

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

EXTRAORDINARY • BUITENGEWONE

**Provincial Gazette
Kasete ya Profensi**

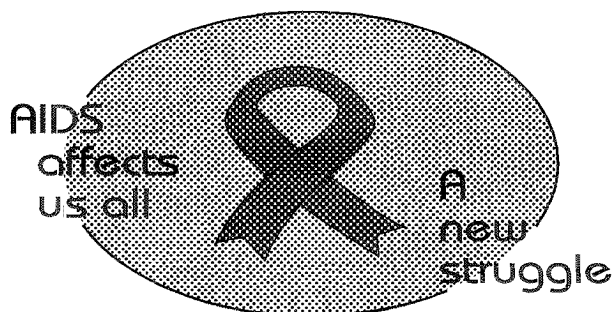
**iGazethi YePhondo
Provinsiale Koerant**

Vol. 19

KIMBERLEY, 27 SEPTEMBER 2012

No. 1634

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an “OK” slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender’s responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
GENERAL NOTICE • ALGEMENE KENNISGEWING		
78 Constitution of the Republic of South Africa, 1996: Municipal By-laws: Siyancuma Municipality	3	1634
78 Grondwet van die Republiek van Suid-Afrika, 1996: Munisipale Verordeninge: Siyancuma Municipaliteit	3	1634
By-law No. 1, 2012: Keeping of animals, poultry and bees control by-law, 2012	4	1634
Verordening No. 1, 2012: Verordening op die beheer oor aanhou van diere, pluimvee en bye, 2012	15	1634
By-law No. 2, 2012: Keeping of dogs control by-law, 2012	27	1634
Verordening No. 2, 2012: Verordening op die beheer oor aanhou van honde, 2012	32	1634
By-law No. 3, 2012: Street trading control by-law, 2012	37	1634
Verordening No. 3, 2012: Verordening op die beheer van straathandel, 2012	46	1634
By-law No. 4, 2012: Law enforcement by-law, 2012	55	1634
Verordening No. 4, 2012: Verordening op Wetstoepassing, 2012	63	1634
By-law No. 5, 2012: Building control by-law, 2012	72	1634
Verordening No. 5, 2012: Verordening op boubeheer, 2012	75	1634
By-law No. 6, 2012: Fireworks by-law, 2012	78	1634
Verordening No. 6, 2012: Verordening op vuurwerke, 2012	81	1634

GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 78 OF 2012

SIYANCUMA MUNICIPALITY / SIYANCUMA MUNISIPALITEIT

MUNICIPAL BY-LAWS: SIYANCUMA MUNICIPALITY / MUNISIPALE VERORDENINGE

Notice is hereby give in terms of Section 162(1) of the Constitution of the Republic of South Africa, 1996 that Siyancuma Municipality adopted the Municipal By-Laws contained in this notice and listed in the index hereto. The said Municipal By-Laws are hereby published as the Municipal By-Laws of the Siyancuma Municipality and shall commence on the 01 November 2012. / Kennisgewing word hiermee gegee in terme van Artikel 162(1) van die Grondwet van die Republiek van Suid-Afrika, 1996 dat die Siyancuma Munisipaliteit die Munisipale Verordenings aangeheg aan die kennisgewing en gelys in die inhoudsopgawe, aangeneem net. Die Munisipale Verordenings is gepubliseer as die Munisipale Verordenings van Siyancuma Munisipaliteit en sal in werking tree 01 November 2012.

IWJ STADHOUER MUNISIPALE BESTUURDER / MUNICIPAL MANAGER

BY LAW INDEX

1. Verordening op die beheer oor aanhou van diere, pluimvee en bye.
Keeping of animals, poultry and bees control by-law no. 01 of 2012
2. Verordening op die beheer oor aanhou van honde
Keeping of dogs by-law no. 02 of 2012
3. Verordening op die beheer van straat handel
Street Trading by-law no. 03 of 2012
4. Law enforcement by-law
Verordening op Wetstoepassing no.04 of 2012
5. Verordening op boubeheer
Building control by-law no 05 of 2012
6. Fireworks By-law
Verordening op vuurwerke no. 06 of 2012

By-law No. 01, 2012 KEEPING OF ANIMALS, POULTY AND BEES CONTROL
BY-LAW, 2012**BY-LAW**

To provide for control of the keeping of animals, poultry and bees in the Siyancuma municipality; and for matters connected therewith.

BE IT ENACTED by the Siyancuma municipality, as follows:-

**PART 1
DEFINITIONS****Definitions**

1. In this By-law, unless the context otherwise indicates -

“**animals**” means any horses, mules, donkeys, cattle, pigs, sheep, goats, indigenous mammals and other wild animals;

“**Municipality**” means the Siyancuma municipality;

“**Municipal Manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**nuisance**” means, amongst other things, any act, omission or condition which is, in the opinion of the Municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

“**pets**” means any dogs, cats, guinea pigs, hamsters, rabbits, chinchillas or birds not kept for breeding or business purposes;

“**poultry**” means any fowl, goose, duck, turkey, peafowl, guineafowl, muscovy duck, pigeon or dove, whether domesticated or wild; and

“**special resolution**” means a resolution carried by a majority of the total number of councillors of the Municipality.

**PART 2
ANIMALS****CHAPTER I
GENERAL****Written permission**

2. No person shall keep or permit to be kept on any premises or property any animals (excluding pets) without the written permission of the Municipality, and such permission may be withdrawn if at any time a nuisance is caused or the requirements of this By-law are not complied with.

Number of animals

3. For the purpose of controlling and restricting the keeping of animals within townships, the Municipality may from time to time, by special resolution, determine the number, kinds and sex of animals that may be kept per unit area and the areas within which such animals shall be prohibited.

Plans for structures to be approved

4. (1) An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.
- (2) Detailed plans and specifications shall be submitted to and approved by the Municipality in respect of all structures where animals are to be accommodated.
- (3) The number, kinds and sex of animals shall be indicated on the plan.
- (4) Notwithstanding anything to the contrary contained in this By-law, the Municipality may refuse to approve the application and plans if, in its opinion, the property, owing to its location, siting or geographical features, is unsuitable for the keeping of animals thereon.

Structures shall comply with requirements

5. (1) All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the Municipality.
- (2) No structure shall be sited within a distance of 15 meter from any dwelling and staff quarters or the boundary of a residential erf and 8 meter from any road boundary.
- (3) Every part of the structure shall be properly maintained and painted as often as the Municipality may deem necessary.
- (4) No animals shall be kept in a structure or on land which is considered by the Municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

Premises to be kept clean

6. (1) All manure from animals shall be stored in a manner approved by the Municipality and disposed of on a regular basis so as to prevent any nuisance from being created.
- (2) All feed shall be stored in a rodent-proof place.
- (3) The premises shall be kept in such condition as not to attract or provide shelter for rodents.

Animals kept in an unsatisfactory manner

7. Whenever, in the opinion of the Municipality, any animals kept on any premises, whether or not such premises have been approved by the Municipality under this By-law, are a nuisance or danger to health, the Municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice, but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance or danger to health and to carry out such work or do such things as the Municipality may deem necessary for the said purpose.

**CHAPTER II
DOG KENNELS AND CATTERIES****Requirements for premises**

8. No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:
- (a) Every dog or cat shall be kept in an enclosure complying with the following requirements:
 - (i) It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes.
 - (ii) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the Municipality's sewer system by means of an earthenware pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.
 - (iii) A kerb 150 mm high shall be provided along the entire length of the channel referred to in subparagraph (ii) and on the side thereof adjacent to the surrounding outside area, to prevent storm water from such area from entering the channel.
 - (b) Every enclosure referred to in paragraph (a) shall contain a roofed shelter for the accommodation of dogs and cats which shall comply with the following requirements:
 - (i) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
 - (ii) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints, and the surface between the floor and the walls of a permanent structure shall be coved.
 - (iii) Every shelter shall have adequate access thereto for the cleaning thereof and for determination.
 - (c) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in paragraph (b), and if the base of such kennel is not

rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.

- (d) A concrete apron at least 1 meter wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded for the drainage of water away from the enclosure.
- (e) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
- (f) All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with close-fitting lids in such store-room.
- (g) At least 5 meter of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- (h) Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality.
- (i) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

CHAPTER III PET SHOPS

Requirements for premises

9. No person shall conduct the business of a pet shop upon any premises unless the premises are constructed and equipped in accordance with the following requirements:
- (a) Every wall, including any partition of any building, shall be constructed of brick, concrete or other durable material, shall have a smooth internal surface and shall be painted with a light-coloured washable paint or given some other approved finish.
 - (b) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (c) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dustproof and be painted with a light-coloured washable paint.
 - (d) Sanitary facilities shall be provided in terms of the National Building Regulations.
 - (e) A rodent-proof store-room shall be provided to the satisfaction of the Municipality.
 - (f) Facilities for the washing of cages, trays and other equipment shall be provided to the satisfaction of the Municipality.
 - (g) If required, change-room or locker facilities shall be provided to the satisfaction of the Municipality.

- (h) No door, window or other opening in any wall of a building on the premises shall be within 2 meter of any other door, window or other opening to any other building in which food is prepared, stored or sold for human consumption or is consumed by humans.
- (i) There shall be no direct access to any habitable room or any room in which clothing or food for human consumption is stored.

Business requirements

10. Every person who conducts the business of a pet shop shall –

- (a) provide movable cages for the separate housing of animals, poultry or birds, and the following requirements shall be complied with:
 - (i) The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (ii) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.
 - (iii) If rabbits are kept in a cage, the metal tray referred to in subparagraph (i) shall drain into a removable receptacle.
 - (iv) Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage;
- (b) provide rodent-proof receptacles of impervious material with close-fitting lids in the store-room in which all pet food shall be stored;
- (c) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;
- (d) take effective measures to prevent the harbouring or breeding of, and to destroy flies, cockroaches, rodents and other vermin, and to prevent offensive odours arising from the keeping of pets on the premises;
- (e) provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- (f) at all times keep every pet in the building on the premises unless otherwise approved by the Municipality;
- (g) provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;
- (h) ensure that there is a constant supply of potable water for drinking and cleaning purposes;
- (i) ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets; and

- (j) ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

CHAPTER IV PET SALONS

Requirements for premises

11. No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in accordance with the following requirements:
- (a) A room shall be provided with a minimum floor area of 6,5 m² for the washing, drying and clipping of dogs or cats.
 - (b) The floor of such room shall be constructed of concrete or other durable, impervious material brought to a smooth finish and graded to a channel drained in terms of the National Building Regulations.
 - (c) The surface between the floor and the wall of such room shall be coved and the coving shall have a minimum radius of 75 mm.
 - (d) Every internal wall surface shall be smooth-plastered and be painted with a light-coloured washable paint.
 - (e) The room shall be equipped with –
 - (i) a bath or similar facility with a constant supply of hot and cold water, drained in terms of the National Building Regulations;
 - (ii) an impervious-topped table; and
 - (iii) a refuse receptacle of impervious, durable material with a close-fitting lid for the storage of cut hair pending removal.
 - (f) If cages are provided for the keeping of cats and kennels for the keeping of dogs, such cages and kennels shall be of durable material and constructed so as to be easily cleaned.

Business requirements

12. Every person who conducts the business of a pet salon shall –
- (a) ensure that every cage, including its base, is of metal construction and movable;
 - (b) ensure that all pesticidal preparations, and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;
 - (c) ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;
 - (d) maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet salon in a clean, sanitary condition, in good repair and free of vermin;
 - (e) at all times keep every dog or cat inside the building on the premises, unless otherwise approved by the Municipality;

- (f) provide portable storage receptacles of impervious material with close-fitting lids for the storage of dog and cat faeces; and
- (g) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (f).

PART 3 POULTRY

Provisions of this Part to be complied with within certain period

- 13.** No person who at the date of the promulgation of this By-law keeps or causes or allows to be kept any poultry in any poultry-house or enclosed run may continue to keep, allow to or cause to be kept any poultry as aforesaid after a period of 12 months from the date of coming into force of this By-law, unless all the requirements of this Part have been fully complied with.

Permission of Municipality to be obtained

- 14.**
- (1) No person shall keep or cause to be kept any poultry on any premises without the written permission of the Municipality.
 - (2) An application for such permission shall be accompanied by a site plan indicating the situation of all structures in which the poultry are to be kept, as well as the material that will be used, and the kind and the number of poultry that will be kept.
 - (3) The Municipality has the right, when granting permission for the keeping of poultry, to determine the number and kind of poultry that may be kept and no person may keep more poultry than or poultry of a different kind to that determined by the Municipality.
 - (4) The Municipality shall not grant permission for the keeping of poultry if it appears from the site plan that the requirements of this Part cannot be complied with.
 - (5) The Municipality may withdraw such permission if at any stage the requirements of this Part are not complied with.
 - (6) The Municipality may prohibit the keeping of any kind of poultry in any area if the environment or the density of the population is such that the keeping of any poultry creates or may create a nuisance or health hazard.

Poultry to be kept in authorised structures

15. (1) No person shall keep poultry in a poultry-house, enclosed run or structure other than a poultry-house, enclosed run or structure for which the Municipality has granted permission, and no person shall change or move such poultry-house, enclosed run or structure without the written permission of the Municipality.
- (2) No person, except members of a pigeon club, shall let loose any poultry outside the poultry-house or enclosed run for which permission has been granted.

Specifications for structures

16. No person shall erect or use for the purpose of keeping poultry any poultry-house or enclosed run, any part of which is –
- (a) within 1,5 meter of any door or window of any dwelling, domestic worker's quarters or inhabited outbuildings, or of any building where food is handled, kept or prepared, or of any street; or
- (b) closer than 1,5 meter from any building as mentioned in paragraph (a), or any fence; or
- (c) of a vertical height more than 2,4 meter or less than 1,2 meter at any point: Provided that where pigeons are kept the overall height shall not be more than 3,6 meter.

Requirements for construction of structures

17. No person shall erect or use for the purpose of keeping poultry any poultry-house which does not conform to the following requirements and which is not erected in workmanlike manner to the satisfaction of the Municipality:
- (a) The walls, floor and roof shall be free from hollow spaces, enclosed inter-spaces or holes capable of harbouring rodents, vermin or poultry parasites.
- (b) The floor shall be of brick, concrete, asphalt or other material approved by the Municipality, and the surface thereof shall be smooth and graded to permit all swill and washings to be drained off.
- (c) The walls shall be constructed of brick or concrete or other suitable material approved by the Municipality for that purpose, and shall, except in the case of a pigeon-house for the keeping of pigeons, be plastered with smoothed off cement plaster and be white-washed or painted with an oil paint inside and outside.
- (d) The roof shall be of asbestos or corrugated iron or other suitable material approved by the Municipality.

Requirements for the keeping of poultry

18. Every person keeping or causing to be kept poultry in any poultry-house or enclosed run shall –
- (a) maintain such poultry-house or enclosed run at all times in a thoroughly clean condition and free from rodents, vermin and parasites;
 - (b) cause all poultry manure to be properly stored in a non-corrugated metal bin with a close-fitting cover or other container as approved by the Municipality;
 - (c) feed such poultry in a proper manner so as not to cause a nuisance or to attract rodents, flies or other vermin, and any residual food or other putrescible matter shall be removed at least once every day from the poultry-house or enclosed run;
 - (d) store all poultry food in metal or other rodent-proof containers, so as to be inaccessible to rodents; and
 - (e) keep or cause to be kept no greater number of poultry in any one poultry-house or enclosed run than one bird, and in the case of pigeons two birds, per 0,36 m² of the total floor area of such poultry-house or enclosed run, and shall not keep any poultry that creates a nuisance by crowing or cackling.

Health requirements

19. No person shall place, throw, leave or allow to remain on any premises any poultry litter, refuse or manure in such manner or for such period as to favour the breeding of flies or attract rodents or other vermin to such premises.

Municipality may prohibit the use of certain structures

20. The Municipality may by notice in writing addressed to any person keeping or causing to be kept any poultry in a poultry-house or enclosed run, prohibit the use of any such poultry-house or enclosed run if, in the opinion of the Municipality, it is unfit, undesirable or objectionable by reason of its locality, construction or manner of use.

Specifications for crates

21. No person shall confine poultry in crates which do not conform to the following requirements:
- (a) The floor area of a crate containing turkeys or geese shall be not less than 0,09 m² per bird confined therein, and the height of such crate shall be not less than 750 mm.
 - (b) The floor area of a crate containing other poultry shall be not less than 0,045 m² per bird and the height of such crate shall be not less than 500 mm.
 - (c) The floors of such crates shall be constructed of solid wood or other solid material.

