



DRAFT PARKS, PUBLIC AMENITIES AND OPEN SPACES BY-LAW

25/26

TABLE OF CONTENTS

CHAPTER 1

1. DEFINITIONS

CHAPTER 2

ADMISSION TO A PUBLIC AMENITY

2. ADMISSION TO AND STAYING IN A PUBLIC AMENITY

3. MAXIMUM NUMBER OF VISITORS ALLOWED INTO A PUBLIC AMENITY

4. ANIMALS

5. ENTRANCE FEE

6. USE OF THE PLAY APPARATUS

CHAPTER 5

PARKS

7. PROHIBITED CONDUCT

CHAPTER 4

SWIMMING BATHS

8. PROHIBITED CONDUCT

CHAPTER 5

CAMPING AND CARAVANS

9. PROHIBITED CONDUCT

CHAPTER 6

LIQUOR, FOOD AND FIRES

10 PROHIBITED CONDUCT

11. LOITERING

CHAPTER 7

GATHERING AND PROCESSIONS

12. PROHIBITED CONDUCT

13. IMPROPER OR INDECENT BEHAVIOUR

CHAPTER 8

MUNICIPALITY PERSONNEL

14. POWERS OF MUNICIPALITY PERSONNEL

CHAPTER 9

PLANTS

15. PLANTS

CHAPTER 10

OFFENSES & PENALTIES

16. CONTRAVENTION OF THESE BY-LAWS

CHAPTER 11

SHORT TITLE

CHAPTER 1

1. Definitions

1.1 In these by-laws, unless the context otherwise indicates –

“**Council**” means the Council of the Maruleng Local Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, no 117 of 1998;

“**Notice**” means a clearly visible notice in one or more of the official languages exhibited at or in a public amenity by or under the authority of the Municipality.

“**Public amenity**” means-

(a) any land or park, square, swimming-bath, public resort, recreation site, zoological, botanical or other garden park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public road, road reserve, street, lake, dam or river which is owned, leased, administered managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;

(b) any building, structure, hall room or office, including any part thereof and any facility or apparatus therein, which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;

(c) any public amenity contemplated in subsection (a) or (b), which is Lawfully administered, managed or controlled by a person other than the Municipality in terms of an agreement between such person and the Municipality.

(d) any nature Conservation area, including:

- nature reserves.
- protected natural areas.
- nature conservation worthy areas.

- natural open spaces.

which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;

“Pick” means to gather, cut off, chop, down, root out, damage or destroy;

“Plant” means any tree, shrub, grass or flower indigenous exotic or endemic;

“Caravan Park” means any area of land which has been set aside by the Council for the parking of caravans;

“Caravan” means a mobile dwelling with sleeping facilities and includes awnings and lean to tents attached to the motor vehicle;

“Permit holder” means any person to whom a permit is issued in respect of camping site by the Municipality.

“Vehicle” means any motorcar, bus, truck, motorcycle, motor tricycle, bicycle, whether driven by mechanical, animal, natural or human power.

CHAPTER 2

ADMISSION TO A PUBLIC AMENITY

2. Admission to and staying in a Public Amenity

(1) A public amenity is, subject to the Provisions of these by-laws, open to the public during the times determined by the Municipality by means of a notice provided that different times may be determined in respect of different public amenities.

(2) No person may, where a public amenity is closed by a wall, fence, barrier or trellis, enter or leave such public amenity other than by way of gate or entrance which serves as entrance or exit.

(3) No person may climb, sit, stand or lie on, or climb or crawl through any wall, fence barrier or trellis which serves as a fence for any public amenity.

(4) No person may enter or remain in a public amenity or portion thereof in conflict with a notice which restricts access to specific times.

(5) The Municipality may temporarily close any public amenity to visitors in case of an emergency or for the purpose of repair to or maintenance of such public amenity.

3. Maximum number of visitors allowed into a public amenity

(1) The Municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity: provided that different numbers of visitors may so be determined for different public amenities.

