

The Council of Govan Mbeki 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:

GOVAN MBEKI MUNICIPALITY

DRAFT BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

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CHAPTER I

GENERAL

1. DEFINITIONS

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

“**adequate**” means adequate in the opinion of the Council;

“**animal**” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;

“**approved**” means approved by the Health Officer regard being had to the reasonable public health requirements of the particular case;

“**aviary**” means a roofed or unroofed enclosure used for the keeping of birds, other than a portable cage;

“**battery system**” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“**bird**” means a feathered vertebrate other than poultry;

“**cattery**” means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;

“**Council**” means the Council of the Govan Mbeki Local 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 regard to these By-laws;

“**dwelling**” means any building or part thereof used for human habitation;

“**enclosure**” in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;

“**Health Officer**” means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

“**kennels**” means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes; or
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers;

“**livestock**” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“**nuisance**” means a nuisance as defined in the Health Act, 1977 (Act No. 63 of 1977);

“**permit holder**” means the person to whom a permit has been issued by the Health Officer in terms of these By-laws;

“**person in control**” means the person actually managing or actually in control of a premises or a business;

“**pet**” means any domestic or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

“**pet salon**” means any premises in or upon which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“**pet shop**” means the business of keeping and selling pets on premises;

“**pigsty**” means a building, structure or enclosure in which pigs are kept;

“**poultry**” means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

“**poultry house**” means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry is kept;

“**poultry run**” means any unroofed wire mesh or other enclosure, whether or not an addition to a poultry house, in which poultry is kept;

“**premises**” means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these By-laws are carried on;

“**public place**” means any road, street, pavement, side-walk, park or other place to which the public has authorised and unimpeded access;

“**rabbit hutch**” means any roofed-over building or structure, other than one in which a battery systems is operated, in which rabbits are kept;

“**rabbit run**” means any unroofed wire mesh or other enclosure, whether or not an addition to a rabbit hutch, in which rabbits are kept;

“**stable**” means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys.

- (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. APPLICATION OF BY-LAWS

- (1) The provisions of these By-laws shall not apply to –
- (a) the keeping of cows for commercial milk production;
 - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
 - (c) any laboratory where animals, poultry or birds are kept for research purposes:

Provided that the Health Officer may, if he is satisfied that the application of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

- (2) The provisions of sections 4, 5, 10 and 11 shall not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons: Provided the prior approval of the Health Officer is obtained and no nuisance arises from the keeping of such goat.
- (3) The provisions of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 shall apply only to premises newly constructed, reconstructed or converted after the commencement of these By-laws: Provided that the Health Officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.

3. PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

- (1) No person shall –
- (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the Council as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that the foregoing shall not apply in respect of a veterinary clinic or veterinary hospital operating with the Council's consent;

- (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock the land shall not be less than 2,5 ha in extent.

4. KEEPING OF ANIMALS, POULTRY AND BIRDS

- (1) No person shall keep any animal, poultry or bird in or upon any premises -
 - (a) which does not comply with the provisions of these By-laws;
 - (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Health Officer, likely to cause a nuisance or injury to health.

5. PERMITS FOR KEEPING OF ANIMALS AND POULTRY

- (1) No person shall –
 - (a) keep any animal, other than a cat, dog or more than ten rabbits or poultry in excess of twenty, unless he is the holder of a permit issued by the Health Officer in the form set out in Schedule 1 hereto: Provided that such permit shall not be required for the keeping of any animal or poultry in connection with the business of a pet shop;
 - (b) keep any animal or poultry in excess of the number specified in such permit: Provided that progeny of any mammal still suckling, shall not be taken into account.
- (2) Application for such a permit shall be made to the Health Officer in the form set out in Schedule 2 hereto.
- (3) A permit shall not be transferable and shall expire on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- (4) A permit holder shall in writing notify the Health Officer if he ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Council may cancel a permit issued in terms of subsection (1)(a), if –
 - (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Health Officer requiring him to make such premises comply with the By-laws or to cease such contravention or failure within a period specified in such notice;
 - (b) any disease, which in the opinion of the Health Officer or a veterinarian, is of such a nature that it is likely to constitute a danger to the public health or to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;

- (c) the permit holder or person in control of the premises at the time, personally or through his employee obstructs the Health Officer in his execution of his duties under these By-laws;
 - (d) the permit holder has been found guilty in a competent court of a contravention of these By-laws;
 - (e) in the opinion of the Health Officer, a public nuisance exists due to the keeping of the animals.
- (6) The Health Officer shall as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) The Health Officer may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

CHAPTER II

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. REQUIREMENTS FOR PREMISES

- (1) For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirement shall be provided -
- (a) every wall and partition of the stable shall be constructed of brick, stone, concrete or other durable material.

7. DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

- (1) Every person keeping any cattle, horse, mule or donkey shall –
- (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin.

CHAPTER III

KEEPING OF PIGS

8. REQUIREMENTS FOR PREMISES

- (1) For the keeping of pigs, a pigsty complying with the following requirements shall be provided -

- (a) every wall shall be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and shall have a smooth internal surface;
- (b) the pigsty shall have a floor area of at least 3 m² for each pig to be accommodated therein, with an overall minimum floor area of 6 m².

9. DUTIES OF KEEPER OF PIGS

- (1) Every person keeping pigs shall –
 - (a) ensure that every pig is kept within a pigsty;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER IV

KEEPING OF GOATS AND SHEEP

10. REQUIREMENTS FOR PREMISES

- (1) For the keeping of any goat or sheep, premises complying with the following requirement shall be provided -
 - (a) an enclosure with an area of at least 1,5 m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m².

11. DUTIES OF KEEPER OF GOATS AND SHEEP

- (1) Every person keeping any goat or sheep shall –
 - (a) ensure that every such animal is kept within an enclosure, building or shed;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER V

KEEPING OF POULTRY

12. REQUIREMENTS FOR PREMISES

- (1) For the keeping of poultry, premises complying with the following requirements shall be provided -
 - (a) a poultry house complying with the following requirements –
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface;
 - (ii) the floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish.

13. DUTIES OF KEEPER OF POULTRY

- (1) Every person keeping poultry shall -
 - (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean, sanitary condition and in good repair;
 - (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
 - (d) ensure that such poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
 - (e) take effective measures for the prevention of harbouring and breeding, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of poultry on the premises.

CHAPTER VI

KEEPING OF RABBITS

14. REQUIREMENTS FOR PREMISES

- (1) For the keeping of rabbits premises complying with the following requirements shall be provided -
 - (a) a rabbit hutch complying with the following requirement:-
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface;

15. DUTIES OF KEEPER OF RABBITS

- (1) Every person keeping rabbits shall -

- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of rabbits on the premises.

CHAPTER VII

KEEPING OF BIRDS

16. REQUIREMENTS FOR PREMISES

- (1) For the keeping of birds in an aviary, premises complying with the following requirement shall be provided -
 - (a) the aviary shall be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes.

17. DUTIES OF KEEPER OF BIRDS

- (1) Every person who keeps birds in an aviary shall -
 - (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
 - (b) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin;
 - (c) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER VIII

DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

18. REQUIREMENTS FOR CONDUCTING BUSINESS

- (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, shall comply with the requirements of subsection (2).
- (2) Subject to the provisions of section 31, the requirements of sections 2 to 15 inclusive, shall be complied with in so far as those provisions are applicable to the animals or poultry kept.

CHAPTER IX

DOG KENNELS AND CATTERIES

19. REQUIREMENTS FOR PREMISES

- (1) No person shall maintain kennels or a cattery, unless the requirements of subsection (2), inclusive are complied with.
- (2) Every dog or cat shall be kept in an enclosure complying with the following requirement:-
 - (a) it shall be constructed of durable materials and shall have access thereto adequate for cleaning purposes.

20. DUTIES OF PERSON IN CONTROL OF KENNELS OR CATTERIES

- (1) Any person in control of kennels or a cattery shall –
 - (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
 - (b) keep any sick dog or cat in the isolation facilities required in terms of section 19(10);
 - (c) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER X

PET SHOPS AND PET SALONS

21. REQUIREMENTS FOR PREMISES

- (1) No person shall conduct a business of a pet shop or pet salon in or upon any premises–
 - (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;

22. DUTIES OF TRADER

- (1) Every person who conducts the business of a pet shop shall –
 - (a) provide cages for housing animals, poultry or birds, and the following requirements shall be complied with:-
 - (i) the cages shall be constructed entirely of metal or other durable impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (b) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
 - (c) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises.

CHAPTER XI

HAWKING OF POULTRY AND RABBITS

23. REQUIREMENTS FOR HAWKING

- (1) No person shall hawk poultry or rabbits, unless the following requirements are complied with –
 - (a) the business of a hawker shall be conducted from premises on which poultry or rabbits shall be kept in compliance with the provisions of Chapters V and VI and facilities shall be provided for the parking of the vehicle used for hawking after normal trading hours.

