

Knysna, South Africa

Closure and Diversion of Public Streets and Public Places

Legislation as at 25 June 2010

FRBR URI: /akn/za-wc048/act/by-law/2010/closure-and-diversion-of-public-streets-and-public-places/
eng@2010-06-25

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PDF created on 15 May 2024 at 05:54.

Collection last checked for updates: 12 April 2024.

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Closure and Diversion of Public Streets and Public Places

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Knysna South Africa

Closure and Diversion of Public Streets and Public Places By-law, 2010

Published in Western Cape Provincial Gazette 6765 on 25 June 2010

Commenced on 25 June 2010

[This is the version of this document from 25 June 2010 and includes any amendments published up to 12 April 2024.]

To regulate the closure of streets and public places

1. Definitions

In this bylaw, unless inconsistent with the context—

"**diversion**" also includes the use of alternative routes as a result of converting certain roads into one-ways,

"**Mayor**" means the mayor of the municipality;

"**municipal manager**" means the official appointed by the council of the municipality in terms of section 82 of the Local Government: Structures Act ([Act 117 of 1998](#));

"**public street**" means any street or road of which the ownership vests in the municipality in terms of applicable legislation, or a street or road that is privately owned but to which the public has access, and;

"**public place**" means any public place of which the ownership vests in the municipality and declared as such in terms of applicable legislation.

2. Permanent closure or diversion of public streets and public places

- (1) The Council may, by notice in the *Provincial Gazette*, permanently close or permanently divert traffic from any public street or public place or any portion of any such street or place within its municipal area.
- (2) When the Council intends to act in terms of subsection (1), the municipal manager shall—
 - (a) publish the intention to do so in a manner that allows the public an opportunity to make presentations with regard to the proposed closure or diversion;
 - (b) serve copies of the publication contemplated by paragraph (a) on the owners of all immovable property abutting on the public street, public place or portion thereof which the Council proposes to close or divert not less than twenty-one days before the date by which objections are required to be lodged in accordance with publication, and
 - (c) if any objections are lodged in accordance with such publication—
 - (i) transmit all such objections to the Council together with apposite comments thereon and a copy of such publication, and
 - (ii) obtain the Council's approval to continue with the intention as published in terms of subsection (1), and
 - (iii) obtain the Provincial authority's consent to act in terms of subsection (1), to the extent that it may be required in terms of other legislation.

- (3) Provided that the Council has made provision in the budget for the expenditure, it may, when authorising any closure or diversion in terms of this section, direct the municipal manager to pay compensation in an appropriate amount to any person considered to be prejudiced by such permanent closure or—diversion.
- (4) The ownership of the land comprised in any public street, public place or portion thereof closed in terms of this section shall, continue to vest in the municipality.

3. Closure of public streets and public places in cases where ownership does not vest with the municipality

In cases where public streets and public places have been declared as such in terms of applicable legislation, but ownership does not vest in the municipality, the Mayor will enter into a process of negotiation with the owners of such public streets and places before proceedings in terms of [section 2](#) may be commenced.

4. Temporary closure and diversion of traffic from public streets and public places

The municipal manager may, without complying with the provisions of [section 2\(1\)](#)—

- (a) authorise the temporary closure of a public street or public place—
 - (i) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
 - (ii) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street or place;
 - (iii) if such street or place is, in the opinion of the municipal manager, in a state dangerous to traffic;
 - (iv) by reason of any emergency or public event which, in the opinion of the municipal manager, requires special measure for the control of traffic or special provision for the accommodation of crowds, or
 - (v) for any other reason which, in the opinion of the municipal manager, renders the temporary closing of such street or place necessary or desirable, and
- (b) temporarily divert the traffic from a public street which has been closed in terms of paragraph (a).

5. Operative Date

This By-law shall take effect upon publication in the *Provincial Gazette*