

LOCAL AUTHORITY NOTICE 2478

WEST RAND DISTRICT MUNICIPALITY: STREET AND MISCELLANEOUS BY-LAWS

The Municipal Manager hereby, in terms of the provisions of section 13 of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000) publishes, the by-laws passed by the West Rand District Municipality in terms of section 12 of the aforesaid Act to provide for –

- an integrated, standardized, approach to municipal law enforcement by all municipalities in the district; and
- to empower all authorized officials in the district to effectively assert law enforcement with the view to improve and sustain a peaceful and safe environment.

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1. Definitions

In this by-law, unless the context otherwise indicates -

“abnormal vehicle” means any vehicle which is operated under a written exemption granted in terms of section 81 of the National Road Traffic Act, 1996, and any motor vehicle accompanying such abnormal vehicle as a condition of operation;

"air-gun or air-pistol” means a device designed to discharge a projectile by means of compressed gas as defined in section 1 of the Firearms Control Act, 2000 (Act No 60 of 2000);

“authorized official” means a person who is duly appointed as peace officer in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977);

“breakdown vehicle” means a vehicle designed or adapted solely for the purpose of recovering or salvaging vehicles and which is registered as a breakdown vehicle;

“chief fire officer” means the employee appointed to such position by the West Rand District Municipality in terms of the provisions of the Fire Brigade Services Act, 1987;

“district” means the defined area of jurisdiction of the West Rand District Municipality which includes defined local municipalities;

“firearm” means a device designed to propel a bullet or projectile as defined in section 1 of the Firearms Control Act, 2000 (Act No 60 of 2000);

“fireworks” means objects as defined in the regulations to the Explosives Act, 2003 (Act No 15 of 2003);

"municipality" means the local municipalities as well as the district municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) within the demarcated area of jurisdiction of the West Rand District Municipality;

"occupier" means any person in actual occupation or control of any land, premises, or building, or any portion thereof, without regard to the title under which he/she occupies or controls such land, premises, building or portion thereof;

"owner" means the person in whose name the property is registered;

"person" means any individual, company or body corporate or partnership or any other association of persons;

“police officer” means a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No 68 of 1995);

“public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, foot path, sidewalk, lane, park or garden and open space to which the public could gain unrestricted access as well as enclosed space vested in a municipality which the public has the conditional right to use;

“head of department of public safety” means the official appointed by the relevant local municipality as functional departmental head;

“municipal law enforcement officer” means a person duly appointed as a peace officer in accordance with the provisions of the Criminal Procedures Act, 1977;

“local municipality” means any local municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended, within the area of jurisdiction of the West Rand District Municipality;

“road” means the same as street for the purposes of this by-law;

“street” means any road or thoroughfare, including the road surface, road reserve or pavement, shown on the general plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way;

“towing vehicle” means the same as breakdown vehicle for the purposes of this by-law;

“traffic officer” means a person duly appointed by the municipality in accordance with the provisions of the National Road Traffic Act, 1996 and who is also an appointed peace officer in terms of the provisions of the Criminal Procedures Act, 1977;

“vehicle” means any vehicle designed or adapted for propulsion by means of fuel, gas or electricity or haulage and designed or adapted mainly to travel on wheels or crawler tracks on a road or off-road, including a trailer, caravan, an agricultural or any other implement designed or adapted to be drawn by such a vehicle.

2. Obtaining of municipal approval

- (1) In this by-law, any reference to the obtaining of the consent or approval from a municipality refers to the approval granted, as required in the specific section in concurrence with any other by-laws or statutory requirements, by the head of the department of

public safety of the relevant local municipality, unless otherwise indicated.

3. General conduct

- (1) No person may through his/her individual or collective conduct, be that intentional or non-intentional, pose a risk or danger to the safety or well being of any other person or property.
- (2) No person may through his/her individual or collective conduct, be that intentional or non-intentional, compromise or threaten the best interests, safety and well being, or peaceful societal functioning of communities.
- (3) No person may through his/her individual or collective conduct, be that intentional or non-intentional, obstruct an authorized official, employee or agent of a municipality to perform his/her assigned duties in relation to a street, public place or any municipal service.
- (4) No person may through his/her individual or collective conduct, be that intentional or non-intentional, obstruct access to a fire hydrant.
- (5) Any person who fails to comply with the provisions of section 3 shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (6) Any person contravening the foregoing subsections may admit guilt by paying a fine not exceeding R1000-00.

