

PUBLIC AMENITIES BY-LAW

7 Public Amenities By-Law

The Municipal Manager of _____ Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Public Amenities By-Law for the _____ Local Municipality, to be approved by the Council, as set out hereunder.

Purpose of By-Law

- To promote the achievement of a safe and peaceful environment;
- To provide for procedures, methods and practices to regulate the use and management of public amenities.

Definitions

1. In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates: -

“Council” means the council of the Municipality or any political structure, political office bearer, councillor, or any staff member acting under council’s delegated or sub-delegated authority;

“Municipality” means the Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000;

“Notice” means official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the council shall make known provisions and directions adopted by it in terms of this by-law;

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“Public Amenity” means -

- (a) any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoo-logical, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;
- (b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the council and to which the general public has access, whether on payment of admission fees or not;

but excluding:

- (i) any public road or street;
- (ii) 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 council, and
- (iii) any public amenity hired from the council;

Maximum number of visitors

- 2. (1) The council may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- (2) The numbers contemplated in subsection (1) are made known by the council by means of a notice.

Admission to and sojourn in a public amenity

- 3. (1) A public amenity is, subject to the provisions of this by-law, open to the public on the times determined by the council;

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- (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 council by means of a notice.

Entrance fees

4. (1) A visitor to a public amenity shall pay entrance fees determined from time to time by the council and such entrance fees shall be made known by means of a notice.

(2) Different entrance fees may be determined in respect of visitors of different ages and the council may exempt certain groups of persons from the payment of an entrance fee.

Nuisances

5. No person shall perform or permit any of the following acts in or at a public amenity -
 - (a) the use of language or the performance of any other act which disturbs the good order;
 - (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the council's written consent;
 - (c) the burning of rubble or refuse;
 - (d) the causing of unpleasant or offensive smells;
 - (e) the production of smoke nuisances;
 - (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;
 - (g) the begging for money, food, work or the offering of services, or
 - (h) in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

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Health Matters

6. 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 visitor to a public amenity.

Structures

7. No person shall without the written consent of the council having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice;

Liquor and food

8. (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) 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 hygienic 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.

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Animals

9. (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the council.
- (2) The directions contemplated in subsection (1) shall be made known by means of a notice.

Use of public amenities

- 10 (1) No person shall without the consent of the council or contrary to any condition which the council may impose when granting such consent -
- (a) arrange or present any public entertainment;
 - (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 or address any meeting;
 - (e) arrange or hold 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 an auction;
 - (i) tell fortunes for compensation;
- (2) For the purposes of this by-law “public gathering or procession” shall mean a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

Safety and order

11. (1) No person shall, subject to subsection (2), in or at a public amenity-

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- (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 prepare food, 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, koppie, slope or cliff;
 - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
 - (g) behave himself or herself in an improper, indecent, unruly, violent or unbecoming manner;
 - (h) cause a disturbance;
 - (i) wash, polish or repair 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 play park equipment, except if the person concerned is a child under the age of 13 years;
 - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond;
- (2) The council may by way of notice and subject to such conditions as the council deems necessary and mentioned in the notice, authorise any of the actions contemplated in subsection (1).

Water

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

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Laundry and crockery

13. 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 purpose.

Vehicles

- 14 (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the council;
- (2) The council determines the speed limit applicable in a public amenity;
- (3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by the council by way of notice.

Games

15. 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 council and which is made known by way of notice.

Penalties

16. Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-law or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction to:
- (1) a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment or both such fine and such imprisonment;

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- (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.