

ALFRED DUMA LOCAL MUNICIPALITY

NUISANCES AND BEHAVIOUR IN PUBLIC PLACES BY- LAW.



NUISANCES AND BEHAVIOR IN PUBLIC PLACES BY- LAW.

To provide for measures for preventing, minimising or managing public nuisances; to prohibit certain activities or conduct in public places; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Municipality has competence in terms of the section 156 (2) of the Constitution of the Republic of South Africa to make and administer By-laws for the effective administration of the matters which it has the right to administer;

WHEREAS the Municipality has competence in terms of Part B of Schedule 5 of the Constitution relating to such matters as the control of public nuisances, municipal roads, public places, and traffic and parking;

AND WHEREAS there is a need to develop legislation to deal with the prevention or minimisation of public nuisances and to regulate behaviour in public places;

NOW THEREFORE the Municipal Council of the Alfred Duma Local Municipality acting in terms of section 156 read with Schedule 5 (Part B) of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) hereby makes the following Bylaw:

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CHAPTER 1 INTERPRETATION

Definitions:

1. In this By-law, unless the context otherwise indicates –

“area” means the area of jurisdiction of Alfred Duma Local Municipality;

“authorised official” means a person authorised to implement the provisions of this By-law, including but not limited to-

- (a) Peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) Municipal Police Officers as contemplated in the South African Police Service Act, 1995 (Act No.68 of 1995); and
- (c) Such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

“construction” means any building work or demolition and any activity ancillary to such building work or demolition;

“Head of Health” means the official of the Alfred Duma Local Municipality in charge of or responsible for the department of the Municipality dealing with matters relating to Public Health;

“heavy duty vehicle” means buses and earth-moving or earth-working vehicles;

“motor vehicle” means any self propelled vehicle having an engine or motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on any road of one or more persons or any material, item, substance or object, and includes a trailer, motor-bike, quad-bike or earth-moving or earth-working vehicle, but excludes any vehicle which is controlled by a pedestrian, or any

vehicle with a mass not exceeding 230 kilograms which is specially designed and constructed solely for mobility of any person suffering from some physical defect or disability;

“Municipal Council” or **“Council”** means the Alfred Duma Local Municipal Council, a Municipal Council referred to in section 157(1) of the Constitution;

“Municipality” means Alfred Duma Local Municipality in terms of section 155(1) of the Constitution of the Republic of South Africa

“Municipal Manager” means a person appointed in terms of section 54A of the Municipal Systems Act, 2000 (Act No.32 of 2000) as the head of administration of the municipal council;

“nuisance” means any conductor behaviour by any person or the use, keeping, producing, by0producing, harbouring or conveying, as the case may be, of any item, substance, matter, material, equipment, tool, vegetation, or animal or causing or creating any situation or condition in or on private property or in a public place or anywhere in the Municipality which causes damage, annoyance, inconvenience or discomfort to the public or to any person, in the exercise of rights common to all or of any person;

“overnight” means the period from 19h00 in the evening to 06h00 in the morning;

“public places” means –

(a) a public road;

(b) any parking area, square, park, recreation ground, sports ground, sanitary lane, open space, shopping centre on municipal land, unused or vacant municipal land or cemetery which has-

(i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for the use by the public or the owners or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(ii) at any time been dedicated to the public;

(iii) at any time been declared or rendered as such by the Municipality or other competent authority; or

- (iv) a public transportation motor vehicle but will not include public land that has been leased or otherwise alienated by the Municipality;

“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 ant 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

“public transportation vehicle” includes ant train, bus, minibus or motor vehicle travelled on land, water or in the air, conveying members of the public at a fee; and

“refuse” without somewhat limiting the ordinary meaning of the word, means any unused vehicle or machinery or part thereof, or any scrap metal material, builder’s rubble, garden refuse, debris, garbage, tyres or any other discarded or abandoned article or object.

“waste” means any substance, whether or not that substance can be reduced, re-used, recycled and recovered-

- (a) that is surplus, unwanted, rejected, discarded, abandoned or dispose of;
- (b) which the generator has no further use of for the purposes of production;
- (c) that must be treated or disposed of; or
- (d) that is identified as a waste by the Minister by notice in the *Gazette*, and includes waste generated by the mining, medical or other sector, but-
 - (i) a by-product is not considered waste; and
 - (ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste.

