

Final Draft for consideration by Council



CHAPTER 22

Nuisance

KWADUKUZA



KWADUKUZA MUNICIPALITY

BYLAWS RELATING TO NUISANCE

The Kwadukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government Municipal Systems Act (Act 32 of 2000), hereby publishes the following bylaws as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

In these bylaws unless it is clearly inconsistent with the context, the words shall have the meanings as follows:

“Act” means the National Building regulations and Building Standard Act 1977 (Act 103 of 1977);

“building” means the meaning attached to the word by the Act and dwelling shall have a corresponding meaning;

“Environmental Health Officer” means the Municipal Official appointed by the Municipality with authority delegated in terms of Section 59 of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) to enforce these bylaws and shall include any officer authorised by Council resolution to administer these bylaws;

“Municipality” means the Kwadukuza Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“Municipal Manager” means the person appointed in terms of Section 82 of the Local Government Municipal Structures Act 1998, (Act 117 of 1998);

“Nuisance” means any act or circumstance which is a public nuisance including but not limited to any:

- (a) activity, condition, premises or thing which, on account of effluent, smoke, vapours, gas, dust, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper hygiene, ventilation, lightning, design situation or any other cause or practise whatsoever, is dangerous to health or which is offensive;



- (b) other hazard or condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, order, peace or health of residents of the Municipal area; or
- (c) activity, condition or premises or thing which adversely affects the rights or reasonable comfort convenience or peace and quiet of any neighbourhood in the Municipal area; and
- (d) private nuisance which effects persons within the Municipal area.

In these bylaws the words "Public Place" shall mean and include all public streets and places, public conveyances and places of public entertainment or resort or open to public view and includes any area, owned by or vesting in the Municipality to which the public has access.

2. Disturbance of the Peace

No person shall disturb the public peace in any public place by making unseemly noises or by shouting, roaring, wrangling or quarrelling, or by collecting a crowd, or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon, or by any other riotous, violent or unseemly behaviour, at any time of the day or night.

3. No person shall advertise any wares or entertainment or services in any street or public place by means of any megaphone, loudspeaker, or other similar device, or by insistent shouting, striking of gongs, blowing of horns or ringing of bells without the written permission of the Municipality first had and obtained.
4. No person, being in or on any private premises, shall disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noise, shouting, quarrelling, wrangling or singing or the continuous or over-loud use of loud speakers, radio sets or the like.
5. (1) No person shall, without lawful cause, discharge any firearm, airgun, sling or catapult within the Municipality; provided that this bylaw shall not apply to any persons engaged in authorised target practice or drill in places set aside for that purpose or to any person to whom written permission to do so has been given by the Mayor, unless in either case such person is negligent.
- (2) No persons armed with any form of lethal weapon shall be permitted to congregate in any part of the Municipality in any manner liable or calculated to cause a breach of the peace.



6. No person shall, in any public place, use any abusive or threatening language or commit any act which is liable or calculated to cause a breach of the peace.

7. **Offences Against Decency and Morality**

No person shall, commit any indecent or immoral gesture or act or wilfully and obscenely expose his person in any public place.

8. No person shall appear in any public place without being clothed in such a way as not to offend public decency.
9. No person, shall appear in any public place under the influence of illegal habit forming drugs.
10. No person shall be or appear in any public place in a state of intoxication.
11. No person shall sing any obscene song or write, print, paint or draw any obscene or indecent words or figures in any public place or upon any wall, door, window or other part of the premises in or within sight of any public place, nor use any profane, foul, obscene or indecent language in any public place or within the hearing of any person therein.

12. **Streets, Footpaths and Promenades**

No person shall carry any large bundle of baskets, or any pointed or edged tools not properly protected, or any ladder, plank or pole, or any bag of soot, lime or other offensive substance or other package or thing, liable or calculated to obstruct, inconvenience or annoy pedestrians, upon any side-walk, promenades or footpath, except for the purpose of loading or unloading any vehicle or when necessarily crossing such side-walk or footpath.