24. DUTIES OF HAWKER

- (1) Every person hawking poultry or rabbits shall -
 - (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
 - (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
 - (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
 - (d) store all feed in rodent proof receptacles.

CHAPTER XII

MISCELLANEOUS

25. DRAINING

All sinks, wash and hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these By-laws, shall be drained to an external gully, connected to the Council's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Council.

26. DISCHARGE OF TAPS

The taps at all water supply points required in terms of these By-laws, other than those within a building or structure the floors of which are graded and drained, shall be placed so as to discharge directly over and into a dished top fitted to an external gully connected to the Council's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Council.

27. NUISANCE

- (1) No person shall -
- (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
 - (c) fail to duly dispose of dead animals in such a manner as prescribed by the Health Officer.

28. ILLNESS ATTRIBUTABLE TO ANIMALS

The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, shall be reported to the Health Officer within 24 hours of diagnosis by the person making the diagnosis.

29. INSPECTION

- (1) The Health Officer and any officer authorised thereto by the Council may, in order to satisfy himself that the provisions of these By-laws are being complied with -
- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
 - (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and

- (c) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

30. OFFENCES AND PENALTIES

- (1) Any person –
 - (a) who contravenes or fails to comply with any provision of these By-laws; or
 - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawkler of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;
 - (c) who fails or refuses to give access to premises to the Health Officer of any officer contemplated in section 29 when requested to give such access;
 - (d) who obstructs or hinders the Health Officer or other officer in the execution on his duties under these By-laws;
 - (e) fails or refuses to give information to the Health Officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information;
 - (f) fails or refuses to comply with a notice in terms of section 2, shall subject to the provisions of subsection (2), be guilty of an offence and shall be liable on conviction to a fine not exceeding R500.00 (Five Hundred Rand) or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a fine not exceeding R20.00 (Twenty Rand) or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.
- (2) It shall be competent defence if a person referred to in subsection (1)(b) proves that he did not know could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

31. REPEAL

The By-laws relating to the Keeping of Animals, Birds and Poultry and Businesses involving the keeping of Animals, Birds, Poultry or Pets for the Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

32. APPLICATION

The Council may by notice in the *Provincial Gazette*, 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.

SCHEDULE 1

Local Municipality:
.....
.....
.....

Permit No.:.....
Date:.....

PERMIT : BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

With reference to your application dated a permit to keep the animals/ poultry as specified hereunder at address so specified is hereby granted.

*Animals/Poultry:
Address:
.....
.....

The granting of the permit is subject to your complying with the provisions of the aforementioned By-laws.

Your attention is invited to the provisions of section 5(4) of the said By-laws requiring a permit holder to notify the Council's Health Officer of any increase in the number of animals or poultry in excess of the number authorised by the permit and section 5(5) regarding the cancellation of a permit.

Yours faithfully

For Health Officer

* **Specify number and kind of animals or poultry.**

SCHEDULE 2

APPLICATION FOR A PERMIT : BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

I/We

.....
(full name of applicant/s)

hereby apply for a permit to keep *animals/poultry/rabbits on premises situated at Stand.....
Street Township, in terms of the aforementioned By-
laws of the
(name of Local Municipality)

Details of the * animals/poultry/rabbits to be kept are as follows:-

SPECIES	NUMBER
.....
.....
.....
.....

I/We accept the responsibility for the keeping of * animals/poultry/rabbits, in accordance with the provisions of the said By-laws and acknowledge that in the event of my/our failure to effect such compliance this permit may be cancelled in terms of section 5 of the said By-laws.

Signature of Applicant/s:

Capacity:

Date:

*Delete whichever is not applicable.

The Council of 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:

..... LOCAL MUNICIPALITY

DRAFT BY-LAWS RELATING TO DOGS

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1. **DEFINITIONS**

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

“**Council**” means the Local 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 regard to these By-laws;

“**dog**” means both a male and a female dog;

“**driving fees**” means the fees payable when a dog has been seized and transported to the pound by an authorised officer of the Council in terms of these By-laws;

“**owner**” in relation to a dog includes any person who keeps or has in his possession or charge a dog, excluding:

- (a) a person contemplated in paragraphs (2)(c) and (d) of item 18 of Schedule 1 to the Licences Ordinance, 1974;
- (b) a veterinary surgeon in respect of a dog left in his care for treatment;
- (c) a society for the prevention of cruelty to and the advancement of the welfare of animals registered as a welfare organisation in terms of the National Welfare Act, 1965;

“**poundmaster**” means a person in charge of a pound;

“**tax**” means the tax as determined by the Council in the appropriate resolution from time to time;

“**tax receipt**” means a receipt issued by the Council as proof that tax has been paid;

“**year**” means a period of twelve (12) months ending 24h00 on 31 December.

- (3) 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. **LIABILITY FOR TAX**

- (1) The owner shall pay the tax as determined by Council resolution in respect of each dog which is six (6) months old or older.
- (2) No owner may keep a dog which is six (6) months old or older within the Municipality unless such dog has been registered at the municipal offices and a tax receipt for such dog has been obtained.

- (3) In any legal proceedings instituted in terms of these By-laws against any person for not paying the tax prescribed in terms of subsection (1), such dog shall be deemed to be six (6) months old or older unless the contrary is proved.

3. PERSON LIABLE FOR TAX

For the purposes of these By-laws any person who keeps a dog or within whose premises any dog is found or seen, shall be deemed to be the owner of such dog until the contrary shall have been proved.

4. EXEMPTION FROM PAYMENT OF TAX

- (1) The following owners shall be exempted from the payment of tax as contemplated in section 2 –
- (a) any person residing outside the Municipality –
 - (i) who brings a dog into the Municipality for a period not exceeding thirty (30) days;
 - (ii) who brings a dog into the Municipality for treatment or boarding at a veterinary surgeon or a kennel: Provided that such dog shall be removed from the Municipality immediately after such treatment or boarding: Provided further that the owner of such dog shall be in possession of a licence issued by the authority within whose jurisdiction such dog is normally kept;
 - (b) a blind person using a dog as a guide or lead dog.

5. APPLICATION TO PAY TAX

- (1) Every person applying for a dog tax receipt shall furnish his full name and address, as well as particulars with regard to the breed and sex of the dog.
- (2) The tax payable in terms of section 2 is levied annually and is payable –
- (a) on or before 31 January of each year in respect of each dog which has attained the age as determined in section 2(1); or
 - (b) within thirty (30) days after attaining such age in respect of each dog attaining such age after 31 January: Provided that in any case where a dog attains the age of six (6) months after 30 June of the year concerned, only half the tax as prescribed shall be payable.

6. DUPLICATE TAX RECEIPT

Any person may obtain a duplicate of a tax receipt issued in terms of section 2 upon payment of the relevant charges as prescribed by Council resolution.

7. TRANSFER OF TAX RECEIPT

Where the ownership in a dog is transferred to someone else, the transferee shall, after payment to the Council of the prescribed charges cause such transfer, together with his name and address, to be endorsed on the tax receipt or on the duplicate thereof.

8. TAX RECEIPT TO BE PRODUCED FOR INSPECTION

The owner shall produce the tax receipt for inspection to any authorised officer when reasonably requested to do so.

9. IMPOUNDING OF DOGS

- (1) Any authorised officer may seize and impound any dog -
 - (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he reasonably believes that the tax due in terms of these By-laws has not been paid;
- (2) Any person may seize and impound any dog found trespassing on property of which he is the owner or occupier and -
 - (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he reasonably believes that the tax due in terms of these By-laws has not been paid.
- (3) Notwithstanding the provisions of subsections (1) and (2) no person shall seize or impound –
 - (a) any dog if he reasonably believes that such dog is exempted from tax in terms of section 4;
 - (b) any bitch rearing unweaned young, unless such bitch and unweaned young are impounded together; or
 - (c) any diseased dog in respect of which the provisions of section 10 of the Animal Diseases and Parasites Act, 1956, apply.
- (4) Any person who has seized a dog in terms of this section shall ensure that such dog is not ill-treated in any manner.
- (5) Any person who has seized a dog in terms of this section shall forthwith cause such dog to be impounded.
- (6) No person shall set free any dog that has been seized, is being kept in custody or has been impounded in terms of this section.
- (7) Subject to any provisions to the contrary in these By-laws contained, any dog impounded shall be kept in the pound until the person claiming such dog produces to the poundmaster a tax receipt in respect thereof, and shall have paid to the poundmaster the prescribed charges.

- (8) Where the name and address of a person appears on the collar of any dog impounded, the poundmaster shall forthwith give notice to such person that such dog has been impounded. A written notice addressed to the address appearing on the collar shall be deemed to be sufficient notice.

