



LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

(Registered as a newspaper) • (As 'n nuusblad geregistreer)
(Yi rhijistariwile tanihi Nyuziphepha)
(E ngwadisitšwe bjalo ka Kuranta)
(Yo redzhistariwa sa Nyusiphepha)

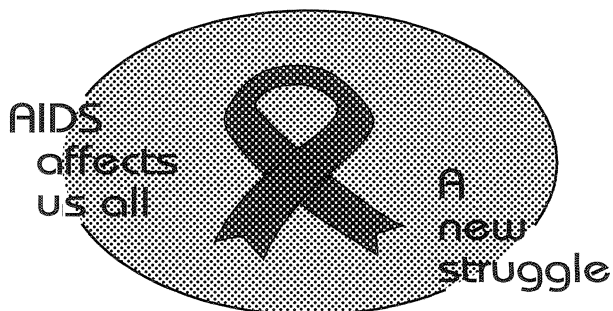
POLOKWANE,

Vol. 19
Extraordinary
Ku katsa na Tigazete to
Hlawuleka hinkwato

12 OCTOBER 2012
12 OKTOBER 2012
12 NHLANGULA 2012
12 OKTOBERE 2012
12 TSHIMEDZI 2012

No. 2131
Buitengewoon
Hu tshi katelwa na
Gazethe dza Nyingo

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

No.

*Page
No. Gazette
 No.*

LOCAL AUTHORITY NOTICE

200 Municipal Systems Act (32/2000): By-laws relating to meetings and processions..... 3 2131

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 200

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

By-Laws Relating to Meetings and Processions

The Municipal Manager of Fetakgomo Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-Law Relating to Meetings and Processions for the Fetakgomo Local Municipality, approved by the Council, as set out hereunder.

1. THE OBJECTS OF THIS BY-LAW

The objects of this By-Law are --

- (a) To recognise the right of peaceful assembly; and
- (b) To ensure, so far as it is appropriate to do so, that persons may exercise the right to participate in public assemblies; and
- (c) To ensure that the exercise of the right to participate in public assemblies is subject only to such restrictions as are necessary and reasonable in a democratic society in the interests of-
 - i. Public safety; or
 - ii. Public order; or
 - iii. The protection of the rights and freedoms of other persons;
 - iv. To ensure that the right of persons to participate in public assemblies may be exercised without fear, prejudice and harassment.

This is in line with the Section 17 of the Chapter 2: Bill of Rights of the Constitution of the Republic of South Africa that states that *“Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.”* Section 18 points out that *everyone has a right to freedom of association.*

This Meetings and/or Procession By-Law expressly states that a person has the right to peacefully assemble with others in a public place. This right is subject to the restrictions set out in the Bill of Rights Limitation Clause. Accordingly, the rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including -

- (a) The nature of the right;
- (b) The importance of the purpose of the limitation;
- (c) The nature and extent of the limitation;
- (d) The relation between the limitation and its purpose; and
- (e) Less restrictive means to achieve the purpose.

This By-Law provides that the right to peaceful assembly is subject only to such restrictions as are necessary and reasonable in a democratic society in the interests of:

- (a) Public safety; or
- (b) Public order; or
- (c) The protection of the rights and freedoms of other persons.

2. DEFINITION

For the purposes of the present Law the following main terms and definitions are used:

“Meetings and/or processions” – a gathering, meeting, street rally, demonstration, picketing and other meeting and/or procession;

“Other Meeting and/or procession” – a sport, cultural or other entertaining activity or religious activity held in places specially designed for this purpose in open air or in a building;

“Gathering” – a joint presence of communities in an earlier determined place in open air or in a building in the fixed time gathered for collective discussion and solution of questions effecting their interests;

“Meeting” – a mass presence of citizens in a certain place in open air gathered for public discussion and expression of their attitude towards actions (inaction) of persons and organizations, events of public and political life, and also for solving the problems effecting their interests;

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

“Street Rally” – an organized mass movement of a group of citizens on pedestrian or traffic area of a street (road), boulevard, prospect or square for the purposes of drawing attention to any problems or for public expression of their public and political moods or for a protest;

