

The Council of the Okhahlamba Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following By-laws which By-laws shall come into operation on the date of publication of this notice:

OKHAHLAMBA LOCAL MUNICIPALITY
BY-LAWS RELATING TO PUBLIC AMENITIES

1. DEFINITIONS

- (1) In these By-laws, unless the context otherwise indicates—

"Council" means the Okhahlamba Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regards to these By-laws;

"notice" means a clear and legible official notice drawn up by the Council and displayed at every entrance to or at a conspicuous place at or on a public amenity; and

"public amenity" means—

- (a) any land, square, camping site, swimming-bath, public resort, nature reserve, zoological, botanical or other garden, park, hiking trail, or natural water source 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, and includes any public amenity contemplated in paragraphs (a) and (b) which is situated within the area of jurisdiction of the Council, if it is lawfully controlled and managed in terms of an agreement by a person other than the Council.
- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. MAXIMUM NUMBER OF VISITORS

- (1) The Council may determine the maximum number of visitors who may be present at a specific time in or at a public amenity. Provided that different numbers may so be determined for different public amenities.

- (2) The numbers contemplated in subsection (1) are made known by the Council 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 Council: Provided that different times may be determined in respect of different public amenities.
- (2) No visitors shall enter or leave a public amenity at a place other than that indicated for that purpose.
- (3) The Council may temporarily close any public 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.

4. ENTRANCE FEES

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

5. NUISANCES

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

- (1) The use of language or the performance of any other act with the purpose of disturbing good order.
- (2) The firing of firearms or fireworks.
- (3) The burning of rubble or refuse.
- (4) The causing of unpleasant or offensive smells.
- (5) The production of smoke nuisance.
- (6) The causing of disturbances by fighting, shouting, or arguing.
- (7) Any other act which is in contravention of any legislation or which is, in the opinion of the person in control as contemplated in section 14, creating a nuisance.

6. HEALTH MATTERS

No person shall, in or at a public amenity—

- (1) 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;

- (2) pollute or contaminate in any way the water in any public swimming-bath, dam, spruit, river, natural water source or watercourse;
- (3) enter any public swimming-bath while suffering from an infectious or contagious disease or having an open wound on his body; or
- (4) perform any act that may affect the health of any visitors to a public amenity.

7. STRUCTURES

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, except a caravan or tent erected for camping purposes on a site specifically set aside therefor by notice: Provided that application for such consent shall be made to the Council on a form provided for that purpose, at least 21 (twenty-one) days before such erection.

8. GATHERINGS AND PROCESSIONS

- (1) No person shall, without the consent of the Council or contrary to any condition which the Council may impose when granting such consent, in or at a public place—
 - (a) arrange *or* present any public entertainment or public gathering or procession, exhibition or performance;
 - (b) collect money or any other goods for charity or any other purpose from the general public; or
 - (c) conduct any trade, occupation or business.
- (2) Consent contemplated in subsection (1), shall be refused only if the Council is of the opinion that—
 - (a) it would give rise to—
 - (i) public rioting;
 - (ii) the disturbance of public peace; or
 - (iii) the committing of an offence;
 - (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.
- (3) 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 (twenty-one) days before such action on the form provided for this purpose.

9. 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 an amenity for any purpose other than that for which it is designated or determined by notice;
 - (c) light a fire, except at a place indicated for that purpose by notice or within a safe area;
 - (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) walk, stand, sit or lie in a flower bed; or
 - (j) kill, hurt, disturb, ill-treat or catch any animal, or displace, disturb, destroy or remove any nest or eggs.
- (2) The Council may, by way of 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).

10. WATER

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

11. LAUNDRY

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

12. VEHICLES

- (1) No person may bring into a public amenity any motor vehicle, motor cycle, quad or any other vehicle, craft, or aeroplane whether driven by mechanical, or other means, except in accordance with the directions of the Council: Provided that different directions may be determined for different public amenities and for such different vehicles, craft or aeroplanes.
- (2) The Council may determine the speed limit applicable to a public amenity: Provided that different speed limits may be determined for different vehicles, or craft.
- (3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by the Council by way of notice.

13. IM PROPER OR INDECENT BEHAVIOUR

No person may, in or at a public amenity—

- (1) 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 act;
- (2) use foul, lewd, dirty or indecent language;
- (3) write, paint, draw or in any way, make a filthy or immoral figure, writing, drawing or representation;
- (4) defecate, urinate or undress, except in such building or on premises intended or indicated by notice for such purpose;
- (5) enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex; or
- (6) be clothed in an indecent manner.

14. POWERS OF A PERSON IN CONTROL

A person appointed by the Council to control a public amenity may—

- (1) 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 By-laws are complied with;
- (2) for the better exercising of any power or the performance of any function or duty assigned or granted to him, take along an interpreter who, while acting under the lawful order of such a person, shall have the same powers, functions and duties as such person;
- (3) remove any person or cause him/her to be removed from a public amenity if such a person contravenes or fails to comply with a provision of these By-laws or a direction adopted by the Council under these By-laws or a condition imposed under these By-laws.

15. PENALTIES

Any person who—

- (1) contravenes or fails to comply with a provision of these By-laws or direction adopted by the Council under these By-laws and which has been made known by notice, or of a condition imposed under such By-laws, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these By-laws, or not;
- (2) deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these By-laws; or
- (3) furnishes false, incorrect or misleading information when applying for permission from the Council in terms of a provision of these By-laws, shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R500.00 (Five Hundred Rand) or imprisonment for a period not exceeding 6 (six) months, or both the fine and the imprisonment.

16. APPLICATION

The Council may by notice determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

17. REPEAL

The By-laws relating to Public Amenities for the Okhahlamba Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.