

Beaufort West Municipality

Notice no. 60/2004

The Council of the Municipality of Beaufort West publishes the sub-joined By-law Relating to streets for general notice

BY-LAW RELATING TO STREETS

WHEREAS the Municipality of Beaufort West is vested with legislation authority in terms of the Constitution of the Republic of South Africa (Act 108 of 1996),

AND WHEREAS the Municipality has the right to rule and regulate matters with relation to streets within its jurisdiction area,

Be it therefore enacted by the Municipality of Beaufort West as follows –

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

"Council" means the municipal council of the Municipality of Beaufort West, or any political structure, political office bearer, councillor, or official of the Council, to whom a power or duty has been delegated or subdelegated in terms of this by-law;

"sidewalk" means that portion of a 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" means any street, road, highway, thoroughfare, lane, footpath, sidewalk, alley, bridge or any other place of a like nature and includes, unless inconsistent with the context, a street or road reserve, and

"vehicle" means any apparatus with wheels or caterpillar tracks and includes trailers, wagons pulled by animals and shop trolleys.

2. **Sidewalks and encroachments on streets.**

No person shall-

- (a) construct or lay a sidewalk in a street-
 - (i) except with the written permission of the Council, and
 - (ii) otherwise than in accordance with the requirements prescribed by the Council, or
- (b) construct a verandah, stoep, wall on a stoep, steps or other projection or erect a post in a street except with the written permission of the Council.

3. **Advertisements in streets.**

No person shall display or distribute any advertisement, handbill, placard, poster or bill in a street-

- (a) except with the written permission of the Council, and

- (b) otherwise than in accordance with such conditions as may be determined by the Council.

4. Animals or objects causing an obstruction.

No person shall-

- (a) deposit or leave any goods or articles in a street, other than for a reasonable period during the course 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 wheel-chair which is being used for the conveyance of children or the disabled), or
- (c) cause or allow any blind, awning, cord or other object to project over or onto a street except with the written permission of the Council, otherwise than in accordance with such conditions as may be determined by the Council.

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 therefrom, except with the written permission of the Council;
- (b) climb, break or damage a tree growing in a street, or
- (c) on a tree which grows in a street, attach any mark, paint or advertisement.

(2) Any tree or shrub planted in a street shall become the property of the Council.

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 persons using a street, the Council 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 a 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 Council may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

7. Refuse, motor vehicle wrecks, waste material, etc.

No person shall-

- (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 or public place, or

- (b) permit any such objects or substances to be dumped or placed in a street from premises owned or occupied by him,

except with the written permission of the Council and otherwise than in accordance with such conditions as may be determined by the Council.

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

No person shall, in a street-

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

9. Prohibition upon games and other acts in streets.

No person shall-

- (a) roll a hoop, fly a kite, 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 a nuisance, obstruction or annoyance to the public.

10. Use of explosives.

No person shall use explosives or undertake blasting operations in a street-

- (a) except with the written permission of the Council, and
- (b) otherwise than in accordance with such conditions as may be determined by the Council.

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

No person shall carry or convey through a street the carcass of an animal or any garbage, nightsoil, refuse, litter, rubbish or manure-

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

12. Fences on street boundaries.

No person shall erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the Council.

13. Building materials in streets.

No person shall, except with the written permission of the Council -

- (a) sift or mix stone, sand, cement or any building materials in a street, and
- (b) store or place building materials in a street or transport building materials, mixed or unmixed, across a street in such a way as to damage the street.

14. Balconies and verandahs.

No person shall, except with the written permission of the Council- use a balcony or 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.

15. Drying of washing on fences on boundaries of streets.

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

16. Outspanning in streets.

No person shall outspan 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 or unloading of such vehicle.

17. Protection of street surface.

- (1) No person shall-
 - (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may cause damage to any street and
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way.
 - (c) allow any material or matter, whether in solid or liquid form, to fall or escape from a vehicle and thereby causing damage or possible damage to any street

- (2) If the Council identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken, stained or destroyed the surface of a street, the cost of repairs, as determined by the Council, may be recovered from the offender.
- (3) No person other than an authorised official of the Council in the performance of his duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street.