Interpretation of By-law

2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

CHAPTER 2

OBJECTS OF BY-LAW

3. The objects of this By-law are to provide-

- (a) measures to regulate and control conduct or behaviour which causes or is likely to cause discomfort, annoyance or inconvenience to the public or users of any public place, so as ensure that any such discomfort, annoyance or inconvenience is avoided, and where total avoidance is impossible or impractical, is minimised and managed;
- (b) certain conduct or behaviour within a public place in order to prevent nuisances; and
- (c) penalties for breach of its provisions.

CHAPTER 3

APPLICATION

4. This Bylaw applies to all areas which falls under the jurisdiction of the Alfred Duma Local Municipality and is binding on all persons to the extent applicable.

CHAPTER 4

PROHIBITED CONDUCT

General prohibition and nuisance behaviour

5. (1) No person may in a public place-

- (a) act in a manner which is dangerous to life or which may damage property;
- (b) unlawfully enter a public place to which access has been restricted in terms of this By-law or any other law;
- (c) cause a nuisance;

(b) behave in an indecent, offensive or objectionable manner.

(2) No person may in a public place-

- (a) use abusive, threatening or foul language or gestures;
- (b) fight or act riotous or physically threatening manner;
- (c) urinate or defecate, except in a facility provided for such purpose;
- (d) bathe or wash him or herself, except-
 - (i) in a bath or shower; or
 - (ii) as part of a religious or cultural ceremony in an area where such ceremony is lawfully taking place: Provided no nuisance is caused thereby;
- (e) bathe or wash clothes, animals or other articles;
- (f) spit;
- (g) perform any sexual act;
- (h) appear in the nude or expose his or her genitalia;
- (i) consume any liquor or be in a state of intoxication;
- (j) use any drugs or be under the influence of drugs;
- (k) solicit or importune any person for the purpose of prostitution, human trafficking or other illegal business;
- (l) engage in gambling or wagering;
- (m) start or keep fire unless for the purpose of making a braai in an area where such activity is permitted, unless that person is authorised to make and keep such fire by the Municipality or in terms of law;
- (n) other than a peace officer or other official person acting in terms of the law, deposit, pack, unpack, or leave goods or articles in a public place, or cause any goods or articles to be deposited, packed, unpacked or left in a public place, other than for a reasonable period during the course of the loading, off-loading or removal of such goods or articles;

- (o) carry or convey through a public road any object, item, material or substance which owing to its smell, noise, vibration, size or anything to do with its nature, character or owing to the manner of its conveyance , is such that it causes or is likely to cause a nuisance, which includes but not
 - (p) limited to a carcass of an animal, any garbage, night-soil, refuse, litter, rubbish or manure, unless carried or conveyed in a manner allowed by law and which does not cause a greater level of discomfort, inconvenience or annoyance than that allowed by any such law;
 - (q) discharge fireworks except in accordance with the By-law of the Municipality dealing with fire and other applicable law;
 - (r) lie or sleep on any bench, seating place, street or sidewalk, or use it in such a manner that it prevents others from using it;
 - (s) beg for money or goods whether by gesture, words or otherwise;
 - (t) associate or act in concert with other persons for any purpose or in any manner which causes or is likely to cause a breach of the peace;
 - (u) behave in a manner which causes or is likely to cause a danger to himself, herself, or the public;
 - (v) loiter for the purpose of or with the intention of committing an offence; or
 - (w) in any way cause a nuisance.
 - (x) keep a brothel or disorderly house or any room or place similarly used or shall let any house, room or place for such purposes, or shall take part in management or control thereof.
 - (y) failed to keep premises clean and free from filth, glass, paper, rags, tins, bottles, derelict, or old motor vehicle bodies or parts, scrap metal, lumber and the like, and any vegetable growth in the nature of weeds and undergrowth, which is unsightly or is likely to become a nuisance or injurious to health, or a fire hazard or to cause annoyance to the inhabitants of the neighbourhood.
 - (z) Burn any refuse on any premises or create any noisome or offensive smells or any smoke nuisance thereon.
- (3) The Municipality may erect signage indicating prohibited or permissible conduct in a public place for the purposes of section 5.