(2) The numbers of visitors contemplated in subsection (1) are made known by the Municipality by means of notice.

4. Animals

(1) No person may bring a dog or domesticated animal into a public amenity, except in accordance with the directors of the Municipality.

(2) No person may swim, walk or play in any fishpond, fountain, stream, pond, river or lake.

5. Entrance fee

(1) A visitor to a public amenity must pay the entrance fees of **R50 for adults and R25 for persons under 18** determined from time to time by the Municipal Council in its tariff schedule and such entrance will be made known by means of notice.

(2) No private organisation may change any entrance fees at any public amenity without the permission of the Municipality.

(3) No person may obtain entrance to a public amenity unless he/she has paid the approved tariff of the Municipality or has an approved permit.

6. Use of the Play Apparatus

(1) No person above the age of 14 years may climb onto any play apparatus supplied by the Municipality or use it in any way whatsoever.

(2) Not more than the maximum number of persons for which the play apparatus is designed will be allowed on any play apparatus at any given point in time.

(3) All playground equipped will be used at own risk.

CHAPTER 3

PARKS

7. Prohibited conduct

(1) No person may:

a. remove or damage any fountain, statue, monument, bust, chain, barrier, gate, lamp post, building, toilets, or deface the above by cutting or making writings, stamping, printing, drawings and markings;

b. saw, cut, gather, remove, dig up, fill in, burn, pick or break any timber, tree, shrub, brushwood, fencing pole, lawn, plant, fruit, flower or equipment or climb thereon or do any damage thereto;

c. erect any shelter / house /shack with the intention to live or reside therein;

d. hawk or display for sale any goods whatsoever, without the prior written Consent of the Municipality;

e. drive, park or place a vehicle upon or over any part of a flower bed or lawn, except in such spaces as are specifically reserved for such purpose;

f. swim, walk, play, wash clothes or other articles in any fishpond, fountain, stream, pond, river or lake;

- g. set alight any timber, grass, plants, papers, rubbish or any other substance or at any time cause such substance to burn;
- h. throw or set fire to any fireworks except with the Consent of the Council;
- i. hawk or sell refreshments except in the rooms, buildings or places set aside for that purpose and by those persons duly authorised by the Council;
- j. be allowed to present any public entertainment or make use of a loud speaker, amplifier or any other audio equipment without the prior written permission of the Municipality;
- k. engage in any activity related to the practicing of occults, drug abuse or dealing of drugs;
- l. obstruct, disturb, interrupt or annoy any person in the proper use of any park, garden or open space;
- m. brawl, fight, use profane, indecent or improper language, be intoxicated, bet, gamble, beg, lay down on any seat or behave in an indecent or offensive manner, or commit any nuisance.

CHAPTER 4

SWIMMING BATHS

8. Prohibited conduct

(1) No person may:

- a. pollute or contaminate in any way the water in any swimming-bath;
- b. enter any swimming-bath while suffering from an infections or contagious disease or having an open wound on his /her body;
- c. perform any act which may detrimentally affect the health of any visitor to the swimming-bath;
- d. use any soap or substance which would make the water of a swimming pool muddy, murky or unacceptable for swimming purposes;

CHAPTER 5

CAMPING AND CARAVANS

9. Prohibited conduct

(1) No person may in a Camping Site:

- a. camp on a stand other than the stand allocated to him/ her; or
- b. do washing or hang out washing at a place other than the place specifically provided for such purpose;

(2) No person may camp in a camping site unless, he / she has paid the charges laid down by the Municipality.

(3) If for any reason a person is instructed to leave a camping site and such person has paid the camping charges in advance, such person will be refunded the portion of the camping charges for the remaining unexpired period.