10. UNCLAIMED DOGS MAY BE SOLD OR DESTROYED

- (1) Where an impounded dog is not claimed by any person entitled thereto within five (5) days after it was impounded, an authorised officer may cause the dog to be sold or destroyed.
- (2) If the poundmaster is of the opinion that an impounded dog is so ill, or seriously injured or in such a physical condition that it would be inhuman to keep it alive, he may have it destroyed.

11. DOG'S COLLAR NOT TO BE UNLAWFULLY USED OR REMOVED

- (1) The owner of every dog aged six (6) months or older, shall provide it with a collar bearing a clear impression of the name and address of such owner.
- (2) No person shall unlawfully use or destroy the collar of a dog or remove it from the neck of the dog.

12. CERTAIN DOGS NOT ALLOWED IN PUBLIC PLACES

- (1) Subject to provisions to the contrary in these By-laws or any other law, no person shall bring or allow in a public place any dog that -
- (a) is wild, dangerous or ferocious; or
 - (b) is in the habit of charging or chasing people, vehicles, animals, fowls or birds outside the premises where such dog is kept; or
 - (c) causes damage to any person or property; or
 - (d) is a bitch on heat.
- (2) Any authorised officer may impound a dog such as that described in subsection (1).

13. DOGS NOT TO BE INCITED

- (1) No person shall, without reasonable cause -
- (a) set any dog on any person, animal or bird; or
 - (b) permit any dog under his supervision or in his custody to attack or terrify any person, animal or bird.

14. DOGS CAUSING DISTURBANCE

- (2) No person shall keep a dog that -
- (a) creates a disturbance or a nuisance; or

- (b) suffers from a contagious disease, excluding a veterinary surgeon who keeps such dog in a clinic for treatment.

15. DESTRUCTION OF DOGS

- (1) The Council may, subject to the provisions of section 10, order the destruction of a dog –
 - (a) where it appears that such dog is of the type described in section 12(1)(a), (b) and (c) and that the person claiming such dog is not entitled to its return in terms of section 9(7); or
 - (b) where such dog is found at large in any public place and appears to be ownerless; or
 - (c) where such dog is found at large in a public place and the owner refuses or fails to pay the tax due in terms of these By-laws in respect of such dog; or
 - (d) where such dog is in such a state of injury that it would, in the opinion of the Council, be humane to do so.

16. NUMBER OF DOGS ON PREMISES

- (1) The number of dogs, older than six (6) months, which may be kept within the Municipality shall be as follows –
 - (a) Two (2) dogs per household of which not more than one (1) may be an unspayed bitch: Provided that a person owning a larger number of dogs than the prescribed number at the date of promulgation of these By-laws, may continue to keep such larger number of dogs but shall not replace any dog in excess of the prescribed number should one or more of the dogs die or be disposed of, unless prior written consent of the Council has been obtained for the replacement or for exceeding the prescribed number.
- (2) The Council may at the written request of an owner of an erf, grant permission for the keeping of a larger number of dogs than the prescribed number on such erf, should it be justified in the opinion of the Council.

17. CONTROL OF DOGS IN PUBLIC PLACES

- (1) No person shall allow any dog in a public place unless the owner or another person keeps such dog on a leash.
- (2) An authorised officer may impound any dog found wandering at large and uncontrolled in a public place.
- (3) Except in the event of a blind person being lead by a guide dog, any person in charge of a dog in a public place, shall remove any faeces left by such dog.

18. ENTERING UPON PREMISES

- (1) An authorised officer may for any purpose connected with the application of these By-laws –

- (a) at any reasonable time and without notice, enter upon any premises, accompanied, if he deems it necessary, by an interpreter or other assistant with a view to –
 - (i) carrying out any examination, inspection or enquiry as he may deem necessary; or
 - (ii) exercising any other power in terms of these By-laws and he may for that purpose take any necessary appliance with him onto the premises;
- (b) call upon the owner of a dog to render such assistance or to furnish such information, including his full name and address, as such officer may reasonably require.

19. KENNELS

Subject to the provisions of any other law, no person may establish, manage or keep any kennels or a pets' boarding establishment in any residential area or in any area that has been classified in terms of an approved town planning scheme for residential usage, or within 500 metres thereof.

20. ESTABLISHMENT AND LEASE OF DOG POUND

- (1) The Council may for the purposes of these By-laws establish a dog pound and lease such pound to any person or body on the terms and conditions deemed fit by the Council.
- (2) If a pound is leased to any person or body –
 - (a) the powers and duties set forth in sections 9, 10 and 15 shall be deemed to have been delegated to such person or body or to any authorised official in the employ of such person or body, as the case may be, and the provisions of the said sections shall *mutatis mutandis* apply;
 - (b) such person or body shall accept in the pound any dog seized in terms of sections 9 or 17(2) for the purpose of impounding it and shall thereafter dispose thereof in accordance with these By-laws;
 - (c) such person or body shall be entitled to any fees payable in terms of these By-laws for an impounded dog and to any amount derived from the sale of an impounded dog in terms of section 10(1).

21. DUTIES OF POUNDMASTER

- (1) The poundmaster –
 - (a) keeps the pound open between 08h00 and 17h00 during every day of the week;
 - (b) receives any dog brought to the pound in terms of these By-laws during the hours when the pound is open and shall, subject to the provisions of these By-laws, keep such dog in the pound: Provided that the poundmaster may

refuse to receive a dog, and may release any dog if he at any time has reason to believe that such dog was not lawfully seized or impounded;

- (c) keeps a register in which the following particulars in respect of every impounded dog are recorded:
 - (i) the name, residential address and telephone number of the person who impounded the dog;
 - (ii) the time at which and date on which, the dog was impounded;
 - (iii) the place where the dog was seized or found;
 - (iv) the date on which and the time at which the dog was seized or found;
 - (v) the reason for impounding the dog;
 - (vi) the age, breed, sex, colour markings and any injury found on it when the poundmaster received it;
 - (vii) the manner in which the dog was disposed of;
 - (viii) the amount of money obtained for the release or sale of the dog;
 - (ix) the cost of any veterinary services incurred in respect of such dog;
- (d) ensures that all utensils used in connection with impounded dogs are at all times kept in a clean condition and in a good state of repair;
- (e) ensures that the pound is at all times free from flies, insects, rodents and odious smells;
- (f) ensures that every dog in the pound is properly fed and cared for;
- (g) isolates bitches on heat;
- (h) takes all reasonable steps to prevent fighting among dogs in the pound; and
- (i) isolates any diseased dog, have such dog treated by a veterinary surgeon and take all possible steps to recover the costs incurred in this respect from the owner.

22. PENALTIES

Any person contravening any of the provisions of these By-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding Five Hundred Rand (R500.00) or in default of payment, to imprisonment for a period not exceeding three (3) months, or to both such fine and imprisonment.

23. REPEAL

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

24. APPLICATION

The Council may by notice in the *Provincial Gazette*, 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.

DETERMINATION OF CHARGES IN TERMS OF THE BY-LAWS
RELATING TO DOGS

Notice is hereby given in terms of the provisions of section 10G(7)(a)(ii) of the Local Government Transition Act, (Act No 209 of 1993) or any other applicable legislation, that the Council of determined the charges as set out hereunder, with effect from

1. For every such licence or renewal thereof the following charges shall be paid annually before 31 January:-
 - 1.1 For every dog, whether a male dog or a bitch, which in the judgement of the person appointed to issue licences, is a dog of the greyhound strain or a dog of a similar kind: R.....
 - 1.2 For dogs to which the provision of paragraph 1.1 do not apply:
 - (a) male dog and spayed bitches –
 - (i) for the first male dog or spayed bitch: R.....
 - (ii) for the second male dog or spayed bitch: R.....
 - (iii) thereafter, for each male dog or spayed bitch: R.....
 - (b) unspayed bitches –
 - (i) for the first bitch: R.....
 - (ii) for the second bitch: R.....
 - (iii) thereafter, for every bitch: R.....
2. For the issue of a duplicate tax receipt: Per duplicate tax receipt: R.....
3. For the transfer of tax receipt: Per transfer: R.....
4. Pound fee -
 - 4.1 Per dog, per day: R.....
 - 4.2 Custody per dog, per day: R.....

