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PROVINSIE OOS-KAAP

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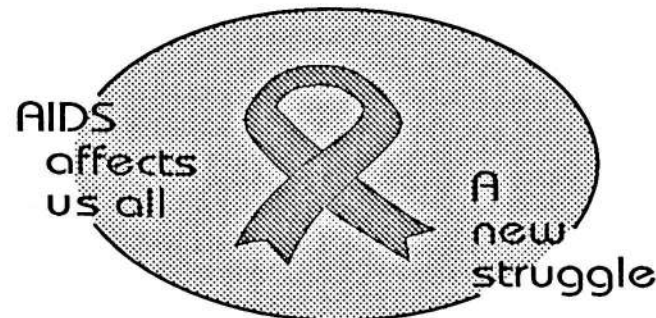
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LOCAL AUTHORITY NOTICE

No. 3

MUNICIPALITY OF INKWANCA

The Inkwanca Local Municipality has, in terms of section 156 of the Constitution of the Republic of South Africa, Act No. 108 of 1996, adopted on 27 August 2001, the undermentioned by-law which is hereby notified for public information.

BY-LAW FOR THE PREVENTION OF NUISANCES

1. In this by-law—

- "animal" means any horse, mule, donkey, cattle, pig, sheep, goat, indigenous mammal and other wild mammal and other wild animal;
- "area" means the proclamation area of jurisdiction of the Inkwanca Municipality;
- "Council" means the Council of the Inkwanca Municipality and includes any employee of the Council exercising powers of performing duties or function delegated to him or her by the Council;
- "erf" means any land, whether vacant, occupied or with buildings thereon;
- "nuisance" means any act, omission or condition which is, in the opinion of the Council or any authorised official of the Council, offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the safety of the public;
- "objectionable material" means garden litter, rubbish, waste material, rubble, scrap metal, disused motor cars, machinery or other vehicles, as well as the disused parts thereof, 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;
- "pet" means any tame dog, cat, guinea pig, hamster, rabbit, chinchilla, bird or reptile;
- "public amenity" means any building, structure, hall, room, office, land, commonage, square, camping site, swimming site, swimming bath, public resort, recreation site, nature reserve, zoological, botanical or other garden, park, hiking trail, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street, which is the property of, or is possessed, controlled or leased by the Council and to which the general public has access, whether upon payment of admission fees or not;
- "public place" has the meaning assigned to it under the Municipal Ordinance 20 of 1974;
- "public street" has the meaning assigned to under the Municipal Ordinance 20 of 1974.

General prohibitions

2. Notwithstanding the provision of any other by-law, no person shall—
- (a) dump, accumulate or place objectionable material or cause or permit objectionable material to be dumped, accumulated or placed in or on any public place, public amenity, erf, street, drain, water furrow, sewer, public road, 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 which constitute or are calculated to constitute a nuisance;
 - (c) carry on any trade, business or profession on any erf in the area which may, in the opinion of the Council, constitutes or may constitute a nuisance;

- (d) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or any objectionable material or thing in or upon any erf, street, public place or public amenity;
- (e) allow any erf or be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that, in the opinion 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;
- (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 gases 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 fitting and all other appurtenances forming part of or attached to any building or structure in good and sound repair; or
- (i) use or cause or permit any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises to be used for the purposes 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 to be used 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 or any shop or business premises by means of movable or immovable structures, objects, articles or devices, otherwise than by using such means as the Council may, in writing, approve;
- (l) keep on his or her erf or premises any animal or pet which creates a health hazard or a disturbance or nuisance to the neighbours by the making of frequent and excessive noise;
- (m) deposit any night-soil or keep or cause or permit any night-soil to be deposited or kept on any premises, except in a proper sanitary convenience approved by the Council or in a convenience complying with any by-law of the Council;
- (n) keep any sanitary convenience or cause or permit any sanitary convenience to be kept upon his or her premises which is of such a 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 or public amenity;
- (p) carry or convey, or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, either 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 or property or which he or she is in charge and which has died on his or her erf or premises or elsewhere in the area, to remain unburied;
- (s) cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal or any land or premises owned or occupied by him or her or of which he or she is in charge to be or become so foul or to be in or fall into such a state or to be situated or constructed as to be offensive or dangerous or injurious to health;
- (t) cause or permit any foul or polluted waste or any foul liquid or objectionable material to run or flow from any land or premises, owned or occupied by him or her, whether for trade, business, manufacture, dwelling or any other purposes, into any street or onto any land;
- (u) commit any act or cause or permit any act to be committed which may pollute any water which inhabitants of the area have the right to use or which is provided or reserved for the use of such inhabitants;
- (v) bathe or wash him or herself or any animal or any article of clothing or any vehicle or anything in any public stream, pool or water through or at any public hydrant or fountain or at any place which has not been set aside by the Council for any such purpose;
- (w) at any time of the day or night disturb the public peace in any street, public place or public amenity by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd, or by organising any unlawful 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, or by loitering in any street, public place or public amenity, or by gathering or crowding on pavements;
- (x) advertise wares or services in or on any erf, building, street or public place or public amenity by means of a magaphone, loudspeaker or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such a manner as to constitute a public nuisance in the neighbourhood;
- (y) being in or on any private premises, disturb the public peace in the neighbourhood or such premises by making therein or thereupon any unseemly noises, or by shouting, quarreling, wrangling or singing or by the continuous and over-loud use of loudspeakers, television sets or the like;
- (z) in any street, public place or public amenity use any abusive or threatening language or commit any act which may be or is calculated to cause a breach of the peace;