(4) No public meeting or gathering or procession of persons or vehicles, other than in connection with funerals, weddings or for naval, military or police purposes, shall be permitted in any street without the previous written consent of the municipality, which consent shall not be withheld unless the municipality has reasonable grounds for believing that such public meeting or gathering or procession of person or vehicles, if held, will or is likely to:

- (a) cause a nuisance or be injurious to public health;
- (b) obstruct or interfere with vehicular or pedestrian traffic in any public street or endanger or cause annoyance or discomfort to persons using the same;
- (c) be offensive to public morals;
- (d) result in public disturbance or riots or damage to property;
- (e) interfere with the amenities and convenience of the public generally.

(5) Written application for such consent shall be received by the Municipal Manager at least 14 days before such meeting or gathering or procession of persons or vehicles, and such application shall contain the full names and addresses of the holders, convenors or organisers of the proposed meeting.

(6) Applications in terms of this section shall be considered by the Municipal Manager who may impose such further conditions and restrictions as may be deemed for the prevention or elimination of the situations to maintain good order, propriety and the public peace in general.

Vegetation

6. (1) No person may allow any tree or other growth on any premises under his or her control to-

(a) interfere with-

- (i) any public service infrastructure; or
- (ii) communal services infrastructure such as, but not limited to, overhead wires, storm water drainage or sewerage system; or
- (b) Become a source of annoyance, danger, inconvenience or discomfort to persons using a public road.

(2) The Municipality may by written notice direct the owner, occupier or person in control of premises contemplated in subsection (1) to prune or remove such tree or growth to the extent and within the period specified in such notice.

(3) If the person contemplated in subsection (2) fails to take measures contemplated in the notice issued in terms of that subsection, the Municipality may act and recover costs from that person.

(4) No person other than a duly authorised official of the Municipality may-

(a) plant a tree or plant in a public place, or in any way cut down a tree or shrub in a public place or remove it there from, except with the written permission of the Municipality;

(b) climb, break or damage a tree growing in a public place; or

(c) in any way mark or paint any tree growing in a public place or attach any advertisement or notice thereto.

Hanging of items on fences, walls, balconies or verandas

7. No person may dry, spread or hang washing, bedding, carpet, rags, or any other item-

(a) in a public place;

(b) over a fence or wall which borders the verge of a public road;

(c) on premises in such a manner that it is visible from a public road; or

(d) on a balcony or veranda in such a manner that it is visible from a public road.

Noise

8.(1) No person may in a public place cause or permit to be caused any disturbance or impairment of the convenience or peace of any person by shouting, screaming or making any other loud or persistent noise, including amplified noise or sound, except where such noise or sound is emanating from –

(a) an authorised public meeting, gathering, congregation or event; or

(b) an emergency or rescue announcement,

Which noise or sound is normally associated with such meeting, gathering, congregation, event or situation and in accordance with the conditions of authorisation of any such meeting, gathering, congregation, event or situation.

(2) Subject to subsection (1), no person may permit noise or sound from a private residence or business premises in his or her control to be audible to users outside of

such premises to such an extent that it reasonably interferes with the use and enjoyment by an owner or occupier of his or her property, except for places of entertainment as defined in the planning scheme on zoned premises where noise or sound is normally associated with the normal use of such place and in accordance with the conditions of authorisation of that business.

(3) No person may place or position any loudspeaker or any sound equipment at, near or outside the entrance or door of any premises for the purpose of using that loudspeaker or sound equipment to-

(a) make any public announcements;

(b) invite or lure customers or any persons into that premises or other premises; or

(c) entertain any person who is in a public place.

(4) No driver or person in control of a motor vehicle may permit any amplified sound or noise to emanate from the motor vehicle such that it is audible at a distance of more than 50 meters.

(5) No person may blow, or cause to be blown, a hooter of a motor vehicle in a public place in such a manner or frequency that it creates a nuisance, unless the blowing of a hooter is necessary to alert any pedestrian or any user of another motor vehicle of any danger or to alert any user of a motor vehicle to any act or to desist from an act is connected with the flow of traffic or parking of motor vehicles.

