

**DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS**

**PROVINCIAL GOVERNMENT NOTICE**

**No. ...., 2015**

I, under powers vested in me by section 14(2) of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000), and after having consulted the Minister of Provincial and Local Government Affairs and Organized Local Government in the Province, hereby make the standard By-laws contained in the Schedule hereto.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ Twenty Fifteen.

**N DUBE**

Member of the Executive Council of the Province of KwaZulu-Natal responsible for local government

## BY-LAWS RELATING TO PUBLIC AMENITIES

### Definitions

1. In these by-laws, unless the context otherwise indicates -

"**Boat**" means any vessel, punt, raft, canoe or windsurfer which is used to carry persons and which is moved or propelled by oars, poles or sails or any combination of oars, poles and sails;

"**Council**" means the Mandeni Municipal Council of the Municipality;

"**Distribute**" means to plant, sow seed or throw away;

"**Hunt**" means to chase, track, shoot at, kill, follow, look for or lie in wait with the intention of killing with equipment, resources or dogs;

"**Lake**" means any natural or man-made lake which is situated within the area of jurisdiction of the Municipality and which is owned, leased, administered, managed or controlled by the Municipality and includes the banks or shores of the lake and the adjacent land to which the general public has access, whether on payment of admission fees or not;

"**Nature conservation area**" means any area classified as such according to the method used by the Nature Conservation and Resorts Section of the Municipality to classify nature conservation areas and includes the following, as well as any new areas which may be classified as such at any future stage:

- (a) Amatikulu Nature Reserve,
- (b) Ingwenya Nature Reserve,
- (c) Ndulunde Hills,
- (d) Red Hill Nature Reserve,
- (e) Harold Johnson Nature Reserve, and
- (f) Ndongakusuka Hill.

"**Notice**" means a clearly visible notice in one official language or more which is exhibited at or in a public amenity by or under the authority of the Municipality;

"**Pick**" means to gather, cut off, chop down, root out, damage or destroy;

"**Plant**" means any indigenous, exotic or endemic tree, shrub, grass or flower;

"**Public amenity**" means -

(a) any land, square, camping site, swimming-bath, public resort, recreation site, zoological, botanical or other garden or park, or hiking trail, including any portion of and any facility or apparatus in or on the land, square, camping site, swimming-bath, public resort, recreation site, zoological, botanical or other garden or park or hiking trail, which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;

(b) any public road, road reserve, street, lake, dam, river, stream or spruit which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;

(c) any building, structure, hall, room or office, including any part of and any facility or apparatus in the building, structure, hall, room or office, which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;

(d) any public amenity contemplated in paragraph (a), (b) or (c) which is lawfully administered, managed or controlled by a person other than the Municipality in terms of an agreement between such person and the Municipality; and

(e) any nature conservation area, including -

- (i) any nature reserve;
- (ii) any protected natural area;
- (iii) any nature conservation-worthy area; and
- (iv) any natural open space,

which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;

**"Public gathering or procession"** means a public gathering or procession of 12 persons or more;

**"River"** or **"Dam"** means any natural or man-made water surface which is situated within the area of jurisdiction of the Municipality and which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not, and includes the banks or shores of the river or dam and adjacent land to which the general public has access; and

**"Wild animal"** means any wild animal found within the borders of the Republic of South Africa, including mammals, invertebrates, reptiles, birds and insects.

#### **Maximum number of visitors**

2. (1) The Municipality through its nominated representative may determine a public amenity at a specific time, provided that different numbers of visitors may be determined for different public amenities.

(2) The numbers of visitors contemplated in subsection (1) must be made known by the Municipality by means of a notice.

#### **Admission to and stay in a public amenity**

3. (1) A public amenity is, subject to the provisions of these by-laws, open to the public during the times determined by the Municipality, provided that different times may be determined for different public amenities.

(2) No person may, where a public amenity is enclosed by a wall, fence, barrier or trellis, enter or leave the public amenity other than by way of a gate or entrance which serves as an entrance or exit.

