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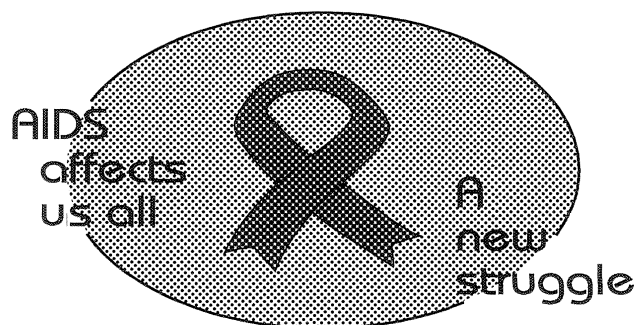
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No. 7456

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 55

UMJINDI LOCAL MUNICIPALITY: STREET AND MISCELLANEOUS BY-LAWS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Umjindi Local Municipality, enacts as follows:

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1. Interpretations

In this by-law, unless the context otherwise indicates-

“Abnormal vehicle” means any vehicle which is operated under a written exemption granted in terms of section 81 of the National Road Traffic Act, 1996, and any motor vehicle accompanying such abnormal vehicle as a condition of operation;

“Air-gun or air-pistol” means a device designed to discharge a projectile by means of compressed gas as defined in section 1 of the Firearms Control Act, 2000 (Act No 60 of 2000)

“authorized official” means a person who is duly appointed as peace officer in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977)

“firearm” means a device designed to propel a bullet or projectile as defined in section 1 of the Firearms Control Act, 2000 (Act No 60 of 2000)

“fireworks” means objects as defined in the regulations to the Explosive Act, 2003 (Act No 51 of 2003)

“Municipality” means the local municipality established in terms of section 12 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) within the demarcated area of jurisdiction of the Umjindi Local Municipality;

“Occupier” means any person in actual occupation or control of any land, premises, or building, or any portion thereof, without regard to the title under which he/she occupies or controls such land, premises, building or portion thereof;

“owner” means the person in whose name the property is registered;

“person” means any individual, company or body corporate or partnership or any other association of persons

“police officer” means a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No 68 of 1995)

“public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, foot path, sidewalks, lane, park or garden and open space to which the public could gain unrestricted access as well as enclosed space vested in a municipality which the public has the conditional right to use;

“head of department of public safety” means the official appointed by the relevant Local municipality as functional departmental head;

“**local municipality**” means any local municipality established in terms of section 12 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) as amended, within the area of jurisdiction of the Umjindi Local Municipality;

“**road**” means the same as street for the purposes of this by-laws;

“**street**” means any road or thoroughfare , including the road surface, road reserve or pavement, shown on the general plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way;

“**towing - vehicle**” means the same as breakdown vehicle for the purposes of this by-law;

“**traffic- officer**” means a person duly appointed by the municipality in accordance with the provision of the National Road Traffic Act, 1996 and who is also an appointed peace officer in terms of the provisions of the Criminal Procedures Act, 1997;

“**vehicle**” means any vehicle designed or adapted for propulsion by means of fuel, gas or electricity or haulage and designed or adapted mainly to travel on wheels or crawler tracks on a road or off-road, including a trailer, caravan, an agricultural or any other implement designed or adapted to be drawn by such a vehicle

2. Application Principle and objectives

1. This by-law applies to areas within the jurisdiction of Umjindi Local Municipality and is limited to regulate human behaviour which may negatively affect other human beings, the environment and the property of the municipality.

3. Obtaining of municipal approval

1) In this by-law, any reference to the obtaining of the consent or approval from a municipality refers to the approval granted, as required in the specific section in concurrence with any other by-law or statutory requirements, by the Municipal Manager or any delegated official , unless otherwise indicated.

4. General conduct

1. No person may through his\her individual or collective conduct, pose a risk or danger to the safety or well-being of any other person or property
2. No person may through his/her individual or collective conduct, compromise or threaten the best interest, safety and well -being, or peaceful societal functioning of communities.
3. No person may through his/her individual or collective conduct obstruct an authorized official, employee or agent of a municipality to perform his/her assigned duties in relation to a street, public places or any municipal service.

4. No person may through his/her individual or collective conduct, with or without intention, obstruct access to a fire hydrant
5. Any person who fails to comply with the provision of section 3 shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
6. Any person contravening the forgoing subsections may admit guilt by paying a fine not exceeding R1000.00.

