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By-law relating to Streets

Commences on 3 October 2005 unless otherwise noted

1. Definitions

In this by-law, unless inconsistent with the context—

"Council" means the council of the municipality;

"implement" means a piece of machinery or equipment and includes farming and construction machinery and any equipment drawn by such implement;

"municipal manager" means the person appointed by the council in terms of the Local Government: Municipal Structures Act, 1998 ([Act 117 of 1998](#));

"municipality" means the Municipality of Cape Agulhas;

"SAMOAG" means the South African Manual for Outdoor Advertising, published by the Department of Environmental Affairs and Tourism and the Department of Transport;

"sidewalk" means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

"street" includes a sidewalk and a street or road reserve, and

"vehicle" includes a trailer, caravan and an implement.

2. Application of this by-law

This by-law—

- (a) does not derogate from the provisions of any other legislation, and
- (b) binds an organ of state.

3. Sidewalks and encroachments on streets

No one may—

- (a) construct or lay a sidewalk in a street—
 - (i) except with the written permission of the Municipal Manager, or
 - (ii) otherwise than in accordance with the requirements prescribed by the Municipal Manager, or
- (b) construct a verandah, stoep, wall on a stoep, steps or other projection or erect a post in a street except with the written permission of the Municipal Manager.

4. Advertisements visible from streets.

No one may display an advertisement, placard, poster or bill in a street—

- (a) except with the written permission of the Municipal Manager, and
- (b) otherwise than in accordance with such conditions as may be determined by the Municipal Manager.

5. Advertising signs visible from a street

- (1) No one may erect an advertising sign that is visible from a street—
 - (a) except with the written approval of the Municipal Manager, and

- (b) otherwise than in accordance with the conditions determined by the Municipal Manager.
- (2) Application for the erection of an advertising sign must be made in writing on the application form provided by the municipality, and must be accompanied by such plans as may be required by the municipality.
- (3) Applications for the erection of advertising signs are considered in terms of the guidelines contained in SAMOAG.
- (4) The provisions of section (1) are not applicable to the following types of advertising signs:
 - (a) builders' development boards with an area of less than 2 m²;
 - (b) to let and for sale signs that do not exceed 400 mm x 500 mm;
 - (c) names of professional service providers, limited to one per person, with a maximum area of 0,2 m² per sign;
 - (d) security signs on premises where a service is provided, and
 - (e) signs affixed or painted directly onto the body of a motorized vehicle.
- (5) In order to determine if a sign, if approved, will have a negative impact on the environment or traffic control, the Municipal Manager may require that studies be made at the cost of the applicant.

6. Objects causing an obstruction

No one may—

- (a) deposit or leave goods or articles in a street, other than for a reasonable period during the course of the loading, off-loading or removal thereof, or
- (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon an object vehicle (other than a perambulator or wheel-chair which is being used for the conveyance of children or the disabled), or
- (c) cause or allow a blind, awning, cord or other object to project over or onto a street—
 - (i) except with the written permission of the Municipal Manager, or
 - (ii) otherwise than in accordance with such conditions as may be determined by the Municipal Manager.

7. Trees in streets

- (1) No one may—
 - (a) plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it therefor except with the written permission of the Municipal Manager;
 - (b) climb, break or damage a tree growing in a street, or
 - (c) in any way mark or paint a tree growing in a street or attach an advertisement thereto.
- (2) A tree or shrub planted in a street shall become the property of the municipality.

8. Trees causing an interference or obstruction

- (1) Whenever there is upon a property a tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the Council may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
- (2) A person failing to comply with a notice issued in terms of subsection (1) shall be guilty of an offence.
- (3) If a person fails to comply with a notice in terms of this section, the Municipal Manager may prune or remove the tree or growth at the expense of the person on whom the notice was served.

9. Refuse, motor vehicle wrecks, waste material

No one may—

- (a) dump, leave or accumulate garden refuse, litter, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or other waste products in a street or public place, or
- (b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by such person, except with the written permission of the Municipal Manager and otherwise than in accordance with such conditions as may be determined by the Municipal Manager.

10. Prohibition upon certain activities in connection with objects in streets

No one may, in a street—

- (a) effect repairs to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or
- (b) clean a vehicle or wash, clean, dry or bleach any other article or thing.

11. Prohibition upon games and other acts in streets

No one may—

- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, let off a firework or throw a stone, stick or other projectile in, onto or across a street, or
- (b) do anything in a street which may endanger the life or safety of a person, animal or thing or may be a nuisance, obstruction or annoyance to the public.

12. Conveyance of animal carcasses or other waste products through streets

No one may carry or convey through a street the carcass of an animal or garbage, nightsoil, refuse, sand, builder's rubble, litter, rubbish or manure—

- (a) unless it is properly covered, and
- (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be seen in the street.

13. Fences on street boundaries

No one may except with the written permission of the Municipal Manager—

- (a) erect a barbed-wire fence or other dangerous fence on the boundary of a street, or
- (b) install gates in a fence or boundary wall which opens onto the street.

14. Building materials in streets

No one may, except with the written permission of the Municipal Manager—

- (a) work with building materials in a street, or
- (b) store or place building materials in a street, or
- (c) transport building materials, mixed or unmixed, across a street in such a way as to cause damage to the street.

