

BY-LAW RELATING TO THE PREVENTION AND SUPPRESSION OF NUISANCES

Section In terms of section 156(2) of The Constitution of the Republic of South Africa, 1996, the Local Government: Municipal Systems Act, 2000 and the Local Government: Municipal Structures Act, 1998, the Municipal Council has made the following by-law as set forth hereunder.

1. Definitions

In this by law, unless the context indicates otherwise:

“Council” means the Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"noise nuisance" means any sound which disturb or impairs or may disturb the convenience or peace of any person;

“nuisance” any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromise the health or safety of any person or which causes an annoyance or disturbance to any person or to the residence of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment, or which may potentially harm or damage the environment.

"public peace and security" means public tranquility, calmness, safety and freedom from civil disorder;

"public place" means includes any public street or place, any public conveyance, any place of public entertainment, any place of public gathering or any place of which the public has unhindered usage of the right of way and any place that is open to public view;

"public street" means any street, road or highway, thoroughfare, lane, footpath, sidewalk, alley, passage, square, bridge or any other place of a like nature or any portion thereof, and includes any appurtenance thereto;

"animal" also includes birds and poultry;

2. Disturbance of the peace

- (a) No person shall make, produce or cause a disturbance in noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof whether in a public or on private property.

- (b)** No person shall-
- (i) operate or play, or allow to be operated or played, a radio, television set, drums, music instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance;
 - (ii) offer any article for sale by means of any megaphone, loudspeakers or other similar device, or by shouting, ringing a bell or making other sound or by allowing shouting, the ringing of a bell or the making of other sound in a manner which may cause a noise nuisance.
 - (iii) except in an emergency, emit a sound, or allow a sound to be emitted by means of a bell carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device if it may cause a noise nuisance;
 - (iv) drive a vehicle on a public street in such a manner that it may cause a noise nuisance.
- (c)** No person shall at any time of the day or night, disturb the public peace and security in any public place in the jurisdiction of the Council by wrangling, quarrelling, 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 behavior, which constitutes or may constitute a disturbance of the public peace and security.
- (d)** No person shall in any public place in the jurisdiction of the Council use any abusive, indecent or threatening language or commit any act which is liable or calculated to cause a breach of the peace or write, print or draw any obscene words or figures in a public place.
- (e)** If a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle or recreational vehicle from which such noise emanates or may emanate, or all such persons, is deemed responsible for the disturbing noise or noise nuisance and punishable in terms of this by-law.

3. Animal and Use of Public Place

- (a)** No person shall allow any animal owned or controlled by him or her to cause a noise nuisance or disturb the neighborhood.
- (b)** No person shall be permit any animal, of which he/she is the owner or in charge of, to rush pedestrians, motor cars or cyclists, or permit such animal to interfere with the comfort or safety of the public.
- (c)** No person shall keep on any premises in the jurisdiction of the Council any wild, ferocious or dangerous animal unless such animal is securely tied up or confined.

- (d) No person may conduct him/herself in any unseemly or obnoxious manner or cause a nuisance or annoyance to other persons in or on using any public place, or to any other person.
- (e) No person may expose or exhibit any article or thing offensive to decency.
- (f) No person may bath or wash him/herself or any animal or laundry in a stream, pool or water trough accessible to the public or at any fountain or public water feature.

4. Penalty

Any person contravening any provision of this by-law shall be guilty of an offence and liable on conviction to a penalty not exceeding R_____ and in the event of a second further offence, to a further penalty not exceeding R_____.
