

PROPOSED BY-LAW RELATING TO PUBLIC AMENITIES

1. PURPOSE

- 1.1 To promote the achievement of a safe and peaceful environment;
- 1.2 To provide for procedures, methods and practices to regulate the use and management of public amenities; and
- 1.3 To provide for matters incidental thereto.

2. DEFINITIONS

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa –

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

"Municipality/City" means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"notice" means official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the municipality must make known provisions and directions adopted by it in terms of this by-law;

"public amenity" means -

- (a) any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoo-logical, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;
- (b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not; but excluding:
 - (i) any public road or street;
 - (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the municipality, and
 - (iii) any public amenity hired from the municipality;

3. MAXIMUM NUMBER OF VISITORS

- 3.1 The municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- 3.2 The number contemplated in subsection (3.1) must be made known by the municipality by means of a notice.

4. ADMISSION TO AND SOJOURN IN A PUBLIC AMENITY

- 4.1 A public amenity is, subject to the provisions of this by-law, open to the public on the times determined by the municipality;
- 4.2 No visitor must enter or leave a public amenity at a place other than that indicated for that purpose.
- 4.3 The times and places contemplated in subsections (4.1) and (4.2), must be made known by the municipality by means of a notice.

5. ENTRANCE FEES

- 5.1 A visitor to a public amenity must pay entrance fees determined from time to time by the municipality and such entrance fees must be made known by means of a notice.
- 5.2 Different entrance fees may be determined in respect of visitors of different ages and the municipality may exempt certain groups of persons from the payment of an entrance fee.

6. NUISANCES

- 6.1 No person must perform or permit any of the following acts in or at a public amenity –
 - (a) the use of language or the performance of any other act which disturbs the good order;
 - (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;
 - (c) the burning of rubble or refuse;
 - (d) the causing of unpleasant or offensive smells;
 - (e) the production of smoke nuisances;

- (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;
- (g) the begging for money, food, work or the offering of services, or
- (h) in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

7. HEALTH MATTERS

7.1 No person must in or at a public amenity -

- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
- (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
- (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
- (d) perform any act that may detrimentally affect the health of any visitor to a public amenity.

8. STRUCTURES

No person must without the written consent of the municipality having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice;

9. LIQUOR AND FOOD

- 9.1 No person must, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- 9.2 No person must on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice: Provided that the preparation and cooking of food in or at a public amenity must be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health: Provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

10. ANIMALS

- 10.1 No person must bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.
- 10.2 The directions contemplated in subsection (10.1) must be made known by means of a notice.

11. USE OF PUBLIC AMENITIES

- 11.1 No person must without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent-
- (a) arrange or present any public entertainment;
 - (b) collect money or any other goods for charity or any other purpose from the general public;
 - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
 - (d) arrange, hold or address any meeting;
 - (e) arrange or hold a public gathering or procession, exhibition or performance;
 - (f) conduct any trade, occupation or business;
 - (g) display, sell or rent out or present for sale or rent any wares or articles;
 - (h) hold an auction;
 - (i) tell fortunes for compensation;
- 11.2 For the purposes of this by-law "public gathering or procession" means a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

12. SAFETY AND ORDER

- 12.1 No person must, subject to subsection (12.2), in or at a public amenity-
- (a) damage or disfigure anything within such amenity;

- (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
- (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
- (d) throw away any burning or smouldering object
- (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
- (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
- (j) behave himself or herself in an improper, indecent, unruly, violent or unbecoming manner;
- (k) cause a disturbance;
- (l) wash, polish or repair a vehicle;
- (m) walk, stand, sit or lie in a flower bed;
- (n) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
- (o) walk, stand sit or lie on grass contrary to the provisions of a notice;
- (p) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
- (q) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years;
- (r) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.

12.2 The municipality may by way of notice and subject to such conditions as the municipality deems necessary and mentioned in the notice, authorise any of the actions contemplated in subsection (12.1).

13. WATER

No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

14. LAUNDRY AND CROCKERY

No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

15. VEHICLES

- 15.1 No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the municipality;
- 15.2 The municipality determines the speed limit applicable in a public amenity;
- 15.3 The directions contemplated in subsection (15.1) and the speed limit contemplated in subsection (15.2) must be made known by the municipality by way of notice.

16. GAMES

No game of any nature whatsoever must be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the municipality and which is made known by way of notice.

17. LOITERING

No person leading the life of a loiterer or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in a public street or on a public place or who habitually begs for money or goods or persuades others to beg for money or goods on his or her behalf, may loiter or linger about in a public amenity.

18. PENALTIES

- 18.1 Any person who –
 - (a) contravenes or fails to comply with a provision of these by-laws or a direction adopted by a Council under these by-laws and which has been made known by notice, or of a condition imposed under such by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-laws, or not;
 - (b) deliberately obstructs, hampers or handicaps any person in the

execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or

- (b) furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of a provision of a by-law, is guilty of an offence and if found guilty is punishable with a fine not exceeding R5 000, 00 or with imprisonment for a period not exceeding 12 months and, in the event of a continuing contravention, a fine not exceeding R2 500,00 or with imprisonment not exceeding six month for each day that the contravention continued.

19. CONFLICTING LAWS

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail.

20. REPEAL OF LAWS

Any by-laws relating to Public Amenities adopted by the municipality or any municipality now comprising an part of the Municipality is repealed from the date of promulgation of these by-laws.

21. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung, Public Amenities By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.