

CITY COUNCIL OF KLERKSDORP PUBLIC AMENITIES BY-LAWS

The City Council of Klerksdorp hereby in terms of Section 13 of the Local Government Municipal Systems Act 2000 published, the by-laws as set forth hereinafter which have been approved by him in terms of Section 12 of the mentioned Act.

Definition

For the purpose of these by-laws, unless the context otherwise indicates -

"notice" means a clear and legible notice in both official languages displayed at every entrance to or at a conspicuous place at or on a public amenity and include any other method of notice the Council may deem fit;

"Public Amenity " means -

- (a) any land, square, camping site, swimming-bath, public resort, recreation site, nature reserve, zoological, botanical or other garden, park of hiking trail, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street;
- (b) any building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by a council and to which the general public has access, whether on payment of admission fees or not;
- (c) also any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the council.

"Council" means - the City Council of Klerksdorp.

Scope of these by-laws

- 2 The provisions of these by-laws shall be supplementary to any by-laws of the council regulating public amenities and do not derogate any part thereof.

Maximum number of visitors

- 3.(1) The council or it's authorized official may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- (2) The numbers contemplated in subsection (1) are made known by such method as determined by the council or an authorized official.

Admission to and sojourn in a public amenity

- 4.(1) A public amenity is, subject to the provisions of these by-laws, open to the public on the times determined by the council or an authorized official.

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- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.
- (3) The council or an authorized official may in its sole discretion temporarily close any public amenity to visitors;
- (4) The times and places contemplated in sub-sections (1) and (2) shall be made known by means of a notice.

Entrance Fees

- 5. A visitor to a public amenity shall pay the entrance fees determined from time to time by the council.

Nuisances

- 6. No person shall perform or permit any of the following acts to be performed in or at a public amenity -
 - (a) the use of language or the performance of any other act of failure with the purpose of disturbing the good order;
 - (b) the firing of firearms, airguns, air pistols, fireworks or with the purpose of disturbing the good order;
 - (c) the burning of rubble or refuse;
 - (d) the causing of unpleasant or offensive smells;
 - (e) the production of smoke nuisances; or
 - (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments, or the use of loudspeakers, radio reception devices, television sets, or similar equipment.

Health matters

- 7. No person shall in or at a public amenity -
 - (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
 - (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
 - (c) enter any bath or swimming-bath while knowingly suffering from an infectious or contagious disease or having an open wound on his body;
 - (d) perform any act that may detrimentally affect the health of any visitor to a public amenity.

Structures

8. No person shall, without the written consent of the Council having first been obtained erect or establish in or on a public amenity any structure, shelter or anything else, except a caravan or tent erected for camping purposes on a site specifically set aside therefor: Provided that application for such consent shall be made to the council, at least 21 days before such erection.

Liquor and food

- 9.(1) No person shall, contrary to a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- (2) Subject to the provisions of subsection (1) no person shall on, in or at a public amenity, contrary to notice, cook or prepare food of any kind whatsoever: Provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health: Provided further that no live animals or poultry be killed or skinned on, in or at a public amenity.

Animals

- 10.(1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the Council concerned.

Loitering

11. No person leading the life of a loiterer or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in a public street, public place or on a private place or who habitually begs for money or goods or persuades others to beg for money or goods on his behalf, may loiter or linger about in a public amenity.

Gatherings and processions

12. (1) No person shall without the consent of the council and subject to any conditions which the council may impose-
 - (a) arrange, present or attend any public entertainment;
 - (b) collect money or any other goods for charity or any other purpose from the general public;
 - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
 - (d) arrange, hold, address or attend any meeting;
 - (e) arrange, hold, address or attend a public gathering or procession, exhibition or performance;
 - (f) conduct any trade, occupation or business;
 - (g) display, sell or rent out or present for sale or rent any wares or articles;
 - (h) hold or attend an auction, tell fortunes for compensation in or at a public amenity.

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- (2) For the purposes of this by-law "public gathering or procession" shall mean a procession or gathering of 12 or more persons.
- (3) Consent contemplated in subsection (1), shall be refused only if the Council is of opinion that -
 - (a) it would give rise to-
 - (i) public rioting;
 - (ii) the disturbance of public peace;
 - (iii) the committing of an offence;
 - (b) it would be detrimental to the public or the users of or visitors to the public amenity; or
 - (c) it would be detrimental to the public amenity concerned.
- (4) Any person who requires the Council's written consent for any action contemplated in subsection (1), shall apply in writing to the council at least 21 days before such action on the form provided for this purpose.