5. Obstructing of vehicular traffic

1. No person shall through his/her individual or collective conduct, cause an obstruction in any street and/ or access to any public places.
2. No person shall through his/her individual or collective conduct limit access to parking areas or loading bays or other facilities for vehicular traffic
3. No person shall through his/her individual or collective conduct obscure any road traffic sign or road marking, notice or sign displayed or made in terms of this or any other by-laws or statutory provision.
4. No person shall through his/her individual or collective conduct , obscure or impede the view of any road user whilst such road user is driving a vehicle
5. No person shall sell or trade , or permit the selling or trading of any goods or services in any street whilst being on the street or road surface and no person shall approach any motorist with the view to whatever nature or to collect goods, articles or money whilst being on the street or road surface ; any person or persons requiring other persons, be they employees or volunteers, to conduct such action as forbidden in this subsection shall be deemed to be a transgressor.
6. No person shall sell or trade any goods, articles or services at any street intersection and no person shall approach any motorist with the view to distribute pamphlets, notices, goods, articles or advertisements of whatever nature or to collect goods, articles or money at any intersection, any person or persons requiring others , be they employees or volunteers, to conduct such action as forbidden in this subsection shall be deemed to be a transgressor.
7. No person shall sell or trade any goods, article or services in any area within the jurisdiction of the municipality unless such area has been duly designated and demarcated by the municipality for the purpose of hawking by means of appropriate road signs, any person or persons requiring others, be that employees or volunteers, to conduct such action as forbidden in this subsection shall be deemed to be a transgressor.
8. Any person who fails to comply with the provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
9. Any person contravening any of the foregoing subsections may pay admission of guilt not exceeding R1 000.

6. Obstruction of and interfering with pedestrians

1. No person shall through his\her individual or collective conduct, obstruct the movement of pedestrians making use of sidewalks, public places or when crossing a street or designated parking or loading area.
2. No person shall through his/her individual or collective conduct, obstruct access of pedestrians to or from public places and buildings or business premises
3. No person shall through his/her individual or collective conduct, cause a nuisance or harassment to pedestrians for any purpose whatsoever.
4. No person shall park any vehicle on the sidewalks of any street for any purpose whatsoever without obtaining the prior written consent of the municipality
5. Any person who fails to comply with the provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
6. Any person contravening this section may admit guilt by paying a fine not exceeding R500.00

7. Removal, confiscation and impoundment

1. An authorised official may give a verbal or written notice to any person to remove any goods, article, vehicle or structure from a specified street or public place or to forthwith terminate any prohibited activity as described in section 5 and 6 of these by-laws failing which the authorised official may remove, confiscate or impound such good or article, vehicle or structure.
2. The owner of such goods, article, vehicle or structure removed, confiscated or impounded as contemplated in sub-section (1) shall be liable for the payment of any expenditure incurred by the municipality in connection with such removal, impounding and disposal of the said goods, article, vehicle or structure.
3. All removed, confiscated or impounded goods, articles, vehicles or structures as contemplated in sub-section (1) above, excluding perishable goods, shall be kept by the municipality in a facility which shall ensure the reasonable protection thereof.
4. Confiscated perishable goods shall be destroyed by the municipality after a period of 24 hours where after the owner of such destroyed perishable goods shall have no claim against the municipality for the loss of such perishable goods.
5. The owner of removed, confiscated or impounded goods, articles, vehicles or structures may claim from the municipality such goods, articles, vehicles or structures following due proof of ownership to the municipality and following payment of any issued fines and costs claims as contemplated in sub-section (2) above.
6. The municipality shall diligently keep record of all goods, articles, vehicles or structures removed , confiscated or impounded and of all payments received in lieu of fines and cost claims payable and such goods, articles, vehicles and structures subsequently released to the rightful owners.
7. The municipality shall within 90 days following the removal, confiscating or impounding of the goods, articles, vehicles or structures publish a notice in English in a newspaper circulated in the area of jurisdiction of the municipality and such notice shall contain the following information-

- (a) A description of the object, the address or location where the object was removed, confiscated or impounded, the address or location where the object is being kept, and if known to the municipality, the name of the owner of the object;
 - (b) Notification that the owner may claim the object from the municipality on receipt of proof of ownership and payment or relevant fines and costs incurred by the municipality; and
 - (c) Notification that any object removed, confiscated or impounded and not being claimed by the rightful owner within a period of 14 days following date of publication of the notice referred to in subsection (7) shall be appropriately disposed of by the municipality.
8. The municipality shall not be liable for compensation to any person for damages to or the loss of any object so removed, confiscated or impounded.