- (d) Each crate shall be provided with two drinking vessels fixed in opposite corners of the crate and filled with fresh water. Such vessels shall be of the unspillable type and not less than 125 mm in depth and 100 mm in diameter.
- (e) Each crate shall be provided with suitable receptacles containing food.
- (f) Different species of poultry shall not be placed in the same crate.

PART 4 KEEPING OF BEES

Application of Part

22. The provisions of this Part shall apply only within that part of the Municipality's area of jurisdiction demarcated by the Municipality by notice in the *Provincial Gazette* for the purpose of controlling the keeping of bees and shall in this Part be referred to as a "controlled area".

Requirements for the keeping of bees within a controlled area

23. No person shall keep bees within a controlled area –
- (a) without a permit issued in terms of section 24(2)(b);
 - (b) on premises less than 3750 square metres in extent;
 - (c) except in a bar-framed hive approved by the Municipality, situated not less than 100m from any street, dwelling, place of business or fowl-house or place where animals or birds are kept, and enclosed by means of a sound wire fence or wall of a height not less than 1,5m at a distance of not less than 5m in any direction from such hive so as to render such hive inaccessible to animals or unauthorised persons;
 - (d) on premises whereon is situated any building used for the purpose of industry, business or trade; or
 - (e) on premises being within 400 metres, measured from the nearest point of the nearest boundary of such premises, of the nearest point of the nearest boundary of any church, school, hospital or cinema or any other place of amusement, gathering or recreation.

Permits

24. (1) An application for a permit must be done on the form provided by the Municipality and must –
- (a) be directed to the Municipal Manager; and
 - (b) be accompanied by the fees determined by the Municipality.
- (2) After receipt of the application referred to in subsection (1), the Municipal Manager may –
- (a) inspect, or cause to be inspected, the premises and facilities of the applicant;
 - (b) issue the permit subject to such conditions as he or she may deem necessary for public safety; or

- (c) in writing, refuse to issue the permit and state his or her reasons for such refusal.
- (3) A permit issued in terms of subsection (2)(b) shall be valid for a period of one year and may be renewed by the permit holder before it lapses by –
- (a) paying the fee determined by the Municipality for such renewal; and
 - (b) convincing the Municipal Manager that all permit conditions pertaining to public safety are still being adhered to.
- (4) A permit issued in terms of subsection (2)(b) may be withdrawn by the Municipality if the permit holder contravenes or does not comply with any provision of this Part or any condition subject to which the permit was issued.

PART 5 PENALTY CLAUSE AND SHORT TITLE

Penalty clause

25. Any person contravening any of the foregoing sections or refusing to comply with any order lawfully made there under shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

26. (1) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

27. This By-law shall be called the Keeping of Animals, Poultry and Bees Control By-law, No 01 of 2012

Verordening No. 01, 2012 VERORDENING OP DIE BEHEER OOR AANHOU
VAN DIERE, PLUIMVEE EN BYE, 2008

VERORDENING

Om voorsiening te maak vir die beheer oor aanhou van diere, pluimvee en bye in die Siyancuma Munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Siyancuma Munisipaliteit, soos volg:-

**DEEL 1
WOORDOMSKRYWING**

Woordoms krywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –
 - “**diere**” enige perde, muile, donkies, beeste, varke, skape, bokke, inheemse soogdiere en enige ander wilde diere;
 - “**Munisipale Bestuurder**” die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);
 - “**Munisipaliteit**” die Siyancuma munisipaliteit;
 - “**oorlas**” onder meer, enige handeling, versuim of toestand wat na die mening van die Munisipaliteit skadelik vir die gesondheid of aanstootlik of nadelig is of wat weselik inbreuk maak op die gewone gemak of gerief van die publiek of die veiligheid van die publiek nadelig raak of wat inbreuk maak op die stilte van die omgewing;
 - “**pluimvee**” ‘n hoender, gans, eend, kalkoen, pou, tarentaal, makou of duif, hetsy mak of wild;
 - “**spesiale besluit**” ‘n besluit deur ‘n meerderheid van die volle getal lede van die Munisipaliteit geneem; en
 - “**troeteldiere**” enige honde, katte, marmotjies, hamsters, konyne, pelsmuise of voëls wat nie vir aanteel- of handelsdoeleindes aangehou word nie.

**DEEL 2
DIERE**

**HOOFSTUK I
ALGEMEEN**

Skriftelike toestemming

2. Niemand mag sonder die skriftelike toestemming van die Munisipaliteit enige diere (uitgesonderd troeteldiere) op enige perseel of eiendom aanhou of toelaat dat dit daarop aangehou word nie, en sodanige toestemming kan teruggetrek word indien daar te eniger tyd ‘n oorlas ontstaan of die vereistes van hierdie Verordening nie nagekom word nie.

Getal diere

3. Ten einde die aanhou van diere binne dorpsgebiede te beheer en te beperk, kan die Munisipaliteit van tyd tot tyd by spesiale besluit die getal, soorte en geslag diere wat per eenheidsgebied aangehou mag word, bepaal asook die gebiede waarbinne sodanige diere verbied word.

Planne vir strukture moet goedgekeur word

4. (1) 'n Aansoek om toestemming om diere aan te hou, moet vergesel gaan van 'n gedetailleerde terreinplan waarop alle bestaande en voorgestelde strukture en heinings op die perseel aangedui word.
- (2) Gedetailleerde planne en spesifikasies moet voorgelê word aan en goedgekeur word deur die Munisipaliteit ten opsigte van alle strukture waar diere gehuisves gaan word.
- (3) Die getal, soorte en geslag van diere moet op die plan aangedui word.
- (4) Ondanks enige andersluidende bepalings in hierdie Verordening vervat, kan die Munisipaliteit weier om die aansoek en planne goed te keur indien hy van mening is dat die eiendom, vanweë die ligging of geografiese kenmerke daarvan, ongeskik is vir die aanhou van diere daarop.

Strukture moet aan vereistes voldoen

5. (1) Alle strukture waarin diere gehuisves word, moet op 'n deeglike wyse gebou word en van materiaal wat die Munisipaliteit goedkeur.
- (2) Geen struktuur mag geleë wees binne 'n afstand van 15 m van enige woning en personeelkamers of die grens van 'n woonperseel en 8 m van enige padgrens nie.
- (3) Elke deel van die struktuur moet behoorlik in stand gehou en geverf word so dikwels as wat die Munisipaliteit nodig ag.
- (4) Geen diere mag aangehou word in 'n struktuur of op grond wat na die mening van die Munisipaliteit onwenslik of aanstootlik is vanweë die ligging of bou daarvan of die wyse waarop dit gebruik word nie.

Perseel moet skoon gehou word

6. (1) Alle mis wat van diere afkomstig is, moet opgeberg word op 'n wyse wat deur die Munisipaliteit goedgekeur is en moet op 'n gereelde grondslag weggedoen word ten einde te verhoed dat 'n oorlas ontstaan.
- (2) Alle voer moet op 'n knaagdierdigte plek opgeberg word.
- (3) Die perseel moet in so 'n toestand gehou word dat dit nie knaagdiere aanlok of 'n skuilplek daaraan bied nie.

Diere wat op 'n onbevredigende wyse aangehou word

7. Wanneer ook al, na die mening van die Munisipaliteit, enige diere wat op enige perseel aangehou word, ongeag of sodanige perseel kragtens hierdie Verordening deur die Munisipaliteit goedgekeur is of nie, 'n oorlas of gevaar vir die gesondheid is, kan die Munisipaliteit by wyse van 'n skriftelike kennisgewing die eienaar of okkupeerder van sodanige perseel aansê om, binne 'n tydperk wat in sodanige kennisgewing aangedui moet word, maar minstens 24 uur na die datum van sodanige kennisgewing, die oorsaak van sodanige oorlas of gevaar vir die gesondheid te verwyder en genoemde oorlas of gevaar vir die gesondheid te verhelp en om die werk te verrig of die dinge te doen wat die Munisipaliteit vir genoemde doel nodig ag.

HOOFSTUK II HONDE- EN KATTEHERBERGE

Perseelvereistes

8. Niemand mag 'n honde- of katterberg aanhou nie tensy daar aan die volgende vereistes voldoen word:
- (a) Elke hond of kat moet aangehou word in 'n omheinde plek wat aan die volgende vereistes voldoen:
 - (i) Dit moet van duursame materiaal gebou wees en die toegang daartoe moet toereikend vir skoonmaakdoeleindes wees.
 - (ii) Die vloer moet van beton of ander duursame en ondeurdringbare materiaal gebou wees wat glad afgewerk is en afgeskuins is na 'n geut van 100 mm breed wat strek oor die volle breedte van die vloer en geleë is binne die omheinde plek, welke geut afgeskuins moet wees en moet dreineer na 'n rioolput wat met die Munisipaliteit se rioolstelsel verbind is deur middel van 'n erdepyp of 'n pyp van enige ander goedgekeurde materiaal met 'n deursnee van ten minste 100 mm, of met 'n ander goedgekeurde rioolstelsel.
 - (iii) 'n Rand met 'n hoogte van 150 mm moet oor die volle lengte van die geut in subparagraaf (ii) gemeld, en aan dié kant daarvan wat langs die omliggende buite-gebied is, verskaf word om te verhoed dat vloedwater uit sodanige gebied die geut binnekom.
 - (b) Elke omheinde plek in paragraaf (a) gemeld, moet 'n oordekte skuiling vir die huisvesting van honde en katte hê wat aan die volgende vereistes voldoen:
 - (i) Elke muur moet van baksteen, klip, beton of ander duursame materiaal gebou wees en moet 'n gladde binneoppervlak hê sonder barste of oop voeë.
 - (ii) Die vloer moet van beton of ander ondeurdringbare en duursame materiaal gebou wees wat glad afgewerk is sonder barste of oop voeë, en die oppervlak tussen die vloer en die mure van 'n permanente struktuur moet holrond wees.
 - (iii) Elke skuiling moet toereikende toegang daartoe hê vir die skoonmaak daarvan en die vernietiging van ongediertes.

- (c) In die geval van honde kan 'n hondehok van gevormde asbes of ander soortgelyke materiaal, wat verplaasbaar is en geplaas is op 'n voetstuk van beton of ander duursame materiaal met 'n afwerking wat maklik skoongemaak kan word, sonder barste of oop voeë verskaf word in plaas van 'n skuiling soos beoog in paragraaf (b), en as die voetstuk van sodanige hondehok nie waterdig gemaak is nie, moet 'n slaaplank wat die hond in staat stel om droog te bly in elke sodanige hondehok verskaf word.
- (d) 'n Betonskort wat tot ten minste 1 m breed is, moet by die ingang van die omheinde plek, oor die volle breedte daarvan, verskaf word, welke skort afgeskuins moet wees sodat dit water van die omheinde plek af wegvoer.
- (e) 'n Toevoer drinkbare water wat toereikend is vir drink- en skoonmaakdoeleindes moet in of aanliggend aan die omheinde plek verskaf word.
- (f) Alle voedsel moet opgeberg word in 'n knaagdierdigte pakkamer, en alle onverpakte voedsel moet opgeberg word in knaagdierdigte houers met digsluitende deksels in so 'n pakkamer.
- (g) Daar moet ten minste 5 m oop en onbelemmerde ruimte verskaf word tussen enige skuiling of omheinde plek en die naaste punt van enige woonhuis, ander gebou of struktuur wat vir menslike bewoning gebruik word of enige plek waar voedsel vir menslike verbruik opgeberg of berei word.
- (h) Afsonderingsgeriewe vir honde en katte wat siek is, moet ten genoeg van die Munisipaliteit verskaf word.
- (i) As hokke voorsien word vir die aanhou van katte, moet sulke hokke van duursame, ondeurdringbare materiaal wees en so gebou word dat dit maklik skoongemaak kan word.

HOOFSTUK III TROETELDIERWINKELS

Perseelvereistes

9. Niemand mag die saak van 'n troeteldierwinkel op enige perseel dryf nie tensy die perseel ooreenkomstig die volgende vereistes gebou en toegerus is:
- (a) Elke muur, met inbegrip van enige afskorting van enige gebou, moet gebou wees van baksteen, beton of ander duursame materiaal, 'n gladde binneoppervlak hê en met 'n ligkleurige wasbare verf geverf wees of 'n ander goedgekeurde afwerking hê.
 - (b) Die vloer van enige gebou moet van beton of ander duursame en ondeurdringbare materiaal wat glad afgewerk is, gebou wees.
 - (c) Die plafon van enige gebou moet van duursame materiaal gebou wees, glad afgewerk wees, stofdig wees en met 'n ligkleurige wasbare verf geverf wees.
 - (d) Sanitêre geriewe moet voorsien word ingevolge die Nasionale Bouregulasies.

- (e) 'n Knaagdierdigte pakkamer moet voorsien word ten genoeg van die Munisipaliteit.
- (f) Fasiliteite vir die was van hokke, panne en ander toerusting moet voorsien word ten genoeg van die Munisipaliteit.
- (g) Kleedkamer- of sluitkasfasiliteite moet, indien vereis, voorsien word ten genoeg van die Munisipaliteit.
- (h) Geen deur, venster of ander opening in enige muur van 'n gebou op die perseel mag nader as 2 m wees van enige ander deur, venster of ander opening in enige ander gebou waarin voedsel berei, opgeberg of vir menslike verbruik verkoop word of deur mense verbruik word nie.
- (i) Daar mag geen direkte toegang tot enige bewoonbare vertrek of enige vertrek waarin klere of voedsel vir menslike verbruik opgeberg word, wees nie.

Sakevereistes

10. Elke persoon wat die saak van 'n troeteldierwinkel bedryf, moet –

- (a) Aparte, verwyderbare hokke verskaf vir die huisvesting van diere, pluimvee of voëls, en die volgende vereistes moet nagekom word:
 - (i) Die hokke moet geheel en al van metaal of ander duursame, ondeurdringbare materiaal gebou wees en toegerus wees met 'n verwyderbare metaalpan onder die vloer daarvan om die skoonmaak daarvan te vergemaklik.
 - (ii) Elke hok moet vry van enige duik of holte wees wat nie redelik toeganklik vir die skoonmaak daarvan is nie en die binneholte van elke buis-of hol toebehore wat in verband daarmee gebruik word, moet verseël wees.
 - (iii) Indien konyne in 'n hok aangehou word, moet die metaalpan in subparagraaf (i) gemeld, in 'n verwyderbare houder dreineer.
 - (iv) Elke hok moet toegerus wees met 'n drinkbak wat vol water gehou moet word en vir troeteldiere wat in die hok aangehou word, toeganklik is;
- (b) knaagdierdigte houers van ondeurdringbare materiaal en met digpassende deksels in die pakkamer verskaf waarin alle troeteldierkos opgeberg moet word;
- (c) die perseel en elke hok, pan, houer, bak, mandjie en alle apparaat, toerusting en toestelle wat in verband met die troeteldierwinkel gebruik word, in 'n skoon, higiëniese en goeie toestand en vry van ongedierte in stand hou;
- (d) doeltreffende maatreëls tref om te voorkom dat vlieë, kakkerlakke, knaagdiere en ander ongediertes geherberg word of uitbroei en dit te vernietig, en om aanstootlike reuke wat uit die aanhou van troeteldiere op die perseel voortspruit, te voorkom;
- (e) oorpakke of ander beskermende klere verskaf vir die gebruik van persone wat in verband met die troeteldierwinkelbedrywigheede staan

- en toesien dat sodanige klere deur elke werknemer gedra word wanneer hy of sy op diens is;
- (f) te alle tye elke troeteldier in die gebou op die perseel hou tensy die Munisipaliteit andersins goedkeur;
 - (g) afsonderingsfasiliteite verskaf waarin elke troeteldier wat siek is of lyk, aangehou moet word terwyl dit op die perseel is;
 - (h) toesien dat daar 'n standhoudende toevoer drinkbare water vir drink-en skoonmaakdoeleindes is;
 - (i) toesien dat die perseel te alle tye so geventileer is dat daar genoegsame beweging van lug vir die gerief en oorlewing van die troeteldiere is; en
 - (j) toesien dat die getal troeteldiere per hok nie sodanig is dat die vrye beweging van sodanige troeteldiere aan bande gelê word nie.