(6) No person may rev the engine of a stationary motor vehicle in such a way that it causes nuisance in a public place: Provided that a person may rev an engine for the purposes of repairing such motor vehicle which has broken down in or near a public place.

(7) No person may engage in any construction or cause or allow such construction to occur, in a residential area –

(i) before 07h00 and after 18h00 from Monday to Saturday; and

(ii) at any time on any Sunday or public holiday,

except under circumstances where such construction is necessary in order to preserve property or the life, safety or health of persons.

Litter

9. (1) No person may within a public place, deposit, dump or discard any waste or litter –

(a) in a manner that detracts from the cleanliness of such public place or which causes a nuisance; and

(b) anywhere other than in a receptacle provided by the Municipality for that purpose.

(2) No person may permit waste or litter from or on any land or premises to be discarded, dumped, stored, kept or disposed of in such a manner that such waste or litter causes a nuisance.

Conduct regarding motor vehicles

10. (1) No person may in a public place –

(a) wash or clean any motor vehicle, except in an area designated by the Municipality for that purpose; or

(b) effect any repairs to a motor vehicle or boat, except where repairs are necessary for the purpose of removing such motor vehicle from the place where it was involved in an accident or had a breakdown.

(2) No person may in a public place –

(a) sleep in a stationary motor vehicle except in an emergency, or where such person is the driver of a public transportation motor vehicle, is guarding a motor vehicle, or is in a designated rest area; or

(b) reside in a motor vehicle for longer than 24 hours,

unless that person sleeps for the purposes of resting after a long journey using that vehicle: Provided that an authorised official may at any time direct that person to move the vehicle away from such place or to desist from sleeping or residing in the vehicle.

(3) Unless permitted to do so by the Municipality or in terms of any land use scheme or legislation, no person may park a heavy duty vehicle from 19h00 to 06h00 on private premises or vacant land.

Skating, roller-skating and other dangerous acts

11. (1) No person may on a public place skate on roller-skates, or a skateboard or similar device except where permitted by the Municipality;

(2) No person may in a public place do anything which may endanger the life or safety of any person or animal including but not limited to shooting with a bow and arrow or catapult, or throwing a stone, stick or other projectile in, onto or across a

public place: Provided that shooting with a pellet gun or similar object which is intended solely for recreational purpose is not prohibited if it is discharged safely.

Obstructing, blocking or disturbing of traffic and pedestrians

12. (1) No person may –

(a) in a public place, intentionally block or interfere with the safe or free passage of a pedestrian or motor vehicle, unless to the extent authorised by law; or

(b) approach any pedestrian or a person inside a motor vehicle on any public road or public road intersection or any other public road for the purposes of begging from such pedestrian or person in a motor vehicle.

(2). Any person who unlawfully blocks, occupies or reserves a public parking space, or begs, stands, sits, lies in a public place, or does anything which hinders or disturbs the flow of pedestrian or road traffic must immediately cease to do so when directed by an authorised official.

Excavation in public places

13. (1) No person may make or cause to be made an excavation, a pit, trench or hole in a public place –

(a) except with the written permission of the Municipality; and

(b) otherwise than in accordance with the requirements prescribed by the Municipality or authorised in terms of the applicable By-law of the Municipality or any other law.

(2). The provision of subsection (1) do not prevent a person from erecting an umbrella or any other similar object in a public place: Provided that the manner in which it is erected does not result in damage to the vegetation or anything forming part of the public place concerned.

(3) No person, being the owner or occupier of any premises abutting on any street or footpath, shall

(a) permit any builders rubble, sand, stone or any other material to be shifted, blown or washed from such premises onto any street, sidewalk or footpath.

Weed-killers, herbicides, poison or pesticides

14 No person other than an authorised official or an authorised person who administers legally approved weed-killer, herbicides, poisons or pesticides may set or cast such substances in any public place.

Municipal property

15. (1) No person, unless authorised by the Municipality or in terms of any other law, may within a public place –

- (a) deface, damage, destroy or remove any property or part thereof which is affixed, placed or erected in or on a public place;
- (b) paint or draw graffiti or other form of art or hobby on any property which forms part of a public place;
- (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;
- (d) affix or place on any municipal property, or distribute, any printed matter; or
- (e) plug, tamper with, or in way damage any plumbing, electrical, heating or other fixtures or installations.