8. Use of vehicle for purpose of advertising

- 1) No person may park in any street or public place any vehicle, be that self-propelled or not, for the purpose of advertising such vehicle, goods, events, business or activity without obtaining the prior written consent of the municipality.
- 2) Any person who fails to comply with the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1500.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may pay admission of guilt not exceeding R500.00.

9. Affixing of ropes and other objects across streets

- 1) No person shall affix any rope, wire, pole or other objects across any street or hang or attach anything whatsoever thereto without obtaining the prior written consent of the municipality.
- 2) Any person who fails to comply with the provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1500.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fines and imprisonment.
- 3) Any person contravening subsection (1) may pay admission of guilt not exceeding R500.00.

10. Damage to or advertising on trees

- 1) No person shall climb into or break or damage or in any way mark or paint on any tree in any street or public place and no person shall without obtaining the prior written consent of the municipality, lop, top, trim, cut down or remove any tree from any street or public place.
- 2) No person shall display an advertisement in any format on any tree in any street or public place without obtaining the prior written consent of the municipality.
- 3) Any person who fails to comply with the provision of subsections (1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R1500.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 4) Any person contravening subsections (1) and (2) may pay admission of guilt not exceeding R1 000.00.

11. Dangerous fencing

- 1) No owner or occupier of any property or land in the municipal area shall along any street or public place erect or cause, permit or offer to be erected, shall after 60 days following the promulgation of this by-law, have along such street or public place any barbed wire fence or any railing, paling, wall or other barrier which by reason of spikes or other sharp or pointed protrusions or otherwise by nature of its construction design is or may become a danger to any member of public lawfully using such street or public place.
- 2) Without prejudice to the duties and liabilities imposed by subsection (1) the municipality may by notice, in writing, require the owner or occupier of property or land on which a fence, railing, paling, wall or other barrier which exist in contravention of subsection (1) of these by-laws, to remove it within such period being not less than four weeks as the notice may specify.
- 3) Any person who fails to comply with a notice contemplated in subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 4) Any person contravening subsection (1) may be required to pay the admission of guilt not exceeding R1000.00.

12. Protection of street and sidewalks surface

1. No person shall place upon, off-load on, or convey across a street surface or sidewalk any materials, vehicles or goods unless adequate precautions to protect the surface against damage had been taken and should any damage be caused as a result of the lack of such precautions having been taken, the municipality may recover all costs incurred to have the damage so caused repaired, from the person responsible.
2. Any person contravening this section may be required to pay an admission of guilt not exceeding R200.00 (which may be included in the cost of the damage.)

13. Cleanliness of street and public places

- 1) No person shall spill, drop or place or permit to be spilled, dropped or placed, in or on any street or public place any matter, object or substance that may pollute such street or public place or which may cause annoyance, danger, risk or accident to persons, animals or vehicles using such street or public place, without removing it or causing it to be removed forthwith from such street or public place
- 2) No person may spit or urinate upon any street or in any public place.
- 3) No person may by himself/ herself or his/her employee wash, repair, maintain or clean any vehicle or part thereof, in any street or public place.
- 4) No person may by himself/ herself or his/her employee in any street or public place shoe any animal except in the case of accident or clean, dress, train, or turn lose any animal.
- 5) Any person who fails to comply with the provisions of subsections (1), (2), (3) and (4) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 6) Any person contravening subsection (1), (2), (3) and (4) may be required to pay admission not exceeding R500.00.

14. Holding of auction sale, morning market, rubble sale or flea market in street or public place

- 1) No person shall without obtaining prior written consent from the municipality hold any auction sale, rubble sale, morning market or flea market in any street or public place.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding three months or both such fine and imprisonment.
- 3) Any person contravening subsection(1) may admit guilt by paying a fine not exceeding R500.00

15. Slaughtering of livestock in street or public place prohibited

- 1) No person shall put down or slaughter any livestock in any street or public place.
- 2) Any person who fails to comply with the provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R1 000.

16. Exposure of any article for sale in street or public place

- 1) No person other than a licensed hawker or peddler shall expose any article, objects or goods whatsoever in or upon any street, area or public place without such area being duly designated and demarcated as a hawking area by the municipality.
- 2) Any person who fails to comply with the provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00.