13. No person shall deposit or throw broken bottles, glass or earthenware upon any street, promenade or footpath, or any orange peel, banana peel or other refuse which might in any way endanger the safety of pedestrians.
14. No person shall allow any goods or other article, whether they be his own property or in his charge or custody, to be or remain in or on any street or footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may be necessarily for loading and unloading.
15. No person shall roll any hoop or wheel or fly any kite or throw stones or use any bows and arrows or use any roller skates, skateboards or play at any game whatsoever in or upon any street, promenade or footpath of the Municipality tending to the danger or annoyance of the inhabitants or pedestrians or the destruction of or injury to property and no person may use any roller skates, roller blades, skateboards or pedal scooters on any promenade or pavement.



16. No person shall make or dig, or cause to be made or dug, any hole, pit, trench or excavation of any kind or for any purpose in or close to any street without the written consent of the Municipality Engineer or other duly authorised officer of the Municipality, and any excavation so made or dug shall be fenced off and shall have its position indicated during hours of darkness by red lights which shall be kept burning from sunset to sunrise.

17.
 - (1) No person, other than a person appointed for the purpose by a welfare organisation which has been authorised by the Municipality to cause a collection of money to be taken on its behalf in any public place, shall collect or attempt to collect money in any public place.

 - (2) Every welfare organisation desiring to obtain the authority of the Municipality for any such collection on its behalf shall make a written application to the Municipal Manager therefore, and shall, with such application, forward the following documents:-
 - (a) Its certificate of registration;
 - (b) A copy of its balance sheet for the preceding financial year;
 - (c) A certificate, signed by the chairman and secretary, giving the name of its treasurer.

 - (3) The Municipal Manager, upon receipt of any such application, shall place the same before the Municipality for consideration, and the Municipality may either grant the application or refuse it. If granted, the authority shall be subject to the following conditions:-
 - (a) That the collection shall be made only on the date or dates and within the hours specified in the authority;
 - (b) That the collection shall be made only in collection boxes belonging to and supplied by the Municipality;
 - (c) That the proceeds of the collection shall forthwith be handed to the treasurer of the institution and utilised by him solely for the purpose of defraying the cost of the maintenance, conduct and management of the institution;
 - (d) That no person under the age of sixteen years shall be appointed to make such collection.



18. (1) No person, being the owner or occupier of any premises abutting on any street or footpath, shall permit any tree, branch or shrub growing on such premises to overhang or extend on to such street or footpath in such manner as to cause obstruction or discomfort to the public, or to come into contact, or to be likely to come into contact, with any wire, post, pole or public work in or over such street or footpath, nor permit the roots of any such tree or shrub to grow to such an extent that they cause, or are likely to cause, any damage to the surface of any footpath or street or to any drain, sewer, water main, underground cable or pipe laid in or under the surface of such footpath or street.
- (2) The owner or occupier of any such premises, shall upon receipt of a notice signed by the Municipal Manager requiring him to cut down or back or to remove any such tree or shrub or the roots thereof within a time specified in such notice, cut down or back or remove such tree or shrub or the roots thereof, within the time specified; and if such owner/occupier shall fail to comply with such notice within the time specified therein, the Municipality may cause such tree or shrub or the roots thereof to be cut down or back or removed, and may recover the cost of executing such work from such owner or occupier.
- (3) Where any property is situate at the corner of a street or has a carriage way or drive leading into any street, the owner or occupier of such property shall not build or erect any boundary wall or fence of a height in excess of 1.22m above the level of the crown of such street or permit any hedge planted on such property to grow to a greater height than 1.22m for a distance of 6m along any street, road, lane, carriage way or drive creating such corner or into which such carriage way or drive gives access.
- (4) The Municipality may in its discretion require the owner or occupier of any property on which any boundary wall, fence or hedge exists in contravention of this bylaw to remedy such contravention.

19. Public health

No person shall keep or deposit on any premises owned or occupied by him, or of which he is in charge, any matter or thing, solid or liquid, which is or is liable to become offensive or dangerous or injurious to health.

20. (1) No person shall:-
- (a) throw, deposit or drop or cause or suffer to flow any solid waste or waste water or rubbish whether liquid or solid, in or onto any street, highway, lane or other public place, or in or



onto any vacant land, whether publicly or privately owned, or in or into any river, stream or watercourse;

