1) 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.

16 Penalties

- (1) Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-laws 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:
- (a) a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
 - (b) in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days 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
 - (c) 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.

17 Repeal of by-laws

(1) Any other by-laws adopted by the municipality relating to public amenities are, from the date of promulgation of this by-law, repealed.

18 Short title

(1) This By-law shall be called the Public Amenities By-law, 2015.