(3) No person may climb, sit, stand or lie on, or climb over or crawl through any wall, fence, barrier or trellis which serves as the fence of a public amenity.

(4) No person may enter or remain in a public amenity or portion of a public amenity in conflict with a notice which restricts access to specific times.

(5) The Municipality may temporarily close a public amenity to visitors in the event of an emergency or for the purposes of repairs to or maintenance of the public amenity.

(6) The times and places contemplated in subsections (1) and (2) must be made known by the Municipality by means of a notice.

(7) All persons must leave the public amenity promptly at the time of the closing of the gates of the public amenity, and no person may -

- (a) enter or remain in or at the public amenity after the gates have been closed;
- (b) climb through or over the gates or fences enclosing the public amenity; or
- (c) enter or leave the public amenity other than through an authorised entrance or exit.

(8) Any person entering a public amenity through a gate which was closed must close the gate again.

### **Animals**

4. (1) No person may bring any living or non-living animal, whether wild or tame, into a public amenity, except in accordance with the directions of the Municipality, provided that different directions may be determined in respect of different public amenities and different types of animals, including birds, fish, reptiles and poultry.

(2) No person may take any dog or permit any dog to be taken into a public amenity unless the dog is allowed in accordance with the directions of the Municipality and is secured to a leash and under the control of its owner. The owner of such a dog is obliged to promptly remove all excreta of the dog under his or her control from the public amenity.

(3) The directions contemplated in subsections (1) and (2) must be made known by means of a notice in or at the public amenity.

(4) An animal which is found in a public amenity and causes a nuisance to or instils fear in visitors may be impounded or destroyed by a duly authorised official of the Municipality.

(5) No person may hunt any wild animal in a public amenity, unless he or she is the holder of a valid permit and has the necessary permission.

(6) No person may, at or in any nature conservation area, be in possession of or place equipment or devices with the intention of hunting or catching a wild animal.

(7) No person may make an opening in the fence of a public amenity with the intent to entice an animal through the fence.

(8) No person may, in or at a public amenity, receive, be in possession of or trade with or trade in any wild animal product, whether or not such wild animal product is alive.

(9) No person may disturb, entice or feed any animal in or at a public amenity, unless permission to do so has been granted by the Municipality.

### **Plants**

5. (1) No alien plants as contemplated in the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), may be planted in any nature conservation area.

(2) No person may, in or at any public amenity, pick any indigenous plant without -  
(a) being in possession of the necessary permit authorising the picking; and  
(b) the written permission of the Municipality.

(3) No person may, in or at any public amenity, receive, be in possession of or trade with or trade in any indigenous plant or product, whether alive or not, without the necessary permit authorising the receipt, possession or trading.

(4) No person may distribute any plant, whether indigenous or exotic, in any nature conservation area without the necessary permission.

### **Entrance fees**

6. (1) A visitor to a public amenity must pay the entrance fees determined from time to time by the Municipality, and such entrance fees must be made known by the Municipality by means of a notice.

(2) The Municipality may determine different entrance fees at public amenities in respect of visitors of different ages.

(3) No person or private organisation may change any entrance fees at any public amenity without the permission of the Municipality.

(4) No person may enter a public amenity unless he or she has paid the approved tariff of the Municipality or has an approved permit.

### **Use of play apparatus and playground equipment**

7. (1) No person over the age of 14 years may climb onto any play apparatus or playground equipment supplied by the Municipality in or at a public amenity or use such play apparatus or playground equipment in any way whatsoever.

(2) Not more than the maximum number of persons for which play apparatus or playground equipment in or at a public amenity is designed is allowed on the play apparatus or playground equipment at any given time.

(3) All play apparatus and playground equipment in or at a public amenity are used at the users' own risk.