“Demonstration” – an organized mass movement of a group of citizens on pedestrian or traffic area of a street (road), boulevard, prospect or square including the one with the usage of vehicles and other transportation means for the purposes of drawing attention to any problems or for public expression of their public and political moods or for a protest with the usage of posters, transparencies or other means;

“Municipality” means -

- (a) Fetakgomo Local Municipal which as a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998); exercising its legislative and executive authority through its Municipal Council; or
- (b) Its successor in title; or
- (c) A structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Act; or
- (d) A service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Act, or any other law, as the case may be;

“Municipal Manager” means -

- (a) The person appointed by the Municipality as the Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any person acting in that position; or
- (b) In relation to a service provider referred to in paragraph (d) of the definition of “Municipality”, the chief executive officer of that service provider.

“Municipal Council” or **“Council”** means - a Municipal Council referred to in section 157(1) of the Constitution. According to section 157(1) of the Constitution, a Municipal Council consists of -

- (a) Members elected in accordance with subsections (2), (3), (4) and (5); or
- (b) If provided for by national legislation -

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

- (i) Members appointed by other Municipal Councils to represent those other Councils; or
- (ii) Both members elected in accordance with paragraph (a) and members appointed in accordance with subparagraph (i) of this paragraph.

“Picketing” – a public expression by a citizen or by a group of citizens of public and political, group or individual and other interests or the protest (without a procession), including by a hunger-strike, on any problems with the usage or without usage of posters, transparencies and other means;

“Substantial harm caused to rights and legal interests of citizens, organizations or state or public interests” – a failure of meeting and/or procession, temporal termination of activity of organizations or violation of transport traffic, death of people, causing a severe physical injury to one or several victims;

3. THE SCOPE OF THIS BY-LAW

The By-Law relating to Meetings and Procession deals with the procedure for organising and holding of local meetings and processions.

The procedure of organization and holding of other meetings and/or processions established by the present Law is not extended on meetings and/or processions held under the decision of state bodies on the days of state holidays and memorial dates celebrated in the Republic of South Africa

4. PROCEDURE FOR ORGANISING AND HOLDING OF MEETINGS AND/OR PROCESSIONS: ORGANISERS OF MEETINGS AND PROCESSIONS

Organisers of a gathering, meetings and processions within the Municipality shall citizens of the Republic of South Africa permanently residing within the area of jurisdiction of the Municipality with one of the following:

- (a) Have reached the majority age;
- (b) Have been mentioned in the given number in the application on holding a meeting and/or procession and who have taken in writing the obligation on its organisation and holding of the meeting or procession

5. APPLICATION ON HOLDING A MEETING AND/OR PROCESSION

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

Application on holding a meeting and/or a procession is submitted by the organiser(s) to the Municipality offices.

The application is submitted in writing on a prescribed form not later than 15 days before the supposed date of holding the meeting and/ or procession.

The following shall be indicated in the application:

- (a) purpose, kind, place of holding the meeting and/or procession;
- (b) date of its holding, time of its beginning and end;
- (c) routes of movement in case of a procession;
- (d) expected/ supposed number of participants;
- (e) name, middle and last name of an organizer (organisers), his (their) place of residency and work (study);
- (f) measures connected with medical service (in extreme cases), cleaning the territory after holding the meeting and/or procession;
- (g) date of submitting the application.

The term of submitting the application is calculated from the day of its registration in the Municipality.

6. PROCEDURE OF CONSIDERATION OF THE APPLICATION AND PASSING OF THE DECISION

The Municipal Manager or any delegated authority is obliged to consider the application and not later than 5 days before the date of holding the meeting to notify in writing the organiser(s) about the decision taken.

A permission or ban to hold the meeting and/or procession shall be indicated in the decision and also the motives for banning the meeting and/or procession.

The decision of the Municipal Manager or any delegated authority on permitting or banning the meeting and/or procession is taken with consideration of the date, place, time of its holding, number of participants, weather conditions, payment of expenses connected with protection of public safety, medical services, cleaning of the territory after holding the meeting and/or procession and other

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

circumstances influencing the securing of public safety upon the agreement with the republican state bodies responsible for securing the public safety.