15. Balconies and verandahs

No one may, except with the written permission of the Municipal Manager—

- (a) use a balcony or verandah erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or
- (b) enclose or partition a balcony or verandah erected beyond the boundary line of a street or portion thereof as a living or bedroom.

16. Drying of washing on fences on boundaries of streets

No one may dry or spread washing on a fence on the boundary of a street.

17. Outspanning and parking in streets

No one may—

- (a) outspan or allow to be outspanned in a street a vehicle drawn by animals, or detach or leave in a street a trailer caravan or vehicle which is not self-propelled; provided that this provision shall not apply to the actual loading or unloading of such vehicle, or
- (b) park overnight a vehicle with a tare of more than 3 000 kg or an implement, in a street.

18. Protection of street surface

- (1) No one may—
 - (a) use a vehicle or allow it to be used in a street if such vehicle is in such a defective condition that it will or may cause damage to a street, or
 - (b) drive, push, roll, pull or propel an object, machine or other material through or along a street in such a way or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way;
 - (c) cause or allow water other than rain water to flow into a street in such a manner as to cause damage to a street.
- (2) If the Municipal Manager identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the Municipal Manager, may be recovered from the offender.
- (3) No one other than an authorised official of the municipality in the performance of his duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street.

19. Damaging of notice-boards

No one may deface, damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the Council.

20. Street and door-to-door collections

No one may—

- (a) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the Municipal Manager and otherwise than in accordance with such conditions as may be determined by the Municipal Manager, or
- (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the Municipal Manager.

21. Excavations in streets

No one may make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street—

- (a) except with the written permission of the Municipal Manager, and
- (b) otherwise than in accordance with the requirements prescribed by the Municipal Manager.

22. Poison in streets

No one other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons may set or cast poison in a street.

23. Roller-skating and skating on skate-boards prohibited in streets

No one may, except with the prior written permission of the Municipal Manager, skate in a public parking area or street on roller skates or a skate-board or similar device.

24. Persons to be decently clad

No one may appear in a street without being clothed in such manner as decency demands.

25. Behaviour in streets

- (1) No one may cause a nuisance to other persons by loitering standing, sitting or lying in a street or public place.
- (2) No one may—
 - (a) use abusive, insulting, obscene, threatening or blasphemous language;
 - (b) fight or act in a riotous manner;
 - (c) beg or ask members of the public for money or contributions;
 - (d) annoy or inconvenience any other person by yelling, shouting or making a noise in any manner whatsoever;
 - (e) obey the call of nature at a place other than a sanitary convenience provided or approved for such purpose by the Council;
 - (f) solicit or importune any person for the purpose of prostitution or immorality;
 - (g) engage in gambling;
 - (h) use intoxicating liquor;
 - (i) allow a dog owned or in charge of that person to be on a street unless the dog is on a leash and under control;
 - (j) sleep in or on a vehicle, or
 - (k) spit in a street or public place.

26. Wild animals

No owner or person in charge of any wild or ferocious animal, monkey or horned cattle may allow such animals at any time to be insufficiently attended or at large in a street or shall keep any such animal in such a manner as to be a danger or annoyance to the public.

27. Display of street numbers of places

The Municipal Manager may prescribe by notice in writing that a number allocated to premises by it shall be displayed on such premises, and may also prescribe the position where it is to be displayed and the owner or occupier of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises in accordance with such notice.

28. Bridges and crossings over gutters and sidewalks

No private crossing, pathway, bridge or culvert may be made or built to or in front of any dwelling or other premises in a street or public place—

- (a) except with the written permission of the Municipal Manager, and
- (b) otherwise than in accordance with the requirements prescribed by the Municipal Manager.

29. Control of amusement shows and devices

No one may, except with the written permission of the Municipal Manager and otherwise than in accordance with such conditions as may be determined by the Municipal Manager, set up or use in a street or public place any type of amusement show or device for the amusement of the public.

30. Control of animal-drawn vehicles

No one may—

- (a) simultaneously drive or be in control of more than one animal drawn vehicle in a street, or
- (b) drive or be in control of an animal-drawn vehicle in a street if such person is under 16 years of age.

31. Processions

- (1) No one may, in a street, hold or organise a procession or take part in a demonstration, except with the prior approval of the
Municipal Manager, and then only in accordance with the conditions determined by the Municipal Manager.
- (2) The provisions of subsection (1) are not applicable to processions or demonstrations regulated by other legislation.

32. Municipality may act and recover costs

- (1) Notwithstanding any other provisions of this by-law, the Municipal Manager may—
 - (a) where the permission of the Municipal Manager is required before a person may perform a certain act to build or erect anything, and such permission has not been obtained, and
 - (b) where a provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of a structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipal Manager may require to rectify such contravention within the period stated in such notice.
- (2) A person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the Municipal Manager may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

33. Delegation

The municipal manager may in writing delegate any power or duty conferred on the municipal manager in terms of this by-law, to an official of the municipality.

34. Penalties

A person who contravenes or fails to comply with any provision of this by-law or fails to comply with a condition imposed or a notice that was issued, shall be guilty of an offence and on conviction be liable to the payment of a fine.