

The Council of the uMhlathuze Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following bylaws :

**uMHLATHUZE MUNICIPALITY**  
**BYLAWS RELATING TO PUBLIC AMENITIES**

**1. Definitions**

In these bylaws, unless the context otherwise indicates -

**"Council"** means the uMhlathuze 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 bylaws;

**"notice"** means a clear and legible official notice drawn up by Council and displayed at every entrance to or at a conspicuous place at or on a public amenity;

**"public amenity"** means -

- (a) any land, square, camping site, swimming-bath, public resort, recreation site, nature reserve, zoological, botanical or other garden, park, hiking trail, or natural water source 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 the Council and to which the general public has access, whether on payment of admission fees or not, and includes any public amenity contemplated in paragraphs (a) and (b) which is situated within the area of jurisdiction of Council, if it is lawfully controlled and managed in terms of an agreement by a person other than the Council.

**2. Maximum number of visitors**

- (1) The Council 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 numbers contemplated in subsection (1) are made known by Council by means of a notice.

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

- (1) A public amenity is, subject to the provisions of these bylaws, open to the public during the times determined by the Council, 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 Council may temporarily close any public amenity to visitors in case of an emergency or for the purposes of repair to or maintenance of such public amenity.
- (4) The times and places contemplated in subsections (1) and (2) shall be made known by the Council by means of a notice.

#### **4. Entrance fees**

- (1) A visitor to a public amenity shall pay the entrance fees approved and promulgated by the Council, 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 purpose of disturbing good order;
- (b) the firing of firearms, airguns, air-pistols, fireworks or the use of slingshots or catapults;
- (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 the use of loudspeakers, radio reception devices, television sets, or similar equipment; or
- (g) any other act which is in contravention of any legislation or which is, in the opinion of the person in control as contemplated in section 14, creating a nuisance.

#### **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 public swimming-bath, dam, spruit, river, natural watersource or watercourse;
- (c) enter any public swimming-bath while suffering from an infectious or contagious disease or having an open wound on his body;
- (d) perform any act that may affect the health of any visitors to a public amenity.

## **7. Structures**

No person shall, without the written consent of Council having first been obtained, erect or establish in or on a public amenity any structure or shelter, 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 Council on a form provided for that purpose, at least 21 days before such erection.

## **8. Gatherings and processions**

- (1) No person shall, without the consent of the Council or contrary to any condition which Council may impose when granting such consent, in or at a public place -
  - (a) arrange or present any public entertainment or a public gathering or procession, exhibition or performance;
  - (b) collect money or any other goods for charity or any other purpose from the general public;
  - (c) conduct any trade, occupation or business.
- (2) Consent contemplated in subsection (1), shall be refused only if the Council is of the opinion that -
  - (a) it would give rise to -
    - (i) public rioting;
    - (ii) the disturbance of public peace;
    - (iii) 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.
- (3) Any person who requires Council's written consent for any action contemplated in subsection (1), shall apply in writing to Council at least 21 days before such action on the form provided for this purpose.

## **9. 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, except at a place indicated for that purpose by notice or within a safe area;
  - (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 in an improper, indecent, unruly, violent or unbecoming manner;
  - (h) cause a disturbance;
  - (i) walk, stand, sit or lie in a flower bed;
  - (j) kill, hurt, disturb, ill-treat or catch any animal, or displace, disturb, destroy or remove any nests or eggs;
- (2) The Council may by way of notice and subject to such conditions as Council deems necessary and mentioned in the notice, authorize any of the actions contemplated in subsection (1).

## **10. Water**

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

## **11. Laundry**

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

## **12. 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 aeroplane whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Council, provided that different directions may be determined for different public amenities and for such different vehicles, craft or aeroplanes.
- (2) The Council may determine the speed limit applicable in a public amenity: Provided that different speed limits may be determined for different public amenities and for such different vehicles, or craft.

- (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.

### **13. 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 a premises intended or indicated by notice for such purpose;
- (e) enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex; or
- (f) be clothed in an indecent manner.

### **14. Powers of a person in control**

A person appointed by the Council 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;
- (c) remove any person or cause him/her to be removed from a public amenity if such a person contravenes or fails to comply with a provision of these bylaws or a direction adopted by Council under these bylaws or a condition imposed under these bylaws.

### **15. Penalties**

Any person who -

- (a) contravenes or fails to comply with a provision of these bylaws or a direction adopted by the Council 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 Council in terms of a provision of these bylaws,

shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding six months, or both the fine and the imprisonment

## **16. Repeal of Bylaws**

- (1) The Bylaws relating to Public Amenities of the City of uMhlatuze, published under Administrator's Notice 336 of 19 September 1991, as amended, are hereby repealed: Provided that such repeal shall not affect the continued validity of charges determined by the Council under those bylaws.
- (2) Any reference:-
  - (a) in these bylaws to a charge determined by the Council shall include a charge determined by the Council under the bylaws repealed by subsection (1), until the Council's determination of charges under these bylaws comes into operation; and
  - (b) in determination of charges made under the bylaws so repealed, to a provision in those bylaws shall be deemed to be a reference to the corresponding provision in these bylaws.
- (3) Anything done under the provisions of the bylaws repealed by subsection (1), shall be deemed to have been done under the corresponding provision of these bylaws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these bylaws is valid under the bylaws so repealed.