4. Obstruction of vehicular traffic

- (1) No person shall through his/her individual or collective conduct, be that intentional or non-intentional, cause an obstruction in any street and/or access to any public place.

- (2) No person shall through his/her individual or collective conduct be that intentional or non-intentional, limit access to parking areas or loading bays or other facilities for vehicular traffic.
- (3) No person shall through his/her individual or collective conduct, be that intentional or non-intentional, obscure any road traffic sign or road marking, notice or sign displayed or made in terms of this or any other by-laws or statutory provisions.
- (4) No person shall through his/her individual or collective conduct, be that intentional or non-intentional obscure or impede the view of any road user whilst such road user is driving a vehicle.
- (5) No person shall sell or trade, or permit the selling or trading of any goods or services in any street whilst being on the street or road surface and no person shall approach any motorist with the view to distribute pamphlets, notices, goods, articles or advertisements of what ever nature or to collect goods, articles or money whilst being on the street or road surface; any person or persons requiring other persons, be that employees or volunteers, to conduct such action as forbidden in this subsection shall be deemed to be a transgressor.
- (6) No person shall sell or trade any goods, article or services at any street intersection and no person shall approach any motorist with the view to distribute pamphlets, notices, goods, articles or advertisements of what ever nature or to collect goods, articles or money at any intersection; any person or persons requiring other persons, be that employees or volunteers, to conduct such action as forbidden in this subsection shall be deemed to be a transgressor.
- (7) No person shall sell or trade any goods, article or services in any area within the jurisdiction of any local municipality unless such area has been duly designated and demarcated by the municipality for the purpose of hawking by means of appropriate road signs; any person or persons requiring other persons, be that employees or volunteers, to conduct such action as forbidden in this subsection shall be deemed to be a transgressor.
- (8) Any person who fails to comply with the provisions of section 4 shall be guilty of an offence and liable on conviction to a fine not

exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

- (9) Any person contravening any of the foregoing subsections may admit guilt by paying a fine not exceeding R1, 000-00.

5. Obstruction of and interfering with pedestrians

- (1) No person shall through his/her individual or collective conduct, be that intentional or non-intentional obstruct the movement of pedestrians making use of sidewalks, public places or when crossing a street or designated parking or loading area.
- (2) No person shall through his/her individual or collective conduct, be that intentional or non-intentional, obstruct access of pedestrians to or from public places and buildings or business premises.
- (3) No person shall through his/her individual or collective conduct, be that intentional or non-intentional, cause a nuisance or harassment to pedestrians for any purpose whatsoever.
- (4) No person shall park any vehicle on the sidewalk of any street for any purpose whatsoever without obtaining the prior written consent of the municipality.
- (5) Any person who fails to comply with the provisions of section 5 shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (6) Any person contravening any of the foregoing subsections may admit guilt by paying a fine not exceeding R500-00.

6. Removal, confiscation and impoundment

- (1) An authorized official may give a verbal or written notice to any person to remove any goods, article, vehicle or structure from a

specified street or public place or to forthwith terminate any prohibited activity as described in sections 4 and 5 of these by-laws failing which the authorized official may remove, confiscate or impound such goods or articles, vehicle or structure.

- (2) The owner of such goods, article, vehicle or structure removed, confiscated or impounded as contemplated in sub-section (1) shall be liable for the payment of any expenditure incurred by the municipality in connection with such removal, impounding and disposal of the said goods, article, vehicle or structure.
- (3) All removed, confiscated or impounded goods, articles, vehicles or structures as contemplated in sub-section (1) above, excluding perishable goods, shall be kept by the municipality in a facility which shall ensure the reasonable protection thereof.
- (4) Confiscated perishable goods shall be destroyed by the municipality after a period of 24-hours where after the owner of such destroyed perishable goods shall have no claim against the municipality for the loss of such perishable goods.
- (5) The owner of removed, confiscated or impounded goods, articles, vehicles or structures may claim from the municipality such goods, articles, vehicles or structures following due proof of ownership to the municipality and following payment of any issued fines and cost claims as contemplated in sub-section (2) above.
- (6) The municipality shall diligently keep record of all goods, articles, vehicles or structures removed, confiscated or impounded and of all payments received in lieu of fines and cost claims payable and such goods, articles, vehicles and structures subsequently released to the rightful owners.
- (7) The municipality responsible for the removal, confiscating or impounding of goods, articles, vehicles or structures shall within 90 days following the removal, confiscating or impounding of the goods, articles, vehicles or structures publish a notice in English in a newspaper circulated in the area of jurisdiction of the municipality whereas such notice shall contain the following information –