17. Displaying of article and good on windows and any superstructures facing streets

- 1) No person shall place any article or object likely to cause injury or damage to any person or property if it were to fall, in any window or other superstructure near any street, sidewalk or public place, without sufficiently safeguarding it against from falling into the street or public place.
- 2) An authorized official of the municipality may order the removal of article or objects referred to in subsection (1) and any person failing to adhere to such order shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R1000.

18. Playing in street forbidden

18. Playing/Racing on the street forbidden

- 1) No person shall use any street for the purpose of any sport or game and no person shall roll any hoop or fly any kite or throw any objects or use any bow and arrow or by any means discharge any missile upon, over or across any street or shall use any pushcart other than in the course of and for the purpose of a licensed business.
- 2) No person shall organize any race or competition in street or in public places without obtaining the prior written approval of the municipality.
- 3) Any person who fails to comply with the provisions of subsections (1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 4) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500.00
- 5) Any person contravening subsection (2) may admit guilt by paying a fine not exceeding R1000.00

19. Extinguishing lights and damaging of public property

- 1) No person shall wilfully or negligently extinguish the light of any lamp being the property of the municipality, or in any manner interfere with such lamp, or deface, damage, remove or in any way interfere with any municipal signs or property in street and public places.
- 2) No person may attach, tie or affix any object in any manner whatsoever to a street light pole or municipal sign without obtaining the prior written consent of the municipality.
- 3) Any person who fails to comply with the provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R5 000 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- 4) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R5000
- 5) Any person contravening subsection (2) may admit guilt by paying an amount not exceeding R750.00

20. Excavations in street

- 1) No person or institution shall make or cause to be made any hole, trench, pit or excavation in any street or remove any soil or metal there- from without obtaining the prior written consent of the municipality.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R7 500 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R5 000.00

21. Defacing, marking or painting of streets

- 1) No person shall except in the execution of his official duty, in any way deface, mark or paint any street or part thereof without obtaining the prior written consent of the municipality.
- 2) Any person who fails to comply with the provisions of subsection(1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R1 000.00

22. Sweeping and cleaning of and on premises near street

- 1) The occupier of premises adjoining any street shall not cause or permit-
 - a) Any part of the sidewalk adjacent thereto to be swept unless and until such part shall have been adequately sprinkled with water.
 - b) Any dirt or refuse so swept and collected, to be thrown or in any way be deposited in or upon any street; and
 - c) Any waste water resulting from the cleaning of any object on the premises or part of the premises itself, to be discharged unto the street surface.
- 2) Any contravention of subsection (1) by any employee, agent or representative of the occupier shall be deemed to be a contravention by the occupier.
- 3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 4) Any person, including such person as defined in subsection (2) contravening subsection (1) may admit guilt by paying a fine not exceeding R5 00.00.

23. Discharging of a firearm, air-gun or air pistol

- 1) No person shall without lawful cause discharge a firearm, air-gun or air-pistol within the area of jurisdiction of the municipality provided that such provision shall not apply in the case of-
 - a) The discharging of a firearm during target practice or training on a recognized indoor shooting range.
 - b) The discharging of a firearm for the purpose of an approved sports meeting ; and
 - c) The discharging of a firearm, air-gun or air –pistol on land which is mainly used for agricultural or recognised game reserve purposes.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R5 000 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R2000.00

24. Words and behaviour likely to cause a breach of peace

- 1) No person shall use any threat, abusive or insulting words or gestures or behaviour in any street or public place whereby the breach of the peace is likely to occur.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00

25. Singing or playing musical or noisy instrument for profit or income

- 1) No person shall for profit or income purposes sound or plays upon any musical or noisy instrument or sing in any street or public place, without obtaining the prior consent of the municipality.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00

26. Disturbance of public peace

- 1) No person shall disturb the public peace in a street or public place or on private premises by making noises or causing such to be made by shouting, quarrelling, fighting, singing or playing any type of musical or noise-creating instrument or by means of a sound system or similar device, or by riotous violent or immoral behaviour.
- 2) Apart from the provisions of subsection (1) no person shall disturb the peace by making any kind of noises by causing such to be made whilst or as a result of the conducting of repair and maintenance work of any kind on private property before 07:30 daily and after 22:00
- 3) Any person who fails to comply with provisions of subsections (1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or in default of payment to imprisonment for a period not exceeding three months or to such fine and imprisonment .
- 4) Any person contravening subsections (1) and (2) may admit guilt by paying an amount not exceeding R1000.00

27. Keeping animals and birds from disturbing the public peace

- 1) No person shall keep any animal or bird which disturbs the public peace.
- 2) Any animal causing undue disturbance of peace shall be deemed to be a contravention of subsection (1) by the owner and such owner shall be guilty of an offence and liable on conviction to a fine not exceeding R2000.00 or in default of payment on imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00.