### **Prohibited acts**

8. (1) No person may, in or at any public amenity -

(a) in respect of any item, article, structure or thing that is the property of the Municipality, such as a fountain, statue, monument, bust, post, chain, railing, fence, seat, barrier, gate, lamp-post, electrical appliance, noticeboard or notice plate, house, building, shed, urinal, closet, flag or mark -

(i) remove or damage any such item, article, structure or thing;

(ii) disfigure or deface any such item, article, structure or thing by pasting or affixing in any way bills, papers, placards or notices on or to the item, article, structure or thing or by cutting, writing on, stamping, painting, drawing on or marking the item, article, structure or thing;

(iii) interfere with any such item, article, structure or thing in any manner whatsoever;

(b) saw, cut, gather, remove, dig up, fill in, burn, pick or break any timber, tree, shrub, brushwood, fencing pole, lawn, plant, fruit, flower or equipment or climb on or do any damage to any timber, tree, shrub, brushwood, fencing pole, lawn, plant, fruit, flower or equipment;

(c) enter or attempt to enter into any enclosure, plantation, garden or temporary enclosure that is the property of the Municipality, or walk over, stand on or recline in any flower bed;

(d) erect a shelter, house, shack or structure with the intention to live or reside in the shelter, house, shack or structure;

(e) hawk or display for sale any goods whatsoever without the prior written consent of the Municipality;

(f) erect or cause to be erected any post, rail, fence, tent, screen, stand, swing, structure, building or construction of whatever nature without the prior written consent of the Municipality;

(g) drive, park or place a vehicle on or over any part of a flower bed or lawn, except in the spaces that are specially reserved for the purpose of driving, parking or placing a vehicle;

(h) wash clothes or other articles in a river, pond or fountain or otherwise pollute the water in a river, pond or fountain or contaminate or waste any water source;

(i) wash, polish, service or repair a vehicle;

(j) bath or wash himself or herself or any other person or any animal in a river, or allow any animal belonging to him or her or under his or her control to be in the river;

(k) use or try to use or enter or try to enter any water closet, toilet facility, urinal, bathing booth, change-room or other place of convenience provided for the opposite sex, indicated by means of a notice erected in a conspicuous place, provided that this restriction does not apply to children under the age of five years;

(l) cause unpleasant or offensive smells;

(m) dump or burn or allow to be dumped or burned any wood, grass, garden refuse, packaging material or any flammable material;

(n) present any public entertainment or make use of a loud speaker, amplifier or any other audio equipment without the prior written permission of the Municipality;

(o) deliver, utter or read aloud any public address, prayer or speech of whatever nature or sing any song or hold or participate in any public meeting or function except with the prior written consent of the Municipality;

(p) engage in any activity related to the practising of the occult, drug abuse or drug dealing;

(q) assault or assist, aid or incite any person to assault or resist an official of the Municipality or other person in the execution of his or her duty or the lawful exercise of any authority in terms of these by-laws;

(r) refuse to leave the public amenity at or after the time of the closing of the gates when requested to do so by any official of the Municipality or member of the police service, or unlawfully remain in the public amenity after the gates have been closed or climb through or over the gates, fences or railings, or enter or leave other than through one of the authorised entrances or exits;

(s) smoke in a place or building in which smoking is forbidden by a notice affixed in a conspicuous place at or near the entrance to such place or building;

(t) obstruct, disturb, interrupt or annoy any person in the proper use of the public amenity;

(u) brawl; fight; use profane, indecent or improper language; be intoxicated; bet; gamble; beg; lay down on any seat; or behave in an indecent or offensive manner; or commit any nuisance;

(v) contravene or act contrary to any notice by the Municipality;

(w) play or make preparations to play any game, except at the places and at the times indicated and set apart for such a game by the Municipality;

(x) fire any firearm; discharge any fireworks, catapult or sling; throw any stone, stick or other object or missile; use any squirt, syringe or other instrument; or do anything which may endanger or be deemed a nuisance, obstruction or annoyance to the public;

(y) be in possession of a firearm without the necessary permission;

(z) swim in a river, dam or lake, unless the necessary permission has been granted;

(aa) allow a child under the age of 13 years to enter a swimming-bath area unless the child is accompanied by an adult, provided that all swimming-bath facilities are used at the users' own risk; and

(bb) utilise a booked facility unless the facility has been booked in advance and the hiring fees have been paid in full.

