

**NORTH WEST
NOORDWES**

**EXTRAORDINARY
PROVINCIAL GAZETTE**

**BUITENGEWONE
PROVINSIALE KOERANT**

Vol. 254

**5 MAY
MEI 2011**

No. 6888

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 69

MAFIKENG LOCAL MUNICIPALITY

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the Standard By-Law relating to Streets which shall come into operation on the date of publication thereof

STANDARD BY-LAW RELATING TO STREETS

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Definitions

1. In this by-law, unless inconsistent with context -

'Local authority' means a municipal council, regional service council, divisional council or local area, as the case may be.

'sidewalk' that portion of the street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

'Street' has the meaning assigned thereto by section 1 of the National Road Traffic Act 1996 (Act 93 of 1996) and except where inconsistent with the context, includes a sidewalk, and

'Vehicle' has the meaning assigned thereto by section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996)

'Public place' means a public place as defined in any town planning scheme of the local authority.

2. Sidewalk and encroachment on streets

No person shall —

- a. construct of law a sidewalk in a street
 - I. except with the written permission of the local authority, and
 - II. otherwise than in accordance with the requirements prescribed by such local authority, or
- b. construct a verandah, stoep, wall on stoep, steps or other projections or erect a post in a street except with the written permission of the local authority.

3. Advertisements visible from streets

- (1) No person shall display any advertisement, placard, poster or bill board in a street —
 - a. Except with the written permission of the local authority, and
 - b. otherwise than in accordance with the requirements prescribed by local authority,

(2) this section shall not be applicable to signs which have been exempted under the provisions of the Standard By-Law relating to Advertising Signs and the Disfigurement of the Front or Frontage of streets.

4. Animals or objects causing obstruction

No person shall except with the written permission of the local authority, and otherwise than in accordance with the requirements prescribed by such local authority:

- a. deposit or leave any goods or articles in a street, other than for a reasonable period during the cause of the loading, off-loading or removal thereof, or
- b. in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any object or vehicle (other than a perambulator or wheelchair which is used for the conveyance of children or the disabled), or
- c. cause or allow any blind, awning, cord or other objects over or onto a street

5. Trees in streets

- (1) No person shall-
 - a. plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it there from, except with the written permission of the local authority
 - b. climb, break or damage a tree growing in a street, or
 - c. in any way mark or paint any tree growing in a street, or attach any advertisement thereto
- (2) Any tree or shrub planted in a street shall become the property of the local authority

6. Trees causing an interference or obstruction

- (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to person using a street, the local authority may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
- (2) Any person failing to comply with the notice issued in terms of subsection (1) shall be guilty of an offence.

- (3) if any person fails to comply with a notice in terms of this section, the local authority may itself prune or remove the tree or growth at the expense of the person on whom the notice was served, which expense will be recovered in terms of section 34 of the by-laws.

7. Refuse, motor vehicle wrecks, waste material etc

No person shall, except with the written permission of the local authority, and otherwise that in accordance with the requirements prescribed by such local authority:

- a. dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street of the public place, or
- b. permit any such object or substance to be dumped or placed in a street of public place.

8. Prohibition upon certain activities in connection with objects in streets

No person shall-

- a. effect any repairs to a vehicle, except where necessary for the purpose of removing such a vehicle from the place where it has broken down or was involved in an accident, or
- b. Clean a vehicle or wash, clean, dry or bleach any other article or thing on any street.

9. Prohibition of games and other acts in street

No person shall-

- a. roll a hoop, fly skate, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street, or
- b. do anything in a street which may endanger the life or safety of any person, animal or thing or may be nuisance, obstruct or annoyance to the public.

10. Use of explosives

No person shall use explosives or undertake blasting operations-

- a. Except with the written permission of the local authority, and
- b. otherwise than in accordance with the requirements prescribed by such local authority.

11. Conveyance of animal carcasses or other waste products through streets

No person shall carry or convey through a street a carcass of an animal or any garbage, night soil, refuse, litter, rubbish or manure —

- a. unless it is properly covered
- b. unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be split in the street.

12. Fence on street boundaries

No person shall erect or authorise the erection of barbed — wire fence or other dangerous fence on the boundary of street except with the written permission of the local authority.