HOOFSTUK IV TROETELDIERSALONNE

Perseelvereistes

11. Niemand mag die saak van 'n troeteldiersalon in of op enige perseel dryf nie tensy die perseel gebou en toegerus is in ooreenstemming met die volgende vereistes:
- (a) 'n Vertrek moet voorsien word wat 'n minimum vloeroppervlakte van 6,5 m² het vir die was en droogmaak van honde of katte en die knip van hul hare.
 - (b) Die vloer van so 'n vertrek moet gebou wees van beton of ander duursame, ondeurdringbare materiaal wat glad afgewerk is en afgeskuins is na 'n geut wat in ooreenstemming met die Nasionale Bouregulasies dreineer.
 - (c) Die oppervlak tussen die vloer en die muur van so 'n vertrek moet holrond wees en die holrond gedeelte moet 'n minimumstraal van 75 mm hê.
 - (d) Elke binnemuoppervlak moet glad afgepleister wees en gevef wees met 'n ligkleurige, wasbare verf.
 - (e) Die vertrek moet toegerus wees met die volgende –
 - (i) 'n bad of dergelike fasiliteit met 'n konstante toevoer warm en koue water, wat dreineer ingevolge die Nasionale Bouregulasies;
 - (ii) 'n tafel met 'n ondeurdringbare blad; en
 - (iii) 'n vullishouer van duursame, ondeurdringbare materiaal met 'n digsluitende deksel vir die opberging van afgesnyde hare totdat dit verwyder word.
 - (f) As hokke voorsien word vir die aanhou van katte en honde moet sodanige hokke van duursame materiaal wees en so gebou wees dat dit maklik skoongemaak kan word.

Sakevereistes

12. Elke persoon wat die saak van 'n troeteldiersalon bedryf moet –
- (a) verseker dat alle hokke, met inbegrip van die bodem, van metaal gemaak is en verskuif kan word;
 - (b) verseker dat alle plaagbestrydingmiddels en middels vir die was van honde en katte en die skoonmaak van toerusting en materiaal, opberg word in aparte metaalkaste;
 - (c) toesien dat alle tafels wat vir die droogmaak en versorging van honde en katte gebruik word, van metaal is, met duursame en ondeurdringbare blaaie;
 - (d) die perseel en elke hok, pan, houer, bak, mandjie en alle apparaat, toerusting en toestelle wat in verband met die troeteldiersalon gebruik word, in 'n skoon, higiëniese en goeie toestand en vry van ongediertes in stand hou;
 - (e) te alle tye elke hond of kat in die gebou op die perseel hou, tensy die Munisipaliteit andersins goedkeur;
 - (f) verplaasbare opberghouers van ondeurdringbare materiaal met digpassende deksels verskaf vir die opberg van honde- en katemis; en
 - (g) alle mis en ander afvalmateriaal minstens een keer al om die 24 uur uit die omheinde plek en skuiling verwyder en dit in opberghouers in paragraaf (f) gemeld, plaas.

DEEL 3 PLUIMVEE

Bepalings van hierdie Deel moet aan voldoen word binne 'n sekere tyd

13. Niemand wat op die datum waarop hierdie Verordening afgekondig word, pluimvee in 'n pluimveehok of –kamp aanhou of laat aanhou of toelaat dat dit daarin aangehou word, mag voortgaan om ná 'n tydperk van 12 maande vanaf die datum waarop hierdie Verordening in werking tree, pluimvee aan te hou of te laat aanhou nie, tensy daar ten volle aan al die vereistes van hierdie Deel voldoen is.

Toestemming van Munisipaliteit moet verkry word

14. (1) Niemand mag enige pluimvee op enige perseel aanhou of laat aanhou sonder die skriftelike toestemming van die Munisipaliteit nie.
- (2) 'n Aansoek om sodanige toestemming moet vergesel word van 'n terreinplan waarop die ligging van alle strukture waarin die pluimvee aangehou gaan word, aangetoon word, asook die materiaal wat gebruik gaan word en die soort en getal pluimvee wat aangehou gaan word.
- (3) Die Munisipaliteit het die reg om by die verlening van toestemming om pluimvee aan te hou, die getal en soort pluimvee te bepaal wat aangehou kan word, en niemand mag 'n groter getal pluimvee of pluimvee van 'n ander soort aanhou as dié wat die Munisipaliteit bepaal het nie.

- (4) As dit uit die terreinplan blyk dat die vereistes van hierdie Deel nie nagekom kan word nie, verleen die Munisipaliteit nie toestemming vir die aanhou van pluimvee nie.
- (5) Die Munisipaliteit kan sodanige toestemming intrek indien die vereistes van hierdie Deel in enige stadium nie nagekom word nie.
- (6) Die Munisipaliteit kan verbied dat enige pluimvee in enige gebied aangehou word indien die omgewing of digtheid van die bevolking sodanig is dat die aanhou van enige pluimvee 'n oorlas of gevaar vir die gesondheid skep of kan skep.

Pluimvee moet in goedgekeurde strukture aangehou word

15. (1) Niemand mag pluimvee in 'n ander pluimveehok, pluimveekamp of struktuur aanhou as in 'n pluimveehok, pluimveekamp of struktuur waarvoor die Munisipaliteit toestemming verleen het nie, en niemand mag sodanige hok, kamp of struktuur verander of verskuif sonder die skriftelike toestemming van die Munisipaliteit nie.
- (2) Niemand behalwe lede van 'n *bona fide*-duiweklub mag pluimvee buite die pluimveehok of pluimveekamp waarvoor daar toestemming verleen is, loslaat nie.

Spesifikasies vir strukture

16. Niemand mag 'n pluimveehok of pluimveekamp oprig of gebruik vir die doel om pluimvee aan te hou nie waarvan enige gedeelte –
 - (a) binne 1,5 meter is van 'n deur of venster na 'n woning, huiswerkerskwartiere of bewoonde buitegeboue, of van 'n gebou waar voedsel gehanteer, opgeberg of berei word, of van 'n straat; of
 - (b) nader as 1,5 meter is van enige gebou wat in paragraaf (a) genoem is, of van enige heining; of
 - (c) hoër as 2,4 meter of laer as 1,2 meter by enige punt is: Met dien verstande dat waar duiwe aangehou word, die totale hoogte nie 3,6 meter mag oorskry nie.

Vereistes vir konstruksie van strukture

17. Niemand mag 'n pluimveehok oprig of gebruik vir die doel om pluimvee aan te hou nie, wat nie aan die volgende vereistes voldoen en op vakkundige wyse ten genoeg van die Munisipaliteit opgerig is nie:
 - (a) Die mure, vloer en dak mag geen hol plekke, omheinde tussenruimtes of gate hê wat skuiling aan knaagdiere, ongediertes of pluimveeparasiete kan verleen nie.
 - (b) Die vloer moet van baksteen, beton, asfalt of ander materiaal wat deur die Munisipaliteit goedgekeur is, wees, en die oppervlak daarvan moet glad wees en skuins loop sodat alle vuil en spoelwater kan weglloop.
 - (c) Die mure moet van baksteen of beton of ander geskikte materiaal wees wat vir dié doel deur die Munisipaliteit goedgekeur is, en moet, behalwe in die geval van 'n hok vir die aanhou van duiwe, met glad afgewerkte sementpleister gepleister wees, en moet aan die binnekant en buitekant afgewit of met olie verf geverf wees.

- (d) Die dak moet van asbes of golfyster of ander geskikte materiaal wees wat deur die Munisipaliteit goedgekeur is.

Vereistes vir die aanhou van pluimvee

18. Elke persoon wat pluimvee in 'n pluimveehok of pluimveekamp aanhou of laat aanhou –
- (a) moet sodanige pluimveehok of pluimveekamp te alle tye in 'n deeglik skoon toestand en vry van knaagdiere, ongediertes en parasiete hou;
 - (b) moet alle pluimveemis behoorlik opberg in 'n nie-gegolfd metaalbak met 'n dig passende deksel of ander houër soos deur die Munisipaliteit goedgekeur;
 - (c) moet sodanige pluimvee op 'n behoorlike wyse voer sodat dit nie 'n oorlas veroorsaak of knaagdiere, vlieë of ander ongediertes aanlok nie, en alle oorskietkos of ander verderfbare stof moet minstens een maal elke dag uit die pluimveehok of pluimveekamp verwyder word;
 - (d) moet alle pluimveekos in metaal- of ander bakke bêre wat vir knaagdiere ontoeganklik is; en
 - (e) mag nie 'n groter getal pluimvee in een besondere pluimveehok of pluimveekamp as een voël, en in die geval van duiwe, twee voëls, per 0,36 m² van die totale vloerruimte van sodanige pluimveehok of pluimveekamp aanhou of laat aanhou nie, en mag geen pluimvee aanhou wat 'n oorlas veroorsaak deur te kraai of te kekkel nie.

Gesondheidsvereistes

19. Niemand mag pluimveeskropgoed, -vullis of -mis op so 'n wyse of vir so 'n tydperk op 'n perseel plaas, gooi, laat of toelaat dat dit daarop bly sodat dit die uitbroei van vlieë bevorder of knaagdiere of ander ongediertes daardeur na sodanige perseel aangelok word nie.

Munisipaliteit mag die gebruik van sekere strukture verbied

20. Die Munisipaliteit kan, deur middel van die betekening van 'n skriftelike kennisgewing aan iemand wat pluimvee in 'n pluimveehok of pluimveekamp aanhou of laat aanhou, die gebruik van sodanige pluimveehok of pluimveekamp verbied indien dit na die mening van die Munisipaliteit ongeskik, ongewens of aanstootlik is weens die ligging of bou daarvan of die wyse waarop dit gebruik word.

Spesifikasies vir kratte

10. Niemand mag pluimvee in kratte wat nie aan die volgende vereistes voldoen plaas nie:
- (a) Die vloerruimte van 'n krat wat kalkoene of ganse bevat, moet minstens 0,09 m² per voël wees wat daarin geplaas word, en die hoogte van sodanige krat moet minstens 750 mm wees.

- (b) Die vloerruimte van 'n krat wat ander pluimvee bevat, moet minstens 0,045 m² per voël wees en die hoogte van sodanige krat moet minstens 500 mm wees.
- (c) Die vloere van sodanige kratte moet van soliede hout of ander soliede materiaal wees.
- (d) Twee drinkbakke met vars water, wat in teenoorgestelde hoeke van die krat aangebring is, moet in elke krat verskaf word. Sodanige bakke moet van die onstortbare soort en minstens 125 mm diep en 100 mm in deursnee wees.
- (e) Elke krat moet geskikte bakke met kos bevat.
- (f) Verskillende soorte pluimvee mag nie in dieselfde krat geplaas word nie.

DEEL 4 AANHOU VAN BYE

Aanwending van Deel

- 22.** Hierdie Deel geld alleen binne daardie gedeelte van die Munisipaliteit se regsgebied wat deur die Munisipaliteit by kennisgewing in die *Provinsiale Koerant* afgebaken is vir die doel om die aanhou van bye te beheer en word in hierdie Deel 'n "beheerde gebied" genoem.

Vereistes vir die aanhou van bye binne beheerde gebied

- 23.** (1) Niemand hou bye binne 'n beheerde gebied aan –
- (a) sonder 'n permit uitgereik ingevolge artikel 24(2)(b) nie;
 - (b) op 'n perseel kleiner as 3750 vierkante meter nie;
 - (c) behalwe in 'n roosterraamwerkkorf wat deur die Munisipaliteit goedgekeur is nie, geleë minstens 100m van enige straat, woonhuis, besigheidsplek of hoenderhok, of plek waar diere of voëls aangehou word en wat omhein is met 'n sterk draadheining of muur van 'n minimum hoogte van 1,5m op 'n afstand van minstens 5m in enige rigting van sodanige korf, sodat sodanige korf vir diere of ongemagtigde persone ontoeganklik is;
 - (d) op 'n perseel waarop 'n gebou geleë is wat vir nywerheids-, besigheids- of handelsdoeleindes gebruik word nie; of
 - (e) op 'n perseel wat geleë is binne 400m, gemeet van die naaste punt van die naaste grens van sodanige perseel, van die naaste punt van die naaste grens van 'n kerk, skool, hospitaal of bioskoop of enige ander vermaaklikheids-, vergader- of ontspanningsplek nie.

Permitte

24. (1) 'n Aansoek om 'n permit –
- (a) word aan die Munisipale Bestuurder gerig; en
 - (b) gaan vergesel van die gelde deur die Munisipaliteit bepaal.
- (2) Na ontvangs van die aansoek in subartikel (1) genoem, kan die Munisipale Bestuurder –
- (a) die perseel en geriewe van die aansoeker inspekteer of laat inspekteer;
 - (b) die permit behoudens die voorwaardes wat hy of sy in belang van openbare veiligheid nodig ag uitreik; of
 - (c) skriftelik weier om die permit uit te reik en sy of haar redes vir weiering aanstip.
- (3) 'n Permit uitgereik ingevolge subartikel (2)(b) is vir 'n jaar geldig en kan deur die permithouer hernu word voor dit verval deur –
- (a) betaling van die gelde deur die Munisipaliteit vir sodanige hernuwing bepaal te betaal; en
 - (b) die Munisipale Bestuurder te oortuig dat alle permitvoorwaardes wat op veiligheid van die publiek gerig is steeds nagekom word.
- (4) 'n Permit uitgereik ingevolge subartikel (2)(b) kan deur die Munisipaliteit ingetrek word indien die permithouer 'n bepaling van hierdie Deel of 'n voorwaarde waar behoudens die permit uitgereik is oortree of nie daaraan voldoen nie.

DEEL 5 STRAFBEPALING EN KORT TITEL

Strafbepaling

25. Enige persoon wat enige van die voorafgaande artikels oortree of weier om gehoor te gee aan 'n bevel wat wettig daarkragtens gegee is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

26. (1) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

27. Hierdie Verordening heet die Verordening op die Beheer oor Aanhou van Diere, Pluimvee en Bye, Nr.01 van 2012

By-law No.02, 2012
2012

KEEPING OF DOGS CONTROL BY-LAW,

BY-LAW

**To provide for control of the keeping of dogs in the Siyancuma municipality;
and for matters connected therewith.**

BE IT ENACTED by the Siyancuma municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

“**authorised Officer**” means –

- (a) a peace officer as defined in section 1 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) in the Municipality’s service;
- (b) any other person, whether in the service of the Municipality or not, who is appointed an authorised officer of the Municipality;

“**dog**” for the purpose of section 3(1) and (2), means a dog over the age of six months;

“**keep**” in relation to a dog, includes to have such dog in possession, under control or in custody or to harbour such dog;

“**Municipality**” means the Siyancuma municipality;

“**owner**” in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog in respect of any site within the area of jurisdiction of the Municipality where such dog is kept or is permitted to live or remain;

“**public place**” includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

“**street**” includes a sidewalk; and

“**zoned**” means a land-use attached to premises by or under any law, the town planning scheme or a title deed.

Application of By-law

2. The provisions of sections 3(1) and 5 shall not apply to premises which is zoned for agricultural purposes: Provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this By-law or any other legislation which may be applicable.

Number of dogs

3. (1) Subject to the provisions of subsection (2), no person shall keep more than two dogs on any erf or premises without the prior written consent of the Municipality.
- (2) A breeder of dogs who wishes to keep more than two dogs on –
- (a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions;
- (b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the Municipality.
- (3) An application for the Municipality's consent in terms of subsection (2) shall not be considered by the Municipality unless –
- (a) the Municipality is satisfied that the size of the premises on which the dogs are to be kept is not smaller than 5 000 square meter; and
- (b) such an application is accompanied by an application for the alteration of the land-use restrictions applicable to the premises concerned, where it is necessary.
- (4) The Municipality's consent in terms of subsection (2)(b) to keep more than two dogs on a premises, shall be granted –
- (a) only in those instances where there are no objections against the proposed departure of the land-use restrictions after having advertised the proposal in terms of the relevant legislation; and
- (b) subject to such conditions and restrictions as the Municipality may deem fit to impose.
- (5) The Municipality may, after due process, revoke a consent granted in terms of subsection (2)(b).

Control of dogs

4. No person shall –
- (a) permit any bitch on heat owned or kept by him or her to be in any public place;

- (b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
- (c) abandon any dog owned or kept by him or her;
- (d) keep any dog which –
 - (i) by barking, yelping, howling or whining;
 - (ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - (iii) by behaving in any other manner,
interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or
- (e) permit any dog owned or kept by such person –
 - (i) to be in any public place while suffering from mange or any other infectious or contagious disease;
 - (ii) which is ferocious, vicious or dangerous to be in any public place, unless it is muzzled and held on a leash and under control of some responsible person;
 - (iii) to trespass on private property;
 - (iv) to constitute a hazard to traffic using any road or street;
 - (v) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept; or
 - (vi) to be in any public place except on a leash and under control of some responsible person.