- (b) leave any hay, paper, straw, forage, reeds or any such like materials in or on any such street, highway, lane or other public place, or in or into any such river, stream or watercourse;
 - (c) allow any such materials as are described in (a) and (b) above to obstruct any gutter, drain or watercourse;
 - (d) throw, deposit or drop or cause to be thrown, deposited or dropped any litter, handbills, placards, notices, pamphlets or books in or onto any street, highway, lane or other public place, or in or onto any vacant land, whether publicly or privately owned, or in or into any river, stream or watercourse, or allow any such materials as aforesaid to obstruct any gutter, drain or watercourse; provided always that this bylaw shall prevent any person handing or distributing any handbills or other things aforesaid to persons in any street, highway, lane or public place;
 - (e) carry on convey or cause or permit to be carried or conveyed through or in any public place or through or in any vacant land, whether publicly or privately owned, any matter or thing, liquid or solid, which is or is liable to become offensive or dangerous or injurious to public health unless such matter or thing is carried or conveyed in receptacles closed and covered with a lid or other material approved by the Environmental Health Officer or the health to prevent the cause of any nuisance.
21. No person shall permit the carcase of any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the Municipality, to remain on his premises for a longer period than is necessary to arrange for the removal of the carcase by the Municipality.
22. No person shall cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, earth closet, privy, urinal, cesspool or ash pit on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be so situated or constructed as to be offensive or to be dangerous or injurious to health.
23. No person shall cause or permit any foul or polluted water or any foul liquid or matter to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other



purposes, into any street or on to any land so as to be offensive or dangerous or injurious to public health.

24. No person shall commit or cause or permit to be committed, either within or without the Municipality, any act tending to the pollution of any water which the inhabitants of the Municipality have the right to use or provided or reserved for the use of such inhabitants.
25. No person shall cleanse or wash any vehicle or any offensive article or utensil on any street.
26. No person shall commit a nuisance, by depositing human excrement or urine, in any place which is not set aside or appointed for the purpose.
27. No person shall spit in any public place.
28. No person shall foul or misuse any public convenience or any convenience provided in any public building or place of public entertainment.
29. Every person, who is the occupier or in charge of any premises or the owner of any vacant land in the Municipality shall take all possible precaution to prevent conditions favouring the multiplication and prevalence of and shall take steps for the eradication of rodents, mosquitoes, flies, fleas, bugs, cockroaches, or other vermin or pests on such premises or vacant land, and shall, when so required by a notice signed by the Environmental Health Officer and served upon him, comply with any requirements in regard to the prevention or eradication of any such vermin or pest within a time to be specified in such notice.
30. No person shall permit any noxious or rank weeds or invader or alien vegetation to grow upon any premises or vacant land owned or occupied by him, and any person shall, when served with a notice signed by the Municipal Manager requiring him to do, destroy or cut down and remove or cause to be removed any such noxious or rank weeds or invader or alien vegetation within a time to be stated in such notice.
31. (a) No person shall burn any rubbish or refuse on any premises in the Municipality or create any offensive smells or any smoke nuisance thereon.
(b) Any person who burns sugar cane as part of harvesting shall comply with the provisions of the burning requirements of the Forestry Act 1984 and the Code of Burning practise of the South African Sugar Association as issued for the South African sugar industry from time to time.



- (c) No person shall make any fire which causes a nuisance due to the omission of smoke in the areas known as Ballito, Chakas Rock, Salt Rock and Sheffield Beach unless such fire is intended to be used for the preparation of food. In all other areas within the Municipal area of jurisdiction fires may only be lit if:
- (i) it remains attended at all times;
 - (ii) it does not pose a danger to any property or traffic;
 - (iii) it does not cause a nuisance to anyone.
32. (1) No person, being the owner or occupier of any vacant land or of any premises within the Municipality, whether such premises or land are fenced or not, shall deposit or store within the public view thereon any disused vehicles or machinery or parts thereof or any second-hand building materials or any rubbish or refuse or any other like thing unless he shall have obtained the written consent of the Municipality.
- (2) Any consent given under the preceding sub-section of this bylaw may be revoked and cancelled by the Municipality at any time by written notice to that effect, signed by the Municipal Manager.
- (3) Any person having received notice of revocation or cancellation given under this bylaw, and any person being the occupier or in the last resort the owner of any premises or vacant land, upon whom a notice signed by the Municipal Manager requiring him so to do has been served, shall, within a time to be specified in such notice, remove any such thing as is described in sub-section (1) hereof from the public view, or alternatively, if so required, remove it to a place appointed by the Municipality for the destruction of all such things, for its destruction there by servants of the Municipality, and shall pay such charges for the destruction of such things as may be prescribed in the Tariff of Charges.
- (4) Should any person upon whom any notice has been served under this bylaws fail to comply with the terms of such notice within the time specified therein, the Municipality may cause any such thing, removal of which has been required, to be removed for destruction and may recover the cost of such removal and destruction from the person upon whom notice has been served; provided that all things which may be removed for destruction as aforesaid shall become the property of the Municipality.
- (5) (a) No person who is the owner or occupier of any dwelling or room shall permit such dwelling or room to be so overcrowded as to constitute a nuisance or be injurious to health.