The Council of 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:

..... LOCAL MUNICIPALITY
DRAFT BY-LAWS RELATING TO FIRE BRIGADE
SERVICES

INDEX

Section

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3. Duty to assist
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5. Closing of streets
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9. Safety of premises and buildings
10. Exits
11. Gas-filled devices
12. Making of fires
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14. Attendance of firemen
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16. Payment for attendance and service
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19. Telephones, fire alarms and other apparatus
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21. Repeal
22. Application

1. DEFINITIONS

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

- “approved”** means approved by the Chief Fire Officer;
- “Chief Fire Officer”** means the person appointed by the Council in terms of section 3(1) of the Ordinance read with section 20 of that Ordinance and includes any member of the service representing the Chief Fire Officer in the administration of these By-laws and any official representing the Chief Fire Officer and in control of any section, station, substation, fire fighting operation or other emergency operation, situation or inspection, as the case may be;
- “Council”** means the Local 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 regard to these By-laws;
- “emergency situation”** means a situation or event which constitutes or may constitute a serious danger to any person or property;
- “occupier”** means any person in actual occupation or control of any land, premises, or building, or any portion thereof without regard to the title under which he occupies or controls such land, premises, building, or portion thereof;
- “Ordinance”** means the Fire Brigade Services Ordinance, 1977, (Ordinance 18 of 1977);
- “owner”** in relation to land and premises, means the registered owner of the land or premises and includes also any person receiving the rent or profits of such land or premises from any tenant or occupier thereof, whether on his own account or as the agent for any person entitled thereto or interested therein, and in relation to a sectional title scheme, also the body corporate established in terms of the Sectional Titles Act, 1971 (Act 66 of 1971), and in relation to any vehicle it bears its ordinary meaning, and in the case of a deceased or insolvent estate, it shall also include the executor or trustee respectively;
- “service”** means a fire brigade service established in terms of section 2 of the Ordinance or deemed to have been established in terms of that section read with section 20 of the Ordinance.

(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. ORGANISATION OF SERVICE

- (1) The Chief Fire Officer may exercise control over any fire fighting organisation and any fire appliance which is at the scene of a fire whether owned by the Council or by any other person, and he shall be entitled to make such use of any fireman, volunteer and any fire appliance and other apparatus as he thinks fit.
- (2) The service may be divided into such sections as the Council may determine and each section shall be under the control of an official appointed by the Council or by the person appointed in terms of section 3(1) of the Ordinance if such power is delegated to him.

3. DUTY TO ASSIST

Any member of a fire brigade service or fire service organisation whether it is controlled by the Council or not, shall when called upon to do so by the Chief Fire Officer, render all assistance in his power in connection with the combating or containing of a fire or any other emergency situation.

4. PROCEDURE ON THE OUTBREAK OF FIRE

- (1) Where the service has been notified of or there is reason to believe that an outbreak of fire or other situation has occurred where the services of the service are required, the Chief Fire Officer shall, together with such personnel and appliances as he thinks necessary, forthwith proceed to the place where the fire or other situation is taking place or where he has reason to believe that it is taking place.
- (2) The Chief Fire Officer may assume command of, or interfere with, or put a stop to any existing situation or any operation being conducted in respect of a fire by any person not employed in the service, including the owner of the premises and his employee or agent and no person shall fail to comply with any order or direction given by the Chief Fire Officer in pursuance of this subsection.

5. CLOSING OF STREETS

- (1) The Chief Fire Officer or any traffic officer or any member of a police force may close off any street, passage or place for as long as he deems necessary for the effective fighting of a fire or dealing with any emergency situation.
- (2) Any person ordered to leave an area closed off in terms of subsection (1), shall forthwith obey such order.

6. OBSTRUCTION AND DAMAGE

- (1) No person shall interfere with, or hinder any official of the service, or any traffic officer or member of a police force or other person acting under the orders of such official, officer, or member in the execution of his duties under these By-laws or the Ordinance.
- (2) No person shall wilfully or negligently drive a vehicle over any hose, or damage, tamper with or interfere with any such hose or any appliance or apparatus of the service.

7. WEARING OF UNIFORM AND INSIGNIA

- (1) The Chief Fire Officer and every member of the service shall wear the uniform, rank markings and insignia prescribed by the Ordinance.
- (2) No person other than a member of the service shall wear a uniform of the service or wear any uniform intended to convey the impression that he is such a member, or in any other manner represent himself to be a member of the service.

8. COMBUSTIBLE MATERIAL

- (1) Where the Chief Fire Officer is of the opinion that any person -
 - (a) stores or causes or permits to be stored, whether inside or outside any building any timber, packing cases, forage, straw or other combustible material in such quantities or in such a position or in such manner as to create a danger of fire to any building; or
 - (b) in occupation or control of any premises permits any trees, bushes, weeds, grass or other vegetation to grow on such premises, or any rubbish to accumulate thereon in such a manner or in such quantities as to create a danger of fire to any building or any premises;

the Chief Fire Officer may by notice in writing require such person or the owner or occupier or the person in charge of the premises to remove the said combustible material or grass, weeds, trees, other vegetation or rubbish, or to take such other reasonable steps to remove the danger of fire as he may prescribe in such notice by a specified date.

- (2) Where there has been no compliance with the requirements of the notice the Chief Fire Officer may take such steps as he deems necessary to remove such danger and the cost thereof shall be paid to the Council by the person to whom the notice was directed.

9. SAFETY OF PREMISES AND BUILDINGS

- (1) The Chief Fire Officer may, whenever he deems it necessary and at any time, which in his opinion is reasonable in the circumstances -
 - (a) enter any land, premises or building and inspect –
 - (i) such land, premises or building for the purpose of ascertaining whether any condition exists which may cause a fire or emergency situation, or which may increase the danger of, or contribute towards the spread of fire, or the creation of any emergency situation, or jeopardise or obstruct the escape of persons to a place of safety;
 - (ii) any fire-alarm, sprinkler system or other fire-fighting or fire-detecting appliance;
 - (iii) any manufacturing process involving the danger of fire or explosion;

- (iv) the method of storing of any flammable gas, chemicals, oils, explosives, fireworks or any hazardous substance; and
 - (v) any installation making use of the substances referred to in subparagraph (iv);
 - (b) give such directions as he may deem necessary for lowering the risk of fire or for the protection of life and property.
- (2) Where the Chief Fire Officer finds on any premises –
- (a) any flammable, combustible or explosive matter is so stored or used as to increase the risk of fire or the danger to life or property;
 - (b) any situation, or practise existing, which in his opinion is likely to cause or increase such danger or is likely to interfere with the operation of the service or the escape of persons to a place of safety; or
 - (c) any defective, inferior or an insufficient number of fire appliances;

he shall subject to the provisions of subsection (3), direct the owner or occupier of such land, premises or building to forthwith take such steps as he may deem expedient for the elimination of the danger.

- (3) Should the Chief Fire Officer find in any building or on any premises -
- (a) any obstruction on or in any fire-escape, staircase, passage, doorway or window; or
 - (b) a fire-escape or means of escape which, in his opinion would, in the event of fire be inadequate for the escape to a place of safety of the number of persons likely to be in such building or premises at any time; or
 - (c) any other object or condition of a structural nature or otherwise, which, in his opinion, may increase the risk of fire or the danger to life or property; or
 - (d) that a fire-alarm or other communication system is required;

the Chief Fire Officer shall notify the owner or occupier of such building in writing of his findings, and require of him to take such steps at such owner or occupier's own cost to rectify the irregularity within such time as is stated in such notice.

- (4) Where the owner or occupier fails or refuses to comply within a reasonable time with a direction in terms of subsection (2), or to implement the requirements of a notice in terms of subsection (3) within the time specified in such notice, the Council may take such steps as are, in the opinion of the Chief Fire Officer, necessary to remove such risk or danger and the Council may recover from such owner or occupier any expenditure incurred thereby.

10. EXITS

Every door which affords an escape route from a public building to a place of safety shall be kept unlocked and shall be clearly indicated with approved exist signs: Provided that

such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building.

11. GAS-FILLED DEVICES

- (1) No person shall fill any balloon, toy or other device with flammable gas without the written permission of the Chief Fire Officer, who may impose such conditions as he may require having regard to all the circumstances of the case: Provided that such permission shall only be granted after the person concerned has furnished the Council with an indemnity in the form set out in the appropriate Schedule thereto.
- (2) No person shall keep, store, use or display or permit to be kept, used, stored or displayed any balloon, toy or other device filled with flammable gas on or in any land, building or premises to which the public has access or which is used as a club or any place of assembly.
- (3) Nothing in this section contained shall be so construed as to prevent the use of balloons filled with hydrogen for meteorological or other *bona fide* scientific or educational purposes.

12. MAKING OF FIRES

- (1) No person shall make a fire, or cause, or permit a fire to be made in such a place or in such a manner as to endanger any building, premises or property.
- (2) Subject to the provisions of any other law, no person shall, without the written permission of the Chief Fire Officer, burn any rubbish, wood, straw or other material in the open air or cause or permit it to be done, except for the purpose of preparing food.
- (3) Any permission granted in terms of subsection (2) shall be subject to such conditions as are imposed by the Chief Fire Officer.

13. FIRES IN CHIMNEYS, FLUES AND DUCTS

No owner or occupier of a building shall wilfully or negligently allow soot or any other combustible substance to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a danger of fire.

14. ATTENDANCE OF FIREMAN

- (1) Where in the opinion of the Chief Fire Officer, the presence of a fireman is necessary on the grounds of safety, he may provide one or more firemen to be in attendance at any premises during the whole or part of any entertainment, recreation, meeting or other event.
- (2) The person in control of such entertainment, recreation, meeting or other event shall pay to the Council the charges as determined by Council.