- (i) a description of the object, the address or location where the object was removed, confiscated or impounded, the address or location where the object is being kept, and, if known to the municipality, the name of the owner of the object;
 - (ii) notification that the owner may claim the object from the municipality on receipt of proof of ownership and payment of relevant fines and costs incurred by the municipality; and
 - (iii) notification that any object removed, confiscated or impounded and not being claimed by the rightful owner within a period of 14 days following date of publication of the notice referred to in subsection (7), shall be appropriately be disposed of by the municipality.
- (8) The municipality responsible for the removal, confiscating or impounding of the goods, article, vehicle or structure shall not be liable for compensation to any person for damages to or the loss of any object so removed, confiscated or impounded.

7. Use of vehicle for purpose of advertising

- (1) No person may operate or park in any street or public place any vehicle, be that self propelled on not, for the purpose of advertising such vehicle, goods, events, business or activity without obtaining the prior written consent of the municipality.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

8. Affixing of ropes and other objects across streets

- (1) No person shall affix any rope, wire, pole or other object across any street or hang or attached anything whatsoever thereto without obtaining the prior written consent of the municipality.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

9. Damage to or advertising on trees

- (1) No person shall climb into or break or damage or in any way mark or paint on any tree in any street or public place and no person shall without obtaining the prior written consent of the municipality, lop, top, trim, cut down or remove any tree from any street or public place.
- (2) No person shall display an advertisement in any format on any tree in any street or public place without obtaining the prior written consent of the municipality.
- (3) Any person who fails to comply with the provisions of subsections (1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (4) Any person contravening subsections (1) or (2) may admit guilt by paying a fine not exceeding R1, 000-00.

10. Dangerous fencing

- (1) No owner or occupier of any property or land in the municipal area shall along any street or public place erect or cause, permit or suffer to be erected, or shall after 60 days following the promulgation of

this by-law, have along such street or public place barbed or raiser fencing or any railing, paling, wall or other barrier which by way of spikes or other sharp or pointed protrusions or otherwise by way or nature of its construction or design, is or may be a danger to any member of the public lawfully using such street or public place.

- (2) Without prejudice to the duties and liabilities imposed by subsection (1), the municipality may by notice, in writing, require the owner or occupier of property or land on which a fence, railing, paling, wall or other barrier which exists in contravention of subsection (1) of these by-laws, to remove it within such period being not less than four weeks as the notice may specify.
- (3) Any person who fails to comply with a notice contemplated in subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (4) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R1, 000-00.

11. Protection of street and sidewalk surface

- (1) No person shall place upon, off-load on, or convey across a street surface or sidewalk any materials, vehicles or goods unless adequate precautions to protect the surface against damage had been taken and should any damage be caused as a result of the lack of such precautions having been taken, the municipality may recover all costs incurred to have the damage so caused repaired, from the person responsible.

12. Cleanliness of streets and public places

- (1) No person shall spill, drop or place or permit to be spilled, dropped or placed, in or on any street or public place any matter, object or substance that may pollute such street or public place or which may cause annoyance, danger, risk or accident to persons, animals or vehicles using such street or public place, without removing it or causing it to be removed forthwith from such street or public place.

- (2) No person, be that the driver of or passenger in or on any vehicle, or a pedestrian, shall drop any cigarette or cigar bud or stub and no person may clear or empty a smoking pipe unto the street surface or indiscriminately in public places whereas all cigarette or cigar buds and stubs and tobacco remains must be duly placed in containers provided for such purposes in streets and public places or containers provided for such purposes in vehicles.
- (3) No person may spit or urinate upon any street or in any public place.
- (4) No person may by himself/herself or his/her employee wash, repair, maintain or clean any vehicle or part thereof, in any street or public place.
- (5) No person may by himself/herself or his/her employee in any street or public place, shoe any animal except in the case of accident or clean, dress, train, break-in or turn loose any animal.
- (6) Any person who fails to comply with the provisions of subsections (1), (2), (3), (4) and (5) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (7) Any person contravening subsections (1), (2), (3), (4) and (5) may admit guilt by paying a fine not exceeding R500-00.