- (b) Any dwelling shall be deemed to be so overcrowded which does not provide at least 12m^3 of air space and 4m^2 of floor space for each and every person aged 10 years and over and at least 6m^3 of air space and 2m^2 of floor space for each and every person under 10 years of age, simultaneously occupying such dwelling or room, either by day or night.
- (c) If, owing to structural or other conditions, or to the habits or state of health of persons residing therein – and notwithstanding that the requirements of sub-section (a) hereof as to air space and floor space are complied with – the air in any dwelling shall be, in the opinion of the Environmental Health Officer so impure as to be a nuisance or likely to be injurious to the health of the occupants, the owner, occupier or person in charge or control of such dwelling shall, upon being served with a notice signed by the Environmental Health Officer requiring him so to do, cause the number of persons residing in such dwelling to be reduced to such extent and within such time as shall be specified in such notice.
- (6) No person shall occupy, or let or permit to be let for human occupation any dwelling:
- (a) in which any living or sleeping room has a floor area of less than the minimum floor area prescribed by the Act or constructed of material so prescribed;
 - (b) in which the height of every living or sleeping room is not at least 2,90m from the floor to the lowest part of the ceiling or roof;
 - (c) in which every living or sleeping room is not sufficiently lighted by a window or windows of a total area of at least one twelfth of the floor space of the room and so constructed that at least one-half thereof can at all times be opened to the external air;
 - (d) in which every living or sleeping room is not provided, in addition to windows, with two or more ventilating openings, each having an unobstructed sectional area of at least 650cm^2 and so arranged as to secure through or cross ventilation;
 - (e) which is not constructed in conformity with the requirements of the Act;

- (f) which does not comply with the Drainage bylaws of the Municipality;
 - (g) which, if within the water supply area of the Municipality and not otherwise provided with a permanent and sufficient supply of wholesome water for drinking and domestic purposes, is not connected to the water supply mains in accordance with the bylaws of the Municipality;
 - (h) which is of such construction or in such a state or so situated or so dirty or so verminous or so kept as to be injurious or dangerous to health or liable to favour the spread of any infectious disease;
 - (i) in which there is any appreciable dampness in any foundation, wall or floor or any serious leaks in the roof;
- (7) No person shall use, or let or permit to be let for use, as a dwelling or for human habitation any building not erected for such purpose, unless and until such building shall have been altered and made suitable for such purpose in accordance with plans approved by the Municipality in terms of the Act.
- (8) No person shall use or let, or permit to be used or let, for purposes of human habitation or occupation, any cellar, basement or underground room in any building or premises without the written consent of the Municipality, and then only for such period as may be specified in such consent; provided that such consent may be granted only if such cellar basement or underground room is provided with the following:
- (a) At least one external side which shall be entirely above the level of the adjoining street or ground;
 - (b) No building, wall or earth within 8m of its external side or projecting above a line drawn at an angle of 45 degrees from the intersection of the floor and the inside face of the wall;
 - (c) A window or windows in such external side, and sufficient and satisfactory cross ventilation, all as elsewhere provided in these bylaws for habitable rooms;
 - (d) A height from floor to ceiling of not less than the height prescribed in the Act;
 - (e) The necessary appurtenant sanitary disposal facilities. In ascertaining the level of the adjacent street or ground for the

purposes of this bylaw, no regard shall be had to the level of any area or sunken yard of less than 3m in width adjoining such cellar, vault or room.