(2) (a) Any person who, in or at any public amenity -

(i) contravenes the provisions of these by-laws or does not comply with a condition imposed in connection with the use of the public amenity; or

(ii) acts in such a manner as to be a nuisance to other users of the public amenity and refuses to discontinue such conduct after being requested to do so by a duly authorised official of the Municipality, may be instructed by the authorised official to leave the public amenity.

(b) Any person who has in terms of subsection (2)(a) been instructed to leave the public amenity and refuses to do so or returns to the public amenity within 24 hours is guilty of an offence.

## **Health matters**

9. No person may, in or at a public amenity -

(1) dump, drop or place any refuse, rubble, material or any other object or thing or permit such dumping, dropping or placing to be done, except in a container provided for that purpose by the Municipality;

(2) pollute or contaminate in any way the water in a bath, swimming-bath, lake, dam, river or water-course;

(3) enter a bath or swimming-bath while suffering from an infectious or contagious disease or while having an open wound on his or her body;

(4) perform any act which may detrimentally affect the health of a visitor to the public amenity; or

(5) use any soap or substance which will make the water of a swimming bath muddy, murky or unacceptable for swimming purposes.

### **Liquor, food and fires**

10. (1) No person may, contrary to a provision in a notice, bring to or into a public amenity any alcoholic beverage or any other liquor or any food of whatever nature.

(2) Subject to the provisions of subsection (1), no person may, contrary to a provision in a notice, cook or prepare any food whatsoever in or at a public amenity, except at places set aside for that purpose by a notice, provided that -

- (a) the cooking or preparation of the food is done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or pose any danger to health; and
- (b) no live animals, poultry or fish are killed or skinned in or at the public amenity unless authorised by the SEO or his nominated representative

(3) No person may, in or at a public amenity, make a fire or braai except at places where braai facilities are provided or at places so indicated by a notice.

### **Loitering**

11. No loitering or lingering about which may infringe on the use of a public amenity by the general public is permitted.

### **Gatherings and processions**

12. (1) No person may, without the prior written consent of the HoD: Housing, City Planning and Environmental Management or his/her nominated representative, or contrary to any conditions which the Municipality may have imposed when granting such consent, in or at any public amenity -

- (a) arrange, present or attend 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, address or attend a meeting;
- (e) arrange, hold, address 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; or
- (i) tell fortunes for a fee.

(2) Any person who requires the Municipality's written consent for any act contemplated in subsection (1) must apply in writing to the Municipality at least 21 days before the date of such act.

(3) No person may use a public amenity that is hired out to a person, school, sport club or association of persons, except where there is a written agreement with the Municipality to use the public amenity and the hiring fees (if any) have been paid in full.

### **Vehicles**

13. (1) No person may bring into a public amenity any truck, bus, motor car, motorcycle, 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 SEO or his/her nominated representative, provided that different directions may be determined for different public amenities and for different vehicles, craft or aeroplanes.

(2) The Municipality may determine the speed limit applicable to a public amenity, provided that different speed limits may be determined for different public amenities and for different vehicles, craft or aeroplanes.

(3) The directions contemplated in subsection (1) and the speed limits contemplated in subsection (2) must be made known by the Municipality by way of a notice.

(4) Road signage erected in or at a public amenity has the same significance and authority as road signs erected in terms of the Road Traffic Ordinance, 1966, and any person who fails to comply with the road signage in or at the public amenity is guilty of an offence.

(5) No person may drive a vehicle or ride a bicycle in a nature conservation area unless otherwise specified.

(6) No person is allowed to drive on the indicated roads of a public amenity unless he or she is in possession of a valid driving licence.

(7) No person is allowed to drive a vehicle in such a manner that it will endanger the lives or safety of people or animals in the public amenity.

### **Improper or indecent behaviour**

14. No person may, in or at a public amenity -

(1) perform an indecent act, or conduct himself or herself improperly by exposing himself or herself or otherwise acting in an improper manner, or make improper gestures or incite or urge someone else to perform a disorderly or indecent act;

(2) write, paint, draw or in any way make an obscene, offensive or immoral figure, writing, drawing or representation;

(3) defecate, urinate or undress, except in a building or on premises intended or indicated by a notice for such purposes, or enter or use a toilet facility intended or indicated as such by a notice for members of the opposite sex; and

(4) not be clothed as decency requires.

