

No. 77

12 June 2009

ABAQULUSI MUNICIPALITY

No.4 of 2009

I, under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after a resolution by Council in a meeting open to the public and public consultation hereby publish a set of by-laws as per schedule attached hereto.

Signed at Vryheid on this 27th day of June 2008.

M.J. MATHENYWA
MUNICIPAL MANAGER

PUBLIC AMENITIES BYLAWS**INDEX**

CHAPTER 1: DEFINITIONS	3
1. Definitions	3
CHAPTER 2: ENTRANCE TO PUBLIC AMENITIES	4
2. Opening times	4
3. Entrance fees	4
4. Entrance and exit	4
5. Maximum number of visitors	4
6. Closing of public amenities	4
CHAPTER 3: PROHIBITED CONDUCT	5
7. Personal behaviour	5
8. Damage	6
9. Animals	6
10. Fishing	7
11. Vehicles	7
12. Games and play areas	7
CHAPTER 4: GENERAL PROVISIONS	8
13. Authorised officials	8
14. Directives	8
15. Penalties	8
16. Repeal of existing bylaws	9
17. Short title and commencement	9

CHAPTER 1 DEFINITIONS

Definitions

1. In this bylaw, unless the context indicates otherwise-

"authorised official" means an official of the Council who is authorised to manage or assist in the management of a public amenity;

"Council" means the Abaqulusi Municipal Council;

"motor vehicle" includes a motor cycle, motor quadracycle, motor tricycle and a trailer;

"notice" means an official notice of the Council displayed at entrances to or at conspicuous places in a public amenity;

"public amenity" means any outdoor or indoor amenity which is vested in or controlled by the Council and to which the public have access, and includes, without limiting the generality of this definition –

- (a) a park, botanical or zoological garden, pleasure resort, nature reserve, hiking trail, sports ground or swimming pool; and
- (b) any building situated within a public amenity; and

"the Municipality" means the Abaqulusi Municipality.

CHAPTER 2
ENTRANCE TO PUBLIC AMENITIES

Opening times

- 2.(1) A public amenity shall be open to the public during times determined by the Council and indicated by notice.
- (2) No person shall enter or be present in a public amenity other than during the opening times determined by the Council in terms of subsection (1).

Entrance fees

3. Council may determine entrance fees to a public amenity
 - (1) No person shall enter a public amenity unless he or she has paid the entrance fee determined by the Council in terms of subsection (1).
 - (2) The Council may suspend the payment of entrance fees on any specific day or days as it deems fit.

Entrance and exit

4. No person shall enter or leave a public amenity except through the gates provided for that purpose.

Maximum number of visitors

5. The Council may determine, and display by notice, the maximum number of visitors who may be admitted to or be present in any public amenity during specific times or on specific days.

Closing of public amenities

6. The Council may –

- (1) for any special purpose by notice close a public amenity or part thereof for such time as it may from time to time consider necessary or expedient; and
- (2) for any purpose related to the operation and maintenance of the public amenity by notice close any part of public amenity to the public.

CHAPTER 3 PROHIBITED CONDUCT

Personal behavior

7. No person in a public amenity shall:
 - (1) do anything which endangers or is likely to endanger another person;
 - (2) do anything which constitutes a nuisance or interferes with another person in the proper enjoyment of the public amenity;
 - (3) use profane, indecent or improper language;
 - (4) consume alcohol or any other intoxicating substance, or be intoxicated;
 - (5) use, intrude upon or attempt to intrude upon any toilet, urinal or other place of convenience provided for the opposite sex;
 - (6) enter any part of a public amenity determined by council and indicated by notice to be closed to the public;
 - (7) pollute, through the washing of clothes or otherwise, any stream, river, lake, dam, pond, fountain or ornamental water feature;
 - (8) swim in any stream, river, lake, dam, pond, fountain or ornamental water feature unless a notice specifically permits swimming in that place; or

- (9) launch a boat, canoe, raft or any other floating object on any stream, river, lake, dam, pond, fountain or ornamental water feature except with the written consent of the Council.

Damage

8. No person in a public amenity shall -
 - (1) place or leave any placards or notices;
 - (2) damage or remove any vegetation, including any grassed area;
 - (3) light any fire, except at designated braai facilities;
 - (4) litter;
 - (5) erect any structure or tent of any kind without the consent of Council in writing; and
 - (6) damage any building or other structure erected by or with the consent of the Council.

Animals

- 9.(1) No person in a public amenity shall -
 - (a) take a dog or any other animal into a public amenity in contravention of a notice;
 - (b) bathe or wash a dog or any other animal, or allow a dog or any other animal to swim, in any stream, river, lake, dam, pond, fountain or ornamental water feature; and
 - (c) interfere with or harm any bird or wild animal.
- (2) In any public amenity where dogs are allowed, the owner or person having custody of a dog shall ensure that -

- (a) the dog is kept on a leash;
 - (b) the dog does not attack, terrify or interfere with any person, animal or bird; and
 - (c) any faeces left by the dog are removed.
- (3) The Council may impound any dog or other animal which is found in a public amenity and which appears not to be in the custody of a person.

Fishing

10. No person shall-

- (1) fish without a permit issued by the Council; or
- (2) fish in contravention of any notice or conditions of permit.

Vehicles

11. No person in a public amenity shall –

- (1) drive or park a motor vehicle in contravention of a notice;
- (2) clean, maintain or carry out repairs on any motor vehicle; or
- (3) ride a bicycle, skateboard, roller skates or other similar device in contravention of a notice.

Games and play areas

12. No person in a public amenity shall-

- (1) play soccer, cricket or rugby or any other similar game, except in the allocated places and at times determined by the Council; and

- (2) enter play areas, or use play apparatus, designated by notice as being for the use of children under a particular age.

CHAPTER 4 GENERAL PROVISIONS

Authorised officials

13. An authorised official may-
 - (1) require any person to produce proof of payment of any applicable entrance fee; and
 - (2) instruct any person to comply with the provisions of these bylaws or a notice.

Directives

14. The Council may –
 - (1) set aside areas within a public amenity for specified activities and prohibit other specified activities within those areas;
 - (2) issue directives regarding any aspect of the use of a public amenity.

Penalties

15. Any person who –
 - (1) contravenes or fails to comply with any provision of these by-laws
 - (2) fails to comply with any notice issued in terms of these by-laws; or
 - (3) fails to comply with any lawful instruction given in terms of these by-laws; or

- (4) who obstructs or hinders any authorised official or employee of the Council in the execution of his or her duties under these by-laws,

is guilty of an offence and liable on conviction to a fine not exceeding R1000,00 or in default of payment to imprisonment for a period not exceeding 3 months.

Repeal of existing By-laws

16. The Council's existing Public Amenities by-laws are hereby repealed.

Short title and commencement

17. These by-laws shall be called the Public Amenities By-laws, 2009, and shall come into operation on 12 June 2009.