- (9) No person shall use or let, or permit to be used or let, for purposes of human habitation, any hut, tent, caravan, disused railway coach, tramcar or omnibus or any other temporary or movable structure, whether standing on wheels or otherwise, without the written consent of the Municipality and then only for such period and subject to such conditions as may be specified in such consent.
- (10) (a) When ever the Environmental Health Officer is of the opinion that any building within the Municipality used as a dwelling or for human habitation, is in such a state or condition as to be a nuisance or likely to be injurious or dangerous to the health of the inmates or to the public health, in consequence of:
- (i) any structural defect in the foundations, walls floors, or roof of such building; or
 - (ii) the absence or insufficiency of light or ventilation in such building or any part thereof or any room therein; or
 - (iii) dampness in any foundation, wall or floor or leaks in the roof of any such building, or
 - (iv) the absence or insufficiency of provision of surface drainage of any yard, land or premises appertaining to such building, or
 - (v) any structural defect in any ditch, gutter, yard or drain for carrying off surface or other waste water from such premises; or
 - (vi) the absence of a sufficient supply of wholesome water, or any defect in such supply; or
 - (vii) any dirty or verminous condition in such building;

he may, by written notice, specifying the nature of the state or condition in such building which constitutes a nuisance or is likely to be injurious or dangerous to health, and directed to and served upon the owner or occupier of such building or both, require the person or persons so served within a time specified in such notice, to repair or remedy such condition,



and if the Environmental Health Officer shall deem it advisable (but not otherwise), direct such person or persons in order that a recurrence of the condition may be prevented to execute such works and perform such acts as may be specified in the notice, before the stated date.

- (b) Any person aggrieved by the decision of the Environmental Health Officer shall have the right to appeal to the Municipal Manager within seven (7) days after service upon him of such notice.
 - (c) Any person served with a notice in terms of paragraph (a) hereof, who fails to comply with the requirements contained in such notice within the time specified, shall be guilty of an offence.
- (11) The owner of any house or premises shall, at his own expense, keep and maintain, the whole of any drainage system and the guttering and the down pipes in good and efficient condition.
 - (12) The owner or his agent shall be responsible for the cleanliness of any drain guttering, down pipe or similar contrivance designed for the use or more than one occupier, and the occupier shall be responsible for preventing any nuisance occurring in connection with any drain, guttering, down pipe or similar contrivance of which he is entitled to the sole use.
 - (13) Every person who is the owner of any premises in the Municipal area shall provide suitable water closets or pail closets, sufficient in number for the use of the persons resident or employed in or frequenting such premises.
 - (14) In every premises in which more than one trade, business or occupation is carried on or which is divided into separate flats or suites of apartments occupied by separate families, the owner of such premises shall provide separate closet accommodation for the persons employed in each such trade or business or resident in each such flat or suite of apartments.
 - (15) (a) In every premises used as a lodging house, boarding house, residential club, hotel or school, the owner of such premises shall provide separate closet accommodation for males and females, suitably placed to secure privacy and marked conspicuously "Gents, Boys/Here,Seuns" or "Ladies, girls/Dames, Meisies" in the proportion of one closet to every ten or fraction of ten males or females accommodated or



capable of being accommodated in such premises, and shall, in addition, provide separate and suitable urinals where ten or more males are accommodated;

- (b) In every premises used for trade or business purposes or for any form of occupation in which persons of both sexes are employed the owner shall provide separate closet accommodation for each sex, suitably placed to secure privacy and marked conspicuously; provided that in premises in which the majority of the employees are of one sex and not more than two of the opposite sex are employed, separate closet accommodation for such opposite sex shall not be required if there is suitable accommodation in adjacent premises;
- (16) In every premises used as a factory, workshop, public building or for purposes of business or public resort, refreshment or entertainment the owner of such premises shall provide such closet and/or urinal accommodation as determined by the Act.
- (17) (a) During the erection of any building or operations involving extensive alterations to any existing building the contractor or employer shall provide on the site adequate closet accommodation and, if necessary, urinals for the use of the persons engaged in such building operations, and shall remove any such closets and/or urinals on completion of the operations.
- (b) The proprietor of every circus or travelling show visiting and performing in the Municipal area shall make suitable provision, to the satisfaction of the Municipality, for sanitary conveniences for the use of his staff, employees and performers during the period of such visit and for disposal of the excreta of any animals used in connection with such circus or travelling show.
- (18) Except for temporary purposes, no person shall erect or use any septic tank, pail closet or any form of closet other than a water closet on any premises to which the Municipality's waterborne sewerage system is available.
- (19) On any premises to which the Municipality's waterborne sewerage system is not available or where a septic tank is not permissible under the Municipality's Drainage and Sewerage bylaws the owner of such premises shall provide the closet accommodation required by these bylaws by means of a pail closet or pail closets to be constructed as hereinafter in these bylaws specified; provided that no pail closet shall be constructed under the same roof as any dwelling or within 6m of



any bedroom, kitchen or any room or building in which foodstuffs are kept for use or sale or of any tank, reservoir, water well, spring, watercourse or borehole.