Safety and order

13.(1) No person shall, subject to subsection (2), in or at a public amenity -

- (a) damage or disfigure anything within such amenity;
- (b) use or try to use anything within such amenity for any purpose other than that for which is designated;
- (c) light a fire, except at a place indicated for that purpose by notice;
- (d) throw any burning or smouldering object;
- (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
- (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
- (g) behave himself in an improper, indecent, unruly, violent or unbecoming manner;
- (h) cause a disturbance;
- (i) wash, polish or repair a vehicle: Provided that the foregoing provision of this paragraph shall not be applicable to this paragraph to the emergency repair of a vehicle;
- (j) walk, stand, sit or lie in a flower bed;
- (k) kill, hurt, follow, disturb, destroy or remove any bird nests or eggs;
- (l) walk, stand, sit or lie on grass contrary to the provisions of a notice;
- (m) lie on a bench or seat-in-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
- (n) play or sit on playpark equipment, except if the person concerned is a child under the age of 13 years; or
- (o) swim, walk or play in a fish-pound, fountain, stream or pond;

14. **Water**

No person may misuse, pollute or contaminate any watersource or water supply or waste water in or at any public amenity.

15. **Laundry and crockery**

No person may in or at a public amenity wash any crockery or laundry or hang out slithes, except at places indicated for that purpose.

16. **Vehicles**

- (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Council concerned.
- (2) The Council may determine the speed limit applicable in a public amenity.
- (3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by the Council by way of notice.

17. **Games**

No game of any nature whatsoever shall be played or conducted in or on a public amenity except at places set aside for that purpose by notice.

18. **Improper or indecent behaviour**

No person may in or at a public amenity -

- (a) perform an indecent act or conduct himself improperly by exposure of his person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd, dirty or indecent language;
- (c) write, paint, draw or in any way make a filthy or immoral figure, writing, drawing or representation;
- (d) defecate, urinate or undress, except in such building or on a premises intended for such purpose.
- (e) enter or use a toilet facility intended for members of the opposite sex.

19. **Clothing**

Visitors to or a user of a public amenity at all times shall be clothed decently in public.

20. **Supervision**

No person in charge of any other person may order such other person or allow such person to violate any provision of these by-laws or not to comply therewith.

21. **Appointment of Authorized Officials**

The council may in general or in particular authorize officials in its employ in regard to any public amenity to see to it that the provisions of these by-laws are complied with by each and every visitor to a public amenity

22. **Powers of an Authorized Official**

An official contemplated in section 21 may -

- (a) in a public amenity at anytime enter upon any land or premises and conduct an investigation there at in order to determine whether the provisions of these by-laws are complied with;
- (b) for the better exercising of any power or the performance of any function or duty, take along an interpreter who, while acting under the lawful order of such a person, shall have the same powers, functions and duties as such person;
- (c) order any person in or at a public amenity who contravenes or fail to comply with a provision of these by-laws to leave such amenity have him removed provided in such case monies paid will be refunded.

23. **Penalties**

Any person who -

- (a) contravenes or fails to comply with any provisions of these by-laws or a notice or direction adopted or issued under these by-laws, or allows any contravention or failure of these by-laws or a notice or direction adopted or issued under these by-laws, or allows any contravention or failure of these by-laws, irrespective of whether such contravention or failure has been declared as a crime elsewhere in these by-laws, or not;
- (b) deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function, or allows such deliberate obstruction, hampering or handicap;

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- (c) refuses or fails to comply with any order, instruction or request given or set by an authorized official during the execution of any power or the performance of any duty in terms of these by-laws or furnishes false, incorrect or misleading information whilst complying with such order, instruction or requirement or allows any beforementioned actions or failures.
- (d) shall be guilty of a crime and if found guilty shall be punishable with a fine not exceeding R300 or with imprisonment for a period not exceeding 12 months or both and, in the event of a continuing imprisonment not exceeding one month for each day that the contravention continued.

24. The public Amenities By-laws of Public Amenities of the City Council of Klerksdorp published under Administration Notice 60 of 1990 dated 14 September 1990 as amended, are hereby revoked.