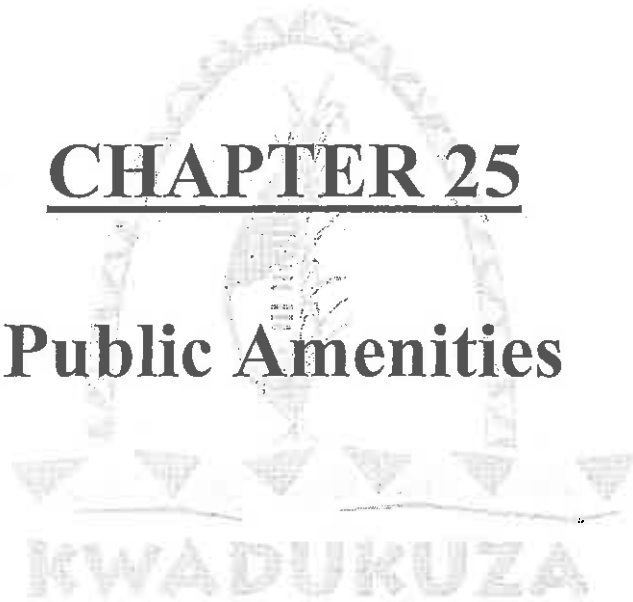


Final Draft for consideration by Council



## CHAPTER 25

### Public Amenities





## KWADUKUZA MUNICIPALITY

### PUBLIC AMENITIES BYLAWS

The Kwadukuza Municipality 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), publishes the bylaws as set forth hereafter 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. Definition

In these bylaws, unless the context otherwise indicates-

"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);

"notice" means a clear and legible official notice drawn up by a Municipality in the official languages used in the area and displayed by order of the Municipality at every entrance to or at a conspicuous place at or on a public amenity and to which the Municipality shall make known provisions and directions adopted by it in terms of a bylaw;

"public amenity" means

- (a) any land, square, camping, site, swimming-bath, public resort, recreation site, nature reserve, zoo-logical, botanical or other garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street;
- (b) any building, structure, hall room or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by a Municipality or which vests in the Municipality and to which the general public has access, whether on payment of admission fees or not;
- (c) also any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the Municipality;

#### 2. Maximum number of visitors

- (1) A Municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity: Provided that different numbers may so be determined for different public amenities.
- (2) The number contemplated in subsection (1) are made known by the Municipality concerned by means of a notice

**3. Admission to and residence in a public amenity**

- (1) A public amenity is, subject to the provisions of these bylaws, open to the public on the times determined by the Municipality concerned: Provided that different times may be determined in respect of different public amenities.
- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.
- (3) The times and places contemplated in subsections (1) and (2), shall be made known by the Municipality concerned by means of a notice.

**4. Entrance fees**

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

**5. Nuisances**

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

- (a) the use of language or the performance of any other act with the purposed of disturbing the good order;
- (b) the firing of firearms, airguns, air-pistols, fireworks or the use of sling-shots or catapults;
- (c) the burning of rubble or refuse;
- (d) the causing of unpleasant or offensive smells;
- (e) the production of smoke nuisance; or
- (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments, or similar equipment;
- (g) the playing of loud music.

**6. Health matters**

No person shall in or at a public amenity-

- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
- (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
- (c) enter any bath or swimming-bath while suffering from an infectious or contagious disease or having an open wound on his body;



- (d) perform any act that may detrimentally affect the health of any other visitor to a public amenity.

**7. Structures**

No person shall, without the written consent of the Municipality concerned having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything else, except a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice: Provided that application for such consent shall be made to the Municipality on a form provided for that purpose, at least 21 days before such erection.

**8. Liquor and food**

- (1) No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- (2) Subject to the provisions of subsection (1) no person shall on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice: Provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health: Provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

**9. Animals**

- (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the Municipality concerned: Provided that different directions may so be determined in respect of different public amenities and different types of animals, birds, fish and poultry.
- (2) The directions contemplated in subsection (1), shall be made known by means of a notice.

**10. Loitering**

No person leading the life of a loiterer or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually slops in a public street, public place or on a private place or who habitually begs for money or goods or persuades others to beg for money and goods on his behalf, may loiter or linger about in a public amenity.