- (20) No person shall erect or cause or permit to be erected on any premises any pail closet without first submitting and obtaining the Municipality's approval of plans of such building as required by the Act
- (21) Every person who shall erect any pail closet or alter any existing building for use as a pail closet shall construct and erect it in such manner that it shall comply with the Act.
- (22) The Municipality shall be entitled, if it is satisfied that the construction or sitting of any existing pail closet is unsuitable and liable to constitute a nuisance or danger to health; to require the owner of the premises upon which such pail closet is situated, by notice in writing, to make such alterations as it may consider necessary to make such pail closet conform to all or any of the requirements of the Act, and such owner shall comply with the requirements of such notice within a time to be specified therein.
- (23) The owner of every premises on which a pail closet is erected or used shall provide such pail closet with a suitably constructed receptacle for holding dry earth, ashes or other deodorant and it shall be the duty of the occupier of such premises to ensure that such receptacle is kept supplied with some form of deodorant, a sufficient quantity of which shall be deposited in the pail on each occasion when such pail is used.
- (24) The owner shall provide each pail closet or urinal with two pails to be supplied by the Municipality, for which an installation fee as prescribed in the tariff of charges shall be paid to the Municipal Manager by the owner in advance, and the Municipality shall renew existing pail or pails at the expense of the owner every five years.

The Municipality shall from time to time and without charge replace any such pail as may become worn out by fair usage provided that should any pail be wilfully damaged, destroyed or rendered useless by the neglect of the owner or occupier, such owner or occupier shall be compelled to replace such pail at his own expense.

- (25) Upon the occurrence of any case of enteric fever or dysentery in any premises which are provided with a pail closet the occupier of such premises shall immediately apply to the Environmental Health Officer for special night soil pails to be kept for the exclusive reception of the excreta of the person or persons suffering from such disease, and such

occupier shall not permit such excreta to be deposited in any place other than in such special night soil pails.

- (26) If the Environmental Health Officer is satisfied that there is not sufficient closet or urinal accommodation in any premises for the number of persons resident or employed in such premises, or that any closet or urinal is defective in any matter or thing provided by these bylaws or is not in proper working order or is in a condition which is offensive, injurious or dangerous to health, he may, by notice in writing, require the owner of such premises to provide such additional accommodation or remedy such defect or condition as may be specified in such notice, requirements of such notice within a time to be specified therein.
 - (27) The Environmental Health Officer may, if he considers that the number of male persons resident or employed in any premises warrants it, require the owner of such premises, by notice in writing to provide sufficient urinal accommodation on such premise, and any person so required shall provide such accommodation within a time to be specified in such notice.
 - (28) The Municipality will arrange for the removal, at least twice a week, of night soil from all premises which are provided with pail closets and for the removal, at least three times a week, of the contents of all urinal pails from all premises which have been required to provide such urinal pails. In respect of such removal, the owner of the premises shall pay such charges (if any) as may be specified in the tariff of charges for such removals.
 - (29) No person shall construct or use any cesspool or earth closet in the Municipality without the written consent of the Municipality.
 - (30) The occupier of any premises shall at all times keep any closet or urinal on such premises in a clean and sanitary condition.
 - (31) In the case of premises in respect of which a conservancy tank is installed, the contents of such tank shall be removed by the Municipality and the charges for such removals shall be in accordance with the Tariff of Charges Bylaw of the Municipality.
33. Should any person commit any nuisance in breach of any of these bylaws and continue in default after receiving a written notice signed by any authorised official of the Municipality requiring him to abate such nuisance within a time to be specified in such notice, it shall be competent for the Municipality, by any duly authorised officer or servant subject to the provisions of Section 101



of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) read with Section 14 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996), to enter upon the premises upon which such nuisance exists and to take such steps as may be necessary to abate such nuisance at the cost of the person so offending, who shall also be liable to a prosecution for a contravention of the bylaws against which he has offended.