(2) The provisions of subsection (1) do not apply to any person who is employed or authorised by the Municipality for the purposes of fixing, repairing, demolishing, renovating or providing any such service for or on behalf of the Municipality.

Nuisances arising from the use of premises

16. No owner, occupier or person in control of land or premises may use or allow such land or premises to be used in a manner which creates or is likely to create a nuisance.

CHAPTER 5

GENERAL POWERS OF THE MUNICIPALITY

Goods and services offered for sale

17. (1) The Municipality may, in terms of the By-law of the Municipality dealing specifically with informal trade, designate areas within public places, where marketing, display or offering for sale of any goods or services is prohibited or controlled in order to, amongst other reasons as contemplated in such By-law, constrain nuisances.

(2) Subsection (1) does not apply to the selling of newspapers at intersections or to the sale of goods by non-governmental organisations or developmental organisations who may apply for exemption for all their traders.

(3) Notwithstanding subsection (1), the Municipality may, in terms of the By-laws contemplated in subsection (1), issue permits for the sale of goods or services, and in so doing, the Municipality may limit the number of permits for an area and stipulate such conditions as it may from time to time prescribe.

(4) No person who carries on business as a street trader, vendor or hawker shall permit or cause his or her activities to –

- (a) cause a nuisance;
- (b) obstruct or interfere with vehicular or pedestrian traffic in any public place;
- (c) result in public disturbances or riots;
- (d) be offensive to public morals or decency; or
- (e) interfere with the amenities and convenience of the public generally.

Designated areas

18. The Municipality may in relation to any public place, to the extent empowered by law-

- (a) designate a public place or part thereof for a specific function or use at designated times or at all times, and prohibit certain activities or conduct in respect of any such public place;
- (b) develop any public place in the interest of the public;
- (c) erect, construct, establish or demolish municipal property; and
- (d) exercise any other power reasonably necessary for the discharge of its obligation in terms of this By-law relating to the management of public place or otherwise in terms of any other law.

Restricted access

19. (1) The Municipality may, by appropriate signage, restrict access to any part of a public place for a specified period of time to –

- (a) protect any aspect of the environment within a public place;
- (b) reduce vandalism and the destruction of property;
- (c) improve the administration of a public place;
- (d) develop a public place;
- (e) enable a special event which has been permitted in terms of this By-law or any other law to proceed; or
- (f) undertake any activity which the Municipality reasonably considers necessary or appropriate to achieve the purposes of this By-law.

CHAPTER 6

ENFORCEMENT

Powers of authorised officials

20.(1) The authorised official may, in respect of premises, at all reasonable times enter any land or premises on which a nuisance in terms of this By-Law occurs or is alleged to occur or to have occurred and -

- (a) inspect or monitor the land or premises;
- (b) question owner, occupier or person in control of the land or premises;
- (c) serve any compliance notice to the owner, occupier or person in control;
- (d) take photos of any items used on the land or in the premises to cause a nuisance; and
- (e) take samples or other evidence in respect of any nuisance caused.

(2) A duly authorised official may, in respect of a nuisance caused or alleged to be caused in a public place, instructs a person to cease an act conduct which causes such nuisance, with immediate effect.

(3) If it appears to the authorised official that it is not possible for the offending person to comply with his or her instructions forthwith, the enforcement officer must issue a warning notice in the form prescribed by the Municipality, instructing the offending person to cease an act or conduct causing nuisance within a reasonable time period.

(4) When issuing a warning notice the authorised official must procure the signature of the offending person confirming receipt of a warning notice.

(5) The authorised official must inform the offending person that –

(a) a signature of the offending party in terms of subsection (3) does not on its own constitute an admission of guilt; and

(b) it is an offence in terms of this By-law to refuse to sign a warning issued by an authorised official.

CHAPTER 7

OFFENCES AND PENALTIES

Offences

21.(1) A person commits an offence if he or she –

(a) contravenes any provision of this By-law;

(b) contravenes any conditions, restrictions or prohibitions imposed in terms of this By-law;

(c) fails to comply with the terms of any notice or signage displayed in terms of this By-law;

(d) obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this By-law; or

(e) fails to obey any lawful instruction or direction given to him or her in terms of this By-law.