### **Powers of municipal personnel**

15. (1) A person appointed by the Municipality to control a public amenity may -

- (a) at any time enter onto or into any place, land, premises or building in a public amenity to conduct an investigation in order to determine whether the provisions of these by-laws are being complied with;
- (b) for the better exercising of any power or the performance of any function or duty assigned or granted to him or her, take along an interpreter to assist him or her; and
- (c) banish from the public amenity any person committing a breach of any provision of these by-laws or order him or her to leave the public amenity.

(2) Any person who has in terms of subsection (1)(c) been banished or ordered to leave a public amenity and refuses to do so or returns to the public amenity within 24 hours is guilty of an offence.

(3) (a) The Municipality may appoint nature conservationists, honorary conservationists and such other personnel as may be deemed necessary for a public amenity, and the Municipality must determine their powers, functions and duties.

(b) Nature conservation personnel appointed in terms of paragraph (a) must be dressed in the uniform determined by the Municipality.

### **Furnishing of name and address**

16. No person may, when in a public amenity and when requested to do so, refuse to furnish his or her correct name and address to a duly authorised official of the Municipality.

### **Boats**

17. (1) No person may place or use a boat or cause or permit a boat to be placed or used on the water in a lake, dam or river unless a permit in respect of the boat, if required by the Municipality, has been obtained from the Municipality and the fees determined by the Municipality in respect of the permit have been paid in full.

(2) A permit referred to in subsection (1) must clearly specify the number of persons who may at any one time be conveyed in the boat, and the person to whom the permit is issued must retain the permit and present it to a duly authorised official of the Municipality when requested to do so.

(3) The Municipality may at any time suspend a permit issued in accordance with these by-laws, and the Municipality is not obliged to refund the fees paid in respect of the permit.

(4) The Municipality has the right to refuse to issue a permit in respect of a boat if the Municipality or its duly authorised official or representative is of the opinion that the boat is not sound in construction or is not in a proper and suitable condition.

(5) Before or after the issue of any permit in respect of a boat, the Municipality may, through its duly authorised official or representative, enter into or onto or board the boat and take any other steps which such official or representative may consider necessary for the purpose of inspecting the boat.

(6) No person may, without the permission of the Municipality, place or use on the water or cause to be placed or used on the water in a lake, dam or river a boat propelled by an engine of any kind

whatsoever. The Municipality reserves the right to prescribe and limit the number and type of boats which may at any time be allowed on a lake, dam or river.

(7) No person who is the owner of a boat, has the use or control of a boat or is in possession or in charge of a boat may at any time permit the boat to be used in or at a public amenity by a number of persons in excess of the number stipulated on the permit for the boat.

(8) No person may, without the written permission of the Municipality, ply boats for hire from the public piers at a public amenity or transport any persons at a fee on a boat at a public amenity. The Municipality may, on granting such permission -

- (a) impose any condition which it deems fit, and such a person must comply with the condition; and
- (b) determine the charges payable by such a person.

(9) No person under the influence of intoxicating liquor or a narcotic drug may -

- (a) enter into or onto, remain in or occupy any boat at a public amenity; and
- (b) at any time enter any landing stage at the waterfront at a public amenity.

(10) No person may, during the hours from half an hour after sunset until sunrise, use any boat on the water in a lake, dam or river unless the boat is fitted with at least one lamp that is lighted and placed in such a manner as to show a bright light which can continuously be seen from the shore. Any owner or occupant of a boat which is not provided with such a light is guilty of an offence under these by-laws.

(11) The Municipality may cancel a permit in respect of a boat or refuse to renew the permit if the person who is in charge of the boat, has supervision of the boat or is an occupant of the boat at a public amenity -

- (a) uses the boat in a negligent manner;
- (b) due to negligence or misconduct, injures or damages any person, animal or object; or
- (c) is guilty of any negligence or misconduct whatsoever which will damage, injure or endanger or be likely to damage, injure or endanger any other boat or any person, animal or object on the water or shore.