Fencing of property

5. No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

Dogs shall not be a source of danger

6. Any person who keeps a dog on any premises shall –
- (a) take reasonable precaution to ensure that the dog does not constitute a source of danger to the employees of the Municipality entering upon such premises for the purpose of carrying out their duties; and
 - (b) display in a conspicuous place a notice to the effect that a dog is being kept on such premises.

Removal of offensive matter

7. If a dog defecates at a public place, the person in charge of the dog shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

Dogs on premises where food is sold

8. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale shall not permit any dog to be or remain in or at such shop or place.

Seizure, impounding and destruction of dogs

9. (1) Any dog, found at a public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an authorised officer of the Municipality.
- (2) An authorised officer may seize and impound at a place designated by the Municipality, any dog which is found at a public place in contravention with the provisions of this By-law.
- (3) A dog impounded in terms of subsection (2), may –
- (a) be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog; or
 - (b) after the expiry of 30 days, be destroyed by the Municipality or be dealt with as the Municipality deems expedient.

Liability

10. Neither the Municipality nor any authorised officer or any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this By-law.

Penalty clause

11. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

12. (1) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

13. This By-law shall be called the Keeping of Dogs Control By-law, No.02 of 2012

Verordening No. 2, 2012
VAN HONDE, 2012

VERORDENING OP DIE BEHEER OOR AANHOU

VERORDENING

Om voorsiening te maak vir beheer oor die aanhou van honde in die Siyancuma Munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Siyancuma Munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

“**aanhou**” met betrekking tot ‘n hond, om toesig of beheer daaroor te hê of om dit in bewaring te hê of om skuilplek te bied aan sodanige hond;

“**eienaar**” met betrekking tot ‘n hond, iemand wat ‘n hond aanhou en ook enige persoon aan wie ‘n hond toevertrou is of wat beheer oor ‘n hond het ten opsigte van enige terrein binne die regsgebied van die Munisipaliteit waar sodanige hond aangehou word of toegelaat word om te lewe of te bly;

“**gemagtigde beampte**” –

(a) ‘n vredesbeampte, soos omskryf in artikel 1 van die Strafproseswet, 1977 (Wet No. 51 van 1977) in diens van die Munisipaliteit;

(b) enige ander persoon, hetsy in diens van die Munisipaliteit of nie, wat as gemagtigde beampte deur die Munisipaliteit aangestel is;

“**hond**” vir doeleindes van artikel 3(1) en (2), ‘n hond bo die ouderdom van ses maande;

“**Munisipaliteit**” die Siyancuma munisipaliteit;

“**openbare plek**” ook grond, ‘n park of oop ruimte, pad, straat, nagstraat of deurgang, brug, gebou of struktuur wat gewoonlik deur die publiek gebruik word, wat die eiendom van die Munisipaliteit is, of waarvan die beheer, tot volle uitsluiting van die eienaar in die Munisipaliteit gevestig is, of waartoe die inwoners van die Munisipaliteit ‘n gesamentlike reg of toegang het;

“**soneer**” ‘n grondgebruik aan ‘n perseel gekoppel kragtens enige wet, die dorpsaanlegskema of ‘n titelakte; en

“**straat**” ook ‘n sypaadjie.

Toepassing van Verordening

2. Die bepalings van artikels 3(1) en 5 is nie van toepassing op 'n perseel wat vir landboudoeleindes gesoneer is nie: Met dien verstande dat iemand wat honde aanhou op 'n perseel wat vir landboudoeleindes gesoneer is nie van voldoening aan enige ander bepaling van hierdie Verordening of enige ander wetgewing wat van toepassing mag wees, vrygestel is nie.

Getal honde

3. (1) Behoudens die bepalings van subartikel (2), hou niemand, sonder die voorafverkreë skriftelike toestemming van die Munisipaliteit, meer as twee honde op enige erf of perseel aan nie.
- (2) 'n Hondeteler wat meer as twee honde –
- (a) op 'n perseel wat vir landboudoeleindes gesoneer is wil aanhou, is geregtig om dit te doen;
- (b) op 'n perseel wat vir enige ander doeleindes as landboudoeleindes gesoneer is wil aanhou, moet die skriftelike toestemming van die Munisipaliteit verkry.
- (3) 'n Aansoek om die Munisipaliteit se goedkeuring ingevolge subartikel (2), word alleen deur die Munisipaliteit oorweeg, indien –
- (a) die Munisipaliteit oortuig is dat die perseel waarop die honde aangehou sal word nie kleiner as 5 000 vierkante meter is nie; en
- (b) die aansoek vergesel gaan van 'n aansoek om verandering van die grondgebruikbeperkings van toepassing op die perseel, waar dit nodig is.
- (4) Die Munisipaliteit se toestemming ingevolge subartikel (2)(b) om meer as twee honde op 'n perseel aan te hou, word verleen –
- (a) alleen in daardie gevalle waar, na aanleiding van advertensie ingevolge die betrokke wetgewing, geen besware ontvang word teen die voorgestelde afwyking van grondgebruikbeperkings nie; en
- (b) onderworpe aan die voorwaardes en beperkings wat die Munisipaliteit nodig ag.
- (5) Die Munisipaliteit kan, nadat behoorlike prosedure gevolg is, 'n toestemming ingevolge subartikel (2)(b) toegestaan, terugtrek.

Beheer oor honde

4. Niemand –
- (a) laat toe dat 'n hitsige teef wat deur hom of haar besit of aangehou word, in 'n openbare plek kom nie;

- (b) moedig 'n hond aan om enige mens of dier aan te val of skrik te maak nie, behalwe waar dit nodig is vir beskerming van sy of haar persoon of goed of van enigiemand anders;
- (c) abandoneer 'n hond deur hom of haar besit of aangehou nie;
- (d) hou 'n hond aan wat –
- (i) deur te blaf, kef, tjañk of te huil;
 - (ii) deur die gewoonte aan te geleer het om motors, diere, pluimvee, duiwe of mense buite die perseel waar dit aangehou word, te jaag; of
 - (iii) deur op enige ander manier op te tree,
- die normale gemak, gerief, vrede of stilte van sy of haar bure versteur nie; of
- (e) laat 'n hond wat deur so iemand besit of aangehou word –
- (i) toe om, terwyl dit aan brandsiekte of enige ander besmetlike of aansteeklike siekte ly, in 'n openbare plek te wees nie;
 - (ii) wat wild, kwaai of gevaarlik is in 'n openbare plek toe, indien dit nie gemuilband is en aan 'n leiband onder die beheer van 'n verantwoordelike persoon gehou word nie;
 - (iii) toe om op privaatgrond te oortree nie;
 - (iv) toe om 'n gevaar te wees vir verkeer wat enige pad of straat gebruik nie;
 - (v) toe om 'n bron van gevaar of besering te wees of, volgens sy of haar kennis, om waarskynlik 'n bron van gevaar of besering te wees vir iemand buite die perseel waar die hond aangehou word nie; of
 - (vi) toe om in 'n openbare plek te wees, behalwe aan 'n leiband en onder beheer van 'n verantwoordelike persoon nie.

Omheining van persele

5. Niemand hou 'n hond aan op 'n perseel wat nie behoorlik en genoegsaam omhein is om die hond binne te hou wanneer dit nie aan 'n leiband is nie.

Honde mag nie 'n bron van gevaar wees nie

6. Iemand wat 'n hond op 'n perseel aanhou –
- (a) neem redelike voorsorg om seker te maak dat die hond nie 'n bron van gevaar vir werknemers van die Munisipaliteit wat die perseel binnegaan om hul pligte uit te voer, uitmaak nie; en
 - (b) vertoon, in 'n opvallende plek, 'n kennisgewing tot die effek dat 'n hond op die perseel aangehou word.

Verwydering van aanstootlike stowwe

7. Indien 'n hond in 'n openbare plek ontas, verwyder die persoon in beheer van die hond sonder verwyd die ontlasting, plaas dit in 'n plastiek- of papiersak of omhulsel en gooi dit weg in 'n houer vir die weggooi van rommel of vullis.

Honde op persele waar kos verkoop word

8. Enigeen wat die eienaar is of in beheer is van 'n winkel of ander plek waar kos voorberei, verkoop of uitgestal word vir verkoop, laat nie toe dat 'n hond in die winkel of op die plek is of bly nie.

Inbeslagneming, skut en afmaak van honde

9. (1) Enige hond wat in 'n openbare plek aangetref word en wat aan brandsiekte of 'n ander besmetlike of aansteeklike siekte ly, of wat kwaai, wild of gevaarlik is of ernstig beseer is, kan deur 'n gemagtigde beampte van die Munisipaliteit in beslag geneem en van kant gemaak word.
- (2) 'n Gemagtigde beampte kan op enige hond wat in 'n openbare plek gevind word strydig met die bepalings van hierdie Verordening, beslag lê en dit skut op 'n plek deur die Munisipaliteit bepaal.
- (3) 'n Hond wat ingevolge subartikel (2) geskut is, kan –
- (a) aan die eienaar van so 'n hond vrygelaat word teen betaling van 'n bedrag deur die Munisipaliteit bepaal, bykomend tot enige koste, boete of belasting wat ten opsigte van die hond uitstaande mag wees; of
- (b) na verloop van 30 dae, deur die Munisipaliteit van kant gemaak word of mee gehandel word na goedunke van die Munisipaliteit.

Aanspreeklikheid

10. Nóg die Munisipaliteit nóg enige gemagtigde beampte of enige werknemer van die Munisipaliteit is aanspreeklik vir of ten opsigte van enige besering of siekte opgedoen deur of skade aangerig aan enige hond as gevolg van of gedurende die inbeslagneming, skut, aanhouding of afmaak daarvan kragtens hierdie Verordening.

Strafbepaling

11. (1) Iemand wat 'n bepaling van hierdie Verordening of 'n vereiste of voorwaarde daarkragtens oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.
- (2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1) is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

12. (1) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

13. Hierdie Verordening heet die Verordening op die Beheer oor Aanhou van Honde, No 02 van 2012

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

STREET TRADING CONTROL BY LAW

BY-LAW

To provide for the control of street trading in the Siyancuma Municipality; and for matters connected therewith

Be it enacted by the Siyancuma Municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates-

“authorised officer” means an officer in the employ of the Municipality authorised by the Municipality to enforce this By-law.

“designated area” means an area listed in the in the schedule in which street trading is allowed, subject to this by-law;

“do business” means to buy, sell or barter any goods or to provide or offer to provide or offer to provide any service for remuneration;

“Municipality” means the Siyancuma Municipality

“Municipal Manager” means the person appointed in terms of section 82 of the Local Government Municipal structures Act, 1998 (Act No.117 of 1998)

“property” means , with regard to a person doing business as a street trader, any article, receptacle, vehicle or structure used or intended to be used in connection with such business;

“public place” includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

“street trader” means a person who does business in , at or from a public place, but shall not include a person selling newspapers, and “street trade” or any like words shall have a corresponding meaning;

“verge” means that part of any road, street, sanitary passage or thoroughfare, including a sidewalk, that is or forms part of a public place, which is not improved, constructed or intended for the use of vehicular traffic.

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

Street trading restricted

2. (1) No person shall do business as a trader –
- (a) Except with the prior written permission of the Municipality and in accordance with the conditions set out in the permission;
 - (b) Unless he or she is a South African citizen or has been granted the right or permanent residency or a work permit by the immigration authorities;
 - (c) Outside a designated area; and
 - (d) At any time other than during the hours specified in this By-law.
- (2) Any person who does business as a street trader must have a written permission referred to in subsection (1)(a) in his or her possession and produce it on request to an authorised officer.
- (3) The Municipality, may in writing, for the duration of a specific event and subject to any conditions determined by the Municipality, exempt any person, or group of persons, from compliance with any or all of the provisions of subsection(1)

Application for and issue of written permissions

3. (1) An application for the permission to do business as a street trader must –
- (a) Be directed to the Municipal Manager;
 - (b) Be in form determined by the Municipality; and
 - (c) Be accompanied by the fees determined by the Municipality, as well as fees for services or structures provided by the Municipality at the designated area, where applicable.
- (2) The Municipal Manager must consider the application and grant or refuse the permission within 30 days after receipt of the application
- (3) If the application is successful, the Municipal Manager must forthwith issue the written permission setting out the conditions subject to which is issued;
- (4) If the application is unsuccessful, the Municipal Manager must forthwith notify the applicant accordingly and provide written reasons for his or her decision.
- (5) The provisions of section 62 of the Local Government Municipal Systems Act, 2000 (Act No.32 of 2000) , shall mutatis mutandis apply to an appeal against a decision of the Municipal Manager contemplated in subsection (4)

Duration, renewal, lapse and withdrawal of written permissions

4. A written permission to do business as a street trader shall –
- (a) Be granted for a period nor exceeding 12 months;
 - (b) Be extended for a period of 12 months at a time if payment of the fees determined by the Municipality is made by the Street Trader concerned before

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

the end of the initial period of 12 months or each further period of 12 months, as the case may be;

- (c) Lapse if fees contemplated in paragraph (b) is not paid on time

(2) The Municipality may withdraw its permission to a person to do business as a street trader if the street trader

- (a) Does not comply with or acts contrary to any condition set out in the permission;
- (b) Contravenes or fails to comply with any provision of this by-law or any other law;
- (c) Fails to obey or comply with a lawful direction or request given or made by an authorised officer;
- (d) Ignores or contravenes the provisions of a sign or notice displayed by the municipality in terms of this by-law.

Designated areas and hours of trade

5. (1) The areas listed in Part of the Schedule shall, subject to the provisions of this by-law and any other law, be designated as areas in which a street trader may do business.

(2) No person shall do business as a trader

- (a) on a Sunday;
- (b) except during the hours 08h00 to 18h00 on any day other than a Sunday.

General conduct of street traders

6. No person who does business as a street trader shall;

- (a) His or her property or goods in a public place that is not a designated area;
- (b) Allow his or her property or goods to cover a larger area than his or her allocated lot or stand in a designated area listed in Part 2 of the Schedule, if applicable;
- (c) Place or stack his or her property or goods in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;
- (d) Erect any structure for the purpose of providing shelter at the designated area without the prior written approval of the authorised officer;
- (e) Obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles or services;
- (f) Leave his or her property or goods at the designated area before or after trading hours, except in a permanent structure provided by the Municipality for that purposes;

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

- (g) When requested with regard to public place or any such services;
- (h) Attach any object or goods by any means to any building, structure, pavement, tree, parking meter, lamp post, electricity post, telephone booth, post box, traffic signs, bench or any other street furniture in, on or at a public place,
- (i) Make an open fire at the designated area or in circumstances where it could harm a person or damage a building or vehicle;
- (j) Do anything or keep combustibles in quantities contrary to the provisions of any law regarding the prevention or fighting of fires;
- (k) Disregarded a reasonable requirement put by any officer of the Municipality commissioned with the prevention of fighting of fires, regarding his or her trade,
- (l) Store his or property or goods in a manhole, stormwater drain, bus shelter, public toilet or tree,
- (m) Sell his or her goods by using a megaphone, radio, loudspeaker, or by constant shouting or singing, in a manner which may constitute a nuisance or disturbance,
- (n) Sell any property or goods which are dangerous or hazardous to the public health,

Cleanliness

7. (1) A person doing business as a street trader shall-
- (a) Keep his or her property or goods and the designated area in a clean and a sanitary condition;
 - (b) Dispose of litter generated by his or her business in whatever receptacles provided therefor by the Municipality, including recycling and dumping sites, and not dispose of litter in any man
 - (c) Ensure that on completion of business for the day the designated area is free of litter;
 - (d) Take such precautions as may be necessary or prescribed by the Municipality to prevent the spilling onto a public place of any fat, oil, grease or any hazardous substance which might be generated in the course of conducting his or business and to prevent that any smoke, fume, odour or noise emanating from his or her activities become a nuisance.

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

(2) The Municipality shall-

- (a) provide receptacles at designated areas in order to facilitate the disposal of litter by street traders;
- (b) ensure that receptacles at designated areas are emptied cleaned on a regular basis.

Obstruction created by street trading prohibited

- 8. (1) No person shall do business as a street trader at a place where such business-
 - (a) Obstructs access to or the use of a street facility such as a bus stop, shelter or queuing line, refuse disposal bin or other facility intended for public use;
 - (b) Obstructs the visibility of a display window, signboard or premises;
 - (c) Obstructs access to a building, automatic bank teller machine or queuing line, pedestrian crossing or vehicle
 - (d) Leaves less than 2 metres in width of s sidewalk clear for pedestrian use, or in any other manner obstructs pedestrian in their use of a sidewalk;
 - (e) Obscures or impedes the view of any user of the road;
 - (f) Causes an obstruction on a roadway';
 - (g) Limits access to parking or loading bays or other facilities for vehicular traffic;
 - (h) Obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this By- Law or any other law; or
 - (i) Interferes in any way with any vehicle that may be parked alongside such place.