The Municipal Manager or any delegated authority at consideration of the application for the purposes of securing the rights and freedoms of citizens, public safety and also of normal functioning of transport and organizations has the right to suggest the change of date, place and time of its holding upon the agreement with the organizer(s).

7. APPEALING THE DECISION ON BANNING TO HOLD THE MEETING AND/ OR PROCESSION OR ON CHANGING THE DATE, PLACE AND TIME OF ITS HOLDING

The decision of the Municipal Manager or any delegated authority on banning to hold the meeting and/or procession or on changing the date, place and time of its holding can be appealed in writing to the Mayor and Municipal Council.

8. PREPARATION OF A MEETING AND/OR PROCESSION

Preparation of a meeting and/or procession remains the responsibility of the meeting organisers.

Before the permission to hold the meetings and/or procession is received, its organiser(s) and also other persons do not have the right to announce in mass media the date, place and time of its holding, prepare and distribute the leaflets, posters and other materials for this purpose.

9. PLACE AND TIME OF HOLDING A MEETING AND/OR PROCESSION

A meeting and/or procession can be held in any places suitable for this purpose.

Permanent places for holding meeting and/or procession and also places, where their holding is prohibited, can be determined by the Municipality, with announcing about it in mass media.

Holding of meeting and/or procession is not allowed:

- (a) In places, the usage of which for such purposes is prohibited by the decisions of the Municipality (e.g. Council Chambers);

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

Gatherings, meetings, street rallies, demonstrations and picketing can be held from 8 to 22 o'clock.

10. THE PROCEDURE OF HOLDING MEETINGS AND/OR PROCESSIONS

Meetings and/or processions, and also speeches of their participants are held in certain fixed place in accordance with the purposes mentioned in the application.

Organizer(s) of the meeting and/or procession or the person(s) responsible for organization and holding the meetings and/or processions are obliged:

- (a) to be constantly present at the meetings and/or processions held;
- (b) to provide observance of conditions and order of holding the meetings and/or processions, safety of citizens, safety of buildings, constructions, vehicles and other property and also of green plants;
- (c) to carry out all legal requirements of employees of internal affairs bodies and representatives of public, carrying out the duties on securing the public order and to assist them in securing the public order;
- (d) in extreme cases of termination of the held meetings and/or processions, to inform the participants about it;

The Municipality shall and can additionally regulate the order of holding the meeting and/or procession with the consideration of local conditions and requirements of the present Law.

11. OBSERVANCE OF PUBLIC SAFETY AT HOLDING OF MEETINGS AND/OR PROCESSIONS

At holding a meeting and/or procession its participants shall observe the public order and shall fulfill all legal requirements of the organisers of the meeting and/or procession being held, requirements of the employees of internal affairs bodies and representatives of public fulfilling the duties on protection of public order.

At the course of the gathering, meeting, street rally, demonstration or picketing it is prohibited to their organisers and participants to:

- (a) To impede the traffic of vehicles and pedestrians;

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

- (b) To create obstacles for uninterrupted functioning traffic signs;
- (c) To set tents or other temporal structures;
- (d) To influence in any form on employees of militia for the purposes to impede their fulfillment of service duties, and also on representatives of public fulfilling the duties on protection of public order;
- (e) To have cold steel, fire, gas or other weapon, explosives and ammunition, their imitations or casts, and also specially produced or equipped articles the usage of which can threaten life and health of people or can cause material damage to citizens and organizations;
- (f) To act in a manner that is inciting public violence
- (g) To act in a manner that is creating the threat to public safety, life and health of participants of the mentioned meetings and/or processions or of other persons, or to hide their faces under masks;
- (h) To carry out the sale of alcohol drinks and beer in place of holding such activities and within the radius of 500 meters of adjacent territories.

The sale of alcohol drinks and beer in places of holding other meetings and/or processions and within the radius of 500 meters of adjacent territories is prohibited for the period of holding such meetings and/or processions also to the organizations and persons not being their organisers and participants except for the sale of alcohol drinks and beer in organizations (restaurants, cafes, etc) having the right to sale them in accordance with the legislation of the Republic of South African for the celebration and ritual activities planned earlier.