15. REMOVAL OF LIQUID OR OTHER SUBSTANCES

The Chief Fire Officer may at the request of the owner or occupier of any premises pump or otherwise remove any liquid or other substance, from such premises, subject to payment of the charges as determined by Council.

16. PAYMENT FOR ATTENDANCE AND SERVICE

- (1) Subject to the provisions of section 17, the owner or occupier of land or premises, or both such owner and occupier jointly and severally, or the owner of a vehicle, as the case may be, in connection with which the attendance of the service was requested or any services of the service was rendered, shall pay to the Council the charges determined by the Chief Fire Officer to be due in accordance with the charges set out in the tariff of charges as approved by Council for such attendance or service, including the use and supply of water, chemicals, equipment and other means.

- (2) (a) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may assess the whole or portion only of the charges contemplated in subsection (1): Provided that such portion shall not be more than ninety percent (90%) lower than the aggregate of the charges which would have been payable in terms of subsection (7): Provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be had to –
 - (i) the fact that the amount so assessed shall be commensurate with the service rendered;
 - (ii) the manner and place of origin of the fire; and
 - (iii) the loss which may have been caused by the fire to the person liable to pay the charges, if the services of the service had not been rendered.

- (b) Where charges are assessed in terms of paragraph (a) and the person liable to pay such charges is dissatisfied with such assessment, he may lodge an appeal with the Premier in the manner provided for in section (1) of the Ordinance.

- (c) An appeal in terms of paragraph (b) shall be lodged by forwarding within fourteen (14) days after receipt of an account for the assessed charges a notice of appeal, by registered post to the Director of Local Government, and by forwarding by registered post a copy of such notice to the Chief Fire Officer, who shall forward his comments thereon to the said Director within fourteen (14) days of the receipt of such copy.

17. EXEMPTION FROM PAYMENT OF CHARGES

- (1) Notwithstanding the provisions of section 16, no charges shall be payable where -
 - (a) a false alarm has been given in good faith;
 - (b) the services were required as a result of civil commotion, riot or natural disaster;
 - (c) the services were rendered in the interest of public safety;

- (d) the Chief Fire Officer is of the opinion that the services were of a purely humanitarian nature or were rendered solely for the saving of life;
- (e) the owner of a vehicle furnishes proof to the satisfaction of the Chief Fire Officer that such vehicle was stolen and that it had not been recovered by him at the time when the services of the service were rendered in respect thereof;
- (f) any person, including the State, has entered into an agreement with the Council in terms of section 14 of the Ordinance whereby the services of the service are made available to such person against payment as determined in such agreement.

18. FALSE INFORMATION

No person shall wilfully give to any member of the service any notice or furnish any information relating to an outbreak of fire or any other emergency situation requiring the attendance of the service and which to his knowledge is false or inaccurate. Such person shall, notwithstanding the provisions of section 17 be liable to pay the turning out charge prescribed by Council.

19. TELEPHONES, FIRE-ALARMS AND OTHER APPARATUS

- (1) The Council may affix to or remove from any building, wall, fence or other structure any telephone, fire-alarm or other apparatus for the transmission of calls relating to fire as well as any notice indicating the nearest fire-hydrant or other fire fighting equipment.
- (2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).

20. OFFENCES AND PENALTIES

Any person who contravenes or fails to comply with any provision of these By-laws shall be guilty of an offence and liable on conviction to a fine not exceeding Five Hundred Rand (R500.00) or, in default of payment, to imprisonment for a period not exceeding six (6) months or to both such fine and imprisonment, and in the case of a continuing offence, to a fine not exceeding Fifty Rand (R50.00) for each day on which such offence continues, subject to a maximum fine of Five Hundred Rand (R500.00).

21. REPEAL

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

22. APPLICATION

The Council may by notice in the *Provincial Gazette*, 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.

SCHEDULE I

FORM OF INDEMNITY IN TERMS OF SECTION 11(1) OF THE FIRE BRIGADE SERVICES BY-LAWS

INDEMNITY

In consideration of the permission to be granted to me by the Chief Fire Officer of on (*date*) to inflate certain balloons, toys or other devices as specified therein I, the undersigned hereby indemnify and safeguard against loss the Council and all its employees against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against it or be incurred or become payable by it arising out of or in connection with any damage, death or injury caused or alleged to have been caused by or as a result of such inflation, or by the use or mere possession by any person of any of the said toys, balloons or devices.

Signed at on this day of 20.....

.....
Applicant

Witnesses:

1.

2.

DETERMINATION OF CHARGES FOR THE RENDERING OF FIRE SERVICES

Notice is hereby given in terms of the provisions of section 80B(8) of the Local Government Ordinance, 1939, that the Council of determined the charges as set out hereunder, with effect from

1. Within the Local Municipality

- 1.1 When the fire brigade is summoned irrespective of the circumstances : R.....
plus:
 - (a) for the first hour or part thereof that a machine is in use, per machine:
R.....
 - (b) for each subsequent hour or part thereof: R.....
 - (c) where a service car is used, per hour or part thereof: R.....
 - (d) portable pump, per hour or part thereof (trailer pump included):
R.....
 - (e) jaws of life: R.....
- 1.2 Chimney fire:
 - (a) First occurrence: R.....
 - (b) Second or subsequent occurrence within a period of twelve (12) months:
R.....
- 1.3 For the services of the Chief Fire Officer – per hour or part thereof:
R.....
- 1.4 For the services of the Assistant Chief Fire Officer – per hour or part thereof:
R.....
- 1.5 For the services of a Divisional Officer – per hour or part thereof: R.....
- 1.6 For the services of the Station Officer – per hour or part thereof: R.....
- 1.7 For the services of a Fireman – per hour or part thereof: R.....
- 1.8 Attendance of a Fireman at theatres or other public functions: R.....
per fireman per hour or part thereof.
- 1.9 For services of a retained fireman per hour or part thereof: R.....
- 1.10 In addition to the above charges the following be payable:
 - (a) such expenses for water as may be incurred (at departmental rate to the Council);

- (b) the cost of actual damage to the Council's property and to the property of its officers or servants;
 - (c) such other actual expenditure as may necessarily be incurred by the Council.
- 1.11 Testing and charging of extinguishers, per extinguisher R..... plus cost of material used.
- 1.12 (a) Test of fire hose reels, per reel: R.....
- (b) Seal of fire hose, per reel: R.....
- 1.13 (a) Test of fire hoses: R..... each.
- (b) Binding of couplings: R..... each.

2. Outside the Local Municipality

- 2.1 When the fire brigade is summoned, irrespective of the circumstance: R..... plus:
- (a) for the first hour or part thereof that a machine is in use, per machine: R.....
 - (b) for each subsequent hour or part thereof: R.....
 - (c) where use is made of a service vehicle, per hour or part thereof: R.....
 - (d) where use is made of a portable pump per hour or part thereof (trailer pump included): R.....
 - (e) jaws of life: R.....
- 2.2 For the services of the Chief Fire Officer – per hour or part thereof: R.....
- 2.3 For the services of the Assistant Chief Fire Officer - per hour or part thereof: R.....
- 2.4 For the services of a Divisional Officer – per hour or part thereof: R.....
- 2.5 For the services of a Station Officer – per hour or part thereof: R.....
- 2.6 For the services of a Fireman – per hour or part thereof: R.....
- 2.7 For the services of a retained Fireman – per hour or part thereof: R.....
- 2.8 In addition to the above charges the following also be payable:
- (a) such expenses for water as may be incurred (at departmental rate to the Council);

- (b) the cost of actual damage to the Council property and to the property of its officers or servants;
- (c) such other actual expenditure as may necessarily be incurred by the Council.

3. For the purpose of determining the amount payable in terms of items 1 and 2 the period of use of a machine and the period during which an officer or fireman renders his services shall be calculated from the time of departure from the Council's Fire Station to the time of returning thereto.

The Council of Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with section 11 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000), read together with section 6A (1) of the Business Act, 1991 (Act No. 71 of 1991), made the following By-laws which By-laws shall come into operation on the date of publication of this notice.