13. Holding of auction sale, morning market, rubble sale or flee market in street or public place

- (1) No person shall without obtaining prior written consent from the municipality hold any auction sale, rubble sale, morning market or flee market in any street or public place.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

14. Slaughtering of livestock in street or public place prohibited

- (1) No person shall put down or slaughter any livestock in any street or public place.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R1, 000-00.

15. Exposure of any article for sale in street or public place

- (1) No person other than a licensed hawker or peddler shall expose any article, objects or goods whatsoever in or upon any street, area or public place without such area being duly designated and demarcated as a hawking area by the municipality.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

16. Displaying of articles and goods in windows and on superstructures facing streets

- (1) No person shall place any article or object likely to cause injury or damage to any person or property if it were to fall, in any window or other superstructure near any street, sidewalk or public place, without sufficiently safeguarding it against from falling into the street or public place.
- (2) An authorized official of the municipality may order the removal of articles or objects referred to in subsection (1) whereas any person failing to adhere to such order shall be guilty of an offence and liable

on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R1, 000-00.

17. Playing in streets forbidden

- (1) No person shall use any street for the purposes of any sport or game and no person shall roll any hoop or fly any kite or throw any objects or use any bow and arrow or by any means discharge any missile upon, over or across any street or shall use any pushcart other than in the course of and for the purpose of a licensed business.
- (2) No person shall organize any race or competition in streets or in public places without obtaining the prior written approval of the municipality.
- (3) Any person who fails to comply with the provisions of subsections (1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (4) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.
- (5) Any person contravening subsection (2) may admit guilt by paying a fine not exceeding R1000-00.

18. Extinguishing lights and damaging of public property

- (1) No person shall willfully or negligently extinguish the light of any lamp being the property of the municipality, or in any manner interfere with such lamp, or deface, damage, remove or in any way interfere with any municipal signs or property in streets and public places.
- (2) No person may attach, tie or affix any object in any manner whatsoever to a street light pole or municipal sign without obtaining the prior written consent of the municipality.

- (3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R5, 000 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- (4) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R2, 000-00.
- (5) Any person contravening subsection (2) may admit guilt by paying a fine not exceeding R500-00.

19. Excavations in streets

- (1) No person or institution shall make or cause to be made any hole, trench, pit or excavation in any street or remove any soil, metal or macadam there from without obtaining the prior written consent of the municipality.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R5, 000-00.

20. Defacing, marking or painting of streets

- (1) No person shall, except in the execution of his official duty, in any way deface, mark or paint any street or part thereof without obtaining the prior written consent of the municipality.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R1, 000-00.

21. Sweeping and cleaning of and on premises near streets

- (1) The occupier of premises adjoining any street shall not cause or permit –
 - (i) any part of the sidewalk adjacent thereto to be swept unless and until such part shall have been adequately sprinkled with water;
 - (ii) any dirt or refuse so swept and collected, to be thrown or in any way be deposited in or upon any street; and
 - (iii) any waste water resulting from the cleaning of any object on the premises or part of the premises itself, to be discharged unto the street surface or public place.
- (2) Any contravention of subsection (1) by any employee, agent or representative of the occupier shall be deemed to be a contravention by the occupier.
- (3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (4) Any person, including such person as defined in subsection (2), contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

22. Discharging of a firearm, air-gun or air-pistol

- (1) No person shall without lawful cause discharge a firearm, air-gun or air-pistol within the area of jurisdiction of the municipality provided that such provision shall not apply in the case of –
 - (i) the discharging of a firearm during a bisley or target practice or training on a recognized indoor or outdoor shooting range;
 - (ii) the discharging of a firearm for the purpose of an approved sports meeting; and

- (iii) the discharging of a firearm, air-gun or air-pistol on land which is mainly used for agricultural or recognized game reserve purposes.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R5, 000 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R2, 000-00.

23. Words and behaviour likely to cause a breach of peace

- (1) No person shall use any threatening, abusive or insulting words or gestures or behaviour in any street or public place whereby the breach of the peace is likely to occur.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

24. Singing or playing of musical or noisy instrument for profit or income

- (1) No person shall for profit or income purposes sound or play upon any musical or noisy instrument or sing in any street or public place, without obtaining the prior consent of the municipality.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

25. Disturbance of public peace

- (1) No person shall disturb the public peace in a street or public place or on private premises by making noises or causing such to be made by shouting, quarreling, fighting, singing or playing any type of musical or noise-creating instrument or by means of a sound system or similar device, or by riotous violent or immoral behaviour.
- (2) Apart from the provisions of subsection (1), no person shall disturb the peace by making any kind of noises or causing such to be made whilst or as a result of the conducting of repair and maintenance work of any kind on private property before 07:30 daily and after 22:00 at night and between 13:00 and 16:00 on Sundays.
- (3) Any person who fails to comply with the provisions of subsections (1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (4) Any person contravening subsections (1) and (2) may admit guilt by paying a fine not exceeding R500-00.