12. PROHIBITIONS OF WEAPONS AT PUBLIC MEETINGS AND PROCESSIONS

Any person, who, while present at any public meeting or on the occasion of any public meeting and/or procession, has with him any lethal weapon, other than in pursuance of lawful authority shall be guilty of an offence.

For the purposes of this section, a person shall not be deemed to be acting in Pursuance of lawful authority unless he is acting in his capacity as a police officer (South, or as a member of a fire brigade.

13. TERMINATION OF A MEETING AND/OR PROCESSION

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

A meeting and/or procession and also preparation to it shall be terminated under the demand of the head (his deputy) of the relevant local executive and administrative body, body of internal affairs, organizer(s) of the mentioned meeting and/or procession in cases:

- (a) If there has been no application submitted or the decision on banning to hold the meeting and/or procession has been taken;
- (b) If provisions of articles 9-11 of the present Law are infringed;
- (c) Of appearance of the threat to life and health of citizens.

In case of refusal of participants of meeting and/or procession to fulfill the demand of the head (his deputy) of the relevant executive and administrative body, internal affairs body, organizer(s) or person(s) responsible for organization and holding of the meeting and/or procession to stop meeting and/or procession, the bodies of internal affairs in accordance with legislation of the Republic of South Africa take necessary measures on termination of meeting and/or procession.

14. NON-INTERFERENCE OF STATE BODIES AND OTHER ORGANIZATIONS AND ALSO OF CITIZENS IN HOLDING MEETINGS AND/OR PROCESSIONS

State bodies, political parties, trade unions and other organizations and also citizens have no right to interfere and impede holding the meetings and/or processions held within the Municipality and held with observance of the requirements of the present By-Law and other acts of legislation of the Republic of South Africa.

15. DISRUPTING OF MEETINGS AND/OR PROCESSIONS

A person is guilty of disrupting meetings and processions when with intent to prevent or disrupt a lawful meeting, procession or gathering, he does any act tending to obstruct or interfere with it physically or makes any utterance, gesture or display designed to outrage the sensibilities of the group.

16. EXEMPTIONS

The provisions of this by-law shall not apply to any funeral, wedding, military or police procession.

17. OFFENCES AND PENALTIES

Any person who:

BY-LAW RELATING TO MEETINGS AND PROCESSIONS

1. Contravenes or fails to comply with any provision of these by-laws or any term, condition, restriction, requirement, notice or order imposed or issued in terms thereof;
2. Resists, hinders, obstruct, molests or interferes with any officer or employee of the Council in the performance of his duties or the execution of his powers under these by-law; or
3. Cause or permits any other person to commit any of the aforesaid -

Shall be guilty of an offence and shall be liable upon conviction, to a fine not exceeding five hundred rand, or in default of payment of any fine imposed, imprisonment for a period not exceeding six months

18. DAMAGES

1. Notwithstanding the stipulations contained in section 17 above, the Council shall hold responsible any person or organizer of a public meeting and gathering or participant in such gathering or procession for any damage to any property of the Council and shall claim the cost to repair such damage from such a person or organizer.

NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-LAW

Noise Abatement and Prevention of Nuisance By-Law

The Municipal Manager of Fetakgomo Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Noise Abatement and Prevention of Nuisance By-Law for the Fetakgomo Municipality, approved by the Council, as set out hereunder.

Purpose of By-Law

- To promote the achievement of a safe, peaceful and healthy environment for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate nuisances.

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, unless the context otherwise indicates: -

“Council” means the council of the Municipality or any political structure, political office bearer, councillor, or any staff member acting under council’s delegated or sub-delegated authority;

“Erf” means any land, whether vacant, occupied or with buildings thereon;

“Municipal Area” means the municipal area of the Municipality;

“Municipality” means the Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000;

“Objectionable Material” means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused motor cars, machinery or other vehicles, as well as the disused parts thereof,

**NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-
LAW**

refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public;

“**Public Nuisance**” means any act, omission or condition which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely effects the safety of the public;

“**Public Place**” means any square, building, park, recreation ground or open space which:-

- (a) is vested in the Municipality;
- (b) the public has the right to use, or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General’s office and has been provided for or reserved for the use of the public or the owners of erven in such township;

“**Public Road**” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:-

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

Enforcement

2. The council may, whenever it regards it necessary to do so, enter any premises at any reasonable time to ensure compliance with this by-law.

NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-LAW

Behaviour and conduct

3. Notwithstanding the provisions of any other by-law no person shall:

- (a) dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the council may from time to time set aside or approve for such purposes, provided however that the council may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the council;
- (b) do work on any erf or use any building or land for purposes calculated to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbours or to become a source of danger to any person should the council be of the opinion that this provision is being ignored, the council may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;
- (c) carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the council be a source or become a source of discomfort or annoyance to the neighbourhood;
- (d) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or any objectionable material or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any erf, street or public place;
- (e) allow any erf to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the council or any duly authorised employee of the council it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community or may promote the spread of fires;

**NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-
LAW**

- (f) allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;
- (g) allow the fencing of any erf to fall into a state of disrepair or to become unsightly or dilapidated;
- (h) allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
- (i) use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;
- (j) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- (k) enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the council may approve;
- (l) keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;

**NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-
LAW**

- (m) deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the council and in accordance with any by-law of the council;
- (n) keep or cause or suffer to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or is offensive or injurious or dangerous to health;
- (o) defoul, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;
- (p) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- (q) bury or dispose of any dead body in any unauthorised place;
- (r) permit the carcass of any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;
- (s) cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be so situated or constructed as to be offensive or dangerous or injurious to health;
- (t) cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purpose, into any street or on any land;
- (u) commit or cause or permit to be committed, any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or deserved for the use of such inhabitants;

**NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-
LAW**

- (v) bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the council for any purpose;
- (w) disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;
- (x) advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;
- (y) in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
- (z) in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;
- (za) solicit alms in any street or public place or endeavour by the exposure of wounds, sores, injuries or deformities or the production of begging letters to obtain alms, or
- (zb) cleanse or wash any vehicle or part in any street or public place.

**NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-
LAW**

Failure to comply with provisions

4. (1) Where any material, article or thing of whatsoever nature has been accumulated, dumped, stored or deposited on any erf, or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 2(a), (d) and (e) the council may serve a notice on -
- (a) the person directly or indirectly responsible for such accumulation, dumping, storing or depositing;
 - (b) the owner of such material, article or thing, whether or not he is responsible for such accumulation, dumping, storage or depositing;
 - (c) the owner of the erf on which such accumulation, dumping, storage or depositing takes place, whether or not he is responsible therefore, or
 - (d) the owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation, requiring such persons or owners to dispose of, destroy or remove such material, article or thing or to clear such overgrowth to the satisfaction of the council.
- (2) Should any person or owner fail to comply with the requirements of a notice in terms of subsection (1) within the period stipulated by the council, the council may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection (1)(a), (b), (c) and (d).
- (3) Where on any erf there is a contravention of section 2(f), (g), (h) and (t) the council may at its discretion serve a notice on either the owner or the occupier to abate the nuisance.

**NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-
LAW**

Sanitary facilities at construction sites

5. Every person engaged in building operations, road construction or construction work of any nature shall, when required to do so, provide adequate sanitary accommodation for himself and his employees to the satisfaction of and in accordance with any requirements specified by the council.

Unlawful occupation

6. (1) No person shall, without the permission of the council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description except on an authorised camping or caravan site controlled by the council or any other camping or caravan site which conforms with the provisions of the By-Law relating to such caravan parks or camping sites.
- (2) The council may serve notice on any person who is occupying a caravan, tent or shelter in contravention of subsection (1) to vacate such caravan, tent or shelter within 3 days after the service of such notice, failing which, such person shall be guilty of an offence.

Penalties

7. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to -
- (1) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

**NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-
LAW**

- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

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 Provincial Administration: Limpopo Province**, Private Bag X9483, Office of the Premier, 26 Bodenstein Street, Pietersburg, 0699. Tel. (015) 291-3910
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 Provinsiale Administrasie: Limpopo Provinsie**, Privaat Sak X9483, Kantoor van die Premier, Bodensteinstraat 26, Pietersburg, 0699. Tel. (015) 291-3910