13. Building material in streets

No person shall —

- a. Bore or cut stone, slate or sift lime, or mix building material in a street and,
- b. store or place building material in a street transport building material mixed or unmixed, across a street in such a way as to damage the street.

14. Balconies or verandas

No person shall, except with the written permission of the local authority

- a. use a balcony or a verandah erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or
- b. enclose or partition a balcony or verandah erected beyond the boundary line of a street or portion thereof as a living bedroom.

15. Drying of washing on fence or boundaries of streets

No person shall dry or spread washing on a fence on the boundary of street

16. Outspanning in streets

No person shall out span or allow to be outspanned in any street any vehicle drawn by animals, or detach or leave in any street any trailer, caravan or vehicle which is not self propelled; provided that this provision shall not apply to the actual loading of such a vehicle.

17. Protection of street surfaces

- (1) No person shall —
 - a. use a vehicle or authorise it to be used in any street if such a vehicle is in such a defective condition that it will or may cause damage to any street, or
 - b. drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way that or while such object, machine or materials is in such a condition, as may damage, break or destroy the surface of a street.
- (2) if the local authority identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or damaged the surface of the street, the cost of repairs, as determined by the said local authority, may be recovered from the offender.
- (3) No person other than an authorised official of the local authority in the performance of his duties may apply, mark, paint or thaw lines, marks, words, signs or advertisement on the surface of a street.

18. Damaging of notice boards

No person shall deface, damage or in anyway interfere with any notice-board, road traffic sign, street name board or other similar signs or any hoarding which has been erected in a street by or with the permission of the local authority.

19. Street and door to door collection

No person shall —

- a. collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the local authority and otherwise than in accordance with such conditions as may be determined by such local authority, or
- b. collect from door to door, beg or solicit or accept alms, except with the written permission of the local authority.

20. Excavation in streets

No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street —

- a. except with the written permission of the local authority, and
- b. otherwise than in accordance with the requirements prescribed by such local authority.

21. Poison in streets

No person other than an official of a local authority or an authorised person who administers legally approved weed-killers or poisons shall set or cast poison in any street.

22. Processions

- (1) No person shall hold, organise initiate, control or actively participate in a procession, demonstration, gathering in a street, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or disruption or obstruction of traffic in such street, or shall use any loudspeaker or other device for the reproduction or amplification of sound without —
 - a. the written permission of the local authority in terms of subsection (2) and (3), and
 - b. the permission of the local chief of the magistrate.
 - c. the processions, demonstrations and gathering on public roads and places must also be conducted in accordance with the provision of the gatherings Act, Act 205 of 1993.
- (2) any person who intends to perform or carry out anyone or more of the actions described in section (1) in any street shall submit a written application for permission thereto, which shall reach the local authority at least thirty days before the date upon which any one or more of such actions is or are intended to be performed or carried out; provided that persons who intend

- participating actively in a procession, demonstration or gathering in any street need to apply to the local authority for permission thereon and that it shall not be illegal for such persons to participate actively in such procession, demonstration or gathering if the organiser, promoter controller thereof has obtained the permission of the local authority. An application made in terms hereof shall contain the following-
- a. full details of the name, address and occupation of the applicant;
 - b. full details of the street where or route which any one or more of the tended to be performed or carried out; proposed starting and finishing times of any one or more of the aforesaid actions and, in case of processions, demonstrations and gatherings, the number of persons expected to attend, and
 - c. general details of the purpose of any one of the aforesaid actions intended to be performed or carried out.
- (3) Any application submitted in accordance with subsection (2) shall be considered by the local authority, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the local authority, likely to be in conflict with the interest of public peace, good order or safety, the local authority shall issue a certificate granting permission and authorisation for the performance of carrying out of any one or more of such actions, subject to conditions as the local authority may deem necessary to uphold public peace, good order and safety.
- (4) The local authority may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (1), if the performance or carrying out of such action or actions will, in the opinion of the local authority, be in the conflict with the interest of public peace, good order of safety after taking into consideration the constitutional rights of all persons.
- (5) The local authority may withdraw any permission granted in terms of subsection (3), if as a result of further information, it is of the opinion that performance or carrying out of such action or actions in question will be in conflict with the interests of public peace, good order or safety.
- (6) The provisions of this section shall not apply to religious gathering or to wedding or funeral procession.