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- (aa) in any street or public place solicit alms or endeavour by the exposure of wounds, sores, injuries or deformities or the production of begging letters to obtain alms;
- (bb) cleanse or wash any vehicle or any offensive article or utensil in any street or public place;
- (cc) allow any animal to enter, remain upon or roam in any erf, street, road, public place or public amenity.

Notice

3. (1) Where any material, article or thing or 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 subsections 2 (a), (d) or (e), the Council may serve a notice on—

- (a) the person directly or indirectly responsible for such accumulation, dumping, storage or depositing;
- (b) the owner of such material, article or thing, whether or not he or she 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 or she is responsible thereof; or
- (d) the owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation,

requiring such person or owner to dispose of, destroy or remove such material, article or thing or to clear such overgrowth, to the satisfaction of the Council within a period of fourteen days from the date of such notice or such further period as the Council may, upon written application, permit.

(2) Should any person or owner fail to comply with the requirements of a notice in terms of subsection (1) of this section 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 expense of any one or more of the persons or owners mentioned in subsection 1 (a), (b), (c) and (d) of this subsection.

(3) Where on any erf there is a contravention of subsections 2 (f), (g), (h) or (i), the Council may at its discretion serve a notice on either the owner or the occupier to abate the nuisance.

(4) Every person engaged in building operations, road construction or construction work of any nature shall, when required to do so, provide adequate sanitary convenience for him or herself and his or her employees to the satisfaction of and in accordance with any requirements specified by the Council.

Caravans and tents

5. (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, provided that a caravan, tent or shelter parked or erected upon a private residential site on which a dwelling with all the necessary ablution and toilet facilities has been erected may be used for the temporary accommodation of visitors for a period not exceeding 60 days subject to the approval of the Council.

(2) The Council may serve notice on any person who is occupying a caravan, tent or structure in contravention of subsection (1) of this section to vacate such caravan, tent or structure within three days after the service of such notice, failing which, such person shall be guilty of an offence.

6. The owner of any premises shall paint, colourwash or otherwise suitably renovate any building or structure or part thereof when so required by the Council.

Penalty

7. Any person who contravenes any provision of the foregoing sections or fails to carry out any order lawfully given thereunder, shall be guilty of an offence and upon conviction be liable to a fine not exceeding R1 000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding R50 or an additional period of imprisonment not exceeding 10 days or to both such fine and imprisonment for each day on which such offence is continued after a period of 14 days has elapsed from the date that written notice to discontinue such offence has been served on such person by the Council.

Date of operation

8. This by-law shall come into operation on the date of publication thereof in the *Provincial Gazette*.

Repeal of by-laws

9. Any by-law pertaining to the regulation and control of nuisances or any matter contained in this by-law and—

- (i) adopted by the Municipality; or
- (ii) any local authority which prior to the implementation of the Local Government Municipal Structures Act, No. 117 of 1998, operated as a separate and distinct local authority; and
- (iii) which, as a consequence of the implementation of the Local Government Municipal Structures Act, No. 117 of 1998, was amalgamated with the said Municipality,

is, from the date of promulgation of this by-law, repealed.