26. Keeping animals and birds from disturbing the public peace

- (1) No person shall keep any animal or bird which disturbs the peace.
- (2) Any animal causing undue disturbance of the peace shall be deemed to be a contravention of subsection (1) by the owner and such owner shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

27. *Dangerous animals, reptiles and insects*

- (1) No person shall without a permit issued by the chief fire officer keep any wild or dangerous animal, reptile or insect which has an inherent propensity to attack human beings or the keeping of which is likely to become a nuisance or a threat to public health or is fraught with risk to any person.
- (2) Any animal, reptile or insect the keeping of which is prohibited in terms of subsection (1) may, if found at large outside of the confines of the property of the owner, be destroyed by any police officer or authorized official of the municipality.
- (3) No person may permit any dog to leave the confines of the property of the owner without such dog being secured to a leash and being accompanied by the owner or a capable mature representative of the owner.
- (4) Any person who fails to comply with the provisions of subsections (1) and (3) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (5) Any person contravening subsection (1) and (3) may admit guilt by paying a fine not exceeding R500-00.

28. *Advertising by loudspeaker or other device*

- (1) No person shall without obtaining prior written consent from the municipality, apply any sound system or other audible device for the purpose of advertising on or adjacent to, or which may be heard, in any street or public place.
- (2) Any person after having been required to desist by a police officer or authorized official of the municipality but fail to comply shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

29. Advertising by means of advertising vehicles, sandwich boards or other devices

- (1) No person shall without obtaining prior written consent from the municipality, display or cause or allow to be displayed any advertisement by means of advertising vehicles, sandwich boards, lanterns, flags, screens or other movable advertising devices in or along any street or within any public place.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R1000-00.

30. No flyer or advertisement on vehicles without permission

- (1) No person shall deposit or leave any circular, dodger, flyer or other advertisement on any vehicle in any street or public place without having obtained permission to do so from the person in charge of such vehicle.
- (2) For the purposes of this section any person found depositing or leaving any circular, dodger, flyer or other advertisement on a vehicle in a street or public place shall be presumed to have done so without the said permission unless he/she produces satisfactory evidence of such permission failing which he/she shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

31. Loitering in streets and public places

- (1) No person shall lie or sit on any street nor shall any person stand, congregate, loiter or walk, or otherwise act in such manner as to cause obstruction to traffic or jostle or otherwise annoy any person using such street or public place or loiter at or within 20 metres from the entrance of any place of worship or public building, including schools, and any person performing any of the aforementioned prohibited acts shall, upon request of a police officer or duly authorized official of the municipality, discontinue to do so, failing which he/she shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (2) No person shall, except when forming part of a queue, loiter or congregate in any street or public place or in any shopping mall within 10 metres of the entrance to any place of entertainment, library, automatic banking machine or banking institution.
- (3) Any person who fails to comply with the provisions of subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (4) Any person contravening subsection (1) or (2) may admit guilt by paying a fine not exceeding R500-00.

32. Landing of aircraft in street or public place

- (1) No person shall land, or attempt to land, in any street or public place, any aircraft, including a hot air balloon, of any description make or type, unless such aircraft is being used for official policing or emergency services duties, without obtaining the prior written approval of the chief fire officer.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R5, 000 or in default of payment to imprisonment for a

period not exceeding three months or to both such fine and imprisonment.

- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R2, 000-00.

33. *Using of road reserves, sidewalks and public places for off-road vehicle activities prohibited*

- (1) No person shall use any street, road reserve, sidewalk or public place for any off-road activities involving vehicles of any make type or description provided that the municipality may grant permission to any person, organization or group of persons, to utilize an identified and defined public place for a specified purpose and duration at a cost determined by the municipal council.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R1, 000-00.