23. Roller — skating and skating on skate boards prohibited in streets

No person shall except with the prior written permission of the local authority, skate in public parking area or street on roller skates or skateboard or similar device.

24. Person to be decently clad

No person shall appear in any street without being clothed in such manner as decently demands.

25. Overflow of water into streets

No person shall cause or allow any water other than rainwater to flow into a street in such a manner as to cause damage to the street or endanger the people making use of that street.

26. Behaviour in street

- (1) No person shall cause a nuisance to others by loitering, standing sitting or lying in the street or public place.
- (2) No person shall
 - a. make use of abusive, insulting, obscene, threatening or blasphemous language;
 - b. fight or act in a riotous manner;
 - c. beg or ask members of the public for money or contributions;
 - d. annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
 - e. urinate or excrete at a place other than a sanitary convenience provided and approved for such purpose by the local authority;
 - f. solicit and or importune any person for the purpose of prostitution or immorality;
 - g. engage in gambling;
 - h. use intoxicating liquor, or
 - i. spit in a street or public place.

27. Wild animals

No owner or person in charge of any wild or ferocious animal, monkey or horned cattle shall allow such animals at any time to be insufficiently

attended or at large in any street or shall keep any such animal in such a manner as to be a danger or annoyance to the public.

28. Display of street numbers of places

A local authority may prescribe by notice in writing that a number allocated to premises by such local authority shall be displayed on such premises, and may also prescribe the position where it is to be displayed and the owner or occupier of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises in accordance with such notice.

29. Control of stands at which flowers and other produce are offered for sale

- (1) The local authority may by resolution and by means of an advertisement in a newspaper published in within its area of jurisdiction from time to time allocate and assign stands where flowers or other goods or produce may be offered for sale upon streets; provided that the position of such stands may in the same manner be amended or abolished from time to time by resolution and advertisement.
- (2) No person shall display or offer for sale upon the streets flowers or other produce except at such a stand as may be prescribed by the local authority in terms of this section or unless he/she has received the permit from the local authority to do so; provided that this sections shall not apply to temporary stall upon the streets for sale of flowers and produce in aid of charity or public funds or charitable or public institutions, for which permission has been granted by the local authority: provided further that this section shall not apply to dully licensed hawkers and peddlers.

30. Bridges and crossing over gutters and sidewalks

No private crossing, pathway, bridges or culvert shall be made or build to or in front of any dwelling or other premises in any street or public place-

- a. except with a written permission of the local authority; and
- b. otherwise than in accordance with such conditions as may be determined by such local authority.

31. Control of amusement shows and devices

- (1) No person shall set up or use in any street or public place any circus, whirligig, roundabout or other side-show or device for amusement or recreation of the public-
 - a. except with a written permission of the local authority
 - b. otherwise than in accordance with such conditions as may be determined by such local authority.
 - c. Unless suitable sanitary convenience for both sexes of the staff have been provided there, and
 - d. If it is in any way dangerous or unsafe for the public
- (2) An authorized official of the local authority or a member of the police service shall, for the purpose of inspection; at all reasonable times have free access to such circus, whirligig, roundabout or other sideshow or device.

32. Control of animal drawn vehicle

- (1) No person shall-
 - a. Simultaneously drive or be in control of more than one animal drawn vehicle in a street;
 - b. Drive or be in control of an animal drawn vehicle in a street if he is under 16 years of age, or
 - c. If he is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

33. Vehicle to be attended

No person shall, in a street, sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand dully allocated by the local authority.

34. Local authority may act and recover costs

- (1) Notwithstanding any other provisions of this by-law, a local authority may
 - a. Where the permission of the local authority is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained, and

- b. Where any provision of this by-law is contravened under circumstances of which the contravention may be determined by the removal of any structure, object, material or substance.
 - c. Serve a written notice on the owner of the premises or the offender, as the case may be, to determine such contravention, or to remove the structure, object, material or substance, or to take such other steps as the local authority may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the local authority may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

35. Penalties

Any person who contravenes or fails to comply with any provision of this by law shall be guilty of an offence.

36. Repeal of by-laws

Any by-laws which were previously applicable and related to street by-laws are hereby repealed.