(2) A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence.

Penalties

22.(1) Any person who is convicted of an offence under this By-law is be liable to a fine of an amount not exceeding R4000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.

(2) In the case of a continuing offence, an additional fine of an amount not exceeding R200 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

CHAPTER 8

GENERAL PROVISIONS

Appeals

23.(1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government Municipal Systems Act, 2000 (Act No.32 of 2000) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority.

(3) The appeal authority must commence with an appeal within 6 weeks and decide the appeal within a reasonable period.

(4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

(5) The appeal authority must furnish written reasons for its decision on all appeal matters.

(6) All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

(7) Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of subsections (1) to (5).

Repeals:

24. The By-laws and Notices listed in the Schedule to this By-law are hereby repealed to the extent mentioned in the third column of the said Schedule.

Delegations:

25.(1) Subject to the Constitution and applicable national and provincial laws, any –

(a) power, excluding a power referred to in section 160(2) of the Constitution:

(b) function; or

(c) duty conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in terms of sub-section (1) must be effected in accordance with the system of delegation adopted by the council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the –

(a) entity or person issuing the delegation or sub-delegation;

(b) recipient of the delegation or sub-delegation;

(c) conditions attached to the delegation or sub-delegation.

Short title and commencement

26. This By-law is called the Nuisances and behaviour in Public Places By-law, 2015 and takes effect on the date of publication thereof in the *Provincial Gazette* or as otherwise indicated in the notice thereto.

SCHEDULE 1

LAWS REPEALED

(in terms of section 24 of this By-law)

Number and year of law	Title	Extent of repeal
Municipal Notice No. 237 of 1992	Borough of Ladysmith: By-laws relating to nuisances: Amendment.	The whole.

DETERMINATION OF ADMISSION OF GUILT FINES

BY-LAWS RELATING TO ALFRED DUMA LOCAL MUNICIPALITY: NUISANCES AND BEHAVIOR IN PUBLIC PLACES, 2015

Contravening Section	Short description of Offence	AG fine	Computer Code
	General prohibition and nuisance behaviour		
5 (1)(a)	Act in manner which is dangerous to life / property	No Ag	
5.(1)(b)	Unlawfully enter a restricted public place	No AG	
5.(1)(c)	Cause a nuisance	R2000	
5.(1)(d)	Behave in an indecent, offence objectionable manner	R500	
5.(2)(a)	Use abusive, threatening, foul language / gestures	R200	
5.(2)(b)	Fight or act riotous / physically manner	No AG	
5.(2)(c)	Urinate/defecate in public	R200	
5.(2)(d)	Bathe / wash in public	R200	
5.(2)(e)	Bathe / wash clothes, animals	R100	
5.(2)(f)	Spit in public	R100	
5.(2)(g)	Perform any sexual act	R500	
5.(2)(h)	Appear in the nude, expose genitalia	R500	
5.(2)(i)	Consume liquor / state of intoxication	R200	
5.(2)(j)	Use any drugs / under influence of drugs	R200	
5.(2)(k)	Solicit in prostitution / human trafficking	No AG	
5.(2)(l)	Engage in gambling / wagering	R200	
5.(2)(m)	Start / keep fire	R2000	
5.(2)(n)	Deposit, pack, unpack or leave goods in a public place	R200	
5.(2)(o)	Nuisance – object, item, material, refuse, rubbish, ect	R200	
5.(2)(p)	Discharge fireworks	R500	
5.(2)(q)	Lie / sleep in a public place	R100	
5.(2)(r)	Beg for money / goods	R200	
5.(2)(s)	Associate / act in concert causing a nuisance	R2000	
5.(2)(u)	Loiter for purpose of committing crime	R100	
5.(2)(v)	Cause any nuisance	R2000	
5.(2)(w)	Keep brothel / disorderly house	No AG	
5.(2)(x)	Failed to keep premises clean – rubbish, scrap	R500	
5.(2)(y)	Burn refuse	R1000	

