

*This By-law is published in accordance with Section 13 of Act 32 of 2000: Local Government; Municipal Systems Act, 2000 (Act 32 of 2000)*

1. For the purposes of this by-law -"Council" means the Municipal Council of Blue Crane Route;

"**erf**" means any land, whether vacant occupied or with buildings thereon;

"**garden**" means any island or circle in any street or public parking area which has been cultivated as a garden or rockery or planted with trees or shrubs;

"**objectionable material**" means garden litter, rubbish, waste material, rubble, scrap metal, ' disuses 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 be come offensive or dangerous or Injurious to health or which materially Interferes with the ordinary comfort or convenience of the public;

"**occupier**" in relation to any premises means and includes -

- (a) any person in actual occupation;
- (b) any person legally entitled to occupy it, or
- (c) any person in charge of or responsible for the management of any premises. Including the agent of any such person when he is absent from the Republic or his whereabouts are unknown;

"**owner**" means and Includes -

- (a) the person whom Is vested the legal title to any immovable property;)
- (b) where the property has been leased for 50 years or upwards, the lessee of such property;
- (c) in case where the person in whom the legal title Is vested is insolvent dead, of unsound mind or his estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, curator, assignee or administrator, and
- (d) in cases where the owner as described above is absent, the agent or person receiving the rent of the properly in question.

**"public open space or public place"** means a park, public garden, square, sports field, children's playground, amusement park, place of recreation, beach area or any similar amenity, in respect of which the ownership as such vests in the local authority and includes land referred to in terms of Section 2B of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

**"premises"** means any building or tent together with the land on which the same is situated and the adjoining land used in connection therewith, and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat and

**"Municipal Manager"** means the Municipal Manager of Blue Crane .

- (2) (a) No person shall deposit, leave, spill, drop or place any fruit peels, broken glass, paper or any matter of thing likely to interfere with the cleanliness of any park, garden, camping area or beach or cause annoyance, danger or injury to persons in such park garden, camping area or on such beach.
- (b) No person shall throw or deposit or permit to be thrown or deposited any plastic bottles, plastic bags, glass bottles, paper cartons, broken bottles, glass or earthenware, or any fruit or vegetable peels or any refuse upon any street footpath, public place beach or erf. No person shall spit in public.
- (c) No owner or occupier of any shop or business premises shall use or cause or permit to be used any stoep or verandah of such shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, dumping, disposing of, displaying, keeping, selling or offering for sale any goods, articles or merchandise without the written consent of the Council.
- (d) No owner or occupier of any shop or business premises or vacant land adjoining such shop or business premises shall use or cause or permit to be used such 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 for the purpose of storing, stacking, dumping, disposing of or keeping any waste material, refuse, crates cartons, containers or other articles of a like nature.
- (e) No owner or occupier of any shop or business premises shall enclose or cause or permit to be enclosed any stoep or verandah of such shop or business premises by means of movable or immovable structure, objects, articles or devices otherwise than by building work of a permanent nature which shall be in accordance with plans bearing the approval of the municipality,
3. Notwithstanding the provisions of any other by-law, no person shall :

- (a)** dump, accumulate or place or cause or permit to be dumped accumulated or placed any objectionable materials in or on any erf, street drain, water furrow, sewer, thoroughfare, beach, public 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 calculated to disfigure such erf or to interfere with the convenience or comfort of the neighbours or to become a source of danger to any person, and should the Council be of the. opinion that this provision Is being ignored, the Council may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;
- (c)** carry on any trade, business or profession on any erf In the municipal area which in the opinion of the Council may be or become a source of discomfort or annoyance to the neighbourhood;
- (d)** allow any erf to become so overgrown with bush, weeds or grass or vegetation other than cultivated trees, shrubs or grass, that in the opinion of Council or any duly authorized official of Council, it may be used as shelter by vagrants, wild animals or vermin or may threaten public health or the safety of any member of the community or may promote the spread of fires;
- (e)** 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 grass to emanate from such erf;
- (f)** allow the fencing of any erf to fall into a state of disrepair or to become unsightly or dilapidated;
- (g)** allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state; or fall to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings and water-closet fittings, and all other appurtenances forming part of or attached to any building or structure in good and sound repair;
- (h)** keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;

- (i) deposit or keep or permit to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the Council and in accordance with any by-law of the Council;
- (j) keep or cause or permit to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or offensive or injurious or dangerous to health;
- (k) defile, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;
- (l) carry or convey, or permit to be carried or conveyed through or in any street or public place any objectionable material or thing, 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;
- (m) bury or dispose of any dead body in an unauthorised place;
- (n) permit the carcass of any animal, being his property or in his charge, which has died on his premises or elsewhere in the municipal area, to remain unburied;
- (o) suffer or permit any stream, , pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such estate or to be so situated or constructed as to be offensive or dangerous or injurious to health;
- (p) suffer or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him whether occupied for trade, business, manufacturing, dwelling or other purposes, into any street or on any land;
- (q) commit or cause or permit to be committed any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or reserved for the use of such inhabitants;
- (r) bathe or wash himself or any animal or article of clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the Council for any such purpose;
- (s) dry or bleach any article or clothing or any other thing in any public place or on any beach or in any street;

- (t)** at any time of the day or night disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or organising any demonstration or 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 riotous, violent or unseemly behaviour;
- (u)** loiter in any street or public place or gather in crowds on pavements;
- (v)** advertise wares or services in any street or public place by means of any megaphone, loudspeaker or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;
- (w)** while he is in or on any private premises, disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting quarrelling, wrangling or singing or by continuous and over-loud use of loudspeakers, radios, television sets or the like;
- (x)** in any street, public place or on any beach use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;
- (y)** solicit alms in any street or public place or on beach or endeavour by the exposure of wounds, sores, injuries or deformities or the production of begging letters to obtain alms;
- (z)** clean or wash any vehicle or boat or offensive article or utensil in any street or public place;

  - (aa)** occupy or suffer or permit to be Injurious or dangerous to health, whether by overcrowding or otherwise;
  - (bb)** sublet any part of dwelling or a second dwelling unit on premises without the written consent of the Municipal Manager;
  - (cc)** if he is the owner of any premises which are let to more than one tenant, fail to at all times maintain in clean and sanitary condition every part of such premises which is used in common by more than one tenant;
  - (dd)** shall relieve himself at a place other than a proper sanitary convenience, and



- 7.** 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 authorized camping or caravan site controlled by the Council or otherwise licensed in terms of the Licences Ordinance 1981, (Ordinance 17 of 1981); provided that a caravan, tent or shelter parked or erected on a private residential site on which has been erected a dwelling with all the necessary ablution and toilet facilities may be used for the temporary accommodation of visitors for a period not exceeding sixty days, Only one nightwatchman shall be allowed on a building site.
- 8.** Any person who contravenes any provision of this by-law shall be guilty of an offence and on conviction be liable to a penalty not exceeding R5000, and, in the case of a continuing offence, to an additional penalty not exceeding R200 for each day on which such offence continues.