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BY-LAW FOR THE PROMOTION OF A SAFE AND SECURE URBAN ENVIRONMENT**PREAMBLE:**

WHEREAS the City of Cape Town ("the City") may make and administer by-laws for the effective administration of such matters as the control of public nuisances, municipal roads, public places, traffic and parking;

AND WHEREAS aggressive, threatening, abusive or obstructive behaviour of persons in public is unacceptable to the City;

NOW THEREFORE the City adopts the following as the "By-law for the promotion of a safe and secure urban environment":

1. DEFINITIONS:

In this by-law, unless inconsistent with the context—

"automated teller machine facility" means a place or structure containing one or more automated teller machines, and any adjacent area set aside for persons using such machines;

"begging" means any request made by a person for an immediate donation of money or some other thing of value, and includes the sale or attempted sale of an item or service for an amount exceeding its value in circumstances where a reasonable person would understand that the purchase is in substance a donation; provided that begging does not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing any solicitation to any specific person other than in response to an enquiry, nor does it include a collection on behalf of a charitable organization in a public place or from door-to-door with the prior written permission of the City and in accordance with any conditions determined by the City when granting such written permission;

"City" means the City of Cape Town, a municipality established in terms of the Municipal Structures Act read with Provincial Notice 479 of 22 September 2000, as amended;

"kerb line" means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;

"parking or related services" means parking services, car cleaning services, car washing services, car security services, windscreen washing services and any other similar services;

"public nuisance" means any conduct which brings about or may bring about a state of affairs or condition which constitutes a source of danger to a person or the property of others or which materially interferes with their ordinary comfort, convenience, peace or quiet; alternatively **"public nuisance"** means any act, omission or condition which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the safety of the public;

"public parking space" means any space in a public place designated by the City for the parking of a motor vehicle;

"public place" means:

- (a) a public road; or
- (b) any square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery which has:
 - (i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
 - (ii) at any time been dedicated to the public;
 - (iii) been used without interruption by the public for a period of at least thirty years expiring after 31 December 1959, or
 - (iv) at any time been declared or rendered such by a council or other competent authority;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"public transportation vehicle" includes any train, bus, minibus or vehicle conveying members of the public at a fee;

"roadway" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;

"shoulder" means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;

"sidewalk" means that portion of a verge intended for the exclusive use of pedestrians;

"central business district" means an area determined by the City to constitute a central business district for the purposes of this by-law;

"verge" means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder.

2. PROHIBITED BEHAVIOUR

2.1. No person shall:

2.1.1 when begging in a public place:

- 2.1.1.1 intentionally block or interfere with the safe or free passage of a pedestrian or vehicle;
- 2.1.1.2 intentionally touch or cause physical contact with another person without that person's consent; or
- 2.1.1.3 use aggressive, threatening or abusive gestures or language;

2.1.2 approach or follow a person as part of a group of two or more persons, in a manner or with conduct, words or gestures intended to or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other things of value; or

2.1.3 continue to beg from a person or closely follow a person after the person has given a negative response.

2.2. No person shall beg:

2.2.1 within six metres of any:

- 2.2.1.1 automated teller machine;
- 2.2.1.2 automated teller machine facility;
- 2.2.1.3 bus or rail stop or station;
- 2.2.1.4 public telephone; or
- 2.2.1.5 public telephone booth or facility;

2.2.2 in any public place:

- 2.2.2.1 within three metres of an entrance to a building; or
- 2.2.2.2 from any operator or occupant of a motor vehicle;

2.2.3 in any public transportation vehicle or public parking area;

2.2.4 in any public road.

3. PARKING AND RELATED SERVICES

3.1. No person shall, without a valid licence issued by the City, which shall not be unreasonably withheld, in exchange for money or some other thing of value or in anticipation thereof:

- 3.1.1 direct the operator or occupant of a motor vehicle to a public parking space; or
- 3.1.2 provide any other parking or related services in a public place.

3.2. An application for a parking and related services licence or for the renewal of such a licence must be submitted to the City on the form prescribed by the City.

3.3. Every person who applies for a parking and related services licence shall satisfy the City that:

- 3.3.1 there is a demand for the particular parking or related service in the area concerned which is not adequately met by any existing parking and related service providers in that area;
- 3.3.2 his or her application complies with the policy as laid down by the City; and
- 3.3.3 any relevant agreement with his or her employees or with persons contracted to render the parking or related service is not or will not be of an exploitative nature.

3.4. The City may refuse to issue or renew a parking or related services licence or may cancel a licence:

- 3.4.1 if it is not satisfied that all of the requirements in section 3.3 are met; or
- 3.4.2 if the applicant or licence holder, or any of his or her employees or prospective employees, or any of the persons with whom he or she has contracted or intends to contract to render the parking service on his or her behalf:
 - 3.4.2.1 is not a fit and proper person to render parking or related services;
 - 3.4.2.2 when providing parking or related services, has been unable to produce on request by a peace officer or member of the Cape Town City Police Service, a valid parking and related services licence or a copy thereof certified as a true copy by the City;
 - 3.4.2.3 has been found guilty of a contravention of this by-law; or
 - 3.4.2.4 has jeopardized the safety of any person in a public place.

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