- (4) Only 1 vehicle, or 1 vehicle, with a caravan which accompanies such a vehicle may be accommodated on any site.
- (5) Any person in charge of any caravan in any park must upon demand by any authorized officer of the Municipality produce the ticket / permit issued to him by the Municipality.
- (6) No refund of any fee will be made by the Municipality in respect of a camping site which has been reserved but not occupied.
- (7) A permit holder may set up a tent according to the reasonable instructions of the officer in charge as to the setting up of the tent.
- (8) A permit holder must vacate the camping site on the expiry date or upon cancellation of the permit failing which he/ she will be ejected without any notice.
- (9) Any person holder vacating any camping site must leave the camping site in a clean and tidy condition and must fill in any holes made in the ground, if any, when setting up the tent.
- (10) The Council may recover any expenses, incurred by it as a result of a breach of any provision of these by-laws and such expenses will be paid by a person in breach upon demand by the Municipality.

CHAPTER 6

LIQUOR, FOOD AND FIRES

10 Prohibited conduct

- (1) No person may contrary to a provision in a notice, bring into a public amenity any alcoholic beverage.
- (2) No person may at a public amenity and contrary to a provision in a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes : provided that no live animals, poultry or fish may be killed and skinned on at a public amenity.
- (3) No person may at a public amenity make a fire or hold a braai except at a place where braai facilities are provided or at places that are indicated by a notice.

11. Loitering

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

CHAPTER 7

GATHERING AND PROCESSIONS

12. Prohibited Conduct

(1) No person may without the prior written consent of the Municipality, or contrary to any conditions which the Municipality may have imposed when granting such consent at any public amenity:

- a. arrange or present any public entertainment;
- b. collect money or any other goods for charity or any other purposes from the general public;
- c. display or distribute any pamphlet, placard, painting, book or any other printed, written or painted work;
- d. arrange or hold address any meeting, public gathering or procession, exhibition and performances;
- e. conduct any trade, occupation or business;
- f. display, sell or rent out or present for sale or renting any clothes or articles;
- g. hold or attend an auction;
- h. tell fortunes for Compensation.

(2) Any person who requires the Municipality's written consent for any action contemplated in subsection (1), must apply in writing to the Municipality at least 21 days before such an action.

13. Improper or Indecent Behaviour

(1) No person may at a public amenity;

- a. perform an indecent or conduct himself / herself improperly by exposure of his / her person or make improper gestures or incite or urge someone else to perform a disorderly or indecent act;
- b. writer, paint, draw or in any way make a filthy or immoral figure, writing or representation;
- c. defecate or urinate, except in such a building or on a premises intended or indicated by notice for such a purpose or enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex;
- d. not be clothed decently;

CHAPTER 8

MUNICIPALITY PERSONNEL

14. Powers of Municipality Personnel

(1) A person appointed by the Municipality to control a public amenity may;

- a. at any time enter upon any place, land, premises or building in a public amenity to conduct an investigation in order to determine whether the provisions of these by-laws are complied with;
- b. banish person committing any breach of any provision of these by-laws from the public amenity or order him / her to leave such public amenity.

(2) Any person who has in terms of sub-section (ii) above been instructed to leave a public amenity will be guilty of an offence if they:

a. refuse to do so; or

b. return to such public amenity within 24 hours.

CHAPTER 9

PLANTS

15. Plants

(1) No person may pick or receive any indigenous plant without the necessary permit authorising that person to do so by the Municipality.

(2) No alien plants as contemplated by the conservative of Agricultural Resources Act, 1983 (Act N0. 43 of 1983) may be planted in any classified nature conservative area.

CHAPTER 10

OFFENSES & PENALTIES

16. Contravention of these by-laws

(1) A person will be guilty of an offence and will, upon conviction, be liable to the payment of a fine of R2000, to imprisonment for a period not exceeding 12 month, if they: amenity will be guilty of an offence if they:

(a) contravene the Provisions of these by-laws; or

(b) do not comply with any conditions imposed in connection with the use of such amenity made known by notice, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-laws or not;

(c) Furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of provision of these by Laws;

CHAPTER 11

SHORT TITLE

17. These by-laws will be known as the Public Amenities By-laws.