5.(4)	Public meeting, gathering or procession without consent	No AG	
5.(4)(a)	Public gathering - nuisance	R1000	
5.(4)(b)	Public gathering – obstruct / interfere traffic	R1000	
5.(4)(d)	Public gathering – riots, public disturbance	No AG	
5.(4)(e)	Public gathering – interfere public generally	R1000	
5.(5)	Not applied for consent – 14 days prior	R1000	
	Vegetation		
6.(1)(a)	Vegetation interfere public infrastructure	R500	
6.(1)(b)	Vegetation source of annoyance, danger, inconvenience	R500	
6.(2)	Not complying with written notice	R500	
6.(4)(a)	Plant / cut tree or plant in public place	R200	
6.(4)(b)	Climb, break / damage tree in public place	R200	
6.(4)(c)	Mark / paint / attached advertisement to tree in public place	R500	
	Hanging of items		
7.(a)	Dry, spread, hang washing in public place	R200	
7.(b)	Dry, spread, hang washing on walls	R200	
7.(c)	Dry, spread, hang washing – visible from public road	R200	
7.(d)	Dry, spread, hang washing on balcony or veranda	R200	
	Noise		
8.(1)	Noise – shouting, screaming, amplified noise	R2000	
8.(2)	Noise – audible from premises	R2000	
8.(3)	Noise - place loudspeaker or any sound equipment near door of any premises	R2000	
8.(4)	Noise – amplified sound audible from motor vehicle 50 meters	R2000	
8.(5)	Noise – blow hooter causing nuisance	R500	
8.(6)	Noise – rev engine of motor vehicle	R500	
8.(7)	Noise – construction after specified hours	R500	
	Litter		
9.(1)(a)	Deposit litter / waste in a public	R200	

	place		
9.(1)(b)	Deposit litter / waste anywhere except Municipal Landfill Site	R2500	
9.(2)	Deposited litter / waste on any land	R2500	
	Conduct regarding motor vehicles		
10.(1)(a)	Wash / clean motor vehicle in a public place	R200	
10.(1)(b)	Any repairs to a motor vehicle in a public place	R200	
10.(2)(a)	Sleep in a stationary motor vehicle	R200	
10.(2)(b)	Reside in a motor vehicle longer than 24 hours	R200	
10.(3)	Park heavy duty vehicle overnight on private premises	R500	
	Skating, roller-skating / dangerous acts		
11.(1)	Use skate / roller-skates in a public place	R100	
11.(2)	Using bow and arrow / other dangerous devices endangering persons / animals	R500	
	Obstructing traffic / pedestrians		
12.(1)(a)	Block / interfere free passage of pedestrian / traffic	R1000	
12.(1)(b)	Approach pedestrian / traffic to beg for money	R200	
12.(2)	Unlawfully block, occupies public parking space	R500	
	Excavation		
13.(1)(a)	Excavation – without permission	R1000	
13.(1)(b)	Excavation – not in accordance with requirements	R1000	
13.(2)	Erecting umbrella or other – damaging vegetation	R200	
13.(3)(a)	Owner permitted sand / rubble to wash on road	R500	
	Weed-killers		
14.	Administered weed-killers not authorised to do so	R1000	
	Municipal property		
15.(1)(a)	Deface, destroy or remove municipal property	No AG	
15.(1)(b)	Paint / graffiti on municipal property	R1000	
15.(1)(c)	Erect, build any structure on municipal property	R500	
15.(1)(d)	Affix / place printed matter to any municipal property	R500	

15(1)(e)	Plug / tamper with plumbing, electrical	R1000	
	Nuisance arising from premises		
16.	Caused / allow nuisance create from land / premises	R2000	
	Goods and services offered for sale		
17.(1)	Informal trade – selling goods	R300	
17.(4)(a)	Informal trader – cause a nuisance	R300	
17.(4)(b)	Informal trader – obstruct / interfere	R300	
17.(4)(c)	Informal trader – public disturbance	R300	
17.(4)(d)	Informal trader – offensive	R300	
17.(4)(e)	Informal Trader – interfere with public	R300	

The abovementioned fines are determined in terms of section 57(5) of the Criminal Procedure Act.1977 (Act 51 of 1977) for the magisterial district of Klip River and are effective with immediate effect.

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MAGISTRATE: LADYSMITH