..... LOCAL MUNICIPALITY

DRAFT STREET TRADING BY-LAWS

1. DEFINITIONS

(1) In these By-laws, except as otherwise expressly provided or unless the context otherwise requires-

“**approval**” means approval by the authorized official and “approve” has a corresponding meaning;

“**association**” means persons who are self-employed and have organised themselves into a street trader association with a constitution and a code of conduct;

“**authorized official**” means an official of the Council to whom it has delegated a duty, function or power under these By-laws, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

“**Council**” means the Council of the Local Council and includes, in relation to a duty, function or power under these By-laws, a committee or official of the Council to whom it has delegated that duty, function or power;

“**local authority service**” means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or stormwater or for the generation, impounding, storage, purification or supply of water, gas or electricity;

“**local authority service works**” means all property or works of whatsoever nature necessary or desirable for or incidental to any local authority service;

“**nuisance**” bears the meaning given to it by the Ordinance, or any amendment thereof;

“**Ordinance**” means the Local Authorities Ordinance, 25 of 1974, or any amendment thereof;

“**prescribed**” means prescribed by the Council by resolution;

“property” in relation to a street trader, means any goods, receptacle, vehicle or movable structure used or intended to be used in connection with the carrying on of his business as such;

“public place” means a public place as defined in section 1 of the Ordinance, or any amendment thereof;

“prescribed” means prescribed by the Council by resolution;

“public road” means a public road as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

“roadway” means a roadway as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

“sell” includes -

- (a) barter, exchange or hire;
 - (b) display, expose, offer or prepare for sale;
 - (c) store with a view to sell; or
 - (d) provide a service for reward
- and “sale” has a corresponding meaning;

“sidewalk” means a sidewalk as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996);

“street trader” means a person who carries on the business of street trading;

“street trading” means the selling of any goods or the supplying or offering to supply any service for reward, as a street vendor, peddler or hawker in a public road or public place but does not include the sale of newspapers only;

“the Act” means the Business Act, 1991 (Act No. 71 of 1991), and includes the regulations made thereunder;

“vehicle” includes -

- (a) a self-propelled vehicle;
- (b) a trailer;
- (c) a hand-drawn or propelled vehicle; and

“verge” means a verge as defined in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

- (2) In these By-laws, unless the context otherwise indicates, any word or expression defined in the Act shall bear the meaning so given to it.
- (3) For the purpose of these By-laws a single act of offering for sale or of selling goods or services in or from a public road or public place constitutes the carrying on of the business of a street trader.
- (4) For the purpose of these By-laws a reference to a person carrying on the business of street trader shall include any employee of any such person.

- (5) 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. APPLICATION

No person shall carry on the business of a street trader unless he or she –

- (1) has obtained the written approval of the Council to do so; and
- (2) is a member of a street trader association recognised by the Council.

3. PROHIBITIONS

No person shall carry on the business of a street trader –

- (1) at a place or in an area declared under section 6A(2)(a) of the Act as a place or area in which the carrying on of street trading is prohibited;
- (2) on a verge, contiguous to
 - (a) a building belonging to, or occupied solely by the State or the Council;
 - (b) a church or other place of worship; or
 - (c) a building declared to be a national monument under the National Monument Act, 1969 (Act No. 28 of 1969), or any amendment thereof except to the extent that the carrying on of such business is permitted by a notice or sign erected or displayed by the Council and in compliance therewith;
- (3) on a verge contiguous to a building in which business is being carried on by any person who solely or mainly sells goods of the same or similar nature as goods being sold by the street trader concerned, without the consent of that person;
- (4) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
- (5) at a place where it substantially obstructs pedestrians in the use of a sidewalk or take up a position or deposit his property on a sidewalk so as to do so;
- (6) at a place where it causes an obstruction to vehicular traffic;
- (7) at a place where it causes an obstruction in front of -
 - (a) an entrance to or exit from a building;
 - (b) a fire hydrant;
- (8) on a stand or in any area contemplated in section 6A(3)(b) of the Act if he is not in possession of proof that he has hired such stand or area from the Council or that it has otherwise been allocated to him;
- (9) in contravention of the terms and conditions of the lease or allocation to him of a stand or area contemplated in sections 6A(3)(b) and (c) of the Act.

4. RESTRICTIONS

- (1) No person carrying on the business of a street trader shall –
 - (a) if such business is carried on any public road or public place
 - (i) sleep overnight at the place of such business; or
 - (ii) erect any permanent structure at the business site for the purpose of providing shelter without prior written approval of the Council;
 - (b) carry on such business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public place or any public or private property; or
 - (iii) create a traffic hazard;
 - (c) other than in a refuse receptacle approved or provided by the Council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any litter on any land or premises or on any public road or public place;
 - (d) obstruct access to a service or to service works of the Council or of the State or any statutory body;
 - (e) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
 - (f) obstruct access to a pedestrian arcade or mall;
 - (g) carry on business or take up a position or place his property on a portion of a sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purpose of these By-laws;
 - (h) carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6A(2)(a) of the Act;
 - (i) obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
 - (j) obstruct access to or the use of street furniture such as bus passenger benches or shelters and queuing lines, refuse disposal bins, and other facilities designed for the use of the general public; or
 - (k) obscure any road traffic sign displayed in terms of the Road Traffic Act, 1996 (Act No. 93 of 1996), and regulations made thereunder or any marking, notice or sign displayed or made in terms of these By-laws.
- (2) The Council shall reserve the right to restrict the number of street traders and street trader associations.

5. CLEANLINESS OF PLACE OF BUSINESS AND PROTECTION OF PUBLIC HEALTH

Every street trader shall –

- (1) unless prior written approval exempting him from the provisions of this paragraph has been given by the Council, daily remove from any public road or public place at the end of each trading day or at the conclusion of trading all goods, moveable structures, waste, packaging material, stock and equipment of whatsoever nature which are utilized in connection with such trading;
- (2) carry on this business in such a manner as not to be a danger or threat to public health or public safety;
- (3) at the request of an officer or an employee of the Council move or remove anything so that the place of business may be cleaned;
- (4) keep the area or stand occupied by him for the purpose of his business as well as his property in a clean and sanitary condition and free of litter; or
- (5) if his activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure.

6. TRADING IN PARKS AND GARDENS

No street trader shall carry on business in a garden or park to which the public has the right of access except with the prior written approval of the Council's Municipal Manager or other authorized official and in compliance with any conditions imposed by him when granting such consent.

7. OBJECTS USED FOR DISPLAY OF GOODS

A street trader shall ensure that any structure, container, surface or other object used by him for the preparation, display, storage, or transportation of goods –

- (1) is maintained in a good state of repair and in a clean and sanitary condition; and
- (2) is not so placed or stacked so as to constitute a danger to any person or so as to be likely to injure any person.

8. REMOVAL AND IMPOUNDMENT

- (1) For the purpose of this By-law "goods" includes any receptacle, vehicle or movable structure.
- (2) An officer may remove and impound goods –
 - (a) which he reasonably suspects are being used or are intended to be used or have been used in or in connection with the carrying on of any business of a street trade, and

- (b) which he finds at a place where the carrying on of such business is restricted in terms of section 4(h) or section 5 or prohibited in terms of sections 3(1) to (9) and which in his opinion constitutes an infringement of such provision, whether or not such goods are in the possession or under the control of any person at the time of such removal or impoundment.
- (3) Any officer acting in terms of subsection (2) shall
 - (a) except in the case of goods which have been left or abandoned, issue to the person carrying on the business of street trader a receipt of any goods so removed and impounded; and
 - (b) forthwith deliver any such goods to the authorized official.
- (4) Neither the Council nor a councillor, official, officer or employee of the Council shall be liable for any loss of or damage to any goods removed and impounded in terms of this section.

9. DISPOSAL OF IMPOUNDED GOODS

- (1) Any perishable goods removed and impounded in terms of section 8(2) may at any time after the impoundment thereof be sold or destroyed by the Council and in the case of a sale of such goods the proceeds thereof, less any expenses incurred by the Council in connection with the removal, impoundment and sale of such goods, shall, upon presentation of the relevant receipt issued in terms of section 8(3)(a), be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which such goods were sold, such proceeds shall be forfeited to the Council.
- (2) The owner of any goods (other than perishable goods), dealt with by the Council in terms of subsection (1), impounded in terms of section 8(2) who wishes to claim the return of such goods shall, within a period of one month of the date of the impoundment of such goods, apply to the Council and shall present the relevant receipt issued in terms of section 8(3)(a), failing which such goods may be sold by the Council and in the event of sale of such goods the provisions of subsection (1) relating to the proceeds of a sale shall apply.
- (3) If the owner of any goods impounded in terms of section 8(2) claims the return of such goods from the Council and such owner is unable or refuses to refund any expenses incurred by the Council in connection with the removal and impoundment of such goods, such goods may be sold by the Council and proceeds of any sale of such goods less any such expenses and the cost of such sale shall be paid to such owner.
- (4) In the event of the proceeds of any sale of goods contemplated by this section not being sufficient to defray any expenses incurred by the Council in connection with the removal, impoundment and sale of such goods, the owner of such goods shall remain liable for so much of such expenses as is not defrayed by the proceeds of the sale of such goods.