(12) No person may paint, repair, dry or beach any boat at a public amenity or cause or allow such painting, repairing, drying or beaching to be done at a public amenity, except in places provided or indicated for that purpose by the Municipality. The appearance of a boat must at all times be neat and to the satisfaction of the Municipality, failing which the boat must be removed from the shore.

(13) No sports or games may take place in or on the water in a lake, dam or river without the consent of the Municipality, and no person may participate in or assist at any sports or games on a lake or dam or in a river if such sports or games have not been approved by the Municipality.

(14) No person may, without the consent of the Municipality, enter or land upon any island in the water in a lake, dam or river if the island is not connected by a bridge with the mainland.

(15) No person may, at any public amenity, dive from a boat or swim in the water from a boat.

(16) No person may board or moor a boat at any place in or at a public amenity other than a duly authorised mooring place, and no person who is in charge of a boat, has a boat in his or her care, has control of a boat or is an occupant of a boat may permit or allow any of the other occupants of the boat to moor the boat in a place other than such an authorised mooring place.

(17) No person may board a boat in or at a public amenity if he or she is not wearing a life-jacket, and any person who has a boat under his or her control and allows another person who is not wearing a life-jacket to board the boat is guilty of an offence.

(18) Children under the age of 17 years may not embark or board a boat in or at a public amenity, except under the supervision of an adult.

(19) Permits are issued in terms of subsection (1), and the Municipality is not liable whatsoever for any claim for damages which may result from the activities of the holder of a permit on a lake, dam or river. Any person who sets foot in a lake, dam or river or on its shore does so at his or her own risk.

### **Angling**

18. (1) Angling in or at a public amenity is permitted at the times and places determined under these by-laws or by notices affixed or erected on the banks or shores.

(2) Angling is not permitted in or at a public amenity during the hours of darkness, unless an entrance permit has been obtained from the Municipality and the prescribed fees have been paid.

(3) Any person who is not in possession of a provincial angling licence is not permitted to angle in or at a public amenity.

(4) An entrance permit referred to in subsection (2) may only be issued after the prescribed fees have been paid.

(5) Angling competitions are permitted in or at public amenities only with the consent of the Municipality and after the prescribed fees have been paid.

(6) No person is permitted to feed any fish in or at a public amenity without the prior approval of the Municipality.

(7) No person is permitted to introduce or release fish of any kind into a lake, dam or river without the prior approval of the Municipality.

(8) No person may, in or at any public amenity, angle with more than two lines with more than two single hooks with natural bait or one artificial bait medium or one spoon bait on each line.

(9) No person may, in or at a public amenity, catch fish with a net or any other apparatus other than an angling device subject to the provisions of these by-laws.

(10) No bait boats or canoes for the taking in of lines or feeding places are allowed in or at a public amenity.

(11) The amount and size of fish which may be angled in or at a public amenity are determined by the relevant legislation.

(12) No person over the age of 16 years may fish in or at a public amenity unless he or she is in possession of a valid angling licence.

### **Camping**

19. (1) No person may, in a camping site of a public amenity -

- (a) camp on a stand other than the stand allocated to him or her; or
- (b) do washing or hang out washing other than at or in a place specifically provided for such purpose.

(2) No person may camp in a camping site of a public amenity unless he or she has paid the charges laid down by the Municipality.

(3) If a person is instructed to leave a camping site of a public amenity and such a person has paid camping charges in advance for a period, he or she must be refunded the portion of the camping charges for the unexpired period.

(4) Any vehicle or caravan which is parked, any tent which is pitched or any other article which is left in a camping site of a public amenity for a period in excess of seven days and in respect of which the prescribed charges have not been paid may be removed by or at the instruction of a duly authorised official of the Municipality, and such a vehicle, caravan, tent or other article may be dealt with in accordance with the provisions of section 20.