28. Dangerous animals, reptiles and insects

- 1) No person shall without a permit issued by the Chief Public Safety keep any wild or dangerous animal, reptile or insect which has an inherent propensity to attack human beings or the keeping of which is likely to become a nuisance or a threat to public safety or is fraught with risk to any person.
- 2) Any animal, reptile or insect the keeping of which is prohibited in terms of subsection (1) may, if found at large outside of the confines of the property of the owner, be destroyed by any police officer or authorized official of the municipality.
- 3) No person may permit any dog to leave the confines of the property of the owner without such dog being secured to a leash and being accompanied by the owner or a capable mature representative of the owner.
- 4) Any person who fails to comply with the provisions of subsections (1) and (3) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 5) Any person contravening subsection (1) and (3) may admit guilt by paying an amount not exceeding R500.00.

29. Advertising by loudspeaker or other device

- 1) No person shall without obtaining prior written consent from the municipality, apply any sound system or other audible device for the purpose of advertising which may be heard, in any street or public place.
- 2) Any person after having been required to desist by a police officer or authorized official of the municipality but fail to comply shall be guilty of an offence and liable on conviction to a fine not exceeding R2000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00.

30. Advertising by means of advertising vehicles, sandwich boards or other devices

- 1) No person shall without obtaining prior written consent from the municipality, display or cause or allow to be displayed any advertisement by means of advertising vehicles, sandwich boards, lanterns, flags, screens or other movable advertising devices in or along any street or within any public places
- 2) Any person who fails to comply with the provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R1000.00

31. No flyers or advertisement on vehicles without permission

- 1) No person shall deposit or leave any circular, dodger, flyer or other advertisement on any vehicle in any street or public place without having obtained permission to do so from the person in charge of such vehicle
- 2) For the purposes of this section any person found depositing or leaving any circular, dodger, flyer or other advertisement on a vehicle in a street or public place shall be presumed to have done so without the said permission unless he/she produces satisfactory evidence of such permission failing which he/she shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00

32 Pasting and distribution of obscene flyers.

- 1) No person shall distribute or paste flyers that are obscene on any street within Umjindi Local Authority. A person who instructs any person to distribute or paste such obscene flyers will be deemed to have transgressed this section.
- 2) For the purposes of this section any person found distributing or pasting /found to have distributed or pasted such obscene flyers, upon conviction will be liable to a fine not exceeding R2500 or in default of payment to imprisonment not exceeding 3 months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R2000.00

33. Loitering in streets and public places

- 1) No person shall lie or sit on any street nor shall any person stand, congregate, loiter or walk, or otherwise act in such manner as to cause obstruction to traffic or jostle or otherwise annoy any person using such street or public place or loiter at or within 20 metres from the entrance of any place of worship or public building, including schools, and any person performing any of the aforementioned prohibited acts shall, upon request of a police officer or duly authorized official of the municipality, discontinue to do so, failing which he\she shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 2) No person shall except when forming part of a queue, loiter or congregate in any street or public place or in any shopping centre within 10 metres of the entrance to any place of entertainment, library, automatic banking machine or banking institution.
- 3) Any person who fails to comply with the provision of subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three month or to both such fine and imprisonment.
- 4) Any person contravening subsection (1) or (2) may admit guilt by paying an amount not exceeding R500.00.

34. Landing of aircraft in street or public places

- 1) No person shall land, or attempt to land, in any street or public place, any aircraft, including a hot air balloon, of any description make or type, unless such aircraft is being used for official policing or emergency services duties, without obtaining the prior written approval of the chief fire officer.
- 2) Any person who fails to comply with the provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R5 000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R2 000.00

35. Use of road reserves, sidewalks and public places for off road vehicle activities prohibited

- 1) No person shall use any street, road reserve, sidewalk or public places for any off-road activities involving vehicles of any make, type or description provided that the municipality may grant permission to any person, organization or group of persons to utilise an identified and defined public place for a specified purpose and duration at a cost determined by the municipal council.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R1 000.00.