10. GENERAL OFFENCES AND PENALTIES

- (1) Any person who –
 - (a) contravenes or fails to comply with any provision of these By-laws;
 - (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for the purpose of these By-laws;
 - (c) contravenes or fails to comply with any approval or condition granted or imposed in terms of these By-laws;
 - (d) for the purpose of these By-laws make a false statement knowing it to be false in a material respect or deliberately furnishes false or misleading information to an authorized official or officer; or
 - (e) threatens, resists, interferes with or obstructs an authorized official, officer or employee of the Council in the performance of his powers, duties or functions under these By-laws, shall be guilty of an offence and on conviction be liable to a fine of R500.00 (Five Hundred Rand) or imprisonment for a period not exceeding 3 (three) months.
- (2) When an employee of a street trader performs any act or is guilty of any omission which constitutes an offence under these By-laws the employer shall be deemed to have performed the act or to be guilty of the omission himself and he shall be liable on conviction to the penalties mentioned in subsection (1) unless he can prove that –
 - (a) in performing the act or being guilty of the omission the employee was acting without his knowledge or permission;
 - (b) all reasonable steps were taken by him to prevent the act or omission; and
 - (c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.
- (3) The fact that an employer issued instructions forbidding any act or omission referred to in subsection (2) shall not of itself be accepted as sufficient proof that he took all steps referred to in paragraph (b) of that subsection.
- (4) When an employer is by virtue of the provisions of subsection (2) liable for anything done or omitted by his employee, then that employee shall also be liable to prosecution for the offence.

11. PRESUMPTIONS

In any prosecution of a street trader for a contravention of these By-laws, the accused shall be deemed to know the provisions of these By-laws and to know that the offence with which he is charged is a contravention thereof.

12. APPLICATION

The Council may by notice in the *Provincial Gazette*, 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.

13. REPEAL

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

The Council of the Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No.108 of 1996), read in conjunction with section 11 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:

..... LOCAL MUNICIPALITY

DRAFT BY-LAWS RELATING TO PUBLIC MEETINGS AND GATHERINGS, PROCESSIONS AND THE LIKE

1. DEFINITIONS

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

“**Council**” means the Local Municipality and its successors in law, and includes the Council 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.

(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. PERMISSION REQUIRED

No person shall hold, convene or organise or cause to be held convened or organised any public meeting, public gathering, procession, exhibition, performance or public address in any public street or public place or deliver or cause to be delivered any public address in any public street or public place unless –

- (1) the Council has under the hand of the Municipal Manager granted its permission in writing for the holding or delivery thereof; and
- (2) it is held or delivered in compliance with any condition, requirements or restriction imposed by the Council; and
- (3) it complies with all the laws in force in the Republic of South Africa.

3. APPLICATION FOR PERMISSION

(1) Any person wishing to obtain the Council’s permission as in subsection (2) required shall deliver to the Council, not less than 7 days or such lesser period as the Council may, in its discretion, permit before the day on which the public meeting, public gathering, procession, exhibition, performance or public address concerned is to be held or delivered, a written application specifying -

(a) the nature thereof;

- (b) the full names, addresses and telephone numbers of every holder, convenor and organiser thereof and of every person intending to deliver an address;
 - (c) the date on which, time at which, and place at, or route along which it is to be held or delivered;
 - (d) the expected maximum duration thereof;
 - (e) in the case of a procession, the number of persons expected to take part; and
 - (f) particulars regarding any band, musical instruments, device for the application of sound, vehicle or temporary structure to be used in conjunction therewith.
- (2) The Council may require such person to supply any additional information which it may consider necessary for the purposes of dealing with such application.

4. GRANT OR REFUSAL OF PERMISSION

- (1) The Council may grant its permission if all information required has been supplied in full and if it is satisfied at the holding or delivery of the public meeting, public gathering, procession, exhibition, performance or public address concerned is not likely to -
- (a) endanger, obstruct or interfere with –
 - (i) pedestrian or vehicular traffic;
 - (ii) any public market, auction or fair; and
 - (iii) any other public meeting, gathering, procession, exhibition, performance or public address; or
 - (iv) lawful use by the public of any street or public place; or
 - (b) endanger or be injurious to public health.
- (2) The Council may, when granting its permission for the holding of any public meeting, public gathering, procession, exhibition or performance, or the delivery of any public address under this chapter, impose such conditions, requirements and restrictions as it may deem necessary in the public interests and may, without derogating from the generality of the foregoing in particular, limit the holding or delivery thereof to specified times or periods and to specify places or routes and prohibit or restrict the use of any band, musical instrument, device for the application of sound, vehicle or temporary structure in conjunction therewith.

5. EXEMPTION

The provisions of this chapter shall not apply to any funeral, wedding, military or police procession.

6. OFFENCES AND PENALTIES

Any person who:

- (1) contravenes or fails to comply with any provisions of these By-laws or of any term,

condition, restriction, requirement, notice or order imposed or issued in terms thereof;

- (2) resists, hinders, obstructs, molests or interferes with any officer or employee of the Council in the performance of his duties or the execution of his powers under these By-laws; or
- (3) causes or permits any other person to commit any of the aforesaid -

shall be guilty of an offence and shall be liable upon conviction, to a fine not exceeding five hundred rand, or in default of payment of any fine, impose, imprisonment for a period not exceeding six months.

7. DAMAGES

- (1) Notwithstanding the stipulations continued in subsection (6) above, the Council shall hold responsible any person or organiser of a public meeting and gathering or participant in such gathering or procession for any damage to any property of the Council and shall claim the cost to repair such damage from such a person or organiser.

8. APPLICATION

The Council may by notice in the *Provincial Gazette*, 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.

9. REPEAL

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

The Council of 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:

..... LOCAL MUNICIPALITY

DRAFT REGULATION OF PARKS AND OPEN SPACES BY-LAWS

1. DEFINITIONS

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

“authorised official” means an official of the Council who is authorised to do, or to cause to be done any act or function in terms of these By-laws, and includes a member of the Municipal Police Force;

“lake/dam” means body of water impounded on a stream or river;

“Council” means the Local 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 regard to these By-laws;

“mini-bus” means a motor vehicle designed or adapted, solely or principally, for the conveyance of more than nine (9) persons, but not more than sixteen (16) (including the driver);

“notice” means an official notice drawn up by the Council and displayed by order of the Council at entrances to or at conspicuous places in or on a park and to which the Council shall make known provisions and directives by it in terms of a By-law;

“park” means parks, open spaces, pleasure resorts, recreation areas, gardens, squares, reserves and bird sanctuaries within the Council and being held by the Council, and includes all buildings, grounds and spaces situated in such areas;

“passenger bus” means a motor vehicle designed or adapted for the conveyance of more than sixteen (16) persons (including the driver);

“public holidays” means all holidays, declared as public holidays in terms of the

- “refundable deposit”** means the deposit mentioned in the tariff, determined by the Council from time to time and which shall be refunded, on demand, provided, that no damage has been caused to any facility of the Council, its environment or the recreation grounds during the period within which the facilities, environment, or recreation grounds are used;
- “swim”** means the entering into the water for the purpose of swimming, or to windsurf or participate in other similar water activity or the accidental contact with the water while participating in such water sport;
- “motor cycle”** means a motor vehicle which has two (2) wheels and includes any such vehicle having a side-car attached;
- “motor quadracycle”** means a motor vehicle other than a tractor, which has four (4) wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;
- “motor tricycle”** means a motor vehicle, other than a motor cycle or tractor which has three (3) wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;
- “motor vehicle”** means any self-propelled vehicle and includes –
- (a) a trailer; and
 - (b) a vehicle having pedals and an engine or an electric motor and an internal part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include –
 - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed and not merely adapted for the use of any person suffering from some physical defect or disability and used solely by such person.
- (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. CONTROL OF PARKS

All land laid out or which may hereinafter be laid out or proclaimed as public parks, within the Council shall, be maintained and used solely for the purpose for which it was laid out or otherwise reserved.

3. ENTRANCE TO A PARK

- (1) No person shall be present in a park outside the hours indicated on a notice at or within the vicinity of the park.
- (2) No person shall enter or leave a park except through the gates provided for that purpose.
- (3) No person shall on any day on which an entrance fee is charged enter the park unless he has paid the entrance fees determined by the Council.
- (4) Any person being present in the park shall on the request of an authorised official produce proof of payment of the entrance fee if such entrance fee applies.
- (5) The Council may suspend the payment of entrance fees on any specific day whereon a public function is being held.
- (6) The Council may suspend the payment of an entrance fee on any specific day or days as it may deem fit.