Street trading may not compete with existing businesses

- 9. No person shall do business as a street trader on a verge contiguous to that part of a building in which business is being carried on by another person, than the business of a department store, supermarket or wholesaler, where the goods or services that the street trader sells or provide are of the same nature or similar to the goods being sold or services provided by the other person.

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

Street trading restricted to allocated lots or stands in certain designated areas

10. (1) The Municipal Manager may, when granting permission to an applicant to do business as a street trader, allocate a specific lot or stand demarcated in a designated area to the applicant, and no other person, except his or her assistant or employee may do business on or from such lot or stand.
- (2) A street trader to whom a specific lot or stand was allocated shall-
- (a) Do business only on or from such lot or stand;
 - (b) Not-sublet or transfer to any other person the right to do business on or from such lot or stand
 - (c) Be in possession of proof that permission was granted to him or her to do business on or from the lot or stand concerned and, on request, produce such proof to an authorised officer.
- (3) The designated areas in which street trading may only be done from a specific demarcated lot or stand are listed in part 2 of the schedule.

Street trading prohibited near places of worship, monuments and certain buildings

11. No person shall do business as a street trader on a verge contiguous to –
- (a) A place of worship of any faith or denomination;
 - (b) A historical monument,
 - (c) A building used for public purposes;
 - (d) A building, used exclusively for residential purposes, if –
 - (i) The owner, person in control or occupier of any part of the building facing onto such verge has objected in writing against such trading to the Municipality; and
 - (ii) the fact that such objection was made, has been made known in writing by the Municipality to the street trader concerned.

Display of signs by the Municipality

12. The Municipality may display any sign or notice to give effect to the provisions of this by-law.

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

Street trading from mobile stands

13. Notwithstanding the provisions of this by-law, the municipality may allot tenders to persons to trade from mobile stalls, subject to the conditions determined by the Municipality.

Removal and impoundment

14. (1) An authorised officer may remove and impound any article, receptacle, vehicle or structure-
- (a) Which he or she reasonably suspects is being used or has been used for or in connection with street trading; and
 - (b) Which he or she finds at a place where street trading is restricted or prohibited in terms of this by-law, which, in his or her opinion, constitutes an infringement of this By-law.
- (2) An authorised officer acting in terms of this By-Law shall-
- (a) keep proper record of any property so removed and must inform the person apparently in control of such property(if there is such a person), of the procedure to be followed for the reclaiming such property and the venue where such property will be impounded; and
 - (b) forthwith deliver any such property to the pound referred to in paragraph (a)
- (3) Any property removed and impounded as contemplated in subsection (1) –
- (a) may, in the case of perishable property, be sold or destroyed within a reasonable time after the impoundment thereof; Provided that such property shall, subject to the provisions of subsection (4), at any time prior to the disposal or selling thereof, be returned on proof of ownership and: Provided further, that such perishables are still fit for human consumption.
 - (b) shall, subject to the provisions of subsection(4), in terms of property other than perishable property, be returned on proof of ownership within the period 1 month of the date of impoundment
- (4) The Municipality shall be entitled to keep the property concerned until all expenses have been paid, failing which the property may be sold by public auction upon 14 days notice. Provided that where the property attached is perishable, the authorised officer may reduce the period of 14 days to such an extent as he or she may think fit, or destroy the perishable property, whichever is the most cost –effective
- (5) In the case of a sale of impoundment property by the Municipality, the proceeds of such sale, less the reasonable expenses incurred by the Municipality in connection with the removal, impoundment or disposal of such property, shall be paid to the person who was the owner of such property was impounded, but if such former owner fails to claim the said proceeds within 3 months of the date on which such property was sold, such proceeds shall be forfeited to the Municipality and shall be paid into a special fund created by the Municipality dedicated to development of the informal sector and matters ancillary thereto.

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

(6) The owner of the property which has been removed, impounded, sold or disposed of as contemplated in this section, shall be liable for all expenses incurred by the Municipality in connection with such removal, impoundment, sale or disposal.

Offences

15. Any person who-

- (a) Contravenes or fails to or fails to comply with any provisions of this by-law;
- (b) Ignores, disregards or disobeys any notice, sign or marking displayed or erected in terms of this by-law.
- (c) Contravenes or fails to comply with any approval granted or condition imposed in terms of this by-law.
- (d) Fails to comply with a lawful written instruction by the Municipality to move or remove his or her property;
- (e) Deliberately furnishes false or misleading information to an officer or employee of the Municipality; or
- (f) Threatens, resists, interferes with or obstructs an officer or employee of the Municipality in the performance of his or her powers, duties or functions under this by-law,
- (g)

Shall be guilty of an offence.**Penalty clause**

16. Any person convicted of an offence under this by-law shall be liable to a fine or imprisonment for a period not exceeding 1 year, or to both a fine and such imprisonment.

Vicarious responsibility of persons doing business as street traders.

17. (1) When an employee or assistant of a person doing business as a street trader, does or omits to do any act which would be an offence in terms of this by-law, that person shall be deemed himself or herself to have done or omitted to do the act, unless he or she satisfies the court that-

- (a) He or she neither connived at nor permitted the act or omission by the employee or assistant concerned; and
- (b) He or she took all reasonable steps to prevent the act or omission.

(2) The fact the street trader alleges that he or she issued instructions whereby an act or omission is prohibited shall not in itself be sufficient proof that he or she took reasonable steps to prevent the act or omission.

BY LAW NO.03 OF 2012 STREET TRADING BY LAW, 2012

Vicarious responsibility of employees and assistants

18. When a person doing business as a street trader is, in terms of section 17, liable for an act or omission by an employee or assistant, that employee or assistant shall also be liable as if he or she were the person carrying on the business concerned.

Repeat of laws and savings

19. (1) The following are hereby repealed;

.....
.....

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision(if any) of this by-law, as the case may be.

Short title

20. This By-law shall be called the Street Trading Control By-law, 03 of 2012.....

Verordening No. 03, 2012
STRAATHANDEL, 2012

VERORDENING OP DIE BEHEER VAN

VERORDENING

Om voorsiening te maak vir die beheer oor straathandel in die Siyancuma munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Siyancuma munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk beteken –

“**aangewese gebied**” ‘n gebied gelys in die Bylae waarbinne straathandel, behoudens hierdie Verordening, toegelaat word;

“**eiendom**”, met betrekking tot iemand wat sake doen as ‘n straathandelaar, enige artikel, houer, voertuig of struktuur wat gebruik word of bedoel is vir gebruik in verband met sodanige onderneming;

“**gemagtigde beampte**” ‘n beampte in diens van die Munisipaliteit wat deur die Munisipaliteit gemagtig is om hierdie Verordening uit te voer;

“**Munisipale Bestuurder**” die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

“**Munisipaliteit**” die Siyancuma munisipaliteit;

“**openbare plek**” ook grond, ‘n park of oop ruimte, pad, straat, nagstraat of deurgang, brug, gebou of struktuur wat gewoonlik deur die publiek gebruik word, wat die eiendom van die Munisipaliteit is, of waarvan die beheer, tot die volle uitsluiting van die eienaar in die Munisipaliteit gevestig is, of waartoe die inwoners van die Munisipaliteit ‘n gemeenskaplike reg of toegang het;

“**sake doen**” die koop, verkoop of ruil van enige ware of om enige diens te lewer of aan te bied om dit te lewer;

“**soom**” daardie gedeelte van ‘n pad, straat, nagstraat of deurgang, met inbegrip van ‘n sypaadjie, wat ‘n openbare plek is of deel vorm van ‘n openbare plek, wat nie verbeter, gebou of bedoel is vir die gebruik van voertuie nie;

“**straathandelaar**” iemand wat sake doen in, op of vanaf ‘n openbare plek, maar nie ook iemand wat koerante verkoop nie, en het “**straathandel**” of enige soortgelyke woord ‘n ooreenstemmende betekenis.

Straathandel beperk

2. (1) Niemand doen sake as 'n straathandelaar –
- (a) behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit en ooreenkomstig die voorwaardes in die toestemming uiteengesit nie;
 - (b) indien hy of sy nie –
 - (i) 'n Suid-Afrikaanse burger is of permanente verblyfreg of 'n werkpermit van die immigrasie owerhede ontvang het nie; en
 - (ii) vaste eiendom in die regsgebied van die Munisipaliteit besit of vir 'n ander rede verplig is om dienstegeelde en heffings aan die Munisipaliteit te betaal nie;
 - (c) buite 'n aangewese gebied nie; en
 - (d) gedurende enige ander tyd as die tye aangedui in hierdie Verordening nie.
- (2) Enigiemand wat sake doen as 'n straathandelaar, moet die skriftelike toestemming in subartikel (1)(a) genoem in sy of haar besit hê en dit op versoek aan 'n gemagtigde beampte toon.
- (3) Die Munisipaliteit kan skriftelik en onderworpe aan die voorwaardes wat hy mag bepaal, vir die duur van 'n spesifieke gebeurtenis, aan 'n persoon of groep persone, vrystelling van voldoening aan 'n spesifieke bepaling of al die bepalings van subartikel (1) verleen.

Aansoek en uitreiking van skriftelike toestemming

3. (1) 'n Aansoek vir toestemming om sake te doen as 'n straathandelaar –
- (a) word gerig aan die Munisipale Bestuurder;
 - (b) word gedoen in die vorm deur die Munisipaliteit bepaal; en
 - (c) gaan vergesel van die gelde deur die Munisipaliteit vasgestel, sowel as gelde vir dienste of strukture deur die Munisipaliteit by die aangewese gebied voorsien, indien van toepassing.
- (2) Die Munisipale Bestuurder oorweeg die aansoek en staan dit toe of keur dit af binne 30 dae na ontvangs van die aansoek.
- (3) Indien die aansoek slaag, reik die Munisipale Bestuurder sonder versuim die skriftelike toestemming uit waarin die voorwaardes onderworpe waaraan dit uitgereik word uiteengesit word.
- (4) Indien die aansoek nie slaag nie, laat weet die Munisipale Bestuurder die aansoeker sonder versuim dienooreenkomstig en gee in skrif redes vir sy of haar besluit.

- (5) Die bepalings van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), geld *mutatis mutandis* ten opsigte van 'n appèl teen 'n besluit van die Munisipale Bestuurder beoog in subartikel (4).

Duur, hernuwing, verval en terugtrekking van geskrewe toestemming

4. (1) 'n Geskrewe toestemming om sake te doen as 'n straathandelaar –
- (a) word toegestaan vir 'n tydperk nie langer as 12 maande nie;
 - (b) word verleng vir 'n tydperk van 12 maande op 'n keer indien betaling van die gelde deur die Munisipaliteit vasgestel deur die straatverkoper gedoen word voor die einde van die aanvanklike tydperk van 12 maande of, na gelang van die geval, elke verdere tydperk van 12 maande;
 - (c) verval indien die gelde beoog in paragraaf (b) nie betyds betaal word nie.
- (2) Die Munisipaliteit kan sy toestemming aan iemand om as straathandelaar sake te doen terugtrek indien die straathandelaar –
- (a) versuim om te voldoen aan of teenstrydig optree met enige voorwaarde uiteengesit in die toestemming;
 - (b) enige bepaling van hierdie Verordening of enige ander wet oortree of versuim om daaraan te voldoen;
 - (c) versuim om 'n wettige bevel of versoek deur 'n gemagtigde beampte gegee of gerig te gehoorsaam of daaraan te voldoen;
 - (d) die bepalings van 'n teken of kennisgewing wat deur die Munisipaliteit ingevolge hierdie Verordening vertoon word verontagsaam of oortree.

Aangewese gebiede en handelstye

5. (1) Die gebiede gelys in Deel 1 van die Bylae is aangewese gebiede waarbinne sake, behoudens die bepalings van hierdie Verordening, deur straathandelaars gedoen mag word.
- (2) Niemand doen sake as 'n straathandelaar behalwe gedurende die tye 08:00 tot 18:00 op enige ander dag as 'n Sondag nie.

Algemene optrede van straathandelaars

6. Niemand wat sake doen as straathandelaar –
- (a) plaas sy of haar eiendom of ware in 'n publieke plek wat nie 'n aangewese gebied is nie;

- (b) laat toe nie dat sy of haar eiendom of ware meer ruimte beslaan as sy of haar toegewese perseel of stalletjie in 'n aangewese gebied gelys in Deel 2 van die Bylae nie, indien van toepassing;
- (c) plaas of stapel sy of haar eiendom of ware so dat dit 'n gevaar vir enigiemand of enige eiendom is, of dat dit waarskynlik enigiemand sal beseer of eiendom beskadig nie;
- (d) rig, sonder die voorafverkreë skriftelike toestemming van die aangewese beampte, enige struktuur wat bedoel is om skuiling te verskaf by die aangewese gebied op nie;
- (e) versper die toegang tot 'n brandkraan of gebied afgebaken vir die uitsluitlike gebruik van noodvoertuie of nooddienste nie;
- (f) los sy of haar eiendom of ware voor of na besigheidstye by die aangewese gebied, behalwe in 'n permanente struktuur deur die Munisipaliteit vir daardie doel voorsien nie;
- (g) laat na of versuim om sy of haar eiendom of ware te skuif wanneer aldus versoek deur 'n werknemer of agent van die Munisipaliteit of enige verskaffer van telekommunikasie- elektrisiteits- of ander dienste, sodat werk met betrekking tot 'n openbare plek of enige sodanige diens gedoen kan word nie;
- (h) heg in, op of by 'n openbare plek, enige voorwerp of ding aan 'n gebou, struktuur, plaveisel, boom, parkeermeter, lamppaal, elektriese paal, telefoonhokkie, posbus, padverkeerstekens, heining, bank of ander straatmeubelstuk nie;
- (i) maak 'n oop vuur by die aangewese gebied of onder omstandighede waar dit iemand kan beseer of 'n gebou of voertuig beskadig nie;
- (j) verrig 'n handeling of hou brandstowwe in hoeveelhede aan strydig met die bepalings van enige wet rakende die voorkoming of bestryding van brande nie;
- (k) verontagsaam 'n redelike vereiste gestel deur 'n beampte van die Munisipaliteit, wat met die voorkoming of bestryding van brande belas is, rakende sy of haar bedryf nie;
- (l) bêre sy of haar ware in 'n mangat, stormwaterpyp, busskuiling, openbare toilet of boom nie;
- (m) verkoop sy of haar ware deur 'n megafoon, radio of luidspreker te gebruik, of deur 'n aanhoudende geskree of gesing, op so 'n manier dat dit 'n oorlas of steuring kan veroorsaak nie;
- (n) verkoop enige eiendom of ware wat 'n gevaar of risiko vir die openbare gesondheid inhou nie.

Sindelikheid

7. (1) Iemand wat sake doen as 'n straathandelaar –
- (a) hou sy of haar eiendom of ware en die aangewese gebied in 'n skoon en higiëniese toestand;
 - (b) gooi die rommel wat deur sy of haar besigheid voortgebring word in enige houer, insluitende herwinnings- en stortingsvergaderplekke, wat deur die Munisipaliteit voorsien word en doen nie weg met rommel deur dit in 'n mangat, stormwaterpyp of enige ander plek wat nie bedoel is vir die storting van rommel, te gooi nie;
 - (c) maak seker dat die aangewese gebied vry is van rommel wanneer besigheid vir die dag afgehandel is;
 - (d) neem sodanige voorsorg as wat nodig mag wees of deur die Munisipaliteit vereis word om te voorkom dat enige vet, olie, vetterigheid of enige gevaarlike stof wat voortgebring mag word deur die bedryf van sy of haar besigheid, op 'n openbare plek mors en om te voorkom dat enige rook, damp, geur of geraas afkomstig van sy of haar bedrywighede 'n oorlas word.
- (2) Die Munisipaliteit –
- (a) voorsien houers by aangewese gebiede sodat die weggooi van rommel deur straathandelaars vergemaklik kan word;
 - (b) verseker dat houers by aangewese gebiede gereeld leeggemaak, skoongemaak en ontsmet word.