18. Damaging of notice-boards.

- (1) No person shall deface, damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the Council.
- (2) If the Council identifies a person who defaced or damaged any notice-board, road traffic sign, street-name board or other similar sign or any hoarding in a street, the cost of repairs or replacement, as determined by the Council, may be recovered from the offender.

19. Street and door-to-door collections.

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 Council and otherwise than in accordance with such conditions as may be determined by the Council, or
- (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the Council.

20. Excavations 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 Council, and
- (b) otherwise than in accordance with the requirements prescribed by the Council.

21. Poison in streets.

No person other than an official of the Council 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, except with the written permission of the Council, hold, organise, initiate, control or actively participate in a procession, demonstration, sports event, or 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 the

disruption or obstruction of traffic in such street, or shall use any loudspeaker or other device for the reproduction or amplification of sound.

- (2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street shall submit a written application for permission thereto, which shall reach the Council at least fourteen 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, sports event or gathering in any street need not apply to the Council for permission thereto and that it shall not be illegal for such persons to participate actively in such procession, demonstration, sports event or gathering if the organiser, promoter or controller thereof has obtained the permission of the Council. 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 along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions, demonstrations, sports events and gatherings, the number of persons expected to attend, and
 - (c) general details of the purpose of any one or more 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 Council, 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 Council, likely to be in conflict with the interests of public peace, good order or safety, the Council may grant permission for the performance or carrying out of any one or more of such actions, subject to such conditions as the Council may deem necessary to uphold public peace, good order or safety.
- (4) The Council 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 Council, be in conflict with the interests of public peace, good order or safety.
- (5) The Council may withdraw any permission granted in terms of subsection (3), if, as a result of further information, it is of the opinion that the performance or carrying out of the 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 gatherings, wedding or funeral processions, or any action which is regulated by national or provincial legislation.

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

No person shall, except with the prior written permission of the Council, skate in a public parking area or street on roller skates or a skate-board or similar device.

24. Persons to be decently clad.

No person shall appear in any street without being clothed in such manner as decency

demands.

25. Overflow of water into streets.

No person shall cause or allow any water other than rain water or, with the council's permission, water discharged from a swimming pool, to flow into a street in such a manner as to cause damage to the street.

26. Behaviour in streets.

- (1) No person shall cause a nuisance to other persons by loitering standing, sitting or lying in a street.
- (2) No person shall, without the permission of the Council, and then only in accordance with the conditions imposed by the Council, indicate parking spaces in a street or on a public parking area.
- (3) No person shall in a street-
 - (a) use 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) obey the call of nature at a place other than a sanitary convenience provided and approved for such purpose by the Council;
 - (f) solicit or importune any person for the purpose of prostitution or immorality;
 - (g) engage in gambling;
 - (h) use intoxicating liquor, or
 - (i) spit.

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.

The Council may prescribe by notice in writing that a number allocated to premises by it 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. Bridges and crossings over gutters and sidewalks

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

- (a) except with the written permission of the Council, and
- (b) otherwise than in accordance with the requirements prescribed by the Council.

30. 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 the amusement or recreation of the public-
- (a) except with the written permission of the Council;
 - (b) otherwise than in accordance with such conditions as may be determined by the Council;
 - (c) unless suitable sanitary conveniences have been provided there, and
 - (d) if it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the Council or a member of the police force shall, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other sideshow or device.

31. Control of animal-drawn vehicles.

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.

32. Council may act and recover costs.

- (1) Notwithstanding any other provisions of this by-law, the Council may-
- (a) where the permission of the Council 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 in which the contravention may be terminated by the removal of any structure, object, material or substance,
- serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Council 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 Council 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.

33. Retention of rights.

Any approval granted by the Council or any agreement entered into with the Council by any person before this by-law came into effect, and which is applicable to the provisions of this by-law, is deemed to have been granted or entered into in terms of the provisions of this by-law.

34. Penalties.

Any person who contravenes or fails to comply with any provision of this by-law or fails to comply with any notice legally issued in terms of the provisions of this by-law, shall be guilty of an offence.