34. *Consuming of alcohol in streets and public places prohibited*

- (1) No person shall consume any alcoholic beverage in public in a street or public place unless attending an approved event or function being held with the explicit approval of the municipality in such street or public place and no person shall be drunk, violent or disorderly as a result of the consumption of alcohol in any street or public place.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

35. Camping or temporarily residing on road reserves or in public places prohibited

- (1) No person shall, for whatever reason or purpose, camp or reside in any structure on any road reserve or in any public place and no person shall park any caravan or erect any tent, camping equipment or structure on any road reserve or in any public place, unless explicitly authorized to do so by the municipality.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

36. Public gatherings and processions

- (1) No person shall hold convene, address or organize any public gathering or procession of what ever nature in any street or public place or premises under the control of or being the property of the municipality without complying with the requirements of the Regulation of Gatherings Act, 1993, as amended, (Act No 205 of 1993).
- (2) The responsible official, contemplated in section 2(4) of the Regulation of Gatherings Act, 1993, as amended, for purposes of regional and integrated coordination and planning, shall be the head of the department of public safety of the West Rand District Municipality or his/her assigned representative.
- (3) The defining of offences and penalties relevant to sub-section (1) shall be that contained in section 12 of the Regulation of Gatherings Act, 1993.

37. Making of fire in any street or public place prohibited

- (1) No person shall in any street or public place make or cause to be permitted the making of a fire of any type or description unless so explicitly permitted in writing by the chief fire officer.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R1, 000-00.

38. Discharging of fireworks prohibited

- (1) No person shall in any street or public place or on any private property in any municipal area within the West Rand district, discharge any fireworks without the explicit written approval of the chief fire officer.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2, 000 or in default of payment to imprisonment for a period not exceeding three months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R500-00.

39. Operating of breakdown or towing services

- (1) No person shall operate a breakdown or towing vehicle of any description or shall conduct a vehicle recovery, salvaging or towing business in the area of jurisdiction of the West Rand District Municipality without such vehicle and such business being duly registered with the West Rand Towing and Recovery Association or any other organization duly established for the purposes of regulating and organizing the rendering of breakdown or towing services in the area of jurisdiction of the West Rand District

Municipality, within six months following the promulgation of this by-law.

- (2) The West Rand Towing and Recovery Association or any other organization established for the purposes of regulating and organizing the rendering of breakdown or towing services in the district shall be established and shall submit proof of such establishment and information relating to its membership and/or any other information as may be required, to the head of public safety of the West Rand District Municipality within six months following the promulgation of this by-law.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R5, 000-00.

40. Conveying of abnormal loads

- (1) No person shall convey or escort any abnormal vehicle or abnormal load in any part of the district without -
 - (b) submitting proof in writing of the approval of and the requirements determined by the MEC in accordance with the provisions of section 81 of the National Road Traffic Act, 1996, to the head of public safety of the West Rand District Municipality;
 - (c) a conveyance certificate issued for the purposes of such intended conveying and subject to any additional requirements determined by the head of public safety of the West Rand District Municipality at a cost to be determined by the West Rand District Municipality.
- (2) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a

period not exceeding six months or to both such fine and imprisonment.

- (3) Any person contravening subsection (1) may admit guilt by paying a fine not exceeding R5, 000-00.

41. Identification of law enforcement and traffic officers

- (1) All municipal law enforcement officers shall at all times, whilst actively performing their duties in public, wear clearly identifiable reflective jackets with at least the following clearly printed thereon –
- (a) the name of the municipal law enforcement officer;
 - (b) the name of the municipality; and
 - (c) the name of the department, directorate and service unit within such municipality;
- (2) Subsection (1) above shall be applicable to all municipal law enforcement officers, including uniformed and non-uniformed staff members;
- (3) All municipal law enforcement officers, including traffic officers, shall at all times whilst on duty, be in possession of a valid appointment identity card clearly reflecting the functional appointment of such officer as well as his or her appointment as peace officer as contemplated in the Criminal Procedures Act, 1977.
- (4) All municipal vehicles used primarily for public law enforcement purposes shall prominently reflect the insignia approved by the West Rand District Municipality on at least the two front doors of such vehicles and each vehicle shall be equipped with blue emergency lights and prescribed siren.
- (5) Any municipal law enforcement officer contravening subsection (1) or (3) may admit guilt by paying a fine not exceeding R500-00.
- (6) Any person purporting to be an appointed municipal law enforcement officer shall be guilty of an offence and liable on conviction to a fine not exceeding R10, 000 or in default of payment to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