Versperring veroorsaak deur straathandel verbode

8. (1) Niemand doen sake as 'n straathandelaar op 'n plek waar dit –
- (a) toegang tot of die gebruik van 'n straatfasiliteit soos 'n bushalte, skuiling of toustaanlaan, vullisdrom of ander gerief wat bedoel is vir gebruik deur die publiek sal versper nie;
 - (b) die sigbaarheid van 'n vertoonvenster, kennisgewingbord of perseel versper nie;
 - (c) toegang tot 'n gebou, outobank of toustaanlaan by so 'n outobank, voetgangeroorgang of voertuig versper nie;
 - (d) minder as 2 meter ruimte vir voetgangergebruik op 'n sypaadjie laat nie, of op enige ander manier voetgangers se gebruik van 'n sypaadjie versper nie;
 - (e) die sig van enige padgebruiker belemmer nie;
 - (f) 'n versperring van 'n verkeerslaan veroorsaak nie;

- (g) toegang tot parkeerplekke of laaisones of ander geriewe vir motorverkeer beperk nie;
- (h) enige padverkeersteken of merk, kennisgewing of teken wat ingevolge hierdie Verordening of enige ander wet vertoon word of gemaak is verberg nie; of
- (i) op enige manier inbreuk maak op 'n voertuig wat langs so 'n plek geparkeer is nie.

Straathandel mag nie met bestaande besighede kompeteer nie

9. Niemand doen sake as 'n straathandelaar op 'n soom aanliggend tot 'n deel van 'n gebou waarin iemand besigheid, uitgesonderd die besigheid van afdelingswinkel, supermark of groothandelaar doen, en die ware of dienste wat die straathandelaar verkoop of lewer, van dieselfde aard of soortgelyk is aan die ware wat verkoop word of die dienste wat gelewer word deur die ander persoon nie.

Straathandel beperk tot toegewese persele of stalletjies in sekere aangewese gebiede

10. (1) Wanneer die Munisipale Bestuurder aan 'n aansoeker toestemming verleen om sake te doen as 'n straathandelaar, kan hy of sy 'n spesifieke afgebakende perseel of stalletjie in 'n aangewese gebied aan die aansoeker toeken, en geen ander persoon, uitgesonderd sy of haar assistent of werknemer, doen sake op of vanaf sodanige perseel of stalletjie nie.
- (2) 'n Straathandelaar aan wie 'n spesifieke perseel of stalletjie toegeken is –
- (a) doen sake alleen op of vanaf sodanige perseel of stalletjie;
 - (b) onderverhuur nie of dra nie aan enigiemand anders die reg om sake op of vanaf sodanige perseel of stalletjie te doen oor nie;
 - (c) moet in besit wees van bewys dat toestemming aan hom of haar verleen is om sake op of vanaf die betrokke perseel of stalletjie te doen en sodanige bewys op versoek aan 'n gemagtigde beampte toon.
- (3) Die aangewese gebiede waarbinne straathandel alleen vanaf 'n spesifieke afgebakende perseel of stalletjie gedoen mag word, word in Deel 2 van die Bylae gelys.

Straathandel verbode naby plekke van aanbidding, monumente en sekere geboue

11. Niemand doen sake as 'n straathandelaar op 'n soom aanliggend aan –
- (a) die plek van aanbidding van enige geloof of denominasie nie;
 - (b) 'n historiese monument nie;

- (c) 'n gebou wat vir openbare doeleindes gebruik word nie;
- (d) 'n gebou wat uitsluitlik vir bewoningsdoeleindes gebruik word nie, indien –
 - (i) die eienaar, persoon in beheer of bewoner van enige deel van die gebou wat op die betrokke soom front, skriftelik teen sodanige handel beswaar by die Munisipaliteit aangeteken het; en
 - (ii) die feit dat sodanige beswaar aangeteken is, skriftelik deur die Munisipaliteit aan die betrokke straathandelaar bekend gemaak is.

Vertoon van tekens deur die Munisipaliteit

12. Die Munisipaliteit kan enige teken of kennisgewing vertoon om gevolg te gee aan die bepalings van hierdie Verordening.

Straathandel vanaf beweegbare stalletjies

13. Ondanks die bepalings van hierdie Verordening, kan die Munisipaliteit tenders toeken aan persone om vanaf beweegbare stalletjies sake te doen, onderworpe aan die voorwaardes deur die Munisipaliteit bepaal.

Verwydering en skut

14. (1) 'n Gemagtigde beampte kan enige voorwerp, houer, voertuig of struktuur –
- (a) wat hy of sy redelikerwys vermoed gebruik word of gebruik is vir of in verband met straathandel; en
 - (b) wat hy of sy op 'n plek aantref waar straathandel beperk of verbode is ingevolge hierdie Verordening, en wat, na sy of haar oordeel, 'n oortreding van hierdie Verordening uitmaak,
- verwyder en skut.
- (2) 'n Gemagtigde beampte wat ingevolge hierdie Verordening optree –
- (a) hou behoorlik rekord van alle eiendom aldus verwyder en deel die persoon oënskynlik in beheer van die eiendom (indien daar so iemand is), mee wat die prosedure is wat gevolg moet word om die eiendom weer op te eis en waar dit geskut sal word; en
 - (b) gee sonder versuim die eiendom by die skut in paragraaf (a) bedoel af.
- (3) Eiendom verwyder en geskut soos beoog in subartikel (1) –

- (a) kan, indien dit bederfbaar is, binne 'n redelike tyd nadat dit geskut is, verkoop of vernietig word: Met dien verstande dat sodanige eiendom, behoudens subartikel (4), te eniger tyd voor die vernietiging of verkoop daarvan, teruggegee moet word by bewys van eienaarskap en: Met dien verstande voorts, dat die bederfbare goedere nog geskik is vir menslike gebruik;
 - (b) word, behoudens subartikel (4), indien dit nie-bederfbaar is nie, by bewys van eienaarskap, binne 1 maand vanaf die datum waarop dit geskut is, terugbesorg.
- (4) Die Munisipaliteit behou die betrokke eiendom totdat vir alle uitgawes betaal is, by gebrek waarna die eiendom by openbare verkoping, waarvan 14 dae kennis gegee is, van die hand gesit word: Met dien verstande dat waar die goedere waarop beslaggelê is, bederfbaar is, die gemagtigde beampte die tydperk van 14 dae in so 'n mate kan verkort, as wat hy of sy goeddink, of die bederfbare goedere vernietig, wat ookal die lonendste is.
- (5) Waar eiendom wat geskut is deur die Munisipaliteit verkoop word, word die opbrengs van die verkoping, min die redelike uitgawe deur die Munisipaliteit aangegaan in verband met die verwydering, skut of beskikking oor die eiendom, aan die persoon wat die eenaar van die eiendom was toe dit geskut is, betaal, maar indien die voormalige eenaar nie die genoemde opbrengs binne 3 maande vanaf die datum waarop die eiendom verkoop is, opeis nie, word die opbrengs aan die Munisipaliteit verbeur en in 'n spesiale fonds, deur die Munisipaliteit opgerig vir ontwikkeling van die informele sektor en sake wat daarmee in verband staan, inbetaal.
- (6) Die eenaar van eiendom wat verwyder, geskut, verkoop of vernietig word, soos beoog in hierdie artikel, is verantwoordelik vir alle uitgawes deur die Munisipaliteit aangegaan in verband met die verwydering, skut, verkoop of vernietiging van die eiendom.

Misdrywe

15. Enigiemand wat –

- (a) 'n bepaling van hierdie Verordening oortree of nie daaraan voldoen nie;
- (b) 'n kennisgewing, teken of merk vertoon of opgerig ingevolge hierdie Verordening ignoreer, verontagsaam of nie gehoorsaam nie;
- (c) 'n goedkeuring of voorwaarde ingevolge hierdie Verordening verleen of opgelê, oortree of versuim om daaraan te voldoen;
- (d) 'n geskrewe wettige opdrag van die Munisipaliteit om sy of haar eiendom te skuif of te verwyder verontagsaam;
- (e) doelbewus valse of misleidende inligting aan 'n beampte of werknemer van die Munisipaliteit verstrek; of

- (f) 'n beampte of werknemer van die Munisipaliteit dreig, teenstaan, dwarsboom of hinder in die uitoefening van sy of haar magte, pligte of werksaamhede kragtens hierdie Verordening,

is aan 'n misdryf skuldig.

Strafbepaling

16. Iemand wat skuldig bevind word aan 'n misdryf kragtens hierdie Verordening, is strafbaar met 'n boete of gevangenisstraf van hoogstens 1 jaar of met beide 'n boete en daardie gevangenisstraf.

Middellike aanspreeklikheid van persone wat sake doen as straathandelaars

17. (1) Wanneer die werknemer of assistent van iemand wat as straathandelaar sake doen, iets wat 'n misdryf ingevolge hierdie Verordening sou wees, doen of nalaat, word dit geag dat daardie persoon self die handeling verrig of die versuim begaan het, tensy hy of sy die hof oortuig dat hy of sy –
- (a) nóg die doen of late van die betrokke werknemer of assistent oogluikend toegelaat het, nóg dit veroorloof het; en
 - (b) alles redelik gedoen het om die doen of late te voorkom.
- (2) Die feit dat die straathandelaar beweer dat hy of sy instruksies uitgereik het waardeur 'n doen of late verbied word, is nie insigself afdoende bewys dat hy of sy alles redelik gedoen het om die doen of late te voorkom nie.

Middellike aanspreeklikheid van werknemers en assistente

18. Wanneer iemand wat sake doen as straathandelaar ingevolge artikel 17 aanspreeklik is vir 'n doen of late van 'n werknemer of assistent, is daardie werknemer of assistent ook aanspreeklik asof hy of sy die persoon is wat aldus sake doen.

Herroeping van wette en voorbehoude

19. (1) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

20. Hierdie Verordening heet die Verordening op die Beheer van Straathandel, No.03 van 2012

By-law No. 04, 2012

LAW ENFORCEMENT BY-LAW, 2012

BY-LAW

To provide for the prevention of crime in the Siyancuma municipality; and for matters connected therewith.

BE IT ENACTED by the Siyancuma municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

“**car guard**” means a person rendering a service to another person for reward at a public place or at a place which is commonly used by the public or any section thereof by making himself or herself available for the protection of vehicles in accordance with an arrangement with such other person, and “**organisation for car guards**” shall have a corresponding meaning;

“**law enforcement officer**” means a person authorised by or under any law to police or enforce any by-law of the Municipality;

“**Municipality**” means the Siyancuma municipality;

“**public place**” includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

“**public property**” includes any bridge, building, structure or permanent fixture that forms part of a public place or is to be found in, on or at a public place, or is by law public property; and

“**street**” includes a sidewalk.

Damage to public property prohibited

2. No person shall remove, damage, deface, conceal or tamper with public property.

Surface of streets may not be defaced

3. Except in the performance of his or her official duties, no person shall mark, paint or, in any manner, deface the surface of any street or part thereof.

Display of signs, posters and banners regulated

4. (1) No person shall display any sign, poster or banner that is indecent, offensive or lewd –
- (a) in, on or at a public place; or
 - (b) in such a manner that it is readily visible from a public place.
- (2) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall -
- (a) at a public place; or
 - (b) on private property (except private property zoned for business related or industrial related purposes by or under any law, guide plan, town planning scheme or title deed) in such a manner that it is readily visible from a public place,
- advertise by displaying any sign, poster or banner.

Display of street numbers

5. The owner or occupant of built up premises must display the street number allocated to such premises by the Municipality, at a prominent place, facing the street concerned in such a way that it is readily legible from the street.

Damage of street names and street numbers prohibited

6. No person shall damage, deface, remove or render illegible -
- (a) a plate displaying a street name;
 - (b) a street number contemplated in section 5; or
 - (c) any sign authorised or erected by the Municipality.

Regulation of begging in or from public places

7. (1) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall –
- (a) beg or collect alms in or from a public place;
 - (b) beg or collect alms from door to door.
- (2) Conditions contemplated in subsection (1) must include, but shall not be limited to -
- (a) delimitation of the area in which such person may beg or collect alms;

- (b) hours during which such person may beg or collect alms;
 - (c) places prohibited for such person to beg or collect alms; and
 - (d) the period (not exceeding one year) for which the permission is granted.
- (3) A person who begs or collects alms in accordance with a written permission contemplated in subsection (1) must be in possession of such written permission and produce it on request to -
- (a) a person approached by that person;
 - (b) any person with an apparent interest in his or her conduct; or
 - (c) a law enforcement officer.

Regulation of car guards

8. (1) No person shall act as a car guard unless that person is -
- (a) registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001); and
 - (b) employed by an organisation for car guards and acts in the employ of and under the control of that organisation.
- (2) An organisation for car guards shall not render a car guard service unless that organisation -
- (a) has obtained the prior written permission of the Municipality and acts in accordance with the conditions set out in that written permission;
 - (b) is a "security business" as defined in the Private Security Industry Regulation Act, 2001, and complies with the provisions of section 20(2) of that Act;
 - (c) ensures that any of its employees rendering a car guard service -
 - (i) is at all times duly registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001; and
 - (ii) complies with the provisions of the code of conduct for security service providers referred to in section 28 of the Private Security Industry Regulation Act, 2001.
- (3) Conditions contemplated in subsection (2)(a) must include, but shall not be limited to -
- (a) delimitation of the area in which such organisation for car guards may render a car guard service;

- (b) hours during which such organisation for car guards may render a car guard service;
- (c) places prohibited for such organisation for car guards to render a car guard service; and
- (d) the period (not exceeding one year) for which the permission is granted.

Unlawful acts in relation to public places

9. (1) No person shall leave, spill, drop or place in, on or at a public place any matter or substance –
- (a) that may impede the cleanliness of such public place; or
 - (b) that may cause annoyance or danger to any person, animal or vehicle using such public place.
- (2) No person shall spit, urinate or defecate in, on or at a public place.

Inhalation, provision or disposal of certain substances prohibited

10. (1) Subject to the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), no person shall inhale the fumes of any glue, adhesive or volatile substance that has an intoxicating or hallucinating effect.
- (2) No person shall dispose of any container of a substance referred to in subsection (1) -
- (a) through the municipal refuse system; or
 - (b) by leaving it in, on or at a public place.
- (3) Subject to the Drugs and Drug Trafficking Act, 1992, no person shall, for payment or otherwise, provide a substance referred to in subsection (1) to any person if it is reasonably evident that the substance is acquired with the purpose of contravention of that subsection.

Dumping, leaving or accumulation of certain objects or substances in public places prohibited

11. (1) No person shall dump, leave or accumulate any garden refuse, motor vehicle wreck or spare part, building waste, rubbish or other waste –
- (a) in, on or at a public place;
 - (b) except at a place designated by the Municipality for dumping.
- (2) Except with the prior written permission of the Municipality and in accordance with any condition as may be determined by the Municipality, no person shall place or permit any object or substance referred to in subsection (1) to be placed in, on or at a public place from premises owned or occupied by such person.

Unlawful acts in relation to trees in public places

12. (1) No person shall –
- (a) break or damage a tree in a public place; or
 - (b) mark or paint such tree.
- (2) Except with the prior written permission of the Municipality, no person shall –
- (a) display an advertisement on a tree in a public place;
 - (b) lop, top, trim, cut down or remove such tree.

Gathering or obstruction of streets prohibited

13. Subject to the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), no person shall gather, sit, lie or walk in a street in such manner as to cause obstruction to traffic or to jostle or otherwise impede any other person using such street.

Prohibitions in relation to places of religious worship

14. (1) No person shall, without reasonable cause, linger in the immediate proximity of a place of religious worship immediately before, during or after assembly of the congregation.
- (2) No person shall vex, hinder or impede any member of a congregation attending religious worship or proceeding to or leaving from a place of religious worship.

Nuisance prohibited

15. No person shall, in, on or at a public place –
- (a) use indecent, offensive or lewd language;
 - (b) ignite or burn rubble or refuse;
 - (c) burn any matter that produces an offensive smoke;
 - (d) cause an offensive smell;
 - (e) cause a disturbance to other persons by fighting, shouting or arguing;
 - (f) cause excessive noise by –
 - (i) singing;
 - (ii) playing musical instruments;
 - (iii) the running of an engine;
 - (iv) the use of a loudspeaker, radio, television or similar device; or

- (v) any other means.

Disturbance of peace prohibited

16. (1) No person shall disturb the peace in a residential area by causing excessive noise or by fighting, shouting or arguing in a boisterous way.
- (2) Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall explode a firecracker or any other firework causing a loud noise.

Advertising by sound-amplifying equipment regulated

17. Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall, by the use of any sound-amplifying equipment on business premises -
- (a) play music; or
- (b) use a microphone or recording to invite any member of the public to enter that premises or to do business there,
- in such a way that it can be heard from a public place.