## 11. Gatherings and processions

- (1) No person shall without the prior written consent of the Municipality concerned, or contrary to any condition which the Municipality may impose when granting such consent-
  - (a) arrange or present any public entertainment in any public place;
  - (b) collect money or any other goods for charity or any other purpose from the general public;
  - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
  - (d) arrange, hold, address or attend any meeting;
  - (e) arrange, hold or attend a public gathering or procession, exhibition or performance;
  - (f) conduct any trade, occupation or business;
  - (g) display, sell or rent out or present for sale or rent any wares or articles;
  - (h) hold or attend an auction;
  - (i) tell fortunes for compensation, in or at a public amenity.
- (2) For the purposes of this bylaw "public gathering or procession" shall mean a procession or gathering of 12 or more persons.
- (3) Consent contemplated in subsection (1), shall be refused only if the Municipality is of opinion that-
  - (a) it would give rise to;-
    - (i) public rioting;
    - (ii) the disturbance of public peace;
    - (ii) the committing of an offence;
  - (b) it would be detrimental to the public or the users of or visitors to the public amenity; or
  - (c) it would be detrimental to the public amenity concerned.
- (4) Any person who requires the Municipality 's written consent for any action contemplated in subsection (1), shall apply in writing to the Municipality at least 21 days before such action on the form provided for this purpose.

## 12. Safety and order

- (1) No person shall, subject to subsection (2), in or at a public amenity-
  - (a) damage or disfigure anything within such amenity;
  - (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
  - (c) light a fire or barbecue meat, except at a place indicated for that purpose by notice;

- (d) throw away any burning or smouldering object;
  - (e) throw or roll down any rock, stone or object from any mountain, hill, slope or cliff;
  - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
  - (g) behave himself in an improper, indecent, unruly, violent or unbecoming manner;
  - (h) cause a disturbance;
  - (i) wash, polish or repair a vehicle: Provided that the foregoing provision of this paragraph shall not be applicable to the emergency repair of a vehicle;
  - (j) walk, stand, sit or lie in a flower bed;
  - (k) kill, hurt, follow, disturb, ill treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
  - (l) walk, stand sit or lie on grass contrary to the provisions of a notice;
  - (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
  - (n) play or sit on playpark equipment, except if the person concerned is a child under the age of 13 years; or
  - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.
- (2) A Municipality may by way of notice and subject to such conditions as the Municipality deems necessary and mentioned in the notice authorise any of the actions contemplated in subsection (1).

### 13. Water

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

### 14. Laundry and crockery

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

### 15. Vehicles

- (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or hydroplanes, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Municipality concerned: Provided that different directions may be determined for different public amenities and for such different vehicles, craft or hydroplanes.

- (2) The Municipality may determine the speed limit applicable in a public amenity: Provided that different speed limits maybe determined for different public amenities and for different such vehicles, craft and hydroplanes.
- (3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by the Municipality by way of notice.

**16. Games**

No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the Municipality and which is made known by way of notice.

**17. Improper or indecent behaviour**

No person may in or at a public amenity-

- (a) perform an indecent act or conduct himself improperly by exposure of his person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd dirty or indecent language;
- (c) write paint, draw or in any way make a filthy or immoral figure, writing, drawing or representation;
- (d) defecate, urinate or undress, except in such building or on premises intended or indicated by notice for such purposes or enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex.

**18. Clothing**

Visitors to or a user of a public amenity at all times shall be clothed decently in public.

**19. Powers of a person in control**

A person appointed by a Municipality to control a public amenity may-

- (a) in a public amenity at any time enter upon any place, land, premises or building and conduct an investigation thereat in order to determine whether the provisions of these bylaws are complied with;
- (b) for the better exercising of any power or the performance of any function or duty assigned or granted to him, take along an interpreter who, while acting under the lawful order of such a person, shall have the same powers, functions and duties as such person.



**20. Offences and Penalties**

Any person who

- (a) contravenes or fails to comply with a provision of these bylaws or a direction adopted by a Municipality under these bylaws and which has been made known by notice, or of a condition imposed under such bylaw, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these bylaws, or not;
- (b) deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these bylaws; or
- (c) furnishes false, incorrect or misleading information when applying for permission from a Municipality in terms of a provision of a bylaw,

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.

**21. Repeal of bylaws**

All Municipal Bylaws, and amendments thereto, relating to Public Amenities 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.