

The Council of the Msukaligwa 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-law which By-law shall come into operation on the date of publication of this notice.

MSUKALIGWA LOCAL MUNICIPALITY

BY-LAW RELATING TO NUISANCES

(1) DEFINITIONS

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

“**Council**” means the Msukaligwa Local Municipality and its successor 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 regard 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) 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 bandishing 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) SUBJECT TO OBTAINING PRIOR WRITTEN APPROVAL OF THE COUNCIL

(1) No person shall advertise any wares or services in any public place by means of any megaphone, loudspeakers or other similar device, or ringing of bells in such manner to constitute a public nuisance in the neighbourhood.

- i. No person, being in or on any private premises, shall disrupt 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 playing of musical instruments, radios or the like or by the continuous or over-loud use of loudspeakers, or the like.
- ii. Any itinerant vocalist or musician performing in any public place shall, when so required by any protection officer or police officer or by any person residing in the neighbourhood where such vocalist or musician is performing, depart from such neighbourhood.
- iii. No person shall discharge fireworks or light any bonfire in any public space, without prior written permission of the Council.
- iv. No person shall, without lawful cause, discharge any firearm or airgun within the Municipality, provided that this By-law shall not apply to any persons engaged in authorised target practice in places set aside for that purpose or to any person to whom written permission to do so has been given by the Council.

No person shall carry any knife, dagger or other dangerous weapon or any other lethal weapon in any public place, provided that this By-law shall not apply to the following:

- (2) 1. Any person in the Military or Police service when on duty.

- 1 Any security officer or police officer.
 3. Any person who shall have obtained from the police a written exemption from the operation of this By-law, which exemption the police are hereby authorised to grant.
- (3) No persons armed with lethal weapons shall be permitted to congregate in any part of the Municipality for any purpose or in any manner liable or calculated to cause a breach of the peace.

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.

4. OFFENCES AGAINST DECENCY AND MORALITY

- (1) No person shall, in any public place, commit any indecent or immoral gesture or act or willfully and obscenely expose his person.
- (a) No person shall appear in any public place without being decently clothed.
 - (b) No person shall be or appear in any public place in a state of intoxication.
 - (c) No person shall write, print, or draw any obscene or indecent words or figures in any public place or upon any wall, door, window or other part of premises in or within sight of any public place, nor use any foul, obscene or indecent language in any public place within the hearing of any person therein.
 - (d) No person shall litter upon any street or footpath, which might in any way endanger the safety of pedestrians, or pollute the environment.
 - (e) 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 necessary for loading and unloading, and in no case after receipt of a notice requiring him to remove same given by any security officer, police officer or authorised official.
 - (f) No person shall, for trading or any other purpose, place any goods, wares or articles on any stand or support on or overhanging or protruding over any pavement or street, nor place such goods, wares or articles upon any pavement, nor place, fix or hang such goods, wares or articles upon any verandah post, stays or ceiling on or over any public footpath or street.
 - (g) No person shall carry on or take part in any trade or calling nor open, unpack or pack any cases, furniture, goods, materials or merchandise in any street.
 - (h) No person shall place any flower pot or box or other heavy article in any window or upon any window sill in any building abutting on any street or pavement unless proper precautions are taken to prevent such flower pot box or other heavy article from being blown or falling into or on to such street or pavement.
 - (i) No person shall hold any auction sale in any street or in or from any doorway, window or other opening of any premises abutting on any street without the written consent of the Council and then only subject to such conditions as may be imposed in such consent.
 - (j) No person shall place or deposit any slops, trimmings of hedges, fences or trees or any garden or other refuse or waste material of any kind on any street or pavement unless same is placed in approved boxes or receptacles for the purpose of removal by the Council's employees or contractors.

- (k) (a) No person, other than a person appointed for the purpose by a registered welfare organisation which has been authorised by the Council to cause a collection of money to be taken or to hold a cake sale on its behalf in any public place, shall collect or attempt to collect money or hold such cake sale in any public place.
- (b) Every welfare organisation desiring to obtain the authority of the Council for any such collection or cake sale on his behalf shall, make a written application to the Council therefor, and shall, if required by the Council, forward the following documents:
 - (i) Its certificate of registration.
 - (ii) A copy of its balance sheet for the preceding financial year.
- (c) The Council upon receipt of any such application, may either grant the application or refuse it. If granted, the authority shall be subject to such conditions as the Council may prescribe.
- (l) (a) 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 onto such street or footpath in such manner as to cause an obstruction or discomfort to the public, or to come into contact, or to be likely to come into contact with any wire, 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 remove any such tree or shrub or the roots thereof within a time specified; and if such owner or occupier shall fail to comply with such notice within such time specified therein the Council 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.

5. OFFENCES AND PENALTIES

Any person who:

contravenes or fails to comply with any provision of these By-laws or of any term, condition, restriction, requirement notice or order imposed or issued in terms thereof;

resists, hinders, obstructs, molests, or interferes with any officer or employee of the Council in the performance of his duties or the exercise of his powers under these By-laws; or

causes or permits any other person to commit any of the aforesaid acts -

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand rand, or in default of payment of any fine imposed, imprisonment for a person not exceeding six months.

6. 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.

7. **REPEAL**

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