Touting regulated

18. Except in an area designated by the Municipality and during hours determined by the Municipality, no person shall, in or from a public place -
- (a) tout; or
- (b) in any way indicate to any member of the public his or her willingness to do for reward any work or perform any task.

Exhibition of obscene visual images regulated

19. (1) Except in a separate private room to which access can only be attained through a door on which the words "Admittance only for persons of 18 years and older" have been printed boldly and which is situated inside the business premises concerned, no person conducting business in -
- (a) the selling, hiring out or screening of films; or
- (b) the selling of publications,
- shall exhibit a film or publication, the container or cover, as the case may be, of which contains a drawing, picture, illustration, painting, photograph or image or combination thereof, depicting sexual conduct.
- (2) For the purposes of subsection (1) -
- "film" means -

- (a) any sequence of visual images recorded on any substance, whether a film, magnetic tape, disc or any other material, in such manner that by using such substance such images will be capable of being seen as a moving picture;
- (b) the soundtrack associated with and any exhibited illustration relating to a film as defined in paragraph (a);
- (c) any picture intended for exhibition through the medium of any mechanical, electronic or other device;

“publication” means –

- (a) any newspaper, book, periodical, pamphlet, poster or other printed matter;
- (b) any writing or typescript, which has in any manner been duplicated;
- (c) any drawing, picture, illustration or painting;
- (d) any print, photograph, engraving or lithograph;
- (e) any record, magnetic tape, soundtrack, except a soundtrack associated with a film, or any other object, in or on which sound has been recorded for reproduction;
- (f) computer software, which is not a film;
- (g) the cover or packaging of a film;
- (h) any figure, carving, statue or model;
- (i) any message or communication, including a visual presentation, placed on any distributed network, including, but not confined to, the Internet; and

“sexual conduct” means the display of genitals, masturbation, sexual intercourse, which includes anal sexual intercourse, the fondling, or touching with any object, of genitals, the penetration of a vagina or anus with any object, oral genital contact, or oral anal contact.

- (3) The provisions of subsection (1) shall not apply to a person contemplated in section 24(1) of the Films and Publications Act, 1996 (Act No. 65 of 1996), who is the holder of a licence to conduct the business of adult premises, while such person conducts business on such premises.

Parking of heavy vehicles, trailers or caravans

20. No person shall park –

- (a) a vehicle with a gross mass exceeding 9000 kg, or a trailer with a gross mass exceeding 1000 kg, for longer than 2 hours; or
- (b) a caravan for longer than 24 hours, in a street.

Distribution of handbills regulated

21. Without the prior written permission of the Municipality, no person shall –
- (a) place or cause a handbill or similar advertising item to be placed in or on any vehicle parked at a public place; or
 - (b) hand out or cause a handbill or similar advertising item to be handed out to any person in or at a public place.

Penalty clause

22. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

23. (1) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

24. This By-law shall be called the Law Enforcement By-law, Nr.03 of 2012

Verordening No. 04, 2012
2012

VERORDENING OP WETSTOEPASSING,

VERORDENING

Om voorsiening te maak vir die voorkoming van misdaad in die Siyancuma Munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Siyancuma Munisipaliteit, soos volg:-

DEEL 1 WOORDOMSKRYWING

Woordoms krywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**motorwag**" 'n persoon wat aan 'n ander persoon op 'n openbare plek of op 'n plek wat gewoonlik deur die publiek of enige deel daarvan gebruik word, ooreenkomstig 'n reëling met so 'n ander persoon, teen vergoeding homself of haarself beskikbaar stel vir die beskerming van voertuie, en het "**motorwagorganisasie**" 'n ooreenstemmende betekenis;

"**Munisipaliteit**" die Siyancuma munisipaliteit;

"**openbare eiendom**" ook 'n brug, gebou, struktuur of vaste aanhegting wat deel uitmaak van 'n openbare plek of wat in, op of by 'n openbare plek voorkom of wat regtens openbare eiendom is;

"openbare plek" ook grond, 'n park of oop ruimte, pad, straat, nagstraat of deurgang, brug, gebou of struktuur wat gewoonlik deur die publiek gebruik word, wat die eiendom van die Munisipaliteit is, of waarvan die beheer, tot die volle uitsluiting van die eienaar in die Munisipaliteit gevestig is, of waartoe die inwoners van die Munisipaliteit 'n gemeenskaplike reg of toegang het;

"**straat**" ook 'n sypaadjie; en

"wetstoepassingsbeampte" iemand wat by of kragtens die een of ander wet gemagtig word om 'n verordening van die Munisipaliteit te polisieer of toe te pas.

Beskadiging van openbare eiendom verbode

2. Niemand mag openbare eiendom verwyder, beskadig, ontsier, verberg of daarmee peuter nie.

Oppervlakte van strate mag nie geskend word nie

3. Behalwe in die uitvoering van sy of haar ampspligte, mag niemand die Oppervlakte van 'n straat merk, verf of op enige manier ontsier nie.

Vertoon van uithangborde, plakkate en baniere beheer

4. (1) Niemand mag -
- (a) in, op of by 'n openbare plek; of
 - (b) op so 'n manier dat dit geredelik sigbaar is van 'n openbare plek, 'n uithangbord, plakkaat of banier wat onweloweglik, aanstootlik of onkuis is vertoon nie.
- (2) Behalwe met die voorafverkree skriftelike toestemming van die Munisipaliteit en ooreenkomstig die voorwaardes deur die Munisipaliteit bepaal, mag niemand -
- (a) op 'n openbare plek; of
 - (b) op private eiendom (uitgesonderd private eiendom wat gesoneer is vir besigheidsverwante doeleindes of industrieelverwantedoeleindes by of kragtens die een of ander wet, gidsplan, dorpsaanlegskema of titelakte) op so 'n manier dat dit geredeliks sigbaar is van 'n openbare plek,
- adverteer deur die vertoon van 'n uithangbord, plakkaat of banier nie

. Aanbring van straatnommers

5. Die eienaar of okkupant van 'n beboude perseel moet die straatnommer deur die Munisipaliteit aan die perseel toegesê op 'n opvallende plek wat na die betrokke straat front aanbring, op so 'n manier dat dit geredelik leesbaar is van die straat.

Beskadiging van straatname en straatnommers verbode

6. Niemand mag -
- (a) 'n bord waarop 'n straatnaam vertoon word;
 - (b) 'n straatnommer beoog in artikel 5; of
 - (c) 'n uithangbord deur die Munisipaliteit gemagtig of opgerig, beskadig, ontsier, verwyder of onleesbaar maak nie.

Beheer van bedel op of vanaf openbare plekke

7. (1) Behalwe met die voorafverkree skriftelike toestemming van die Munisipaliteit en ooreenkomstig die voorwaardes deur die Munisipaliteit bepaal, mag niemand —

- (a) in of vanaf 'n openbare plek bedel of aalmoese insamel nie;
 - (b) van deur tot deur bedel of aalmoese insamel nie.
- (2) Voorwaardes in subartikel (1) beoog moet -
- (a) afbakening van die gebied waarbinne die persoon mag bedel of aalmoese insamel;
 - (b) tye waartydens die persoon mag bedel of aalmoese insamel;
 - (c) plekke waar die persoon nie mag bedel of aalmoese insamel nie; en
 - (d) die tydperk (wat nie langer as een jaar mag wees nie) waarvoor die toestemming verleen word, insluit, maar is nie daartoe beperk nie.
- (3) Iemand wat bedel of aalmoese insamel ooreenkomstig 'n geskrewe toestemming in subartikel (1) beoog, moet die toestemming in sy of haar besit hê en dit op versoek toon aan -
- (a) iemand wat deur daardie persoon genader word;
 - (b) enigiemand met 'n klaarblyklike belang in sy of haar optrede; of
 - (c) 'n wetstoepassingsbeampte.

Beheer oor motorwagte

8. (1) Niemand tree as 'n motorwag op nie tensy —
- (a) hy of sy geregistreer is as 'n sekuriteitsdiensverskaffer ingevolge die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001); en
 - (b) hy of sy in diens is van 'n motorwagorganisasie en in die uitvoering van sy of haar pligte en onder die beheer van daardie organisasie optree.
- (2) 'n Motorwagorganisasie lewer nie 'n motorwagdiens nie tensy die organisasie -
- (a) vooraf die skriftelike toestemming van die Munisipaliteit verkry het en optree ooreenkomstig die voorwaardes in die toestemming aangedui;
 - (b) 'n "sekuriteitsbesigheid" is soos omskryf in die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 en voldoen aan

- (c) toesien dat enige van sy werknemers wat diens as 'n motorwag lewer -
 - (i) te alle tye behoorlik geregistreer is as 'n sekuriteitsdiensverskaffer ingevolge die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001; en
 - (ii) voldoen aan die bepalings van die gedragskode vir sekuriteitsdiensverskaffers bedoel in artikel 28 van die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001.
- (3) Voorwaardes in subartikel (2) (a) beoog moet -
 - (a) afbakening van die gebied waarbinne die motorwagorganisasie 'n motorwagdiens mag lewer;
 - (b) tye waartydens die motorwagorganisasie 'n motorwagdiens mag lewer;
 - (c) plekke waar die motorwagorganisasie nie 'n motorwagdiens mag lewer nie; en
 - (d) die tydperk (wat nie langer as een jaar mag wees nie) waarvoor die toestemming verleen word, insluit, maar is nie daartoe beperk nie.

Verbode handeling met betrekking tot openbare plekke

- 9. (1) Niemand mag in, op of by 'n openbare plek enige voorwerp of stof -
 - (a) wat die sindelikeid van die openbare plek mag belemmer; of
 - (b) wat 'n steurnis of gevaar vir enige mens, dier of voertuig wat die openbare plek gebruik mag veroorsaak, agterlaat, mors, laat val of neersit nie.
- (2) Niemand mag in, op of by 'n openbare plek spoeg, urineer of ontlas nie.
- (3) Niemand mag in, op of by 'n openbare plek dronk wees nie.

Inaseming, verskaffing of wegdoening van sekere stowwe verbode

- 10. (1) Behoudens die Wet op Dwelmmiddels en Dwelmsmokkalery, 1992 (Wet No. 140 van 1992), mag niemand die dampe van gom, 'n hegmiddel of vlugtige stof wat 'n bedwelmente of hallusinerende uitwerking het, inasem nie.
- 2) Niemand doen weg met die houer van 'n stof in subartikel (1) bedoel -

- (a) deur middel van die munisipale vullisverwyderingstelsel nie; of
 - (b) deur dit in, op of by 'n openbare plek te los nie.
- (3) Behoudens die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992, verskaf niemand, teen betaling of andersins, 'n stof in subartikel (1) bedoel aan enigiemand indien dit redelikerwys duidelik is dat die stof verkry word met die doel om daardie subartikel te oortree nie.

Storting van vullis, agterlaat of ophoping van sekere voorwerpe of stowwe in openbare plekke verbode

11. (1) Niemand stort, vergaar, of laat enige tuinvullis, motorwrak of onderdeel, bourommel, vullis of ander afval agter -
- (a) in, op of by 'n openbare plek nie;
 - (b) behalwe op 'n plek deur die Munisipaliteit vir storting toegewys nie.
- (2) Behalwe met die voorafverkree skriftelike toestemming van die Munisipaliteit en ooreenkomstig enige voorwaarde deur die Munisipaliteit bepaal, plaas niemand, of laat toe dat iemand 'n voorwerp of stof in subartikel (1) bedoel vanaf 'n perseel waarvan die persoon die eienaar of okkupeerder is in, op of by 'n openbare plek plaas nie.

Verbode handeling met betrekking tot borne in openbare plekke

12. (1) Niemand mag -
- (a) 'n boom in 'n openbare plek breek of beskadig nie; of
 - (b) so 'n boom merk of verf nie.
- (2) Behalwe met die voorafverkree skriftelike toestemming van die Munisipaliteit, mag niemand -
- (a) 'n advertensie op 'n boom in 'n openbare plek vertoon nie;
 - (b) 'n boom in 'n openbare plek afknot, top, snoei, afsaag of verwyder nie.

Vergader of versperring van strate verbode

13. Behoudens die Wet op die Reeling van Byeenkomste, 1993 (Wet No. 205 van 1993), mag niemand op so 'n manier in 'n straat vergader, sit, lê of stap, dat 'n

versperring van die verkeer veroorsaak word of dat enigiemand anders wat die straat gebruik gestamp of verontrief -word nie.

Verbodsbepalings met betrekking tot plekke van aanbidding

14. (1) Niemand mag onmiddellik voor, gedurende of na die samekoms, sonder goeie rede, in die onmiddellike nabyheid van 'n plek van aanbidding draal nie.
- (2) Niemand mag 'n lidmaat van 'n godsdienstige groep wat 'n samekoms bywoon of wat op pad is na of vertrek vanaf 'n plek van aanbidding treiter, hinder of vertraag nie.

Oorlas verbode

15. Niemand mag in, op of by 'n openbare plek -
- (a) onweloweglike, aanstootlike of onkuise taal gebruik nie.
 - (b) rommel of vullis aan die brand steek of verbrand nie;
 - (c) enigiets wat 'n aanstootlike rook afgee verbrand nie;
 - (d) 'n aanstootlike reuk veroorsaak nie;
 - (e) baklei, iemand met geweld dreig of ander mense versteur deur te skree of te argumenteer nie;
 - (f) buitensporige geraas veroorsaak deur -
 - (i) te sing nie;
 - (ii) musiekinstrumente te bespeel nie;
 - (iii) 'n engin te laat loop nie;
 - (iv) die gebruik van 'n luidspreker, radio, televisie of soortgelyke toestel nie; of
 - (v) dit op enige ander manier te maak nie.

Rusverstoring verbode

16. (1) Niemand mag die rus in 'n woongebied versteur deur buitensporige geraas te maak of deur luidrugtig te baklei, te skree of te argumenteer nie.
- (2) Behalwe met die voorafverkree skriftelike toestemming van die Munisipaliteit en ooreenkomstig enige voorwaarde wat die Munisipaliteit mag bepaal, mag niemand 'n klapper of enige ander vuurwerk wat 'n harde

geraas maak afvuur nie.

- (3) Die bepalings van subartikel (1) word nie so uitgelê dat dit geraas afkomstig van 'n *bonafide* kulturele- of godsdienstige saamtrek verbied nie.

Beheer van adverteer met klankversterkers

17. Behalwe met die voorafverkree skriftelike toestemming van die Munisipaliteit en ooreenkomstig enige voorwaarde wat die Munisipaliteit mag bepaal, mag niemand deur die gebruik van 'n klankversterker op 'n besigheidsperseel en op 'n manier dat dit van 'n openbare plek gehoor kan word -
- (a) musiek speel nie; of
- (b) 'n mikrofoon of opname gebruik om enige lid van die publiek uit te nooi om die perseel binne te gaan of daar besigheid te doen nie.

Beheer oor werk bedel

18. Behalwe in 'n gebied deur die Munisipaliteit toegewys en gedurende tye deur die Munisipaliteit bepaal, mag niemand in of vanaf 'n openbare plek -
- (a) werk bedel nie; of
- (b) op enige manier aan 'n lid van die publiek sy of haar bereidwilligheid om teen vergoeding werk te doen of 'n taak te verrig te kenne gee nie.

Beheer oor vertoon van onweloweglike beeldmateriaal

19. (1) Uitgesonderd in 'n aparte private lokaal, waartoe toegang alleen verkry kan word deur 'n deur waarop duidelik in drukskrif die woorde "Toegang slegs vir persone van 18 jaar en ouer" aangebring is en wat geleë is binne die betrokke sakeperseel, stal niemand wat sake doen in —
- (a) die verkoop, verhuring of vertoning van films; of
- (b) die verkoop van publikasies,
- 'n film of publikasie uit waarvan die houer of buiteblad, na gelang van die geval, 'n tekening, prent, illustrasie, skildery, foto, beeld of kombinasie daarvan bevat wat seksuele gedrag uitbeeld nie.
- (2) Vir die doeleindes van subartikel (1) beteken —
- "film"** -
- (a) enige reeks visuele beelde wat op enige stof, hetsy 'n film, magnetiese band, skyf of ander materiaal, opgeneem is op so 'n wyse dat daardie beelde deur gebruikmaking van daardie stof as 'n bewegende prent gesien kan word;

- (b) die klankbaan verbonde aan en 'n vertoonde illustrasie wat betrekking het op 'n film, soos in paragraaf (a) omskryf;
- (c) 'n prent wat bestem is om deur middel van 'n meganiese, elektroniese of enige ander toestel vertoon te word;

“publikasie” -

- (a) 'n koerant, boek, tydskrif, pamflet, aanplakbiljet of ander drukwerk;
- (b) 'n geskryf of tikwerk wat op enige wyse gedupliseer is;
- (c) 'n tekening, prent, illustrasie of skildery;
- (d) 'n afdruk, foto, gravure of litografie;
- (e) 'n plaat, magnetiese band, klankbaan, behalwe 'n klankbaan verbonde aan 'n rolprent, of ander voorwerp waarin of waarop klank vir weergawe opgeneem is;
- (f) rekenaarprogrammatuur wat nie 'n film is nie;
- (g) die omslag of verpakking van 'n film;
- (h) 'n afbeelding, kerfwerk, standbeeld of model;
- (i) 'n boodskap of mededeling, met inbegrip van 'n visuele aanbieding wat op 'n verspreide netwerk geplaas word, waarby inbegrepe is, maar nie beperk is nie tot, die Internet; en

“seksuele gedrag” die vertoon van 'n geslagsorgaan, masturbasie, geslagsverkeer, wat anale geslagsverkeer insluit, die streling, of aanraking met enige voorwerp, van 'n geslagsorgaan, die penetrasie van 'n vagina of 'n anus met enige voorwerp, mondelinge genitale kontak, of mondelinge anale kontak.