34. It shall be unlawful for any person to keep, maintain, cause or permit any collection of water in which mosquitoes are liable to breed unless such collection is so screened or treated when necessary as effectually to prevent such breeding.
35. It shall be the duty of the owner or person in charge of every quarry, brickfield, rail or road works or other works situated within 1 km of the boundary of the Municipality or within half a kilometre of any occupied dwelling to ensure that all burrow pits or other excavations arising out of his operations shall be drained of all collections of water and that any water which can not be so drained or which is required for manufacturing or other purposes shall be so screened or treated when necessary as effectually to prevent mosquito-breeding; also to ensure that all burrow pits or other excavations so situated are, before abandonment, either filled in or furnished with efficient and permanent means of drainage.
36. No person shall collect or allow to collect or store water on any land or premises in tanks, wells, barrels or other receptacles unless they are so constructed and maintained as completely to exclude mosquitoes.
37. No person shall construct or allow to continue water furrows or canals for irrigation or other purposes of such a nature or in such conditions as to favour mosquito-breeding.
38. No person shall throw or keep or allow to remain on any land or premises, whether occupied or unoccupied, any tins, crockery or other objects that may hold water and thus give rise to mosquito-breeding, and no person shall allow to remain on any land or premises small collections of water, whether derived from rainfall or seepage, in hoof-marks or other surface inequalities so as to permit or favour mosquito-breeding.
39. If in the opinion of the Environmental Health Officer the condition on any land or premises favours the multiplication or prevalence of mosquitoes, the Municipality or its duly authorised officer shall give written notice to the owner or occupier thereof, requiring him to remove or improve any such condition.
40. Every notice under bylaw 39 shall specify the land or premises concerned and the measures required to be carried out.



41. Such notice may require an owner or occupier to clear away or remove bush or other vegetation, canalise sprouts or streams, drain swamps, pools or low-lying areas, regularise or stem water furrows, repair roof guttering, remove or repair or render mosquito-proof rainwater tanks or other structures or receptacles likely to give rise to mosquito-breeding, remove from a safer and more suitable site any dwelling, barrack or quarters from any site considered dangerous as regards malaria, and take any other specified measures for the prevention of mosquito-breeding or malaria to the satisfaction of the Municipality, and shall impose a time limit for the completion of the works or the carrying out of the measure therein specified.
42. If any owner or occupier refuses to carry out the measures specified in any notice under the preceding bylaw or fails to do so within the time specified, the Municipality may by itself or by any person duly authorised thereto carry out such measures. The costs incurred in so doing shall be recoverable by the Municipality from the person upon whom the notice was served without prejudice to a prosecution for the offence.
43. **Protection of Property**

No person shall wilfully or negligently cut down, break, throw down, injure, damage or pluck any trees, shrubs, fruit or flowers in any public place or enclosure or in any garden, square, street or other place or on the lands of the Municipality.
44. No person shall stick posters, advertisements, bills or placards on any public property within the Municipality nor deface such property with paint, chalk or in any other manner.
45. No person shall interfere with work in progress at the instance of the Municipality or with any person employed by the Municipality or with persons carrying out any work for or on behalf of the Municipality or with measures or precautions adopted for the safety of the public or the preservation of such works.
46. No person shall either by himself, his servants or his cattle damage, destroy or obstruct any water course, waterpipe, conduct, bridge, gutter, culvert or other public work or other thing the property of or under the control of the Municipality.
47. No person shall wilfully or maliciously do any mischief of damage to any property, public or private, within the Municipality.



48. No person shall wilfully or negligently, extinguish the light of any street lamp or in any manner interfere with any lamp in any street or public place within the Municipality.
49. No person shall wilfully or negligently remove any barricade or extinguish or remove any lamp or other-wise interfere with any structure or erection which has been provided for the protection of the public.
50. (a) No person shall make bricks or remove earth, sand, shale, clay or building material from any town lands of the Municipality without written authority from the Municipal Manager. Such removal shall be subject to the charges determined by the Municipality in its Tariff of Charges.
- (b) No person shall cut, remove or destroy any trees, wood, turf, shrub or grass in any public place or on property of the Municipality, without written authority.

51. Offences and Penalties

Any person who:

- (a) wilfully conceals any facts or documents in connection with an application for interment;
- (b) makes any false statement in his/her written application for interment;
- (c) contravenes any provision of these bylaws or who fails to comply with the requirements thereof shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

52. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Nuisance made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.