4. PERSONAL BEHAVIOUR

- (1) In keeping with Chapter 2 of the Bill of Rights of the Constitution of the Republic of South Africa, 1996, no person shall -
 - (a) fire any fire-arm or pellet gun, discharge any firework, catapult or sling, throw any stone, stick or other missile, use any squirt, syringe or other instrument, or do anything which may endanger or be deemed a nuisance, objectionable or an annoyance to the public;
 - (b) brawl, fight, use profane, indecent or improper language, be intoxicated, bet, gamble, beg, lie on any seat or behave in an indecent or offensive manner, or commit any nuisance or stay in a park overnight;
 - (c) use, intrude upon or attempt to intrude upon any water closet, urinal or other place of convenience provided for the opposite sex;
 - (d) deliver, utter or read aloud any public speech, prayer, book or address of any kind, or sing any song or hold or take part in any public meeting or assemblage, except with the prior written consent of the Council;
 - (e) contrary to a prohibitory notice, prohibiting smoking exhibited on a conspicuous place at or near the entrance of any place or building on a square or other open space, park or other enclosed space, smoke in such place or building;
 - (f) obstruct, disturb, interrupt or annoy any person in the proper use of any park;
 - (g) refuse to leave any park or any other enclosed space at, or after the time of closing the gates, when requested to do so by any authorised officer of the Council, or unlawfully remain therein after the gates or fences or railings have

been closed, or enter or leave other than through one of the authorised means of ingress or egress;

- (h) refuse to give his or her name and address when asked to do so by a duly authorised officer of the Council during his or her presence in a park;
- (i) make a nuisance of himself by the consumption of alcohol or other intoxicating substance to any other users of a park.

5. DAMAGE

(1) No person shall –

- (a) remove, mark, damage any fountain, statue, monument, bust, post, chain, railing, fence, seat barrier, gate lamp post, notice board or plate, watch box, house, building, shed, urinal, water closet, flag or other matter or thing, or deface or disfigure the same by pasting or affixing in any way any bills, placard or notice, or by cutting, writing, stamping, printing, drawing, or marking thereon;
- (b) cut, remove, dig up, fell, burn, pluck, break, climb up or upon or cause damage to timber or to any tree, shrub, brushwood, fencing post, pole, fern, turf, grass, fruit, flower or plant;
- (c) take, dig, cut, break, damage or remove any gravel, sand, sod, clay, mould, soil, water or other substance;
- (d) light any fire, except at braai facilities, or burn or do any act, which may cause any timber, brushwood, plant, paper, rubbish or other substance to burn;
- (e) go into, or attempt to go into any enclosed place, plantation or garden or any temporary enclosure, or walk on any flowerbed or any grass plots, on which walking may be prohibited;
- (f) commit any encroachment or make or attempt to make any encroachment;
- (g) erect or place any post, railing, fence, pole, peg, spike, tent, booth, screen, stand, swing or other building, erection or obstruction of any kind whatsoever without the consent of the Council in writing;
- (h) deposit or leave any refuse, rubbish, paper, dead or other matter or thing in the park, other than in the place provided for such matter;
- (i) wash clothes or other things in any pond, fountain or ornamental water feature, stream, river or otherwise pollute any water therein;
- (j) bathe in any pond, fountain, lake, stream, river or ornamental water feature.

6. ENTERTAINMENT

(1) No person shall -

- (a) sell or offer or expose for sale or hire any commodity or article or distribute any pamphlet, book, handbill, or other printed or written matter without prior written consent of the Council;
- (b) play or make preparations to play cricket, football, or any other game, except on the allocated places and at the time set apart for such games by the Council;
- (c) use the entertainment apparatus such as swings, round-a-bouts, seesaws, slides or any other apparatus in a park, which has been supplied for the entertainment of children if he or she is over the age of sixteen (16) years;
- (d) play or make sounds on any musical instrument, except with the prior written consent of the Council.

7. ANIMALS

- (1) No person shall –
 - (a) take any dog into or have any dog or other animal in any park or other enclosed public place in contravention of a notice exhibited in such park, or other enclosed public place;
 - (b) bathe or wash any dog or other animal, or allow any dog or other animal to be in any pond, fountain, stream or river or ornamental water feature;
 - (c) catch or snare birds or lay or place any net, snare or trap for the catching of birds without a permit and the written consent of the Council;
 - (d) take birds' eggs or nests, or shoot or chase or attempt to shoot any bird or animal, or throw any stone or stick or other missile, with intent to injure or catch any bird or animal, or in any way interfere with any fish, water-fowl or other animal;
 - (e) bring into a park or ride in a park on a horse, mule, donkey or any other farm animal except with prior written permission of the Municipality which written permission shall be produced on request by any authorised official.
- (2) In any park where dogs are allowed, such dogs should be kept on leashes.
- (3) The owner of a dog or other animal or the person who has a dog or other animal in his custody or under his supervision shall take care that such a dog or other animal does not attack or terrify any person, animal or bird in a park without reasonable cause.
- (4) Except in the event of a blind person being led by a guide dog, any person in charge of a dog in a park, shall remove any faeces left by such dog.
- (5) The Council may impound any dog or other animal found wandering at large and uncontrolled in a park.

8. VEHICLES

- (1) No person shall –

- (a) drive, draw or propel any cycle, or vehicle other than a wheeled chair, or a perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or invalid, in any park, except in the places and at the times which shall be defined by the Council's By-laws or by notices affixed or set up at or near the entrance to any such park;
 - (b) drive any motor cycle, motor quadracycle, motor tricycle or motor vehicle, that may be set aside by notice at a specific rate;
 - (c) draw, propel, stand or place any wheeled motor vehicle, motor cycle or cycle or any machine whatsoever upon any part of a flower-bed or lawn;
 - (d) use any part of any park for the cleaning of any motor cycle, motor quadracycle, motor tricycle or motor vehicle, clothes or other articles;
 - (e) carry out repairs or maintenance to any motor vehicle in a park or other area;
 - (f) park a motor vehicle or motor cycle, motor quadracycle or motor tricycle in a park at any other place than at the parking areas specially set aside for motor vehicles;
 - (g) drive any motor cycle, motor quadracycle, motor tricycle or motor vehicle, in a park while he is under the influence of alcohol or any other drug.
- (2) The Council reserves the right to permanently or temporarily close any road or walkway in a park.

9. TRADING

- (1) No refreshments or drinks shall be hawked or offered for sale in a park except in the rooms, buildings and places assigned by the Council and by persons or bodies properly authorised thereto by the Council.
- (2) No peddler or street vendor shall be allowed to trade in a park without prior written permission from the Council.
- (3) No person shall beg in a park.
- (4) No person shall gamble, participate or present gambling or games of chance in a park.

10. MEETINGS AND ORCHESTRAL PERFORMANCES

- (1) No person shall –
 - (a) present or participate in an orchestral performance in a park without the written permission of the Council and on such conditions as it may determine;
 - (b) present or participate in a sermon, lecture, public discussion or a meeting without the written permission of the Council.

11. CAMPING

No person shall camp in a park or erect any structure without the permission of the Council in terms of its tariffs.

12. LAKE AND DAM WATERS

- (1) No person shall –
 - (a) swim in a lake, dam, stream or river except with the permission of the Council on special occasions, nor shall he wash himself, his clothes or any other item in a lake, dam, stream or river;
 - (b) launch a boat, canoe, raft or any other floating object, irrespective of its propulsion mechanism, onto a lake or dam except from those sections of a lake shore specifically set apart by the Council for that purpose in consultation with existing aquatic clubs;
- (2) The use of a lake or dam surface shall be subject to such conditions as the Council or the bodies to whom the Council relinquished the control determines.

13. ANGLING

- (1) No person shall –
 - (a) angle without a legal permit to angle;
 - (b) angle in a lake or dam except from such portions of the lake shore that the Council from time to time specifically sets aside for the purpose;
 - (c) angle in a lake or dam before or after times specified by the Council.
- (2) The Council reserves the right to temporarily close the angling areas or any part thereof at its own discretion.
- (3) The Council reserves the right to delegate the control of angling to a third party at its discretion.

14. CLOSING OF PARKS TO THE PUBLIC

- (1) The Council reserves the right to close a park or part thereof or to limit the use thereof to a particular group or organisation temporarily or permanently.
- (2) The Council shall, by notices posted at or near the entrance gates, indicate the hours during which any park or enclosed space is closed to the public and may, for any special purpose close any park or closed space, or any part thereof, or any building therein, to the public for such time as it may from time to time consider necessary or expedient.
- (3) The Council shall be entitled to limit the number of visitors to a park or any portion thereof.

15. PENALTIES

- (1) A person contravening a provision of these By-laws shall be guilty of an offence and be punishable on conviction by imprisonment for a period not exceeding six (6) months, or to a fine not exceeding Two Thousand Rand (R2 000,00), or to both such fine and imprisonment, and in the case of continuing offences, be liable to such fine and imprisonment for each such offence, or to both such fine and imprisonment.
- (2) In addition to the fines mentioned in subsection (1), a person convicted of a contravention of these By-laws must compensate the Council for any loss or damage it may have incurred as a result of the contravention. The Council may institute a claim in the appropriate court for the amount of such loss or damage.
- (3) The Council may refuse entrance to a park to a person who repeatedly contravened these By-laws in which case the authorised official may forthwith remove such a person found in a park from the park notwithstanding the provisions of subsection (3).

16. APPLICATION

The Council may by notice in the *Provincial Gazette*, 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 the Regulation of Parks and Open Spaces for the Govan Mbeki Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.