- (3) Die bepalings van subartikel (1) is nie van toepassing op iemand bedoel in artikel 24(1) van die Wet op Films en Publikasies, 1996 (Wet No. 65 van 1996), wat die houër is van 'n lisensie om die besigheid van volwasse persele te bedryf, terwyl so iemand op sodanige persele besigheid doen nie.

Parkering van swaar voertuie, sleepwaens of karavane

20. Niemand parkeer -

- (a) 'n voerruig met 'n bruto massa van meer as 9000 kg, of 'n sleepwa met 'n bruto massa van meer as 1000 kg, vir langer as 2 uur; of

- (b) 'n karavaan vir langer as 24 uur, in 'n straat nie.

Verspreiding van strooibiljette gereguleer

21. Behalwe met die voorafverkree skriftelike toestemming van die Munisipaliteit, mag niemand-
- (a) 'n strooibiljet of soortgelyke advertensiestuk in of op enige voertuig wat in 'n openbare plek geparkeer is plaas of laat plaas nie; of
- (b) in of op 'n openbare plek aan enigiemand 'n strooibiljet of soortgelyke advertensiestuk uitdeel of laat uitdeel nie.

Strafbepaling

22. (1) Iemand wat 'n bepaling van hierdie Verordening of 'n vereiste of voorwaarde daarkragtens oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.
- (2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1) is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

23. (1) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

24. Hierdie Verordening heet die Verordening op Wetstoepassing, No 04 van 2012

By-law No.5 of, 2012**BUILDING CONTROL BY-LAW, 2012****BY-LAW**

To provide for control of buildings erected on land in the Siyancuma municipality; and for matters connected therewith.

BE IT ENACTED by the Siyancuma municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

“Act” means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and shall include any regulation made in terms of section 17 of the Act;

“building” includes-

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with –
 - (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage, display or sale of any goods;
 - (iii) the rendering of any service;
 - (iv) the destruction or treatment of refuse or other waste materials;
 - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, including a building, for a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

“building control officer” means any person appointed or deemed to be appointed as a building control officer by the Municipality in terms of section 5 of the Act;

“Municipality” means the Siyancuma municipality; and

“Municipal Manager” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998).

Buildings on land to be reflected on plans

2. (1) Subject to the provisions of this By-law, the Municipality shall not issue a certificate referred to in section 118(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), regarding land, unless the Municipality is satisfied that-
- (a) any building erected on the land, in respect of which plans and specifications are to be drawn and submitted to the Municipality for approval in terms of the Act, is properly erected and maintained in accordance with such plans and specifications; and
 - (b) no building contemplated in paragraph (a), in respect of which plans and specifications have not been approved by the Municipality, is erected on the land; and
 - (c) any building erected on the land complies with all the requirements of the Act; or
 - (d) there is no building on the land, and in writing, makes a statement to that effect.

Application for and issue of statement

3. (1) Any application for the issue of a statement referred to in section 2(1) shall-
- (a) be directed to the Municipal Manager;
 - (b) be in writing on the form made available by the Municipality for that purpose; and
 - (c) be accompanied by the prescribed fees.
- (2) The Municipal Manager shall refer the application to the building control officer, who shall do, or cause to be done, an inspection of the land concerned and make a recommendation regarding the application to the Municipality.
- (3) After the Municipality has considered the recommendations of the building control officer, it shall –
- (a) make the statement referred to in section 2(1); or
 - (b) refuse to make such statement, and forthwith, in writing, notify the applicant accordingly.
- (4) If the Municipality refuses to make the statement, it must provide written reasons for its decision when notifying the applicant of the decision and indicate what steps must be taken before a new application in terms of section (1) could again be submitted.

Failure by the Municipality to act within a certain period

4. Should the Municipality fail to act in accordance with section 3(3) within a period of 30 days after the application was made in terms of section 3(1), it shall be deemed that the Municipality has made the statement referred to in section 2(1).

Delegation of powers

5. The Municipality may, subject to such conditions as it may determine, delegate any of its powers under this By-law to the Municipal Manager.

Short title

6. This By-law shall be call the Building Control By-law, No 05 of 2012.

Verordening No. 05, 2012

VERORDENING OP BOUBEHEER, 2012

VERORDENING

Om voorsiening te maak vir die beheer oor geboue ogerig in die Siyancuma Munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Siyancuma Munisipaliteit, soos volg:-

DEEL 1 WOORDOMSKRYWING

Woordoms krywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

“**boubeheerbeampte**” iemand wat ingevolge artikel 5 van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 of 1977), as boubeheerbeampte aangestel is of geag word aangestel te wees.

“**gebou**” ook enige ander struktuur, hetsy tydelik of permanent van aard en ongeag die material wat by die oprigting daarvan gebruik is, wat opgerig is of gebruik word vir of in verband met –

- (i) die huisvesting of gerief van mense en diere;
 - (ii) die vervaardiging, verwerking, opberging, uitstalling of verkoop van enige goed;
 - (iii) die lewering van enige diens;
 - (iv) die vernietiging of behandeling van vullis of afvalstowwe;
 - (v) die kweek van enige plant of gewas;
- (b) 'n muur, swembad, swempool, reservoir of brug of ander struktuur wat daarmee in verband staan;
- (c) 'n brandstofpomp of tenk wat in verband daarmee gebruik word;
- (d) enige gedeelte van 'n gebou, met inbegrip van 'n gebou soos omskryf in paragraaf (a), (b) of (c);
- (e) enige fasaliteite of stelsel, of gedeelte of deel daarvan, binne of buite maar gepaardgaande met 'n gebou, vir die verskaffing van 'n watervoorsienings-, dreinerings-, riool-, stormwaterafvoer-, elektrisiteitsvoorsienings- of enige ander soortgelyke diens ten opsigte van die gebou;

“**Munisipale Bestuurder**” die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

“**Munisipaliteit**” die Siyancuma munisipaliteit;

“**Wet**” die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 of 1977) en ook 'n regulasie kragtens artikel 17 van die Wet gemaak.

Geboue op grond moet op planne aangetoon wees

2. (1) Behoudens die bepalings van hierdie Verordening, reik die Munisipaliteit nie 'n sertifikaat genoem in artikel 118(1) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No.32 of 2000), ten opsigte van grond uit nie, tensy die Munisipaliteit tevrede is dat –

- (a) enige gebou op die grond ten opsigte waarvan planne en spesifikasies ingevolge die Wet opgestel en aan die Munisipaliteit vir goedkeuring voorgelê moet word, behoorlik ooreenkomstig daardie planne en spesifikasies opgerig is en onderhou word; en
- (b) dat geen gebou in paragraaf (a) beoog, ten opsigte waarvan planne en spesifikasies nie deur die Munisipaliteit goedgekeur is op die grond opgerig is nie; en
- (c) elke gebou wat op die grond opgerig is aan al die vereistes van die Wet voldoen; of
- (d) daar geen gebou op die grond is nie,

En 'n skriftelike verklaring tot daardie effek maak.

- (2) 'n Aansoek by die Munisipaliteit vir die uitreiking van 'n sertifikaat genoem in Artikel 118(1) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000(Wet 32 van 2000), gaan, behoudens artikel 4, vergesel van die verklaring in subartikel (1) genoem.

Aansoek vir en uitreiking van verklaring

3. (1) 'n Aansoek vir die uitreiking van 'n verklaring in artikel 2(1) genoem -
- (a) word aan die Munisipale Bestuurder gerig;
 - (b) word in skrif gedoen op die vorm deur die Munisipaliteit vir daardie doel voorsien; en
 - (c) gaan vergesel van die voorgeskrewe gelde.
- (2) Die Munisipale Bestuurder verwys die aansoek na die boubeheerbeampte, wat in inspeksie van die onderhawige grond doen of laat doen en 'n aanbeveling aangaande die aansoek aan die Munisipaliteit maak.
- (3) Nadat die Munisipaliteit die aanbeveling van die boubeheerbeampte oorweeg het –
- (a) maak hy die verklaring in artikel 2(1); of
 - (b) weier hy om die verklaring te maak,
- en verwittig dadelik die aansoeker per brief dienooreenkomstig.
- (4) Indien die Munisipaliteit weier om die verklaring te maak, verstrek hy skriftelike aan watter stappe-geneem moet word alvorens 'n verdere aansoek kragtens subartikels (1) voorgelê kan word.

Versuim deur die Munisipaliteit om binne 'n sekere tydperk te handel

4. Sou die Munisipaliteit versuim om binne 'n tydperk van 30 dae nadat die aansoek kragtens artikel 3(1) gedoen is, ooreenkomstig artikel 3(3) te handel, word dit geag dat die Munisipaliteit die verklaring in artikel 2(1) genome gemaak het.

Delegasie van bevoegdhede

5. Die Munisipaliteit kan, behoudens die voorwaardes wat hy bepaal, enige van sy bevoegdhede kragtens hierdie Verordening aan die Munisipale Bestuurder delegeer.

Kort titel

6. Hierdie Verordening heet die Verordening op Boubeheer, 05 van 2012.

By-law No. 06, 2012

FIREWORKS BY-LAW, 2012

BY-LAW

To provide for the regulation of the discharge of fireworks within the area of jurisdiction of the Siyancuma municipality; and for matters connected therewith.

BE IT ENACTED by the Siyancuma municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

“**developed area**” means that portion of the area of jurisdiction of the Municipality which –

- (a) has by actual survey been subdivided into erven;
- (b) is surrounded by surveyed erven; or
- (c) is an informal settlement;

“**firework**” means a firework composition or a manufactured firework referred to in Division 1 or 2 of regulation 1.10 of the regulations issued in terms of the Explosives Act, 1956 (Act No. 26 of 1956), and published by Government Notice No. R1604 of 8 September 1972, as amended;

“**fireworks display**” means the discharge of a number of fireworks for religious, public or private purposes;

“**Municipality**” means the Siyancuma municipality; and

“**Municipal Manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

Discharge of fireworks inside or near developed areas regulated

2. Except as part of a fireworks display and subject to this By-law, no person may, inside a developed area or within 500 metres of such area, discharge a firework.

Permission to hold fireworks display

3. (1) No person may, without the prior written permission of the Municipality, hold a fireworks display.

-
- (2) Any person or group of persons who wants to hold a fireworks display, must apply for permission in writing, on the form provided by the Municipality, at least 30 days before such display is to be held.
- (3) An application referred to in subsection (2) must –
- (a) be directed to the Municipal Manager; and
 - (b) be accompanied by the fees determined by the Municipality.
- (4) After receipt of the application, the Municipal Manager may –
- (a) inspect, or cause to be inspected –
 - (i) the premises on which the fireworks display is to be held; and
 - (ii) the facilities and equipment to be used during the fireworks display; and
 - (b) grant the permission in writing, subject to such conditions as he or she may deem necessary in the interest of the safety and well-being of the community; or
 - (c) in writing, refuse to grant permission and state his or her reasons for such refusal.
- (5) The Municipal Manager must –
- (a) when considering the application, amongst other matters, take into account what negative effects the proposed fireworks display might have on –
 - (i) the safety of the inhabitants of the neighbourhood and their property;
 - (ii) animals in the vicinity;
 - (iii) the serenity of the neighbourhood; and
 - (b) if the permission is granted, lay down conditions to prevent or remedy such possible negative effects.

Penalty clause

4. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

5. (1) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

6. This By-law shall be called the Fireworks By-law, No 06 of 2012

Verordening No. 6, 2012

VERORDENING OP VUURWERKE, 2012

VERORDENING

Om voorsiening te maak vir beheer oor die afvuur van vuurwerke binne die regsgebied van die Siyancuma Munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Siyancuma Munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

“**Munisipale Bestuurder**” die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

“**Munisipaliteit**” die Siyancuma munisipaliteit;

“**ontwikkelde gebied**” die gedeelte van die regsgebied van die Munisipaliteit wat-

- (a) deur werklike opmeting in erwe onderverdeel is;
- (b) omring is deur opgemete erwe; of
- (c) ‘n informele nedersetting is;

“**vuurwerk**” ‘n saamgestelde vuurwerk of vervaardigde vuurwerk genoem in Afdeling 1 of 2 van regulasie 1.10 van die regulasies uitgevaardig ingevolge die Wet op Ontploffbare Stowwe, 1956 (Wet No. 26 van 1956), en afgekondig by Goewermentskennisgewing No. R1604 van 8 September 1972, soos gewysig; en

“**vuurwerkvertoning**” die afvuur van ‘n aantal vuurwerke vir godsdienstige-, publieke- of private doeleindes.

Afvuur van vuurwerke binne of naby ontwikkelde gebiede gereël

2. Uitgesonderd as deel van ‘n vuurwerkvertoning en behoudens hierdie Verordening, mag niemand, binne ‘n ontwikkelde gebied of binne 500 meter van sodanige gebied, ‘n vuurwerk afvuur nie.

Toestemming om vuurwerkvertoning te hou

- 3. (1) Niemand mag, sonder die voorafverkreë skriftelike toestemming van die Munisipaliteit, ‘n vuurwerkvertoning hou nie.
- (2) Enige persoon of groep persone wat begerig is om ‘n vuurwerkvertoning te hou, moet skriftelik, op die vorm deur die Munisipaliteit voorsien, minstens 30 dae voor die vertoning gehou gaan word, aansoek doen vir toestemming.
- (3) ‘n Aansoek in subartikel (2) genoem –

- (a) Word aan die Munisipale Bestuurder gerig; en
 - (b) Gaan vergesel van die gelde deur die Munisipaliteit bepaal.
- (4) Na ontvangs van die aansoek, kan die Munisipale Bestuurder –
- (a) (i) die perseel waarop die vuurwerkvertoning gehou gaan word; en
 - (ii) die geriewe en toerusting wat gedurende die vuurwerkvertoning gebruik gaan word, inspekteer of laat inspekteer; en
 - (b) die toestemming skriftelik verleen behoudens die voorwaardes wat hy of sy na belang van die veiligheid en welstand van die gemeenskap nodig ag; of
 - (c) skriftelik weier om toestemming te verleen en sy of haar redes vir weiering aanstip.
- (5) Die Munisipale Bestuurder moet –
- (a) wanneer die aansoek oorweeg word, onder andere in ag neem welke nadelige gevolge die vuurwerkvertoning mag hê op –
 - (i) die veiligheid van inwoners van die buurt en hul eiendom;
 - (ii) diere in die omgewing;
 - (iii) die rus en vrede van die buurt; en
 - (b) indien die aansoek toegestaan word, voorwaardes stel om sodanige nadelige gevolge te voorkom of te remedieer.

Strafbepaling

11. (1) Iemand wat 'n bepaling van hierdie Verordening of 'n vereiste of voorwaarde daarkragtens oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.
- (2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1) is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

12. (1) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

13. Hierdie Verordening heet die Verordening op Vuurwerke, Nr 06 van 2012.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001. Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515
Also available at the **Northern Cape Provincial Legislature, Private Bag X5066, Nobengula Extension, Kimberley, 8301.**

Tel. (direct line): (053) 839-8073. Fax: (053) 839-8094

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001. Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515
Ook verkrygbaar by die **Noord-Kaap Provinsiale Wetgewer, Privaatsak X5066, Nobengula-uitbreiding, Kimberley, 8301.**

Tel. (direkte lyn): (053) 839-8073. Faks: (053) 839-8094