36. Consuming of alcohol in street and public places prohibited.

- 1) No person shall consume any alcoholic beverage in public whether in a street or public place, unless attending an approved event or function being held with the explicit approval of the municipality in such street or public place and no person shall be drunk, violent or disorderly as a result of the consumption of alcohol in any street or public place.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00.

37. Camping or temporarily residing on road reserves or in public places prohibited

- 1) No person shall, for whatever reason or purpose, camp or reside in any structure on any road reserve or in any public place and no person shall park any caravan or erect any tent, camping equipment or structure on any road reserve or in any public place, unless explicitly authorized to do so by the municipality .
- 2) Any person who fails to comply the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three months or both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00.

38 Public Gatherings and Processions Generally

(1) No person shall hold, convene, address or organise any public gathering or procession in, at or on any street or public place or premises being under the control of or belonging to the Council without the previous permission of the Council in writing: Provided that such permission may only be withheld for the reasons set out in this section.

(2) Written application for permission to the holding, convening or organising of such public gathering or procession shall reach the Municipal Manager not later than seven days before such gathering or procession is due to commence and every such application shall-

(a) Contain the full names and addresses of holders, conveners or organisers of the proposed public gathering or procession.

(b) Specify the date and time and place or route thereof and whether or not it is proposed to use bands, musical instruments, loudspeakers or similar devices.

(3) In granting such permission the Council may impose such conditions and restriction as it may deem necessary for the prevention of damage to property, obstruction of traffic, disturbance of the peace or interference with amenities of the public and generally for the maintenance of law and order. For such purpose and without prejudice to the generality of the foregoing, the Council may at its discretion prohibit the use of bands, musical instruments, loudspeakers or similar devices and

may, in addition, limit the holding of any such gathering or procession to specified places or areas and to particular times or periods.

(4) The Council may refuse such permission if it has reasonable grounds for believing that such public gathering or procession if held, is likely to result in public disturbance or riots, damage to property, obstruction to traffic or interference with the amenities and conveniences of the public generally or to provoke a feeling of hostility between two races/groups.

(5) Any person who holds, convenes, addresses or organises any public gathering or procession referred to in subsection (1) in respect of which the permission of the Council has not been obtained and any person holding, convening, addressing or organising a public gathering or procession in respect of which such consent has been obtained, who fails to comply with any condition which may be imposed in terms of subsection (3) and any person who in any manner causes a disturbance or commits an offence while present at any public gathering or procession shall, if required to do so by any authorised officer of the Council or Police officer forthwith leave such public place or premises.

(6) Any person who holds, convenes, addresses or organise any public gathering or procession referred to in subsection (1) in respect of which the permission of the Council has not been obtained and any person holding, convening, addressing or organising a public gathering or procession in respect of which such consent has been obtained, who fails to comply with any condition which may be imposed in terms of subsection (3) shall be guilty of an offence.

(7) Any person present at any public gathering or procession who fails to leave such public place or premises on being so required in terms of subsection (5) or who has been warned by a Police officer or duly authorised officer of the Council that the gathering or procession is illegal or that the conditions imposed by the Council in granting permission for the holding of such gathering or procession are being contravened and who fails, on being so required by a Police Office or duly authorised Officer of the Council, to leave such public place shall be guilty of an offence and Regulation of Gatherings Act of 1993 especially Section 12 which deals with offences.

39. Making of fire in any street or public place prohibited

- 1) No person shall in any street or public place make or cause to be permitted the making of a fire of any type or description unless so explicitly permitted in writing by the chief fire officer.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 500.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R1 000.00.

40. Discharging of fireworks prohibited

- 1) No person shall in any street or public place or on any private property within the Umjindi Local Municipality discharge any fireworks without the explicit written approval of the Chief Public Safety.
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00.

41. Tree Planting in Public Places

- 1) No person shall plant any tree or shrub in any street, without the previous permission of the Council in writing
- 2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1500.00 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment
- 3) Any person contravening subsection (1) may admit guilt by paying an amount not exceeding R500.00.

42. Short title and comments

- 1) This By-Law may be cited as the Umjindi Municipal Street and Miscellaneous By-laws
 - 2) This By-Laws comes into operation on the date of publication thereof in the provincial gazette.
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IMPORTANT Information from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



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