### **Lost property**

20. (1) A duly authorised official of the Municipality may take into safekeeping any vehicle or other article found in a public amenity or on any other property belonging to the Municipality if -

- (a) the vehicle or article is, on reasonable grounds, presumed to be abandoned or lost; or
- (b) the vehicle or article is found to be in conflict with these by-laws, except a vehicle found in a street, provided that, should the head of the section of the authorised official be of the opinion that the vehicle or article is of no value, the vehicle or article may be regarded as refuse and be discarded as such.

(2) Any vehicle or article which is taken into safekeeping in accordance with subsection (1), which is not regarded as refuse and which is not claimed within one month from the date on which it was taken into safekeeping must be sold by public auction after at least 14 days' prior notice of the auction has been given in at least two newspapers circulating within the area of jurisdiction of the Municipality.

(3) Any person claiming as his or her lawful property any vehicle or article taken into safekeeping in accordance with subsection (1) may take back possession of the vehicle or article only after -

- (a) proving his or her ownership of the vehicle or article to the satisfaction of the head of the section referred to in subsection (1); and
- (b) paying to the Municipality -
  - (i) the costs of the removal, the safekeeping and the tracing of the owner; and
  - (ii) the costs relating to the notice of the auction if notice was given in accordance with subsection (2), provided that, notwithstanding payment of such costs, the owner remains liable to prosecution for any contravention of the provisions of these by-laws.

(4) The proceeds of a public auction held in terms of subsection (2) must be appropriated by the Municipality to recover -

- (a) the costs incurred in finding the owner of a vehicle or article;
- (b) the costs incurred in removing a vehicle or article to a place of safekeeping;
- (c) the costs of keeping a vehicle or article in a place of safekeeping; and
- (d) the costs incurred in connection with the arranging and advertising of the public auction.

(5) Any balance remaining after appropriation of the amounts contemplated in subsection (4) must be paid by the Municipality to the owner of the vehicle or article if ownership has been proved to the satisfaction of the head of the section referred to in subsection (1).

(6) If a vehicle or article contemplated in subsection (2) is not sold, the head of the section referred to in subsection (1) may deal with the vehicle or article in a manner which he or she deems appropriate in the circumstances.

### **Caves**

21. (1) No person may pollute the atmosphere inside a cave in or at a public amenity by, for example, the burning of combustible material.

(2) No person may break or tamper with or remove any barrier or obstacle which has been erected in front of a cave in or at a public amenity.

(3) No person may break, break off or damage any rock formation in a cave or anywhere else in or at a public amenity.

### **Exploitation/collection**

22. (1) No person may pump water out of any lake, dam or river without the necessary permission.

(2) No archaeological, geological or historical material in or at a public amenity may be disturbed or removed.

### **Development**

23. No person or institution may plan or execute any activity, development or improvement in or at a public amenity without the necessary approval.

### **Erosion**

24. (1) No person or institution may, without the necessary permission, undertake in or at a public amenity any activity where ground works are involved.

(2) No person may remove any soil, stones or sand from a public amenity without the necessary permission.

### **Offences and penalties**

25. (1) Any person who -

- (a) contravenes or fails to comply with any provision of these bylaws, a condition imposed under these by-laws or a direction adopted by the Municipality under these by-laws and

made known by a notice, irrespective of whether or not such contravention or failure has been declared an offence elsewhere in these by-laws;

(b) deliberately obstructs, hampers or handicaps another person in the execution of a power or the performance of a duty or function in terms of any provision of these by-laws; or

(c) furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of a provision of these by-laws, is guilty of an offence and is liable on conviction to a fine not exceeding R10 000,00 or, in default of payment of the fine, to imprisonment for a period not exceeding 12 months.

(2) Should a person be found guilty of an offence which, in terms of these by-laws is a continuous offence, such a person is liable to a proportionate part of the fine contemplated in subsection (1) for each day during which the offence continues after the date on which notice in writing has been given to perform or to discontinue a specific act or, in default of payment of the proportionate fine, to imprisonment for a proportionate part of the period contemplated in subsection (1)